



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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RICHARD ROSSETTI  
DANIELLE EVANS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA # 2012-85**  
**Site: 24-28 Dane Street**  
**Date of Decision: November 7, 2012**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: November 16, 2012**

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**ZBA DECISION**

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<b>Applicant Name:</b>	James Ward, Esq.
<b>Applicant Address:</b>	875 East Street, Tewksbury, MA 01876
<b>Property Owner Name:</b>	JWF, LLC
<b>Property Owner Address:</b>	21 Properzi Way, Unit A, Somerville, MA 02143
<b>Agent Name:</b>	N/A

Legal Notice: Applicant, James Ward, and Owner, JWF, LLC, seek a special permit for shared parking under SZO §9.13.e between Demoulas Supermarket and the Ames Business Park property for 7 parking spaces.

<u>Zoning District/Ward:</u>	IA zone/Ward 2
<u>Zoning Approval Sought:</u>	§9.13.3e
<u>Date of Application:</u>	October 9, 2012
<u>Date(s) of Public Hearing:</u>	November 7, 2012
<u>Date of Decision:</u>	November 7, 2012
<u>Vote:</u>	5-0

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Appeal #ZBA 2012-85 was opened before the Zoning Board of Appeals at Somerville City Hall on November 7, 2012. 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 Zoning Board of Appeals took a vote.



**DESCRIPTION:**

The Demoulas Supermarket at 420 Somerville Ave and the RILO, LLC property at 438 Somerville Ave share a common need to manage parking effectively. The proposal is to establish shared parking for 7 parking spaces in Ames' 28 Dane Street parking lot. This arrangement is to carry out the settlement of Land Court Misc. Case No. 10 MISC 433359 between the Demoulas Supermarket, the City of Somerville and RILO. The spaces would be shared by employees of Demoulas, who would use the spaces from 5-8pm on weekdays and all day on weekends, and Ames' tenants, who would use the spaces during business hours. The parking agreement is for two years and Ames may terminate the agreement if the spaces become necessary for their tenants' use.

**FINDINGS FOR SPECIAL PERMIT (SZO §5.1.4 & 9.13.e):**

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."

The Applicants have submitted a parking study that shows that the combination of land uses with varying peak parking demand hours allows for sufficient parking and the ability to share the spaces to use the lot more efficiently. As part of the study the two lots used by Ames tenants were surveyed at various times of the day and between 100 and 120 of the 141 parking spaces are available from 9am to 9pm on weekdays and between 120 and 130 were available from 11am to 3pm on weekends. The study also points out that if there were any overflow at the busiest times of operation for the businesses, there is available on-street parking. Since the study was conducted the Zoning Board approved a special permit for a gym to occupy a portion of the Ames Complex. The gym has not yet opened; however, considering the business' projected peak demand of 60 spaces during evening hours from 5pm to 9pm and weekends from 11am to 3pm, there would still be an excess of 53 spaces during the weekday evenings and 65 spaces during the afternoon on weekends. There would be a sufficient number of spaces to allow for 7 Demoulas employees to park in the lot without negatively impacting the availability of parking for the other businesses using the lots.

Here is the list of current tenants and their corresponding parking requirements from the May 10, 2012 Parking Memorandum from Design Consultants, Inc. with the addition of the approved shared parking for Petra, rock climbing gym, and for the current application for 7 shared parking spaces with Demoulas.

<b><i>Occupied Space:</i></b>							
<b>Building #</b>	<b>Address</b>	<b>Tenants</b>	<b>Use</b>	<b>SF by Use</b>	<b>Parking Requirement</b>	<b>Spaces Required by Use</b>	
						<b>Day Use</b>	<b>Night Use</b>
1, 3	17-19 Properzi Way	Lucchetti	General	17,947	1 per 1500 sf	12	
		Kennedy					
		Hemlock					
2	21 Properzi Way	TAW Suites	Office	4,262	1 per 1000 sf	4	
5, 6	12 Park	Sage	Manufacturing	22,889	1 per 1500 sf	16	
		Ground					



