



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

PLANNING DIVISION

STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
ADAM DUCHESNEAU, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2011-37

Site: 14-15 Bleachery Ct. / 10 Garden Ct.

Date: May 18, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Applicant Name: City of Somerville, MA
Applicant Address: 93 Highland Avenue, Somerville, MA
Property Owner Name: Same as above
Property Owner Address: Same as above
Agent Name: Thomas Cousineau, The Maguire Group
Agent Address: 33 Commercial Street #1, Foxborough, MA 02035
Alderman: Maryann Heuston

Legal Notice: The City of Somerville, as Applicant and Owner, seeks a Special Permit with Site Plan Review per SZO Section 7.11.6.1.b to establish a recreational use greater than 10,000 square feet and modify the existing site by constructing an enclosed structure over the existing street hockey rink at Conway Park. IA Zone. Ward 2.

Zoning District/Ward: Industrial A / Ward 2

Zoning Approval Sought: SPSR under SZO §7.11.6.1.b

Date of Application: April 22, 2011

Date(s) of Public Hearing: Zoning Board of Appeals **5/18/11**

I. PROJECT DESCRIPTION

1. Subject Property: The property is an approximately 55,000 square foot lot on which sits a recreational facility. The site currently includes an outdoor rink used for street hockey as well as two basketball courts and associated parking. The site is adjacent to the indoor rink owned by the Commonwealth of Massachusetts Department of Conservation and Recreation (DCR) and



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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operated by the City of Somerville. Opposite this rink is the remainder of Conway Park. The outdoor rink, basketball courts and parking area are in the IA zoning district, while the adjacent park facilities are in the OS (Open Space) district. The addresses for the parcels are on two small roads off Somerville Avenue that previously were the site of industrial uses. These roads are called Garden Court and Bleachery Court.



Existing Site

2. Proposal: The Applicant is proposing to construct a pre-fabricated corrugated steel building and ice rink bed to create an enclosed ice rink over the existing outdoor street hockey rink. The basketball courts will remain. Parking will be adjusted to fit, but will remain essentially in the same location. Some parking spaces will be adjusted to be shorter and will therefore become ‘compact spaces’ under the zoning.

3. Nature of Application: While the use of a site for recreational purposes within the OS (Open Space) district is allowed by right, the use of greater than 10,000 square feet of land for recreational purposes within the IA (Industrial-A) zoning district requires a special permit with site plan review (SPSR). The site was converted to outdoor recreational use in approximately 1997, and there is no record of a permit from this time period. Therefore, to construct a structure and continue to operate the outdoor recreational facility, the project must secure the required SPSR.

4. Surrounding Neighborhood: The surrounding neighborhood is composed of recreational uses to the east, industrial uses to the west, and residential and mixed uses across Somerville Avenue and across the railroad tracks.

5. Impacts on Abutting Properties: The project will continue the use of this site for recreational purposes as it has been used for approximately 14 years. The only significant change will be the addition of a one-story prefabricated building to be used to cover the ice sheet. The building will use the services of the adjacent DCR rink to provide locker rooms and rest rooms. This building will allow for more use of the recreational area during summer and winter months, but overall impacts on the abutters are considered to be minimal.

6. Traffic and Parking: The parking lot on the site would remain, although some spaces would be converted to ‘compact’ spaces, to allow for adequate building and sidewalk width. Recreational uses are

not required to meet specific parking requirements. The site will generate parking demand when both rinks are being used in winter months, but the city is in the process of finalizing an agreement to allow the Greek Orthodox Church on Central Street to provide off-site overflow parking when events at the park create parking demand beyond what can be provided on-site.

7. Comments:

Aldermen: Alderman Heuston as been contacted and has indicated that it is important to bring the site into compliance with zoning.

Inspectional Services Division: Senior Building Inspector Paul Nonni stated in a phone message that the Applicant would not be required obtain a building code variance to use the bathrooms and locker rooms in the existing adjacent structure. When the proposed building is open for usage, as long as the adjacent structure is also open for patrons to have direct access (no locked doors) to the existing building's bathrooms and locker rooms, no building code variance would be required.

II. FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §7.11.6.1.B):

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. Information Supplied: The Staff finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

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 with site plan review.” The proposal complies with the standards of the ordinance. The project will establish a use allowed by special permit in the IA district that meets all existing zoning requirements.

