



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2019-46
Date: June 19, 2019
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 126 Pearl Street

Applicant / Owner Name: Phellarisimo, LLC
Applicant / Owner Address: 320 Washington Street, Suite 3FF, Brookline, MA 02445
Agent Name: Richard G. DiGirolamo, Esq.
Agent Address: 424 Broadway, Somerville, MA 02145
City Councilor: Matthew McLaughlin

Legal Notice: Applicant and Owner, Phellarisimo, LLC, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure by performing a complete renovation of the retail façade including new siding, signage, light fixtures, and doors/windows. RB Zone. Ward 1.

Dates of Public Hearing: Zoning Board of Appeals – June 19, 2019

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is comprised of two parcels totaling 7,871 square feet at the corner of Pearl Street and Cross Street. The site contains a mixed use building with ground floor retail and three residential units above. The site contains a one-story retail portion of the building that occupies a large majority of the site and there are two 2.5 story portions of the building that are occupied by three residential units. The Applicant/Owner is in the process of performing as-of-right renovations to the residential portions of the structure.



2. Proposal: The proposal is to renovate the existing retail façade only. The proposal includes adding a new storefront window system, a new recessed entry, signage, lighting, and replicating existing cast stone forms across the façade. The ground floor uses will remain retail.
3. Green Building Practices: The application states that the proposal will not exceed the stretch code.
4. Comments:

City Councilor: Councilor McLaughlin has been informed of the proposal and has yet to comment as of the publication of this report.

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

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 Staff 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 structure is currently nonconforming with respect to the following dimensional requirements: ground coverage, landscaped area, pervious area, front yard setback, rear yard setback, and left and right side yard setbacks.

The proposal will impact all of the nonconforming yard setbacks and the façade renovations will occur within all of the required setbacks. None of the existing nonconformities will be exacerbated. This alteration to a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that “[l]awfully existing nonconforming structures other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA in accordance with the procedures of Article 5. The SPGA must find that such extension, enlargement, renovation or alteration is not substantially more detrimental to the neighborhood than the existing nonconforming building. In making the finding that the enlargement, extension, renovation or alteration will not be substantially more detrimental, the SPGA may consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, on-street parking, shading, visual effects and neighborhood character.”

In considering a special permit under §4.4 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal will allow for the improvement of a blighted storefront.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RB district, which is, "to establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts."

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."*

Surrounding Neighborhood: The subject property is located on the southeast side of the intersection of Pearl Street and Cross Street. Across Pearl Street is the East Somerville Community School. On the opposite side of the intersection there is another mixed use structure with a ground floor storefront system and 1.5 stories under a gable roof. Pearl Street is predominantly residential and Cross Street has more a mix of retail, educational, and residential uses. Currently the facades on the subject property lack glazing area and create a hard wall right next to the sidewalk on Pearl Street and much of the sidewalk on Cross Street.

Impacts of Proposal (Design and Compatibility): The proposal to alter the façade includes creating a more traditional storefront system with added glazing and a new recessed entry. The new storefront system will include new signage, lighting, and precast concrete pilasters. These changes will certainly improve the aesthetics of this corner and make the store feel more open and inviting to potential customer. The proposal includes sign bands that are no more than 12 square feet, which is the maximum allowed in the RB zoning district.

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

6. 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.

III. RECOMMENDATION

Special Permit under §4.4.1

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information

submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the renovation of the retail facades. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 1, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>June 5, 2019</td> <td>Plans submitted to OSPCD (A-000, EX-100, EX-101, A-100, and A-300)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 1, 2019	Initial application submitted to the City Clerk's Office	June 5, 2019	Plans submitted to OSPCD (A-000, EX-100, EX-101, A-100, and A-300)
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Any changes to the approved elevations/use that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.							
3	The Applicant shall at their 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							
4	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										
5	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.							
Miscellaneous										
6	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.							
7	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										
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							

9	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Png.	
Signage				
10	Signage must be limited to 12 square feet per storefront. The corner storefront may be allowed one sign on each side of the building with each being no more than 12 square feet. Each proposed sign must be reviewed and approved by Planning Staff to ensure that durable and aesthetically pleasing signage is being used. Internally illuminated cabinet signs are prohibited.	BP of each individual tenant	Png.	
Final Sign-Off				
11	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	Png.	

