



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

GEORGE J. PROAKIS
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

SARAH LEWIS, *DIRECTOR OF PLANNING*
SARAH WHITE, *PLANNER/PRESERVATION PLANNER*
ALEX MELLO, *PLANNER*
MONIQUE BALDWIN, *ADMINISTRATIVE ASSISTANT*
CHARLOTTE LEIS, *PLANNING INTERN*

Case #: ZBA 2019-23
Date: April 17, 2019
Recommendation: Conditional approval

PLANNING STAFF REPORT

Site: 44 Park Street

Applicant Name: Dawn Lorino, Director of Bigelow Coop Daycare
Applicant Address: 44 Park Street, Somerville, MA 02143
Owner Name: Belam II LLC
Owner Address: 15 Ward St, Somerville, MA 02144
Agent Name: Ann Fullerton
Agent Address: 23 Josephine Ave, Somerville, MA 02144
City Councilor: J.T. Scott

Legal Notice: Applicant, Dawn Lorino, and Owner, Belam II LLC, seek a Special Permit to remove a paving material condition included in a Special Permit approval from 2011. RC Zone. Ward 2.

Dates of Public Hearing: April 17, 2019

I. PROJECT DESCRIPTION

1. Subject Property: A 10,832 square foot one-story warehouse sits on a 45,738 square foot lot. The building's tenants are the Bigelow Coop Daycare and Esh Circus Arts, the former being a by-right use and the latter receiving special permit approval in 2013 (ZBA 2013-62). The special permit decision most relevant to this proposal was in 2011 when Bigelow Coop Daycare received a special permit to alter the non-conforming warehouse and was required to submit drainage and traffic control plans (ZBA 2011-83).

The ZBA 2011-83 plans and staff report mention that the Bigelow Coop installed a new drainage system to remove the connection from the sanitary sewer and to allow for groundwater recharge from on-site storm water. One of the recharge openings was placed inside a teardrop shaped permeable area in the



middle of the driveway. The teardrop area was made of different materials than the surrounding driveway to assist with circulation, and the Fire Department required that it be built in such a way as to allow fire trucks to drive over it if needed. The original decision did not include any mention of specific materials to be used for the teardrop area.

After the ZBA 2011-83 decision there was a *de minimis* change request submitted. One of the approved *de minimis* changes was that the “teardrop” turn around at side drive [was] to be edged with concrete pavers and mulched” and that the “pavers and vegetative material” must meet Fire Department requirements. The photos at right show that those conditions were met. The top photo is from this past winter and the bottom photo is an aerial view from 2017 (teardrop area is circled in red).



2. Proposal: The proposal is to change the material of the teardrop in the parking area from pervious pavers to granite cobblestones in order to reduce maintenance requirements. The project requires zoning relief because the teardrop area’s material was the subject of a condition in a *de minimis* change to a previous special permit approval.¹



The existing pavers are uprooted every winter when snow plows drive over the area. The Bigelow Coop has considered other ways of preventing snow plows from uprooting the pavers, but every solution that would prevent snow plows from driving over the pavers would also prevent fire trucks from doing so, and so are not feasible solutions. Changing the material from pervious pavers to granite cobblestones would reduce maintenance issues while allowing fire trucks to pass freely.

3. Green Building Practices: None listed on the application.

4. Comments:

Engineering: Engineering has looked at the drainage plan and is fine with changing the material of the teardrop.

City Councilor: Alderman Scott has been notified.

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

¹ The *de minimis* approval letter is dated August 28, 2012 and is a revision to case number ZBA 2011-83. The 5th revision listed in the letter is the one relevant to this case.

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: lot area, ground coverage, landscaped area, and pervious area.

The proposal will not impact any non-conforming dimensions. The project requires zoning relief only because the material to be used in the teardrop area was a subject of discussion in a previous special permit approval.

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 or 4.5 of the SZO, Staff finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing conditions. The new paving material is expected to require significantly less maintenance than the existing conditions but will not reduce the usefulness of the teardrop for traffic control and will not limit the ability of the Fire Department to access the rear of the property. The proposal has been designed to minimally impact the neighbors and the pervious area and landscaped area will continue to be conforming to the requirements of the SZO. Lastly, the Engineering Division reviewed the proposed material change and confirmed that this change will not negatively impact the drainage/permeability of the teardrop area.

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: 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 lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to

adequately protect the natural environment; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RC district, which is, *“To establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district.”*

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: To the north of the subject property are the MBTA commuter rail tracks and a mixture of residential and commercial uses. To the south, east and west are mostly residential neighborhoods with one- and two-family homes.

Impacts of Proposal (Design and Compatibility): Changing the material of the teardrop area of the driveway is not expected to affect its ability to improve the circulation pattern in the parking lot, or to restrict the Fire Department’s access to the property. There are no other changes to the site being made.

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 removing the pervious pavers in the teardrop area and replacing them with granite cobblestones. 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>February 28, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> </tbody> </table>			
Date (Stamp Date)	Submission			
February 28, 2019	Initial application submitted to the City Clerk's Office			
Any changes to the approved plans 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	
5	For the convenience of and respect for the neighborhood, during the construction phase, construction work shall not begin prior to 7:30am and shall finish no later than 5pm Monday through Friday. There shall be no construction or construction-related work performed on weekends or holidays, including deliveries.	During Construction	ISD	
Design				
6	Applicant shall provide final material samples for paving to Planning Staff for review and approval prior to the issuance of a building permit.	BP	Plng.	
Miscellaneous				
7	Granting of the applied for use or alteration does not include the provision for short term rental uses, such as AirBnB, VRBO, or the like. Separate approvals are needed for the aforementioned uses.	Ongoing	ISD / Plng.	
8	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				
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
10	Per Somerville fire safety regulations, grills, barbecues, chimineas and the like are NOT permitted on decks or porches.	Perpetual	FP/ISD	

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	Ping.	