



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2013-10  
**Date:** March 12, 2013  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 45 Beacon Street

**Applicant Name:** Whole Foods Market Group, Inc  
**Applicant Address:** 125 Cambridge Park Drive Cambridge, MA 02140  
**Property Owner Name:** TGIO Beacon Street, llc  
**Property Owner Address:** 100 Everett Ave, Suite 12 Chelsea, MA 02150  
**Agent Name:** Michael E. Scott  
**Agent Address:** 155 Seaport Blvd. Boston, MA 02210  
**Alderman:** Maryann Heuston

Legal Notice: Owner, TGIO Beacon Street, llc and Applicant, Whole Foods Market Group, Inc. seek a Special Permit under SZO §4.4 and SZO §4.5.3 to alter a nonconforming structure by relocating emergency egress, altering the entrance, and increasing operating hours. Residential C zone. Ward 2.

Zoning District/Ward: Residence C/Ward 2

Zoning Approval Sought: Special Permit

Date of Application: March 5, 2013

Dates of Public Meeting - Zoning Board of Appeals - April 3, 2013

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**I. PROJECT DESCRIPTION**

1. Subject Property: The site, 45 Beacon Street, is the former site of Johnnie's Foodmaster near Inman Square. The site is a 44,269 square foot lot with an existing 20,811 square foot single story grocery store. The floor area ratio is .47. The structure is located in a Residential C zone, surrounded by residential uses on all sides.



There has been no prior zoning relief granted by the Zoning Board of Appeals.

2. Proposal: The proposal is to alter the exterior of the building. The use of the property will remain as a supermarket. They propose to remodel the entry from an existing concrete pad with ramping to include cart storage, a railing, and planter. The door on Beacon Street will be removed and filled in to match the existing material. For fire egress, a new door and ramp will be added on the east elevation (parking lot elevation). Two new insulated aluminum windows will be added to the masonry openings on the east elevation. New signage is proposed for the south elevation (Beacon Street elevation), east elevation, and the panel sign in the parking lot.

The applicant and owner are also proposing changes to the parking lot. They propose to remove the chainlink fence on the north and east edge of the property. They propose installing a planting strip on the north edge of the parking lot with evergreen trees. The back of the dumpster will be screened with another planting strip with evergreens. These two planting strips will make a defined pedestrian path to Dimick Court (private way). On the northeast corner of the property they propose a planting pocket with three deciduous trees. There will be some changes to striping to accommodate planting and bike racks. Eight spaces are proposed near the front entrance and along Beacon Street.

3. Nature of Application: The structure is currently nonconforming with respect to several dimensional requirements including front yard setback, rear yard setback, and landscaped area. In accordance with SZO §4.4.1, non-conforming structures may only alter a non-conformity through Special Permit approval. Since the front yard setback is zero (15' required), the rear yard setback is 8.5' (20' required), and the landscaped area is 4.51% (25% required) alterations to the building require a Special Permit. The proposed changes will not increase the nonconforming aspect of the building.

The proposed signs replace existing Foodmaster signage. All signs except Sign 1 for the Beacon Street elevation comply with the sign regulations in SZO §12.4.4.d. Sign 1 is 76.5 square feet. They are allowed 68 square feet of signage. A condition of approval is that the sign will be reduced by 8.5 square feet.

4. Surrounding Neighborhood: The surrounding neighborhood is mostly a high density of residential uses. The site is in between Inman Square and the commercial uses at the intersection of Beacon and Kirkland/Washington Streets. Beacon Street is a thoroughfare for drivers, cyclists, and pedestrians.

5. Impacts of Proposal: The proposal to alter the exterior of the building will improve the pedestrian experience along Beacon, the view for abutters, and the store experience of customers. Whole Foods proposes remodeling the concrete pad at the entrance to include cart storage, railings, and a planter which will improve customer flow into and out of the store. The increased landscaping and fence removal will improve the view for abutters and will increase the landscaped area. Lastly, the new fire egress will make a more consistent storefront along Beacon Street.

6. Green Building Practices: The applicant will meet code standards for energy efficiency on engineering upgrades.

7. Comments:

*Fire Prevention:* A radio master box will be required at the property.

*Ward Alderman:* Alderman Heuston asked the following questions and Planning Staff provided the following answers:

-Will be there locks on the carts? Whole Foods will provide carts that lock if they leave the property.

- Will they be displaying anything outdoors? Whole Foods hopes to display seasonal items like plants, flowers, or Christmas trees on the outside of the store.
- Can there be planters at the base of the panel sign? This question has not been addressed.

## **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."

In considering a special permit under §4.4 or 4.5 of the SZO, Staff do not find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed changes to the site at the front entrance, landscaping, and front elevation are essentially site improvements that will benefit pedestrians, abutters, and customers. The increased operating hours are typical of the area. The proposed Sign 1 should be reduced in by 8.5 square feet to comply with SZO §12.4.4.d.

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 "the health, safety, and welfare of the inhabitants of the City of Somerville; 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 Residence C district, §6.1.3, 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."

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5. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles through the site will remain the same. Since it will remain the same use, traffic congestion and potential traffic accidents

are similar to the existing Johnnie’s Foodmaster. Pedestrian egress from the store entry will improve because of the addition of the guard rail, striping, and bollards.

**III. RECOMMENDATION**

**Special Permit under §4.4**

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 to relocate emergency egress and alter the entrance of existing supermarket. 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>March 5, 2013</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>March 5, 2013 (March 7, 2013)</td> <td>Plans submitted to OSPCD (L-001 Context Plan, Plan of Land, Base Plan Existing Conditions, L-100 Existing Site Plan, L-101 Site Improvement Plan, L-102 Enlarged Store Entry Plan, L-103 Exterior Elevations and Details, A-1 Basement and First Floor Equipment Plans)</td> </tr> <tr> <td>November 29, 2012 (March 18, 2013)</td> <td>Signage Plans submitted to OSPCD (SK-00, SK-01, SK-02 and SK-03, SK-04 all named Signage/Façade Review)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	March 5, 2013	Initial application submitted to the City Clerk’s Office	March 5, 2013 (March 7, 2013)	Plans submitted to OSPCD (L-001 Context Plan, Plan of Land, Base Plan Existing Conditions, L-100 Existing Site Plan, L-101 Site Improvement Plan, L-102 Enlarged Store Entry Plan, L-103 Exterior Elevations and Details, A-1 Basement and First Floor Equipment Plans)	November 29, 2012 (March 18, 2013)	Signage Plans submitted to OSPCD (SK-00, SK-01, SK-02 and SK-03, SK-04 all named Signage/Façade Review)
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Any changes to the approved site plan and elevations that are not <i>de minimis</i> must receive SPGA approval.												

2	The size of the sign along Beacon Street shall not be larger than 68 sf. Applicant shall submit a new signage drawing to reflect this size to Planning Staff.	BP	Plng.	
3	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards;	Perpetual	Plng. / ISD	
4	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
5	Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.	
6	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	
7	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	
8	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	Plng.	
9	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.	

