



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**PLANNING BOARD MEMBERS**

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JOSEPH FAVALORO, *CLERK*  
DOROTHY KELLY GAY  
JAMES KIRYLO  
MICHAEL A. CAPUANO, ESQ.  
JERRY AMARAL, (ALT.)

**Case #: PB 2014-19**  
**Site: 35-37 Medford Street**  
**Date of Decision: July 10, 2014**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: July 24, 2014**

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**PLANNING BOARD DECISION**

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<b>Applicant Name:</b>	35-37 Medford Street, LLC
<b>Applicant Address:</b>	c/o btcRE, LLC, 35 Medford Street, Somerville, MA 02143
<b>Property Owner Name:</b>	35-37 Medford Street, LLC
<b>Property Owner Address:</b>	c/o btcRE, LLC, 35 Medford Street, Somerville, MA 02143
<b>Agent Name:</b>	Amy Moody McGrath, Esq.
<b>Agent Address:</b>	Goulston & Storrs, 400 Atlantic Avenue, Boston, MA 02110-3333

Legal Notice: Applicant & Owner, 35-37 Medford Street, LLC seek a Special Permit under SZO §6.5.D.5 to alter the front entrance to provide an accessible path in accordance with the ADA requirements.

<u>Zoning District/Ward:</u>	TOD 100 zone/Ward 2
<u>Zoning Approval Sought:</u>	§6.5.D.5
<u>Date of Application:</u>	June 12, 2014
<u>Date(s) of Public Hearing:</u>	July 10, 2014
<u>Date of Decision:</u>	July 10, 2014
<u>Vote:</u>	5-0

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Appeal #PB 2014-19 was opened before the Planning Board at Somerville City Hall on July 10, 2014. 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 front entrance to provide an accessible path into the building. The current front entrance is a wood frame storefront. It requires about a 2” step from the sidewalk grade to the finished floor of the building. The proposed front entrance will push the storefront back to provide a short ramp to a landing in front of the door. The storefront system will be replaced with an aluminum framing system that will match the existing window frames.

**FINDINGS FOR SPECIAL PERMIT (SZO §6.5.D.5):**

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."*

Per SZO §6.5.D.5 alterations to an existing or approved façade shall require a Special Permit with findings giving consideration to the Design Guidelines of §6.5.H. A new storefront entrance requires a Special Permit.

In considering a special permit under §6.5.D.5 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

Although this is not a new development, the design does promote the development standards of the TOD district where possible. It will increase the pedestrian access to the building and further connect the building to the public right-of-way. The Applicant evaluated reusing the wood storefront but found that the existing condition would not allow it to survive the move. Instead, the Applicant will repurpose the material as art or furniture inside the building.

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 promoting the health, safety, and welfare of the inhabitants of the City of Somerville and to preserve the historical and architectural resources of the City.

The proposal is consistent with the purpose of the TOD district, which is to, “encourage mixed-use transit-oriented development with well-designed pedestrian access near transit connections and commercial squares. TODs have been created featuring various heights, densities, and compatible use mixes. In order to be aesthetically, economically, environmentally and socially beneficial, projects in the Districts shall promote a mix of uses both within buildings and across the districts.” Specifically TOD-100 districts are a ‘moderate-density sub-district with a commercial core and street-level facades that relate to nearby mid-rise development.’

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 property is located in the southernmost part of Somerville and near the Cambridge line. The property is southeast of Boynton Yards and southwest of the Inner Belt and Brickbottom neighborhood. The area has little neighborhood definition. The largest neighborhood destination is Twin City Plaza, just south of the site, which is partially in Cambridge. There is a small residential pocket of multi-family homes west of the site.

There are little to no impacts to the proposal. The arched entryway will be maintained and the design will provide for better access to the building.

The design guidelines of 6.5.H have been adhered to when possible including the use of high quality exterior materials and improving major entrances.

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.*

This renovation will improve access to the building by people of all abilities.

7. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

This will not have any impact on affordable or market rate housing.

8. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, Transform key opportunity areas, Preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.*

This will not help the city to achieve any goals of the SomerVision plan.



**DECISION:**

Present and sitting were Members Kevin Prior, Joseph Favaloro, Michael Capuano, Gerard Amaral and Dorothy Kelly Gay with James Kirylo absent. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Joseph Favaloro 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 a Special Permit under SZO §6.5.D.5 to alter the front entrance to provide an accessible path in accordance with the ADA requirements. 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>June 12, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 31, 2012</td> <td>Modified plans submitted to OSPCD (Plot Plan)</td> </tr> <tr> <td>June 9, 2014</td> <td>Modified plans submitted to OSPCD (SK-2.02 Front Entry Plan, SK-2.03 Front Entry Elev., SK-2.01 Front Entry 3D View, Existing Cond. Photo)</td> </tr> </tbody> </table> <p>Any changes to the approved plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	June 12, 2014	Initial application submitted to the City Clerk's Office	October 31, 2012	Modified plans submitted to OSPCD (Plot Plan)	June 9, 2014	Modified plans submitted to OSPCD (SK-2.02 Front Entry Plan, SK-2.03 Front Entry Elev., SK-2.01 Front Entry 3D View, Existing Cond. Photo)	BP/CO	ISD/ Plng.	
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<b>Construction Impacts</b>												
2	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 the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW									
3	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									
<b>Miscellaneous</b>												
4	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD									



<b>Public Safety</b>				
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
6	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	PIng.	



Attest, by the Planning Board:



Kevin Prior, Chairman



Joseph Favaloro



Michael A. Capuano, Esq.

  
Dorothy A. Kelly Gay

Gerard Amaral

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 \_\_\_\_\_

