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November 22, 2002

Philip Ercolini, Chairman
Zoning Board of Appeals
City Hall, 93 Highland Avenue
Somerville, MA 02143

Re: 520-534 Medford Street

The Owners; Broadway Investments Inc., Konstantinos Kombouras and the City of Somerville along with the Applicant, SF Properties, and their Agent, Adam Dash, Esq. are seeking to construct a 13,667 square foot building for use as a drug store with associated automatic teller machine. The Applicant seeks a special permit with site plan review for the use of a drug store (§7.11.9.5.c), a special permit for an automatic teller machine (§7.11.8.5.a), a special permit with site plan review for a 30,000 square foot municipal parking lot (§7.11.5.7.b), a variance for failure to meet parking requirements (§9.5) and a special permit for shared parking (§9.13.e). Neighborhood Business (NB) and Residence B (RB) zoning district.

Dear Mr. Ercolini:

At its regular meeting on November 21, 2002, the Planning Board heard the above-referenced case. Based on materials submitted by the Applicant and the Staff findings and recommendations, the Board voted (5-0) to recommend **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMITS WITH SITE PLAN REVIEW, APPROVAL OF THE SPECIAL PERMITS, AND APPROVAL OF THE VARIANCE.**

In conducting its analysis, the Planning Board found:

- 1) The Subject Property: Located at the corner of Medford Street and Broadway the subject property contains approximately 40,215 square feet of land and is currently under



the ownership of three separate entities. The Applicant SF Properties has the permission of these three entities to make this application on their behalf. Once the project is completed, the City of Somerville would be the sole landowner of the 40,215 square foot parcel. At present a municipal parking lot and five retail storefronts, which front on to Medford Street, occupy the site. With fifty-five (55) spaces currently located in the municipal parking lot, it has been determined by the City that the lot is under utilized. Reflecting this under-utilization, the Magoun Square Revitalization Plan (submitted to the State in September of 2002) proposed reducing the number of spaces within the lot to thirty-seven (37), allowing for increased plaza space and landscaping within a redesigned lot. As well as being under utilized the parking lot is also in a very unkempt condition, the result of years of neglect and inadequate maintenance. Around the perimeter of the parking lot is a four to six foot (4'-6') high chain link fence, the lot is presently void of any landscaping. The rear of the lot, which slopes towards Fisk Avenue, experiences a significant change in grade, with a retaining wall of four to six feet (4'-6') in height separating the parking lot and the neighboring properties on Fisk Avenue.

The masonry/brick, single story building housing the five retail storefronts (White Sport Pizza, K-2 Convenience, Nick & Mike Painting, Satellite Service and the former Kathies Corner) is also showing signs of neglect, while the area to the rear of this building is in particularly poor condition. This area to the rear of the building is enclosed by a four-foot (4') high chain link fence and is accessed via a curb cut on Fisk Avenue. Although neither landscaped nor paved this area is used as defacto parking for area residents and as a service entrance to the rear of the building. Access from this area can also be gained to the abutting commercial premises, which is presently occupied by Canty's Café. There is approximately a four foot (4') sideyard setback between Canty's Café and the commercial structure housing the five retail storefronts.

2) Proposal: The Applicant is proposing to remove the existing municipal parking lot and to demolish the existing building housing the five retail stores. In their place, the Applicant is proposing to construct a CVS pharmacy with 9,750 square feet of retail space and 3,755 square feet of second floor storage space, as well as 162 square feet of space for an Automatic Teller Machine (ATM). The existing municipal parking lot, once removed, would be reconstructed and increased to 30,216 square feet, with a small public plaza also provided. Once complete, the City of Somerville would own the entire 40,215 square foot combined lots, with the Applicant leasing back from the City the building footprint of the CVS and the ATM.

