



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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ELIZABETH MORONEY

Case #: PB 2013-06
Site: 205 Broadway
Date of Decision: April 4, 2013
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: April 9, 2013

PLANNING BOARD DECISION

Applicant Name:	BB Broadway, LLC
Applicant Address:	112 Wethersfield Street, Rowley, MA 01969
Property Owner Name:	Maurice Haddad
Property Owner Address:	640 Revere Beach Blvd, Revere, MA 02151
Agent Name:	Adam Dash, Esq.
Agent Address:	48 Grove Street, Suite 304, Somerville, MA 02144

Legal Notice: Applicant, BB Broadway LLC, and Owner, Maurice Haddad, seek Site Plan Approval (SZO §5.4 & 6.1.22.D.2) to construct a two-story retail building, for reduced number of parking spaces under §9.17 and Special Permit for signage under §6.1.22.5.a.

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 1
<u>Zoning Approval Sought:</u>	§5.4, §6.1.22.D.2 & §6.1.22.5.a
<u>Date of Application:</u>	February 19, 2013
<u>Date(s) of Public Hearing:</u>	3/21 & 4/4/13
<u>Date of Decision:</u>	April 4, 2013
<u>Vote:</u>	4-0

Appeal #PB 2013-06 was opened before the Planning Board at Somerville City Hall on March 21, 2013. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Planning Board took a vote.



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DESCRIPTION:

The proposal is to install a two-story retail building of 7,036 square feet to be leased by Mattress SuperStore. The Mattress Store will sell bedroom sets, furniture, mattresses, futons, sofas and the like. The store is anticipated to be open Monday through Saturday from 10am to 9pm and on Sunday from noon to 5pm. There will be two sales representatives on site – the store owner and employee.

Site & Landscaping

There will be 709 square feet of landscaping around the parking lot in the back of the property. Details about the proposed landscaping have not yet been submitted. A new fence is proposed along the north and east side of the site.

Sidewalk Depth

The building will sit on or close to the property line along Broadway and for 40.5 feet along of McGrath Highway. The landscape strip between the sidewalk and street is quite large. The Broadway Streetscape improvements will stop just shy of this property.

Parking & Traffic

There will be a total of 6 parking spaces onsite in a parking lot behind the building. The spaces will be accessible via a 16 foot 9 inch curb cut on McGrath Highway and the curb along the rest of the parcel will be replaced. There will be a bicycle rack for 5 bikes as in the landscaped area along the sidewalk.

The applicants have submitted a study evaluating the impact of the proposed development on traffic and access in the area including traffic volumes, crash information, parking counts, and intersection capacity analysis. The study concludes that the additional vehicle-trips that will be generated at the project site are low and will not change the level of service for any of the three signalized intersections within the study area. The parking demand for the proposed use, the on-street spaces that are available in the immediate vicinity, the 25 parking spaces near Foss Park, and the bus lines that run close to the site all support the proposal that 6 parking spaces is sufficient to satisfy the parking demand for the retail store. The report also states that the Applicant will provide discounted transit passes and bike racks to further reduce the potential for community impacts. The Traffic and Parking Department's comments in the Comments Section below include a detailed response to the study.

Building Design

The building is fairly simple in its design as a two story brick building with storefront system windows along both stories. There is an entrance to the store along the sidewalk on Broadway and a second entrance in the back that is accessible from the parking lot. Above the Broadway entrance on the second floor will be rectangular design in the brick to give this portion of the building some interest. The building will curve at the corner of Broadway and McGrath Highway. The materials of the building will be hand-laid brick, arriscraft masonry band for the parapet and precast concrete for the lintel and sills.

Signage and Lighting

The pylon sign on the site will be removed. The billboard was proposed to be used as signage for the store but a condition of approval is to remove it. The signage on the building will be the name of the store on three sides of the building above the first floor windows. The signs will be individual painted letters with gooseneck lights above. Awnings will flank the windows.

Trash/Utilities

There will be a dumpster in the northeast corner of the site next to the driveway. The dumpster will be screened by a fence. The mechanical equipment for the building will be located on the roof.



FINDINGS FOR SPECIAL PERMIT (SZO §5.1, §6.1.22.5.a & 9.17):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. **Information Supplied:** The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.
2. **Compliance with Standards:** The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."

Parking

The parking design standard in the CCD (§6.1.22.G) states that parking and loading areas shall be hidden from view from public ways. They may be located at the side or rear of a lot or in concealed structures shall be suitably screened both visually and acoustically from the street and abutters (sufficient to conform to the City's Noise Ordinance during operation). Any views into parking structures shall be minimized through use of landscaping or architectural treatment.

The proposed parking spaces are located in the rear of the lot behind the building and there are landscaped area to buffer the parking lot from the neighbors and the street.

Signage

The proposed signage on the building complies with the standards of the Ordinance; however, the billboard does not comply under §12.7. This section explains the regulations related to nonconforming signs that advertise or promote the sale of goods and services not sold, provided, or manufactured upon the same premises upon which the sign is located. Nonconforming signs of this nature should be removed within 120 days of the effective date of this Article or within 120 days of the date on which the sign first becomes a subject of this section, whichever comes later. The billboard is not registered with the State's Office of Outdoor Advertising. The billboard should be removed per §12.7.3.

