



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MAYOR

PLANNING DIVISION

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Case #: ZBA # 2010-68-R1-3/2011
Site: 100 Dover Street
Date of Decision: April 20, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: April 29, 2011

ZBA DECISION

Applicant Name:	Ideal Engine Rebuilders, Inc.
Applicant Address:	49 Day Street, Somerville, MA 02144
Property Owner Name:	Ideal Engine Rebuilders, Inc.
Property Owner Address:	49 Day Street, Somerville, MA 02144
Agent Name:	Dennis Serrano
Agent Address:	49 Day Street, Somerville, MA 02144

<u>Legal Notice:</u>	Applicant & Owner Ideal Engine Rebuilders Inc. seek a revision to Special Permit ZBA 2010-68 under SZO §5.3.8. The revision is to alter the orientation of the two story addition to a ninety degree angle with the garage, omit the proposed gate adjacent to the entry drive, and alter the location and size of windows on the addition. Applicant and owner are also seeking to alter the location and size of windows on the garage, enlarge the garage doors, and make façade alterations to the garage under SZO §4.4.1.
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<u>Zoning District/Ward:</u>	CBD zone/Ward 6
<u>Zoning Approval Sought:</u>	§5.3.8 & §4.4.1
<u>Date of Application:</u>	March 14, 2011
<u>Date(s) of Public Hearing:</u>	April 20, 2011
<u>Date of Decision:</u>	April 20, 2011
<u>Vote:</u>	5-0

Appeal #ZBA 2010-68-R1-3/2011 was opened before the Zoning Board of Appeals at Somerville City Hall on April 20, 2011. Notice of the Public Hearing was given to persons affected and was published and posted,



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all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

Applicant and owner, Ideal Engine Rebuilders Inc., is adding an addition to the newly renovated auto repair facility which they received a special permit for in December of 2010. The Applicant would now like to make revisions to the special permit approval they received that include alterations to both the newly approved addition and the existing garage.

FINDINGS FOR SPECIAL PERMIT (SZO §5.1):

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 of the SZO, Staff finds that the proposed revisions to special permit ZBA 2010-68 and the proposed alterations to the existing garage would not be substantially more detrimental to the neighborhood than the existing structure.

All developments within the CBD district that require a special permit with design review or special permit with site plan review should comply with the following guidelines to the highest degree practicable.

1. Across the primary street edge, the building should complete the streetwall.
2. At the street level, provide continuous storefronts or pedestrian arcade which shall house either retail occupancies, or service occupancies suitably designed for present or future retail use.
3. Massing of the building should include articulation, which will blend the building in with the surrounding district. At the fourth floor, a minimum five-foot deep setback is recommended.
4. Locate on-site, off-street parking either at the rear of the lot behind the building or below street level; parking should not abut the street edge of the parcel.
5. Provide access to on-site, off-street parking from either a side street or alley. Where this is not possible, provide vehicular access through an opening in the street level facade of the building of a maximum twenty-five (25) feet in width.

While this particular request for approval does not require compliance with these items, they should be considered for any project within the CBD district. The project will complete a greater portion of the street wall along Dover Street, further limiting the expanse of open parking area that is visible along the street. While the façade has garage entrances along the street, the addition and the proposed changes to the street front façade of the garage will provide a more pedestrian-friendly feel to that portion of the building. The proposed upgrades to the garage doors (the addition of transparent material) will also create a more cohesive and open look for the building. The building's massing is shorter than many other structures on the street, and while this does not contribute to a strong street presence for the existing building, the addition provides a more significant anchor to the structure. The structure has been a part of the neighborhood for many years, and the limited architectural detailing that is on the existing building will be preserved and enhanced.



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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 Staff finds that the proposal, as conditioned, **is consistent** with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promoting "to provide for and maintain the uniquely integrated structure of uses in the City; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality."

Staff also finds that the proposal, as conditioned, **is consistent** with the purposes established for the Central Business District, which are "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."

While new automobile-oriented uses are not encouraged in the walkable center of the Davis Square business district, this existing business has provided a benefit to the community for many years and meets a need for local residents, while also offering automobile repair services in a location with access to alternative forms of transportation. The existing structure is also more oriented to pedestrian activity and, while a multi-story mixed-use building would provide more street life, the existing building respects the pedestrian-oriented nature of the neighborhood, and the revisions and alterations to the special permit will improve upon this condition. Finally, with regard to the interior of the addition, Staff is seeking to understand how the proposed second floor meets accessibility requirements. Staff recommends that the applicant address how the structure meets ADA and MAAB requirements for accessibility without the requirement for further modifications to the exterior of the structure to meet interior accessibility requirements.