3) Nature of the Application: The proposed uses for the site; a CVS drug store, an Automatic Teller Machine (ATM) and a municipal parking lot require different types of review and relief under the Somerville Zoning Ordinance (SZO). Under §7.11.9.5.c. of the SZO the Applicant requires a special permit with site plan review for the proposed CVS drug store. A second special permit with site plan review is required under §7.11.5.7.b. of the SZO for the proposed municipal parking lot, which is greater than 10,000 s.f. Under §7.11.8.5.a. of the SZO the Applicant also requires a special permit for the proposed ATM. In addition, the Applicant requires a special permit under §9.13.e. of the SZO, since they intend to have a shared parking/loading bay for the project. Finally,

under §9.5. of the SZO, the Applicant requires a variance for failure to meet the minimum parking requirements of the Ordinance. The proposed CVS drug store and the ATM require twenty two (22) parking spaces. The Applicant is failing to provide any parking spaces that are exclusively accessory to these uses.

4) Design of Building: The Applicant is proposing a building of approximately 13,667 square feet. The building would be two-stories in height (approximate overall height of thirty-seven feet) with the upper floor being used exclusively for storage associated with the proposed tenant, CVS. A small (162 square feet) ATM facility would be located on the north side of the building, and although attached to the building, a local bank would independently manage it. The building has been located so as to continue the Medford Street street edge, with the reconstructed municipal parking lot surrounding the building to the north, to the west (rear of building) and to the south, where a driveway would provide an exit on to Medford Street. The predominant material used on the exterior of the building would be brick, although the final brick color has yet to be determined by neighbors. Also prominent in the design is the use of an Exterior Insulation Finish System (EIFS) above the main entrance door, which is primarily being used as a backdrop and for marketing purposes for the main CVS signage, which would be located on the north and east elevations. At the suggestion of the Planning Staff and neighbors the Applicant is considering redesigning this area. In addition, the Applicant has also committed to various design changes suggested by neighborhood residents, which will be discussed in more detail in the "Recommendation" section of this report. These design changes include, but are not limited to, alterations to the parapet, windows, window colors, headers and sills, the canopy over the entrance, signage and materials.

5) Employment Creation: Once constructed, the proposed CVS store would have approximately four to six employees at any given time.

6) Business Operation: The proposed CVS store would be open seven days a week from 9:00 a.m. to 9:00 p.m. The proposed ATM would be open 24 hours, seven days a week.

7) SZO Dimensional Requirements: The Inspectional Services Department has determined that the project is in compliance with the SZO with respect to Ground Coverage, Setbacks, Floor Area Ratio and Frontage.

8) Parking: As existing, and as described in Sections 1) and 2) of this report, there is currently a fifty-five (55) space municipal parking lot located on the subject property. None of the five existing retail stores within the commercial building have off-street parking. As part of the Magoun Square Revitalization Plan it was the City's intention to have this parking lot reduced to thirty-seven (37) spaces, this reduction in spaces being more reflective of the usage of the lot. The Applicant is proposing as part of this project to reconfigure and reconstruct the existing municipal parking lot to provide fifty-three (53) standard parking spaces and three (3) handicapped accessible spaces, while for purposes of ingress and egress to the property, three (3) of the eight (8) parking spaces on Medford Street would be lost. Although the parking provided would be a municipal

parking facility when complete, it is the Applicants belief, as well as the belief of the Director of Traffic and Parking, that this new lot would be adequate to accommodate the parking requirements of existing businesses in Magoun Square as well as the parking requirements of the proposed CVS store and ATM (See Section 14 of this report). It is also worth noting that in a revised site plan submitted by the Applicant, as a result of recommendations made by the Traffic and Parking Department, the Applicant was able to provide one (1) additional standard parking space in the municipal lot (54 standard spaces and 3 handicapped accessible) and one (1) additional on-street parking space on Medford Street (replacing six (6) of eight (8) existing spaces). In addition, to the parking available in the municipal lot, two hour parking is also allowed along both sides of Medford Street.

9) Landscaping and Boundary Treatments: As existing, neither the municipal parking lot nor the land to the rear of the existing commercial building have any formal landscaping. Under §8.5.D of the SZO, a minimum of 10% of the site is required to be landscaped. The proposed landscaping plan has an area of approximately 4,402 s.f. set aside for landscaping (just over 10%), bringing the existing nonconforming conditions into conformity with the requirements of the SZO. The landscaping proposed is primarily around the perimeter of the lot, and in a plaza area in front of the entrance to the store and ATM. Much of the landscaping proposed is in the form of low shrubs and bushes to help with perimeter screening, while areas that would have high levels of pedestrian traffic, such as the plaza space and the boundary between Dunkin Donuts, would for practical reasons and maintenance purposes have brick pavers. To the rear of the site the Applicant is also proposing to reconstruct the existing retaining wall and provide a new fence, as agreed with the abutting neighbors. Exact details of this fence type and design have not been included in the application.