3. Purpose of the District: The Applicant has to ensure that the project “is consistent with the intent of the specific zoning district as specified in Article 6”. The purpose of the Industrial A district is “to establish and preserve areas for industrial and related uses which are not incompatible with commercial uses; uses which are most appropriately located as neighbors of industrial uses including living and studio space for artists; and uses which are necessary to service the immediate needs of industrial establishments in those areas, and accessory uses to industrial uses such as day care centers, cafeterias, health facilities, and the like”. The site is not incompatible with adjacent industrial activities, and continues the use for recreational purposes that is established in the adjacent open space 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 existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area”.

The new building would be similar in type but smaller than the adjacent hockey facility. It will be a simple building that will fit this location as a transition between adjacent recreational and industrial uses. The building will serve the recreational needs of the community and allow the site to be used throughout the year. It is a recreational building on a recreational lot next to additional recreational facilities. Its other immediate neighbors are industrial uses.

5. Functional Design: The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”

The project would meet accepted standards and criteria for the functional design of facilities, structures, and site construction. It will function to cover the proposed ice surface, and will be connected to the services in the adjacent building.

6. Impact on Public Systems: The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”

No impact on services is anticipated. Water service will be provided from the existing building, to serve the equipment that will allow the ice surface to operate effectively. Other services are provided in the adjacent building.

7. Environmental Impacts: “The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.”

The project has no anticipated long-term environmental impacts. The city is completing borings to establish the location and depth of footings for the building, and these footings will need to be installed at the site. After this is done, construction impacts are minimal, as the building can be constructed within a few months. Otherwise, impacts are minimal.

8. Consistency with Purposes: “Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”

As the required findings of Article 5 have been made, and the proposal satisfies the purposes of Article 1, including “to provide for and maintain the uniquely integrated structure of uses in the City” and “to conserve the value of land and buildings” and of Article 6, as already described, the proposal is consistent with the purposes of the SZO.

9. Preservation of Landform and Open Space: The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”

The site is relatively flat and already covered with an existing recreational facility. This park area has been in this location since the industrial buildings on the site were demolished in the mid 1990’s. The only change to the landform would be the addition of the structure and adjustment of a row of parking. The remainder of the parking and islands, as well as basketball courts, will remain in place.

10. Relation of Buildings to Environment: The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”

The site will include one building that will be set back behind the streetscape structures with the basketball courts in front of it. The building is surrounded by existing recreational activity and associated parking. It is smaller than the adjacent hockey structure, and in harmony with adjacent industrial buildings. It will not block any scenic views.

11. Stormwater Drainage: The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”

Staff is recommending a condition that drainage plans be satisfactory to the City Engineer prior to the issuance of any permits.

12. Historic or Architectural Significance: The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”

The site is a recently developed recreational area on the site of former industrial buildings. There are no historic structures on or adjacent to the site.

13. Enhancement of Appearance: The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”

The site plan with the proposed landscaping plan would minimally impact the neighborhood.

14. Lighting: With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”

Lighting will be limited to that which lights the nearby parking lot and the building.

15. Emergency Access: The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”

The Fire Prevention Bureau has not yet provided comments regarding this proposal.

16. Location of Access: The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”

The proposal meets all requirements of the zoning regarding parking and driveway dimensions. Access to the site will not change, although parking will change slightly by providing a row of shorter (compact) spaces to allow for a sidewalk along the building.

17. Utility Service: The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”

The Applicant is proposing to tie into the existing City services for electric and telephone.

18. Prevention of Adverse Impacts: The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development;”

No negative impacts are anticipated as a result of the proposed use and new structure.

19. Signage: The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.

The proposal has not identified a location for signage.

20. Screening of Service Facilities: The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”

No visible transformer and/or dumpster is planned.

