



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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ELIZABETH MORONEY
JERRY AMARAL, (ALT.)

Case #: PB 2013-18
Site: 779 McGrath Highway
Date of Decision: November 7, 2013
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: November 18, 2013

PLANNING BOARD DECISION

Applicant Name:	Keith Mozer
Applicant Address:	P.O. Box 457, Medfield, MA 02052
Property Owner Name:	The Stop & Shop Supermarket Company, LLC
Property Owner Address:	1385 Hancock Street, Quincy, MA 02169
Agent Name:	N/A

Legal Notice: Applicant, Keith Mozer, and Owner, The Stop & Shop Supermarket Company, LLC, seek a Special Permit with Site Plan Review (SPSR) to revise (SZO 5.3.8) a site plan that the Planning Board approved in Nov 2001 in order to add storage lockers for pick-up service offered by Stop & Shop. This site is part of a Planned Unit Development that was approved by the Board in Sept 2001.

<u>Zoning District/Ward:</u>	Zone BA / PUD-B. Ward 1
<u>Zoning Approval Sought:</u>	§5.3.8
<u>Date of Application:</u>	October 8, 2013
<u>Date(s) of Public Hearing:</u>	November 7, 2013
<u>Date of Decision:</u>	November 7, 2013
<u>Vote:</u>	5-0



Appeal #PB 2013-18 was opened before the Planning Board at Somerville City Hall on November 7, 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.

DESCRIPTION:

The proposal is to alter the site plan to allow for storage lockers to be located outside for Stop & Shop's new pick up service. The service allows customers to order their groceries online and pick them up at a nearby store. The existing Peapod service is used - orders are placed on the Peapod website, selected at an existing fulfillment center near the store, and delivered to the store inside a conditioned tote, on a truck twice daily. The food is stored using chill packs or dry ice inside storage lockers that have a fan to circulate air. Four storage lockers are proposed to be located on the right side of the building near the nonfunctioning greenhouse. The storage lockers are 7.5 feet long by 5 feet deep by 7 feet tall. The customer will choose a one hour window to pick up the groceries. There will be designated, signed parking spaces for customers picking up the food from the lockers. The parking spaces are proposed to be the four spaces closest to the storage lockers on the northwest side of the large parking lot. A Stop & Shop clerk retrieves the totes from the storage lockers and brings them to the parked cars. In Massachusetts the service is now offered in Quincy, East Weymouth, Braintree, Cohasset, and Bedford.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.2.5):

The following findings are applicable to the proposal to issue a new Special Permit with Site Plan Review (§5.2.5) and major amendment to the PUD.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.
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 with site plan review."

Condition 13 of the Planned Unit Development limited the use of the supermarket to goods that can be carried and typical supermarket services. Warehouse operations for Peapod.com were explicitly listed as not allowed. Since the Peapod activity is limited to an accessory use and not the primary use of the facility, the proposal is not in violation of the condition.

Section 7.11 of the SZO only allows for outdoor storage of equipment if it is screened. The storage lockers screen the food will be located in the least visible portion of the front side of the building.

5. Functional Design: The project must meet "accepted standards and criteria for the functional design of facilities, structures, and site construction."

The storage bins will be least visible and impactful in the proposed location at the far right side of the building. The storage containers will be blocking doors to the greenhouse; however, the greenhouse is not functional due to a structural deficiency that has not been fixed. Other means of egress in the building excluding these doors are sufficient and therefore the Fire Prevention does not have an objection to the proposal.

Designating four parking spaces that will only be used for customers using this new service will not have a negative impact on the ability to find parking in the lot that has a large number of spaces.

16. Location of Access: The Applicant must ensure that "the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion."



It is not known if the majority of the users of the service would have otherwise used the Peapod service with home delivery or would have driven to the store to shop. The number of vehicular trips from customers will likely not change significantly. There will be an increase in truck traffic as two extra deliveries by truck are anticipated.

19. **Signage:** The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”

The signage for the designated peapod parking spaces is an appropriate size and location. The signage for the storage lockers will be painted on their exterior and not add greatly to the visual clutter of signage on the building.

DECISION:

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano. Upon making the above findings, Elizabeth Moronoey made a motion to approve the request for a Special Permit. Michael Capuano seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

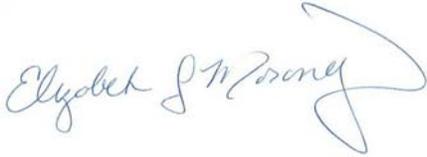
#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	<p>Approval is for the alteration of the approved site plan to provide storage bins and parking spaces for an online order/at store pickup service. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Oct 8, 2013</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>July 10, 2013 (October 30, 2013)</td> <td>Modified plans submitted to OSPCD (Plan View, Birds Eye View, Parking Layout, Directional Parking Sign)</td> </tr> </tbody> </table> <p>Any changes to the approved site plan that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	Oct 8, 2013	Initial application submitted to the City Clerk’s Office	July 10, 2013 (October 30, 2013)	Modified plans submitted to OSPCD (Plan View, Birds Eye View, Parking Layout, Directional Parking Sign)	BP/CO	ISD/Plng.	
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2	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.							



Attest, by the Planning Board:



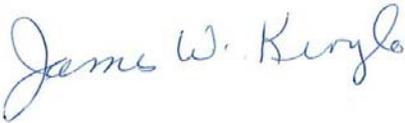
Kevin Prior, Chairman



Elizabeth Moroney



Joseph Favaloro



James Kirylo



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 _____