10) Deliveries: The Applicant has designed the project to take advantage of the additional storage space allowed in a NB zoning district. The 3,755 square feet of second floor storage space proposed above the CVS store means deliveries would be less frequent, with only one large delivery per week. Smaller deliveries, such as for newspapers and soda would occur more frequently, as would deliveries associated with the ATM. The Applicant, in an effort to provide as much parking as possible has also applied for a special permit for a shared parking and delivery/loading zone, with two of the parking spaces located on the southern side of the building being also set aside as a delivery/loading zone.

11) Signage: The Applicant is proposing signs of varying dimensions along the north elevation (parking lot entrance/exit) and east elevation (Medford Street) affixed parallel to the building and advertising the various services the store would offer. All of the signs proposed would be wooden and illuminated with gooseneck lamps. In addition, the Applicant is proposing small freestanding directional signage to help orient customers entering and exiting the parking lot.

12) Trash Storage: Trash would be stored in two dumpsters located at the rear of the proposed building, with trash pick-up occurring as needed by a private haulier. Exact details of the screening for the dumpsters have not been included with the application.

13) Existing Easements: There are currently easements to access from Fisk Avenue for several of the buildings being demolished, the demolition of these buildings would render these easements unnecessary. An easement for delivery access also exists for the adjacent commercial property on Medford Street, currently occupied by Canty's Café. While this easement can be relocated per the language in said easement, the Applicant is working with the owner of Canty's Café to relocate his easement for delivery access. As the new parking lot would be public, there would be easements for the public to access said lot, as well as easements for the customers and delivery vehicles associated with the CVS and ATM.

14) Comments from Traffic and Parking: Preliminary comments from Todd Blake of the Traffic and Parking Department (dated 10-22-02), surrounding the geometry of the entrance and exit to the parking lot from Broadway, were addressed by the Applicant in a revised site plan submitted to the Planning Staff and the Traffic and Parking Department on 11-14-02 with the plans dated November 7, 2002. Bill Lyons, Director of the Traffic and Parking Department also submitted extensive comments to the Planning Staff on November 20, 2002. Because of the length of the comments, they have been attached in their entirety to the end of this report.

15) Comments from Fire Prevention: Deputy Chief Hodnett of the Fire Prevention Bureau reviewed the site plan for the project and found the access to be acceptable. Deputy Chief Hodnett also stated that a hydrant would have to be located on the site at a location to be determined by the Bureau.

16) Comments from Engineering: Charles O'Brien from the City's Engineering Department reviewed the submitted plans and found them to be generally acceptable. Mr. O'Brien did however request that "the proponent's engineer investigate the feasibility of discharging the roof drainage into underground infiltrators to mitigate flooding in the area." Mr. O'Brien also commented that an existing 12" drain connects to an existing 8" combined sewer on Fisk Avenue. As such, Mr. O'Brien suggested that "the proponent's engineer study the capacity and adequacy of the City's drainage system to handle the proposed flows from the site." The Applicant has been copied on all of Mr. O'Brien's comments and requests.

17) Comments from Conservation Commission: Although not under the jurisdiction of the Conservation Commission, the Commission did comment on this project. The Commission was primarily concerned with ensuring that the project adequately addressed stormwater management issues.