3. **Consistency with Purposes:** The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintain the uniquely integrated structure of uses in the City and conserving the value of land and buildings.

The proposal is also consistent with purpose of the district as a commercial infill development that contributes to the retail mix on the street. A larger, multi-tenanted building would be an even more desirable form on this block; however, land acquisition would be necessary to build a more substantial development and the surrounding parcels are not for sale at this time.

4. **Site and Area Compatibility:** The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The proposed sign, excluding the billboard, complies with the design guidelines for signage. Parking design was addressed in finding 2 above.



The signage respects the building's context in terms of the style of the building and location in the typical sign band on the building. The signage on the building is oriented to pedestrians. The billboard sign was designed to be oriented to vehicles and does not comply with this guideline. The signage on the building is subordinate to the overall building design and the billboard is very large and overwhelms the site. The signage on the building does not have excessive wording and the gooseneck lighting add interest and character to the retail environment. Awnings are used to create pleasant shaded spaces in front of a building.

5. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The Applicant submitted a traffic and parking report with the application that states that the proposed building with six parking spaces will not result in conditions that create traffic congestion or increase the potential for traffic accidents onsite.

The lack of providing all the required off street parking spaces could have an impact on the intersection of Garfield Ave/Broadway. A proposed condition is for traffic mitigation to offset this lack of parking spaces and minor increase in vehicle delay, vehicle queues and vehicle congestion at this intersection. The mitigation is repainting Broadway with thermoplastic from Garfield Avenue through Cross Street on both sides of the intersection.

FINDINGS FOR SITE PLAN APPROVAL (SZO §5.4):

In order to grant a site plan approval, the SPGA must make certain findings and determinations as outlined in §5.4.4 and 5.4.6 of the SZO. This section of the report goes through §5.4.4 and 5.4.6 in detail.

1. *The Planning Board "shall approve a submission in the form submitted or with reasonable conditions pertaining to the purpose of this Section 5.4 unless the Planning Board finds that:*

1. *The submission is incomplete;*
2. *The imposition of reasonable conditions would not ensure that the project would conform to the standards and criteria set forth in Section 5.4.6; and*
3. *The project does not comply with other specifically applicable requirements of this Ordinance."*

The Applicant has provided a complete application, reasonable conditions can be placed on the proposal to ensure that the project conforms to the standards and criteria set forth in Section 5.4.6, and the project complies with applicable requirements of the Somerville Zoning Ordinance.

2. *The development complies with all standards set forth for the overlay district in which it is located.*

The subject property is not located within an overlay district.

3. *"The development shall be integrated into the existing terrain and surrounding landscape. Building sites shall, to the extent feasible: minimize use of wetlands, steep slopes, floodplains, hilltops; preserve natural or historic features; maximize open space retention; preserve scenic views from publicly accessible locations; minimize tree, vegetation and soil removal, blasting and grade changes; screen objectionable features from neighboring properties and roadways."*

There are no wetlands, floodplains or hilltops located onsite. The site is relatively flat. The building will appropriately sit along the front and side property lines to create continue the street wall that exists along Broadway and act as a gateway to East Somerville.



4. *“The development shall be served with adequate water supply and sewage disposal systems. For structures to be served by sewage disposal systems, the applicant shall document the status of Department of Environmental Management (DEM) and/or other sewage permits.”*

The Applicant is working with Department of Public Works and the DEM to ensure that adequate water supply and sewage disposal systems are satisfactory to these departments.

5. *“The development shall incorporate measures that are adequate to prevent pollution of surface and groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased rates of runoff and minimize potential for flooding. Drainage shall be designed so that groundwater recharge is maximized, and at the project boundaries the runoff shall not be increased in amount or velocity.”*

The proposal will have to conform to the requirements of the City’s Engineering Department for stormwater management.

6. *“To the extent feasible, development shall minimize demands placed on municipal services and infrastructure.”*

The proposal will not place exceptional demands on municipal services and infrastructure.

7. *“The development shall provide for safe vehicular and pedestrian movement within the site and to adjacent ways, including sidewalks, crosswalks and the like.”*

The Applicant submitted a traffic and parking report with the application that states that the proposed building with six parking spaces will not result in conditions that create traffic congestion or increase the potential for traffic accidents onsite.

The lack of providing all the required off street parking spaces could have an impact on the intersection of Garfield Ave/Broadway. A proposed condition is for traffic mitigation to offset this lack of parking spaces and minor increase in vehicle delay, vehicle queues and vehicle congestion at this intersection. The mitigation is repainting Broadway with thermoplastic from Garfield Avenue through Cross Street on both sides of the intersection.

8. *“Building design and landscaping shall be in harmony with the prevailing character and scale of buildings in the neighborhood through the use of appropriate building materials, screening, and other architectural techniques.”*

The building and site is in harmony with the character and scale of the surrounding area and uses building materials that are appropriate for the neighborhood and proposed use. The building complies with the design standards and the design guidelines in SZO section 6.1.22.

