



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-01

Date: January 26, 2012

Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 99 Dover Street

Applicant Name: Bright Horizons Family Solutions

Applicant Address: 200 Talcott Ave, South Watertown MA 02472

Property Owner Name: 99 Dover St, LLC

Property Owner Address: 1018 Beacon St, 4th fl, Brookline MA 02446

Agent Name: Richard Di Girolamo, Esq.

Agent Address: 424 Broadway, Somerville MA 02145

Alderman: Rebekah Gewirtz

Legal Notice: Applicant, Bright Horizons Family Solutions, and Owner, 99 Dover St, LLC, seek a Special Permit under SZO §9.13.b to modify loading design standards in order to establish a by-right child care facility.

Zoning District/Ward: CBD / 6

Zoning Approval Sought: Special Permit SZO §9.13.b

Date of Application: Jan 3, 2012

Dates of Public Hearing: Zoning Board of Appeals Feb 1, 2012

I. PROJECT DESCRIPTION

1. Subject Property: The subject property, Dover Plaza, consists of a 36,055 square foot lot with no existing space for landscape due to the masonry building that composes 35, 859 square feet. The lot abuts surrounding residences as well as commercial properties. The most recent use of the building was as a church and office space. The site, adjacent to Davis Square and the Campbell Park/Meacham Road Historic District, is located behind the Somerville Theatre. Presently, the main entrance into the building is at 99 Dover Street. Two secondary entrances, one located near the western end of the building on



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Dover Street and the other on Meacham Road, also exist. There are two loading docks on Meacham Road; both are located at the northwestern corner of the building.

The Applicant, a child care business named Bright Horizons Family Solutions, would like to relocate to 99 Dover Street in the portion of the building previously occupied by a church. Upon establishment of a child care facility at 99 Dover Street, the Applicant anticipates 24 children and 7 employees. The Applicant anticipates a growth in business every six months of approximately 8 children and 2 employees. At three years, the Applicant presumes a total of 69 children and 19 employees.

Prior relief was given to this building in 1992 when the Dover Plaza Trust sought to renovate and convert the use of the building to retail and fast food. However, the building was never fully utilized and few commercial spaces were actually occupied. In 1996, EJE Limited Partners sought a special permit to convert the Dover Plaza back to office space, alter the existing exit way facilities, and extend the hours of operation.

2. Proposal: The Applicant, Bright Horizons Family Solutions, seeks a Special Permit to remove a conforming loading dock located on Meacham Road in order to create more usable space that will be 1075 sf for their operations behind the loading dock door. The total area of the daycare would be 7025 sf. The office space will go from functioning with one conforming and one nonconforming loading dock to having access to only one nonconforming loading dock.

No exterior alterations are proposed. The loading dock door will remain visible on the exterior and the nonconforming loading dock is not proposed to change. This dock is used for trash pick-up 2-3 times per week, typically between 7-8 a.m., and this schedule is not proposed to change with an alteration in use from church to daycare facility.

3. Nature of Application: The Applicant seeks a Special Permit under SZO §9.13.b to modify loading design standards provided that plans are prepared by a professional engineer or architect and provided that the design is approved by the Traffic and Parking Director. Conforming loading dock dimensions are 30 feet in length by 12 feet in width by 14 feet in height. The nonconforming loading dock that will remain as the one functional loading dock for the building is 24.5 feet by 12 feet by 14 feet.

The office space within Dover Plaza is between 10,000 – 100,000 square feet, therefore only one loading dock is required.

The use of the building as a child care facility (SZO §7.11.5.A.3) is a by-right use in every district. The church and the daycare facility require the same number of parking spaces so no additional parking is required for the change in use. The church parking is based on the largest assembly area which was 1720 sf and the daycare parking is based on number of employees, which will a maximum of 19.

4. Surrounding Neighborhood: The subject property is located in the Central Business District of Davis Square and is directly west of the building that houses the Somerville Theatre. While the Square has a mix of commercial and residential use, Dover Plaza serves as a transition between the Square and the surrounding residential neighborhood. Most of the lots in Davis Square do not have parking onsite. Patrons utilize on-street parking, one of the five municipal parking lots in the Square, public transit, or walk from a nearby residence. This site has easy access to Davis Square attractions and public transit.

5. Impacts of Proposal: The proposal does not anticipate negative effects to Davis Square or the residential neighborhood that surrounds the Square. The removal of the conforming loading dock will not change the frequency that the nonconforming loading dock is used or the street interruption when trucks

access the loading dock. The exterior of the structure will not change and the existing metal door that covers the conforming loading dock will remain. This door does not detract from the appearance of this façade of the building and keeping the door intact would allow for a future user of this space to restore the loading dock if necessary.

The proposal will also allow the daycare facility to utilize all possible interior space.

Access to child care facilities is a critical component of smart growth and in creating livable communities. Additionally, a child care facility at this location will help ease the transition between Davis Square and the Dover Street residential community.

6. Green Building Practices: None were listed on the application.



Left: 99 Dover Street, primary façade looking east toward Davis Square.

Below: 99 Dover Street, rear façade looking east toward Davis Square. Conforming loading dock is on corner; nonconforming loading dock is inset and next to the conforming loading dock.



7. Comments:

Fire Prevention: Has been contacted but has not yet provided comments.

Ward Alderman: Alderman Gewirtz did not object to this application.

Traffic & Parking: Traffic and Parking has verbally given approval of this proposal to Planning Staff. Written comments will be submitted before the Zoning Board hearing.

II. FINDINGS FOR SPECIAL PERMIT (SZO §9.13.b):

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 §9.13.b of the SZO staff find that the removal of the conforming loading dock would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

The removal of the conforming loading dock will not change the frequency that the nonconforming loading dock is used or the street interruption when trucks access the loading dock. This dock is used for trash pick-up 2-3 times per week, typically between 7-8 a.m., and this schedule is not proposed to change with an alteration in use from church to daycare facility. The exterior of the structure will not change so that the loading dock could be restored if another user of the building required more loading capacity.

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 providing for and maintaining the uniquely integrated structure of uses in the City and preserving and increasing the amenities of the municipality.

The proposal is consistent with the purpose of the district, which is 6.1.5. CBD - Central Business Districts, "To preserve and enhance central business areas for retail, business services, housing, and office uses and to promote a strong pedestrian character and scale in those areas. A primary goal for the districts is to provide environments that are safe for and conducive to a high volume of pedestrian traffic, with a strong connection to retail and pedestrian accessible street level uses."

In considering a special permit under §9.13 of the SZO the Staff find that the special permit would be consistent with the purposes set forth in Section 9.1. Closing up a loading dock that is not required will reduce hazards to pedestrians and will not negatively impact the utilization of the street.

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 proposed alteration to the conforming loading dock will not create any visible changes to the exterior of the building as the Applicant proposes to leave the door intact. While the door to the loading dock may not be the most appealing element of the facade, the door is located at the rear of the building along Meacham Road and

appears to be original. Leaving the door intact will not adversely affect the neighborhood and, at some future point, could allow for the load dock to be put back into use.

III. RECOMMENDATION

Special Permit under §9.13.b

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 modify loading design standards (SZO §9.13.b) by removing a conforming loading dock and retaining a nonconforming loading dock in order to establish a by-right child care facility (SZO §7.11.5.A.3). This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.																	
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Any changes to the approved site plan that are not <i>de minimis</i> must receive SPGA approval.																				

2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
3	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.	