18) Comments from the Office of Housing and Community Development (OHCD): Stephen Post, Executive Director of OHCD, submitted a letter of support for the proposed development. Among the benefits outlined by Mr. Post were the following, "In return for the ability to build on municipal land, the developer will transfer to the City 17,108 sq ft of property currently under Purchase and Sale agreement, increasing the municipal lot to approximately 30,000 sq ft. The development provides the community with an anchor retail store attracting customers to the commercial district, thus providing

an economic stimulus for the Square and other established businesses. In addition, it is estimated that this development will generate \$48,000 in tax revenue (an increase of \$31,000 from the existing conditions) for the City. The developer will also re-construct the municipal parking lot and provide comprehensive maintenance of the parking lot for the duration of the lease, at no cost to the City. At the end of the sixty-year (60) lease, the building and associated land will be owned by the City of Somerville." Mr. Post also outlined the support, compromise and spirit of cooperation shown between the Applicant and area residents and businesses as well as the compatibility of the project with the Magoun Square Revitalization Plan. Finally, Mr. Post outlined some of the design changes suggested by the neighbors and supported by him and his office, which he felt would be beneficial to the overall project if attached as Conditions, should the project be approved.

19) Comments from Neighborhood and Ward Alderman: Neighborhood residents and businesses have been working with the Applicant for approximately eighteen months. The Magoun Square Revitalization Group also obtained the services of a local architect to help illustrate their design concepts, and have worked closely with the Applicant to have these concepts incorporated into the final design of the project. One neighborhood resident also submitted written testimony in opposition to the project, primarily for reasons relating to the adequacy of the traffic study undertaken.

Ward Five Alderman, Sean O'Donovan, in a communication received on November 19, 2002 had concerns regarding the adequacy of the traffic studies undertaken, the potential traffic hazards and dangers of making the left hand turn into the parking lot, the interim status of the parking lot during construction, and the Applicant's commitment to provide fencing for abutting neighbors of the project. Alderman O'Donovan also wanted a commitment from the Applicant on what bank would tenant the space being set aside for the ATM.

Findings and Determinations for Special Permits

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 more detail.

20) Information Supplied: The Applicant must comply "with the information requirements in Section §5.1.2.;" The Applicant has submitted substantial information, allowing for a comprehensive analysis of the project with respect to all of the the cited violations of the SZO. All of the information submitted is in compliance with §5.1.2.

21) 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;" The Applicant has filed for two special permits with site plan review, two special permits and a variance in this application. As outlined in greater detail throughout this report, the Applicant complies with the criteria and standards set

forth in the Ordinance for the granting of the requested special permits and special permits with site plan review.

22) Consistency with Purposes: The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6;" The majority of the project site is located within the Neighborhood Business (NB) zoning district, while a portion of the project site is also located within the Residence B District (RB). The NB zoning district seeks: "To establish and preserve areas for small scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods." In addition, when an Applicant seeks a special permit with design review or special permit with site plan review in an NB zone, they should comply with the following guideline to the highest degree practicable "Give preference to locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible." The proposed CVS and associated ATM have been designed to high architectural standards in order to be compatible and complimentary to the existing architecture of the Square. Visually, the proposal will do much to enhance the appearance of the Square, while improvements around the perimeter of the lot will lead to more secure, more private and better quality boundary treatments for residential properties that abut the rear of the site. As well as the visual improvements, the proposed CVS and ATM will offer a valuable neighborhood service to area residents. With respect to parking, there is no on-site parking that is accessory to the proposed uses. However, through the Applicant's reconstruction of the municipal parking lot, and by keeping the building on the Medford Street street edge, the Applicant has endeavored to keep as much parking to the rear and sides of the building as possible, which is a sound urban design principle.

The Applicant also has to ensure that the project is consistent with the purpose of the RB zoning district, which seeks: "To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts." The rear of the proposed site is only partially located in the RB zoning district. That portion of the site within the RB district is to be set aside for parking and landscaping, which is similar to the present day use (parking and vehicular access), except that visually and functionally the area will be upgraded. Since the existing and proposed uses are similar, the compatibility of the proposed use should not be an issue, while a proposed pedestrian path in this area, from Fisk Avenue to the new municipal lot and Magoun Square, should be an added convenience for area residents.

23) Site and Area Compatibility: The Applicant has to ensure that the project "Is 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 buildings are compatible with those prevalent in the surrounding area;" Since the site is already being used for a municipal parking lot and by retail businesses, there are no existing natural features. The Applicant, through his architect and by working with area residents, has gone to great lengths in designing a building that is

compatible with the surrounding area in terms of scale, massing and detailing, though some of the exact design and material details will only be finalized in the "Recommendation" section of this report.