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 window and building orientation revisions to the addition and the modifications to the garage doors and windows provide an improvement to the built environment, further the street wall along the sidewalk edge, and provide an interesting design element to the existing building. However, Staff would like to see a defined design separation between the new addition and the existing garage. It would be preferable to have a different type of façade material or different coloring of the façade that would distinguish the new addition from the existing garage.

5. Adverse 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 proposed automotive use can have existing impacts from noise and emissions. All of these impacts will not become more significant with the proposed façade, window, and orientation revisions to the addition nor the modifications to the garage doors, windows, or façade. However, Staff is not supportive of the proposal to install crushed stone or mulch in the area where the parallel parking space is proposed. This area was proposed to consist of pervious pavers and landscaping in the original special permit to handle a large amount of the drainage at this property. Staff has included a condition to retain these elements of the site plan.

6. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.



Staff is concerned that the existing condition requires vehicles to cross the pedestrian way for access to the garage and that the site has multiple curb openings for access to the site. Nonetheless, the curb openings are pre-existing and are clearly marked. There is one curbcut that intersects exactly where the proposed addition is slated for construction, and this curbcut will be unnecessary with the completion of the addition and should be removed.

Additionally, Staff finds that in order to ensure maximum landscaping, Staff recommends that the proposed parallel parking space marked on the plan should **not** be paved over but should be reinforced with grass pavers in order to allow for additional landscaping onsite. Staff understands that this parking space will only be used when all other parking on the site has been used. Grass pavers are a cost effective solution as opposed to hardtop paving, crushed stone, or mulch and allow for vegetative growth and additional pervious surface.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and Elaine Severino. Upon making the above findings, Richard Rossetti made a motion to approve the request for a special permit. Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
Approved Plans												
1	<p>Approval is for the expansion to the existing automotive garage on the site and for revisions to Special Permit ZBA 2010-68 under SZO §5.3.8 to alter the orientation of the two story addition to a ninety degree angle with the garage, omit the proposed gate adjacent to the entry drive, and alter the location and size of windows on the addition. Approval is also to alter the location and size of windows on the garage, enlarge the garage doors, and make façade alterations to the garage under SZO §4.4.1. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(March 14, 2011)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>November 3, 2010 (March 31, 2011)</td><td>SPA REV-1</td></tr><tr><td>April 10, 2011 (April 13, 2011)</td><td>Site plans and elevations submitted to OSPCD (Sheet L-1 and A-0 – A-6)</td></tr></table> <p>Any changes to the approved site plan and elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	(March 14, 2011)	Initial application submitted to the City Clerk’s Office	November 3, 2010 (March 31, 2011)	SPA REV-1	April 10, 2011 (April 13, 2011)	Site plans and elevations submitted to OSPCD (Sheet L-1 and A-0 – A-6)	BP/CO	Plng.	
Date (Stamp Date)	Submission											
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Impact of Approved Project												



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2	The Applicant shall work with the Planning Staff on the design of the landscaping and provide a revised landscaping plan to the Planning Staff for review and approval.	BP/CO	Plng.	
3	The applicant shall ensure that the interior layout meets ADA and MAAB requirements.	BP	Plng.	
4	The Applicant shall provide material and color samples for the exterior elements of the new addition and the new Dover Street façade on the garage for Planning Staff review and approval.	BP	Plng.	
5	The Applicant shall provide a signage plan to Planning Staff for review and approval. Signage shall meet all zoning regulations.	BP	Plng.	
6	The Applicant shall close any portion of curb not being used for vehicle access on Dover Street, and shall provide curb and sidewalk repairs that meet the requirements of DPW/City Engineer.	CO	Eng./DPW	
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	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.	Perpetual	ISD	
9	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
10	Applicant shall provide a pedestrian sidewalk or path from the sidewalk on Dover Street to the front door of the business and provide updated plans showing this change to Planning Staff.	<u>BP</u>	<u>Plng.</u>	
11	The color or texture of the façade on the new addition shall be different from the color or texture of the façade on the existing garage to visually separate the two elements.	<u>BP</u>	<u>Plng.</u>	
12	Applicant shall not paint the new C.M.U. that is being installed on the addition or the garage. The Applicant shall acquire C.M.U. in the color that they desire for the façade.	<u>CO</u>	<u>Plng.</u>	
Construction Impacts				
13	The Applicant shall develop a demolition plan in consultation with the City of Somerville Inspectional Services Division. Full compliance with proper demolition procedures shall be required, including timely advance notification to abutters of demolition date and timing, good rodent control measures (i.e. rodent baiting), minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Demolition Permitting	ISD	



14	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	
Public Safety				
15	Applicant shall comply with Fire Prevention Bureau's requirements.	CO	FP	
Final Sign-off				
16	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.	



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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
T.F. Scott Darling, III, Esq.
Danielle Evans
Elaine Severino (Alt.)

Attest, by the Administrative Assistant:

Dawn M. Pereira

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____



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