



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

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MICHAEL A. CAPUANO, ESQ.
ELIZABETH MORONEY
JERRY AMARAL, (ALT.)

Case #: PB 2014-06
Site: 61 Medford Street
Date of Decision: March 6, 2014
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: March 12, 2014

PLANNING BOARD DECISION

Applicant Name:	Mathew Kochaba
Applicant Address:	14 Cambridge Center, Cambridge, MA 02142
Property Owner Name:	Tim Coskren
Property Owner Address:	205 Newbury Street, Framingham, MA 01701
Agent Name:	Kris Salamon, Vanderweil P & IDC
Agent Address:	25 Birch Street, Milford, MA 01757

Legal Notice: Applicant, Matthew Kochaba, and Owner, Tim Coskren, seek a Special Permit per SZO §5.3.8 to alter a previously approved site plan by adding site equipment including a generator.

<u>Zoning District/Ward:</u>	TOD 100 zone/Ward 2
<u>Zoning Approval Sought:</u>	§5.3.8
<u>Date of Application:</u>	January 23, 2014
<u>Date(s) of Public Hearing:</u>	March 6, 2014
<u>Date of Decision:</u>	March 6, 2014
<u>Vote:</u>	5-0

Appeal #PB 2014-06 was opened before the Planning Board at Somerville City Hall on March 6, 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.



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DESCRIPTION:

The proposal is to remove 3 parking spaces and install a new site generator on a concrete pad. The generator will be fenced with chainlink and fiber mesh screening to match the existing fencing on site and have bollards surrounding it for protection. The equipment will be installed next to the liquid nitrogen tank. The site will still conform to the parking requirement.

FINDINGS FOR SPECIAL PERMIT (SZO §5.3.8):

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."

There are two previous Special Permit approvals for the property. In accordance with the SZO §5.3.8, a Special Permit is required to alter a previously approved site plan. This application would add a generator to the rear of the site. There is no parking relief necessary, the site still complies with its' parking requirement.

In considering a special permit under §5.3.8 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

6.5.G TOD. All new developments shall meet 18 development standards. The applicable standards are below.

14. Service Areas and Loading Spaces. Ground level mechanical equipment, utility and trash enclosures, loading docks and other utilitarian and service elements shall not abut the street edge(s) of the parcel and shall be visually and acoustically screened (sufficient to conform to the City's Noise Ordinance during operation). Access to these areas shall not interrupt pedestrian and sidewalk treatments. The SPGA may limit the hours of delivery so as to minimize any adverse impacts the service and loading aspects of proposed use may have on the surrounding neighborhood. Generally, loading times should take local traffic patterns into consideration.

The generator is ground level mechanical equipment. The generator will be screened with chainlink fence to match the existing fencing on site. The generator is at the back of the site and will not be visible from a public way.

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.

The proposal is consistent with the purpose of the district, which is, "to encourage mixed-use transit-oriented development with well-designed pedestrian access near transit connections and commercial squares... Therefore, the



TODs are designed to be responsive to changing market conditions while maintaining high standards for building design and construction.”

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. There is a cluster of old warehouse/industrial buildings. 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.

The generator is at the back of the site and will be screened. It will only be visible from the railroad tracks and residents of higher floors of 9 Medford Street.

DECISION:

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favalaro, Michael Capuano and Gerard Amaral with James Kirylo absent. Upon making the above findings, Kevin Prior 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 a Special Permit per SZO §5.3.8 to alter a previously approved site plan by adding site equipment including a generator. 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>January 23, 2014</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>(February 26, 2014) January 21, 2014</td> <td>Modified plans submitted to OSPCD (Civil Site Plan)</td> </tr> <tr> <td>(February 26, 2014) December 23, 2013</td> <td>Modified plans submitted to OSPCD (Electrical Power Plan)</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	January 23, 2014	Initial application submitted to the City Clerk’s Office	(February 26, 2014) January 21, 2014	Modified plans submitted to OSPCD (Civil Site Plan)	(February 26, 2014) December 23, 2013	Modified plans submitted to OSPCD (Electrical Power Plan)	BP/CO	ISD/ Plng.	
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Construction Impacts												



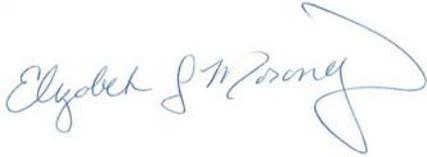
2	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result 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	
Design				
4	The Applicant will screen the generator with fencing.	CO	Plng.	
Miscellaneous				
5	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	
Public Safety				
6	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-Off				
7	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



Michael A. Capuano, Esq.



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 _____