24) 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;" Because of the nature of the proposed uses no adverse impacts are anticipated, except during construction, when there may be some disruption and inconvenience caused by normal construction practices. Proposed improvements to the fencing and landscaping around the perimeter of the property should help reduce some of the illumination, littering and privacy issues currently being experienced by abutting residential property owners.

25) Vehicular and Pedestrian Circulation: The Applicant must ensure that "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;" As indicated by the Director of Traffic and Parking in his memo dated November 20, 2002 and attached in its entirety to this report, the proposed uses should not create traffic congestion or the potential for traffic accidents on the site or in the surrounding area. The Director of Traffic and Parking has suggested various mitigation measures to help reduce any potential traffic hazards and these have been addressed in more detail in the "Recommendation" section of this report.

Findings and Determinations for Special Permits with Site Plan review:

In addition to the findings and determinations set forth for a special permit under §5.1.4. of the SZO, the findings and determinations must also be made under §5.2.5. of the SZO in order to grant a special permit with site plan review. As discussed in sections 19) through 22) of this report the Applicant has provided the required information for a review of the project, the project complies with the standards set forth in the Ordinance, the project is consistent with the purpose of the districts in which it is located, and the project is compatible with the site and surrounding area. These findings are all valid for the special permits with site plan review being sought and will not be reiterated in this section of the report. The project does however have to meet the following requirements:

26) Functional Design: The project must meet "accepted standards and criteria for the functional design of facilities, structures, and site construction;" The proposal meets with the standards and criteria set forth in the SZO and has received the approval of the various City Departments, though the City's Engineering Department and Traffic and Parking Department have asked for some additional information or amendments to the

proposed plans, while the Fire Prevention Bureau has asked for the installation of a hydrant.

27) 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;" The proposal should have no adverse impact on the sewer system or storm drainage system, the plans submitted were found to be generally acceptable to the City's Engineering Department, though some further minor alterations to the design of the drainage system may be required, if modifications are deemed feasible or appropriate. With respect to the street system for vehicular traffic and pedestrians, the Applicant has designed the project to offset any potential adverse impacts. The Traffic and Parking Department has reviewed the proposal with respect to impacts on the transportation system and found the project to be acceptable, provided some additional mitigation measures were implemented.

28) Environmental Impacts: The project "will not create adverse environmental impacts, including those that may occur off the site, or such potential adverse impacts will be mitigated in connection with the proposed development, so that the development will be compatible with the surrounding area;" No adverse environmental impacts are anticipated as a result of the uses proposed, while the proposed drainage and sewerage systems have received the general approval of the City's Engineering Department.

29) Consistency with purposes: "Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 6; 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." The project is consistent with the general purpose of the Ordinance as set forth in Article 1, in that it seeks "to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to facilitate the adequate provision of transportation..... parks and other public requirements; to encourage the most appropriate use of land; and to preserve and increase the amenities of the municipality." As outlined in Section 21 of this report, the project is also consistent with the purpose of the NB and RB zoning districts in which it is located.

30) 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;" Because of the existing uses and structures on the lot the landform has been significantly altered and is no longer in a natural state, there is also no man-made features that enhance the land form. The Applicants plans will bring the lot into conformance with the landscaping

requirements of the SZO, while the plaza space proposed would add a small, but yet significant public space to the heart of Magoun Square. The landscaping would all be visible to the public as well as accessible and should do much to enhance the appearance of the site.

31) 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;" As previously mentioned, the natural landform has been altered beyond recognition, though the Applicant has made significant efforts to ensure that the scale, massing and detailing of the building is reflective of surrounding buildings in Magoun Square and does not over impose on the Square. The proposed retail and ATM uses are also reflective and compatible with this neighborhood business district in which the project is located.

32) 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. Stormwater shall be removed from all roofs, canopies, and powered area, and routed through a well engineered system designed with appropriate stormwater 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;" The Applicants stormwater and drainage plans have been reviewed by the City's Engineering Department. The Engineering Department found the plans to be generally acceptable, though they did ask for some additional information and to investigate possible changes to the drainage plan, which may improve it further.