		Works					
		First Act					
		Loki					
		Harvard Book					
7	29 Properzi Way	Rojas, TAW's	Office	6,772	1 per 1000 sf	7	
8	28 Park St	Genzyme	Warehouse	20,479	1 per 1500 sf	15	
			Mezz office	2,298			
9	28 Park / 12A Tyler	Petra	Recreation	30,480	1 per 500 sf		(77 gsf – 54 shared = 23)
9A	40 Park 2nd fl	Fill Maio	Gym	3,000	2 per 500 sf	6	
9B	40 Park 3rd fl	TAW	Office	6,000	1 per 1000 sf	6	
10	10 Tyler	Artists' Asylum	Manufacturing	30,927	1 per 1500 sf		29
		MIT	Warehouse	12,377			
11	30 Dane	Winebow	Sales office	10,836	1 per 1500 sf	36	
			Warehouse	43,460			
14	24 Dane St	Performer Mag	Office	3,300	1 per 1000 sf	5	
		Alastair	General	2,000			
				<b>217,027</b>	<b>Current Required Spaces</b>	<b>107</b>	<b>52</b>
<b>Shared Space:</b>							
Building #	Address	Tenants	Use	SF by Use	Parking Requirement	Spaces Required by Use	
						Day Use	Night Use
offsite	With Demoulas				none		7
9	28 Park / 12A Tyler	Petra	Recreation		1 per 500 sf		54
<b>Unoccupied Space</b>							
Building #	Address	Tenants	Use	SF by Use	Parking Requirement	Spaces Required by Use	
						Day Use	Night Use
8A	30 Park St	TBD	Warehouse	5,509	1 per 1500 sf	4	
9	40 Park 1st floor	TBD	Warehouse	8,800	2 per 1500 sf	6	
9A	40 Park 2nd floor	TBD	General	6,000	3 per 1500 sf	6	
12	28 Dane St	TBD	General	33,738	4 per 1500 sf	23	
13	12 Tyler St	TBD	Warehouse	8,925	5 per 1500 sf	6	
			Office	13,931	6 per 1500 sf	14	
				<b>76,903</b>	<b>Future Required Spaces</b>	<b>59</b>	



<b>CAMPUS TOTAL</b>				293,930	<b>TOTAL</b>	<b>166</b>	<b>52</b>
					<b>TOTAL SHARED</b>		<b>61</b>

In considering a special permit under §9.13 of the SZO the Applicant must be able to demonstrate that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

The proposal will decrease queuing of vehicles because if the employees park in the offsite lot, there will be more spaces available for customers in the grocery store lot. It will not change traffic volumes, types of traffic or traffic patterns and will not reduce the on-street parking or cause unsafe conflict between motor vehicles and pedestrians. The lot is located 700 feet from the entrance to the Demoulas Supermarket at 420 Somerville Ave and employees can easily navigate this distance by walking along Dane Street and the alley from Dane Street that leads directly to the store entrance.

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 lessening congestion in the streets and encouraging the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the Industrial A district, by allowing the parking lot to be used efficiently and serve industrial and commercial establishments surrounding it.

In considering a special permit under §9.13 of the SZO the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1. The proposal is consistent with the purpose of this section because it promotes traffic safety by assuring adequate places for storing of motor vehicles off the street, and for their orderly access and egress to and from the public street.

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 shared parking arrangement will allow for more parking availability for the supermarket without having to find land to build more parking or constructing a parking garage in the neighborhood.



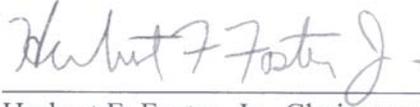
**DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. The following plans were attached to the application:

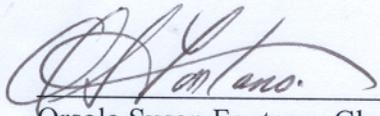
<b>Date (Stamp Date)</b>	<b>Submission</b>
Oct 9, 2012	Initial application submitted to the City Clerk's Office
Jan 18, 1990	Plans submitted to OSPCD (The Ames Safety Envelope Co. Parking layout)
Apr 17, 1990	Plans submitted to OSPCD (Plot Plan)
Sept 22, 1993	Plans submitted to OSPCD (Existing Conditions Demoulas)



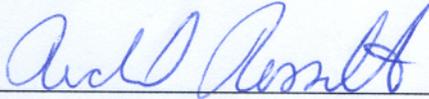
Attest, by the Zoning Board of Appeals:



Herbert F. Foster, Jr., Chairman



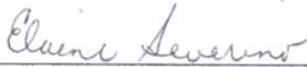
Orsola Susan Fontano, Clerk



Richard Rossetti



Danielle Evans



Elaine Severino, (Alt.)

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 \_\_\_\_\_