The building is pedestrian oriented with retail on the ground floor and a storefront system that provides views into the building. Gooseneck lighting is common in the area and will provide light along the sidewalk but should not create glare onto neighboring sights. The building completes the streetwall on the primary street of Broadway and turns the corner to McGrath Highway, which is along a primary street. The building provides access directly off of Broadway which encourages pedestrians to enter the building. The hand-laid brick, arriscraft masonry, and precast lintels and sill are a high quality, durable building materials. All sides of the building will be constructed of the same material. The southeast elevation will not contain windows because this side abuts a house.

9. *“Electric, telephone, cable TV and other such utilities shall be underground except where this cannot be accomplished because it is physically or environmentally infeasible, in which case such utilities shall be screened.”*

The utilities for the building will be required to be located underground.



10. “Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be set back and/or screened to protect neighbors from objectionable features.”
The dumpster at the back of the site will be screened. Other equipment on the rooftop of the building must comply with the zoning requirements to set equipment back behind a 45 degree plane from the edge of the roof so that is less visible than it would otherwise be at the roof’s edge.

10. “To the extent feasible, proposed projects shall be designed in such a way as to minimize shadows on neighboring properties.”

A shadow analysis was submitted with the application. The morning shadows will be cast on McGrath Highway. In the afternoon shadows will be cast on neighboring properties; however, regardless of where the building is located on this small lot, it would cast a shadow because of the solar orientation of the site.

11. “There shall be no unreasonable glare onto public roads and other public ways into the night sky, or onto neighboring properties from lighting or reflection.”

The gooseneck lighting along the building will cast light downward. A condition of approval is that light cannot spill over onto neighboring properties.

12. “The site plan shall comply with all zoning requirements.”

The site and building comply with the zoning requirements. The maximum ground coverage is 80% and the proposed building covers 52% of the lot. The proposal meets the minimum landscaped area with 11% of the site landscaped along the rear parking lot. The maximum gross floor area ratio is 3.0 and the proposed building as a FAR of 1.0. The height of the building will be 33 feet 8 inches. The site does not abut a residential district so setbacks from these districts do not apply.



DECISION:

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favaloro and Michael Capuano. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit and Site Plan Review. Elizabeth Moroney seconded the motion. Wherefore the Planning Board voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
Application and Plans										
1	<p>Approval is to construct a two story, ~7,036 sf building with Use Cluster for Medium Retail and Service §7.13.C. with a reduced number of parking spaces (6) and signage on the building. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>February 19, 2013</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>3/11/13</td> <td>Modified plans submitted to OSPCD (A1.1 Proposed Site Plan, A1.2 1st floor plan, A1.3 2nd floor plan, A2.1-2.2 Elevations)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	February 19, 2013	Initial application submitted to the City Clerk's Office	3/11/13	Modified plans submitted to OSPCD (A1.1 Proposed Site Plan, A1.2 1st floor plan, A1.3 2 nd floor plan, A2.1-2.2 Elevations)	BP/CO	Plng.	
Date (Stamp Date)	Submission									
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2	The Applicant/Owner shall remove the large sign at the rear of the property.	CO	Plng.							
3	The Applicant will be required to demonstrate that the project meets the current City of Somerville stormwater policy. Application will be required to provide a copy of an O&M plan for any stormwater control devices utilized on the property for the City Engineer's review and approval.	BP	Engineer							
Construction Impacts										
4	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and any other portion of the sidewalk that was not proposed to be replaced immediately abutting the subject property if damaged as a result of construction activity.	CO	DPW							
5	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P							



6	The Applicant shall “repaint” all pavement markings from Garfield Ave thru Cross St (including both sides of each intersection) with thermoplastic upon completion of the project and prior to the issuance of the certificate of occupancy.	CO	T&P	
Design				
7	Landscaping should be installed and maintained in compliance with the American Nurserymen’s Association Standards.	Perpetual	Plng. / ISD	
8	The material of the signage on the building shall be painted individual letters as indicated on the elevations.	BP for signs	Plng/ ISD	
9	Signage footprint beyond that which is shown on the elevations shall require a Special Permit.	BP for signs	Plng/ ISD	
10	The commercial windows shall not be blocked by interior storage, non-artistic displays or greater than 30% internally mounted signage per SZO Section 6.1.22.H.4.	Perpetual	Plng/ ISD	
11	The design, material, and location of the fence along the property line and screening the dumpster shall be submitted to Planning Staff for review and approval. The Applicant shall be permitted to install an 8’ fence along the property line if approved by Planning Staff after consultation with the abutter at 203 Broadway. The Applicant shall make best efforts to work with the abutter to address location, size, siting and permission for access to install the fence and report the results to Planning Staff. If agreement between the parties is not reached, the Applicant shall return to the Planning Board to discuss.	Perpetual	Plng.	



Attest, by the Planning Board:



Kevin Prior, Chairman



Elizabeth Moroney



Joseph Favaloro



Michael A. Capuano, Esq.

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK’S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner’s certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner’s certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____