33) 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;" There are no historical properties located on or immediately adjacent to the site that would be impacted by this project.

- 34) 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 Applicant has worked with neighboring residential property owners to ensure that the screening proposed is acceptable and their privacy protected. The Applicant is proposing reconstructing the retaining wall that runs along the rear of the site, constructing a new privacy fence and a landscaping buffer around the perimeter of the property, all of which would greatly improve upon existing conditions at the site.
- 35) 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;" The details that the Applicant has submitted indicate that both the interior and exterior spaces would be adequately illuminated. However, details of the final choice of exterior fixtures have not been submitted with the application.
- 36) 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;" Both the City's Traffic and Parking Department and the Fire Prevention Bureau have reviewed the plans and found them to be acceptable for emergency operations.
- 37) 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;" All of the access drives that connect with City arterial or collector streets (Broadway and Medford Street) have been reviewed by the Traffic and Parking Department, and with the mitigation proposed, have been found to minimize traffic congestion.
- 38) 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, telephone and cable. Any new lines would be placed underground in accordance with the SZO and the policies of the Superintendent of Lights and Lines.
- 39) 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;" As previously mentioned, no negative impacts are anticipated as a result of the proposed uses.

40) 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 Applicant is proposing signs of varying dimensions along the north elevation (parking lot entrance/exit) and east elevation (Medford Street) affixed parallel to the building and advertising the various services the store would offer. All of the signs proposed would be wooden and illuminated with gooseneck lamps. In addition, the Applicant is proposing small freestanding directional signage to help orient customers entering and exiting the parking lot. This signage is reflective of the scale and character of the proposed building and the uses within. Since the Applicant is not presently seeking relief under the Ordinance for signage, all of the proposed signage would have to be designed, constructed and installed to comply with Article 12 of the SZO, or a variance sought at a later date.

40) 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;" The Applicant intends to use a shared parking/loading area on the southern side of the building, for which a special permit has been sought and which will be discussed in more detail in the "Recommendation" section of this report. All HVAC and condensing units would be located on the roof of the building, and setback or centered within the roof so as not to be directly visible. Dumpsters would be located at the rear of the building, again to reduce visibility, though exact details of the screening proposed was not made available as part of this application.

In addition to the relevant criteria outlined in §5.2.5 of the S.Z.O. and as addressed in this Section of the report, the proposed development must also take into account, insofar as is practicable, any existing or proposed plans for the neighborhood which have been or may be adopted by the City of Somerville. As touched upon previously in this report, the City's Office of Housing and Community Development began working with neighborhood residents in 1999 to improve the appearance and image of Magoun Square. Plans for streetscape improvements, pedestrian amenities, a public plaza, and a reconstructed municipal parking lot were developed. The City has already appropriated funding for this revitalization project and further funding is being sought through the State Transportation Enhancement Program. OHCD does not believe that this project will jeopardize this State funding, and in fact believes the project to be consistent with the goals and objectives of the revitalization plan.

RECOMMENDATION

Special permit with site plan review for the use of a drug store (§7.11.9.5.c)

Based on the materials submitted, the above findings and analysis, a Staff site visit, and comments and findings from the various City Departments, the Planning Board recommends **Conditional Approval** of the requested special permit with site plan review.

Much of the testimony received for this project was supportive of the CVS drug store locating in Magoun Square, with many seeing the proposed development as a catalyst for future developments and improvements within the Square. This store would also provide a much needed service for nearby residents. As indicated in the findings of this report, the Applicant has been working with area residents and the Magoun Square Revitalization Group for the last eighteen months to design a project that is compatible and complimentary to the Square, and which will contribute to the revitalization of the Square, and agreement has been reached on many of the design issues surrounding the project. However, in order to ensure that the proposed store is complimentary with the existing Magoun Square streetscape and to ensure that the project is compatible with surrounding landowners, the Planning Board recommends that the following conditions be attached to the special permit:

1. Approval is based upon the application and plans stamped in at the City Clerk's Office on October 21, 2002 and the revised site plan stamped in at the Office of Housing and Community Development and Planning on November 14, 2002, and dated November 7, 2002. Any alterations or modifications not prescribed in the Conditions below must be submitted to the Planning Staff for review;
2. Prior to the issuance of a building permit, the Applicant shall submit revised elevations for the proposed building, subject to the approval of the Planning Staff, showing the following changes to the design:
 - The column supported overhang over the proposed plaza shall be replaced with a suspended verdigris green metal canopy and a verdigris band will be incorporated into the design along Medford Street.
 - The same green color used for the metal canopy shall also be used in the metal frames of the windows and for the verdigris band along Medford Street.
 - Limestone or an acceptable substitute (agreeable to the Planning Staff) will be used for window headers, a second floor band through the building and a street level base, consistent with the architecture of existing commercial buildings in the area.
 - The corner roof line and parapet at the second floor level shall be angled to match the angle of the entrance to the store and finished with brick for consistency with the architecture of existing commercial buildings in the area.

- Wooden signage shall be used throughout on the building, while all signage proposed must conform to the requirements of Article 12 of the SZO, or a variance sought by the Applicant at a later date.
 - All signage will be illuminated with gooseneck lamps, these lamps, as well as all other exterior lighting fixtures will be subject to review and approval by the Planning Staff;
 - The exterior of the building will be finished using an affordable, traditional-looking brick that will be selected in consultation with the Magoun Square Revitalization Group and the Planning Staff;
 - After the removal of the column supported overhang, the Exterior Insulation and Finish System (EIFS) used as a backdrop for the CVS/pharmacy sign on Medford Street and the CVS/pharmacy sign on the parking lot elevation must be reduced in size by at least 50%. Each one of these two signs proposed should have an EIFS backdrop (or alternative, acceptable to the Planning Staff, with final color of backdrop also to be approved by the Planning Staff) that is surrounded on all four sides by the same brickwork as that used in the rest of the building. The signage for the bank/ATM facility should be confined to that area set aside for the ATM use; and
 - A brick parapet will be incorporated into the design of the building, while the raised parapet in the center of the Medford Street elevation shall be removed.
3. The Applicant shall submit for Planning Staff review and approval details of the screening materials proposed for the two dumpsters located at the rear of the building. Chainlink must not be used for screening purposes;
4. Prior to its construction, the Applicant shall submit evidence to the Planning Staff proving that the majority of residential abutters located to the rear of the site have agreed upon the reconstruction of the retaining wall and the type of fencing to be placed on this retaining wall. Final details of the fence location and height will be subject to Planning Staff approval;
5. Prior to the issuance of a building permit, the Applicant shall submit for Planning Staff review and approval, the methods being employed to baffle the noise generated from the rooftop HVAC and condensing units;
6. Prior to the issuance of a building permit, the Applicant must receive written approval from the City's Engineering Department that the issues raised by their Department have been addressed or investigated to their satisfaction;
7. Prior to the issuance of a Certificate of Occupancy for the project, the Applicant shall agree to the location and installation of a fire hydrant and shall obtain a Certificate of Compliance from the Fire Prevention Bureau.
8. Prior to the issuance of a Certificate of Occupancy for the project, the Applicant shall submit for Planning Staff approval, evidence that all required easements have been secured and recorded at the Registry of Deeds, including the easement for the abutting

commercial property owner on Medford Street, should no alternative arrangement be agreed upon between the parties;

9. At no future date must the Applicant apply for a drive through service at the proposed drug store;
10. The Applicant is responsible for notifying the Planning Staff at least five (5) working days in advance of a request for a Certificate of Occupancy (C.O.) from ISD. Issuance of a C.O. shall be contingent upon a satisfactory inspection of site work by the Planning Staff to ensure compliance with the conditions attached to this and other special permits.

Special permit with site plan review for a 30,000 square foot municipal parking lot (§7.11.5.7.b)

Based on the materials submitted, the above findings and analysis, a Staff site visit and comments and findings from the various City Departments, the Planning Board recommends **Conditional Approval** of the requested special permit with site plan review.