III. RECOMMENDATION

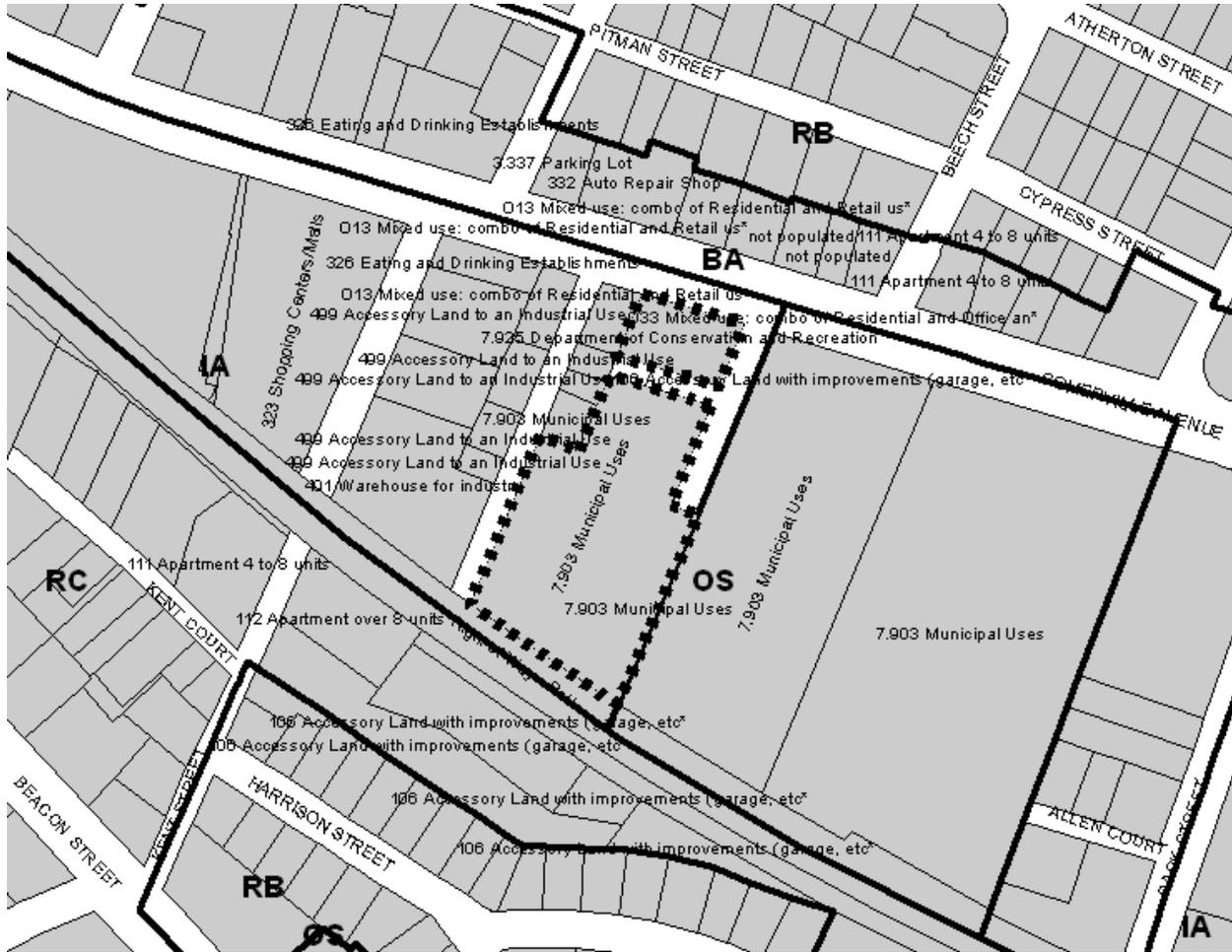
Special Permit with Site Plan Review under §7.11.15.c

Based on the above findings, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT WITH SITE PLAN REVIEW**.

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.

Although the Planning Staff is recommending approval of the requested Special Permit with Site Plan Review, the following conditions should be added to the permits:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is to establish a recreational use greater than 10,000 square feet in an IA zone per SZO Section 7.11.6.1.b and to modify the existing site by constructing an enclosed structure over the existing street hockey rink at Conway Park. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD / Png.									
	<table border="1"> <thead> <tr> <th>Date</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>April 19, 2011</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 16, 2011 (May 16, 2011)</td> <td>Existing Site Plan</td> </tr> <tr> <td>May 16, 2011 (May 16, 2011)</td> <td>Conceptual Elevations, Plans, and Wall Sections</td> </tr> </tbody> </table>				Date	Submission	April 19, 2011	Initial application submitted to the City Clerk's Office	May 16, 2011 (May 16, 2011)	Existing Site Plan	May 16, 2011 (May 16, 2011)	Conceptual Elevations, Plans, and Wall Sections
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Any changes to the approved site plan, elevations or use must receive ZBA approval.												
2	The Applicant shall submit drainage plans that are satisfactory to the City Engineer prior to the issuance of any permits.	BP	Eng.									
3	The Applicant shall submit a site plan showing lot lines and setbacks of the proposed building as well as a landscaping plan to Planning Staff for approval prior to the issuance of any permits.	BP	Png.									
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit 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.									



14-15 Bleachery Court / 10 Garden Court