



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2010-29-R1 (11/2011)

Date: December 1, 2011

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 272 Broadway

Applicant Name: Joe Pandolfo for Anne Bates & Christopher Kokoras

Applicant Address: 187 Westminster Ave, Watertown, MA 02472

Property Owner Name: Christopher Kokoras

Property Owner Address: 187 Westminster Ave, Watertown, MA 02472

Agent Name: Joe Pandolfo

Agent Address: P.O. Box 1068, Burlington, MA 01803

Alderman: Walter Pero

Legal Notice: Applicant Anne Bates & Christopher Kokoras, and Owner Christopher Kokoras, seek a revision to the site plan approved as part of Variance approval ZBA 2010-29 in order to change the location of the proposed sidewalk on Kenneson Road.

Zoning District/Ward: RC / 4

Zoning Approval Sought: Revision to case ZBA 2010-29

Date of Application: Nov 15, 2011

Dates of Public Hearing: Zoning Board of Appeals Dec 7, 2011

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is a 4779 sf lot next to the fire station in Winter Hill. The lot is previously vacant, paved and surrounded by a chain link fence. The Zoning Board of Appeals issued a variance for the site on December 1, 2010 from the lot area requirement (SZO §8.5.A) is required to erect a structure on the lot. The one-story, 1923 sf structure will be occupied by an insurance office. The site plan consisted of landscaping around the building and 4 parking spaces in the rear that would have access off of Kenneson Road, a one-way private street.



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*272 Broadway under construction (top left),
Kenneson Rd (top right),
Location of proposed walkway (bottom left),
Location of approve sidewalk prior to construction
(bottom right)*



2. Proposal: The proposal included creating a 5 foot wide sidewalk with a 6 inch vertical granite curb from Broadway to the edge of the property on Kenneson Road. The City requested that this sidewalk be installed for patrons of the business to have a path from the parking area in the rear of the building to the main entrance at the front of the building. The sidewalk would also provide a safe path for residents that live on Kenneson Road to access Broadway.

Kenneson Road is a 30 foot wide private way that does not have clearly demarcated parking areas. As the Applicants worked at the site they came to find out that patrons of the business across Kenneson Road and residents parked in the private way on both sides of the street. The installation of a sidewalk would leave 24 feet of clearance, which would not accommodate one drive lane that is typically 9-14 feet and

two parking lanes that are typically 8 feet. The result is that one parking lane would no longer be available for use. The Applicants worked with Staff to find a solution to keep both parking lanes and meet the intent of the originally permitted sidewalk.

The proposed solution to meet both goals is a change the site plan to not construct the sidewalk as approved. Instead the Applicants will provide a walkway on their property, install a 5 inch granite curb along the subject property line, keeping the same curb cut that was approved. The 3.5 feet between the walkway and the building will remain as landscaping. The walkway will be 3 feet wide and made of brick pavers. It will be located next to the granite curb and run from the concrete sidewalk in the public right of way to the curb cut. The Applicants will continue the concrete sidewalk from Broadway in the public right of way to just past a telephone pole on Kenneson Rd so that the telephone pole is no longer in the middle of a parking lane.

3. Nature of Application: The application is to revise a site plan that was approved as part of Variance approval ZBA 2010-29. The proposed revision is not deemed de minimis because the requested change would be noticeable to persons generally familiar with the plans. The revision application is subject to the full notice and hearing provisions of the SZO.

The approved plan included a landscaped area that comprised 30% of the site. The walkway made of pavers can be included in the landscaped area calculation. Section 2.2.81 states that “[l]andscaping may also include other non-living material used as components of a plan for improving outdoor space, such as rocks, pebbles, sand, bark mulch, landscape pavers, earthen mounds and the like, but excluding curbing and pavement for vehicular use”. Therefore the percentage of landscaping will not decrease as a result of proposed revision.

