



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: PB 2013-18
Date: October 18, 2013
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 779 McGrath Highway

Applicant Name: Keith Mozer
Applicant Address: PO Box 457, Medfield, MA 02052
Property Owner Name: The Stop & Shop Supermarket Company, LLC
Property Owner Address: 1385 Hancock Street, Quincy MA 02169
Alderman: Maureen Bastardi

Legal Notice: Applicant, Keith Mozer, and Owner, The Stop & Shop Supermarket Company, LLC, seek a Special Permit with Site Plan Review (SPSR) to revise (SZO §5.3.8) a site plan that the Planning Board approved in Nov 2001 in order to add storage lockers for pick-up service offered by Stop & Shop. This site is part of a Planned Unit Development that was approved by the Board in Sept 2001.

Zoning District/Ward: Zone BA / PUD-B. Ward 1.

Zoning Approval Sought: SZO § 5.3.8

Date of Application: October 8, 2013

Dates of Public Hearing: Planning Board November 7, 2013

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is the Stop & Shop site at McGrath Highway and Mystic Avenue. The property is in a Planned Unit Development-B overlay. The Planning Board approved a preliminary master plan for the site in September of 2001 and a Special Permit with Site Plan Review (SPSR), the second phase of required approval in a PUD in November of 2001 (case #2001.58 and #2001.67).



2. Proposal: The proposal is to alter the site plan to allow for storage lockers to be located outside for Stop & Shop's new pick up service. The service allows customers to order their groceries online and pick them up at a nearby store. The existing Peapod service is used - orders are placed on the Peapod website, selected at an existing fulfillment center near the store, and delivered to the store inside a conditioned tote, on a truck twice daily. The food is stored using chill packs or dry ice inside storage lockers that have a fan to circulate air. Four storage lockers are proposed to be located on the right side of the building near the nonfunctioning greenhouse. The storage lockers are 7.5 feet long by 5 feet deep by 7 feet tall. The customer will choose a one hour window to pick up the groceries. There will be designated, signed parking spaces for customers picking up the food from the lockers. The parking spaces are proposed to be the four spaces closest to the storage lockers on the northwest side of the large parking lot. A Stop & Shop clerk retrieves the totes from the storage lockers and brings them to the parked cars. In Massachusetts the service is now offered in Quincy, East Weymouth, Braintree, Cohasset, and Bedford.

3. Nature of Application: Section 16.11.1 of the Somerville Zoning Ordinance defines a Planned Unit Development (PUD) minor amendment as one that does "not propose any new general type of use beyond those approved initially" nor substantially change circulation and infrastructure on the site. The proposal is an accessory use to the supermarket use that was approved, which is a minor change; however, it does impact the circulation pattern making it a major change. Major changes require a public hearing before the Planning Board.

Condition 13 of the Planned Unit Development limited the use of the supermarket to goods that can be carried and typical supermarket services. Warehouse operations for Peapod.com were explicitly listed as not allowed. Since the Peapod activity is limited to an accessory use and not the primary use of the facility, the proposal is not in violation of the condition.

Additionally, the storage containers change the site plan that was approved in the Special Permit with Site Plan Review (SPSR). Under SZO §5.3.8, revisions to SPSR are not allowed to be granted after a certificate of occupancy is issued for project. Since the final certificate of occupancy has been issued, a new Special Permit with Site Plan Review is required.

4. Surrounding Neighborhood: The surrounding area includes Interstate-93 to the north, Foss Park to the west, commercial uses to the south and a residential neighborhood to the east.

5. Impacts of Proposal: The storage bins will be least visible and impactful in the proposed location at the far right side of the building. Designating four parking spaces that will only be used for customers using this new service will not have a negative impact on the ability to find parking in the lot that has a large number of spaces.

6. Green Building Practices: None listed on the application form. The temperature control of the food and operations of this accessory use is not an issue for zoning review, however, after the initial review it does not appear to be environmentally friendly. The waste associated with ice packs and dry ice seems excessive. Extra food deliveries twice daily to bring specific orders to a store that is full of food provides more vehicular trips to the area. Also, idling cars waiting for the store clerk to get the packages will likely increase gasoline usage and emissions associated with grocery shopping.

7. Comments:

Fire Prevention: Fire Prevention has reviewed the plans and does not have any objections.

Wiring Inspection: Has reviewed the proposal and does not have any objections.

Ward Alderman: Has been contacted but has not yet provided comments.

II. FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW

The following findings are applicable to the proposal to issue a new Special Permit with Site Plan Review (§5.2.5) and major amendment to the PUD.

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.”

Condition 13 of the Planned Unit Development limited the use of the supermarket to goods that can be carried and typical supermarket services. Warehouse operations for Peapod.com were explicitly listed as not allowed. Since the Peapod activity is limited to an accessory use and not the primary use of the facility, the proposal is not in violation of the condition.

Section 7.11 of the SZO only allows for outdoor storage of equipment if it is screened. The storage lockers screen the food will be located in the least visible portion of the front side of the building.

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

The storage bins will be least visible and impactful in the proposed location at the far right side of the building. The storage containers will be blocking doors to the greenhouse; however, the greenhouse is not functional due to a structural deficiency that has not been fixed. Other means of egress in the building excluding these doors are sufficient and therefore the Fire Prevention does not have an objection to the proposal.

Designating four parking spaces that will only be used for customers using this new service will not have a negative impact on the ability to find parking in the lot that has a large number of spaces.

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.”

It is not known if the majority of the users of the service would have otherwise used the Peapod service with home delivery or would have driven to the store to shop. The number of vehicular trips from customers will likely not change significantly. There will be an increase in truck traffic as two extra deliveries by truck are anticipated.

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 signage for the designated peapod parking spaces is an appropriate size and location. The signage for the storage lockers will be painted on their exterior and not add greatly to the visual clutter of signage on the building.

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 **SPECIAL PERMIT WITH SITE PLAN REVIEW** and **MAJOR AMENDMENT TO THE PUD**.

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 the alteration of the approved site plan to provide storage bins and parking spaces for an online order/at store pickup service. 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>Oct 8, 2013</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>July 10, 2013 (October 30, 2013)</td> <td>Modified plans submitted to OSPCD (Plan View, Birds Eye View, Parking Layout, Directional Parking Sign)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Oct 8, 2013	Initial application submitted to the City Clerk’s Office	July 10, 2013 (October 30, 2013)	Modified plans submitted to OSPCD (Plan View, Birds Eye View, Parking Layout, Directional Parking Sign)
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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 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.							