4. Surrounding Neighborhood: The surrounding neighborhood is comprised of small-scale retail, commercial and offices along Broadway and residential uses south of the lot. A fire house is located next to the site.

5. Impacts of Proposal: The elimination of the sidewalk in the public right of way will allow for parking on both sides of Kenneson Road to remain. The intent of the sidewalk to provide safe access from the parking area at the subject site to the front door and from the residences behind the site to Broadway will continue to be met with the proposed walkway as long as the public is not prohibited from using the walkway.

6. Green Building Practices: The building will have energy efficient windows, an energy efficient HVAC system and quality insulation.

7. Comments:

Ward Alderman: Alderman Pero informed staff that the proposal looks like a good solution and he is in support of it.

Engineering: The Engineering Department is supportive of placing the sidewalk onto private property. In an effort to minimize any increases in impervious coverage on the parcel, permeable pavers should be considered for the sidewalk. The pavers would provide for a reduction in site runoff. Any sidewalk work being proposed within the public right of way on Broadway should remain concrete because DPW does not have the capacity to maintain pavers.

II. FINDINGS FOR REVISION:

The following findings are relevant to the proposed site plan renovations.

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.

The site will continue to meet the landscape requirement with the addition of a pervious paver walkway.

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 and preserving and increasing the amenities of the municipality. The walkway will provide a safe path from the parking area at the subject site to the front door and from the residences behind the site to Broadway. The revision will also allow for space for people to continue to park on both sides of the private way. The addition of a walkway will be consistent with the purpose of the Residence C district in providing an amenity for the neighborhood and the patrons of the business.

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 intent of the sidewalk to provide safe access will continue to be met with the proposed walkway as long as the public is not prohibited from using the walkway.

III. RECOMMENDATION

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 **REVISION**.

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.

(Deletions ~~struck~~, additions underlined)

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
Application and Plans												
1	Approval is for an approximately 1923 sf office on the 4779 sf lot. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.									
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 27, 2010 Oct 28, 2010 completed</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Aug 18, 2010 (10/28/10)</td> <td>Plans submitted to OSPCD (A-1.0 site plan, A-1.1 floor plan, A-1.2 roof plan, A-2.1 elevations)</td> </tr> <tr> <td>Sept 9, 2010 <u>as amended by site plan stamped (Dec 1, 2011)</u></td> <td>Plans submitted to OSPCD (Site Plan)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 27, 2010 Oct 28, 2010 completed	Initial application submitted to the City Clerk's Office	Aug 18, 2010 (10/28/10)	Plans submitted to OSPCD (A-1.0 site plan, A-1.1 floor plan, A-1.2 roof plan, A-2.1 elevations)	Sept 9, 2010 <u>as amended by site plan stamped (Dec 1, 2011)</u>	Plans submitted to OSPCD (Site Plan)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
Impacts of Completed Project												
2	The landscaping in the front yard shall be no higher than 4 feet to not block views for fire trucks leaving the station.	Perpetual	Fire Prev									
3	The applicant shall install a sprinkler system to the interior of the building and dry head exterior sprinklers to suppress the southeast elevation.	CO	Fire Prev									
4	The applicants shall provide the City with an easement on the property to enter the premises for maintenance and repair of the adjacent Fire House, access and egress to the exit from the adjacent Fire House, and use, access and repair of equipment on the property line.	BP	FP / Plng.									
5	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD									
6	Applicant will screen the dumpster with fencing that blocks any view of the dumpster itself.	CO	Plng.									

7	Any transformers that are required should be fully screened.	Electrical permits & CO	Plng.	
8	Applicant will supply 1 bicycle parking space, which can be satisfied with a "U" type bicycle rack.	CO	Plng.	
9	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	
<u>10</u>	<u>The owner shall not prohibit the public from using the walkway.</u>	<u>Continual</u>	<u>ISD</u>	
Construction Impacts				
10 <u>11</u>	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	
11 <u>12</u>	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	
Final Review				
12 <u>13</u>	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.	