The Planning Board concurs with the Director of Traffic and Parking in that reconstruction and future maintenance of a municipal parking lot by a private entity "will be a significant benefit to the City from an operational, fiscal, and service provider point of view," both in the short term and over the longer term. The reconstruction of the existing parking facility will also help in the revitalization of Magoun Square, as the physical condition of the existing lot detracts from the overall appearance of the Square. However, in relation to the proposed parking lot and traffic related issues in general, the Planning Board would recommend the following conditions be attached to the approval.

1. The applicant shall satisfy the following conditions:
 - a. In light of the finding that this proposed project will result in increased delay at the intersection of Broadway at Medford Street at Dexter Street unless vehicular detection is installed, the applicant shall design and construct modifications to the traffic signal in Magoun Square. The traffic signal will be equipped by the Applicant with new vehicle detection on each approach and new pedestrian indications across each intersecting street and/or signalized access-egress point (including the parking lot driveway). The Applicant shall fully integrate the new parking lot egress into the traffic signal system and, if necessary to accommodate the changes described above, improve other aspects of the signal system, including replacing the traffic signal controller if required.

- b. The Applicant shall redesign the crosswalk across Medford Street (at its intersection with Broadway). The crosswalk will be redesigned to accommodate the new location of the parking lot egress, as well as the inclusion of as many on-street parking spaces as possible. The applicant shall prepare a revised parking plan for that portion of the south side of Medford Street from Broadway to the eastern access point of the new municipal parking lot onto Medford Street. Said plans shall be prepared under the direction of the Director of Traffic & Parking and, when completed, incorporated into the plans for the Enhancements Project. To that end, the applicant will provide electronic and paper copies to the interested City Departments.
- c. The Applicant shall design and construct the new municipal parking lot. The design and construction will be in accordance with the standards required by the Director of Traffic & Parking and in consultation with the Office of Housing & Community Development. The design of the lot will be in substantial conformance with the plan presented as part of the application on November 7, 2002. Any substantive changes in the parking lot design and operation, including changes to the proposed arrangement with the abutting landowner, will require the expressed written authorization of the Director of traffic & Parking before presentation to the Zoning Board of Appeals for consideration as a major or minor modification to the Special Permit.
- d. The Applicant shall construct the municipal parking lot in phases, which will allow for the continued availability of parking in the municipal lot throughout construction. No less than twenty temporary spaces will be permitted without the expressed written authorization of the Director of Traffic & Parking. The Applicant shall reimburse the City for the cost of lost meter revenue when metered spaces are taken out of service in accordance with the provisions of Article VIII, §8-6(e).
- e. The contractual obligations of the Applicant, as specified in the lease agreement, for continued maintenance and operation of the parking lot, are incorporated by reference as conditions of the Special Permit.
- f. The Applicant shall prepare and implement a plan to minimize the likelihood of Hinckley Street being obstructed by queued vehicles on Broadway eastbound. Said plan shall consist of those traffic signs and pavement markings deemed appropriate by the Director of Traffic & Parking upon review of the plans submitted by the Applicant.
- g. The Applicant shall prepare and implement a plan to improve guidance for motorists on Broadway westbound attempting to turn into the municipal parking lot. Said plan shall consist of those traffic signs and

pavement markings deemed appropriate by the Director of Traffic & Parking upon review of the plans submitted by the Applicant.

- h. The Applicant shall cooperate with the City in the City's ongoing efforts to secure the funds for, and implement, an Enhancements Project. The City intends that the applicant provide the maximum extent of cooperation possible with regard to the design of the site, the relationship of the site design to the design of the public way, and the ongoing development of the aesthetic enhancements.
- i. Prior to constructing offsite improvements as described above, the applicant shall prepare preliminary and final design plans for presentation to the City's Departments of Public Works and Traffic & Parking for review. The Applicant shall also present the plans to the Office of Housing & Community Development for review. The applicant shall present the final design plans (approved by the above parties) to the Somerville Traffic Commission for approval.
- j. Prior to constructing the municipal parking lot as described above, the Applicant shall prepare preliminary and final design plans for presentation to the City's Departments of Public Works and Traffic & Parking for review. The Applicant shall also present the plans to the Office of Housing & Community Development for review. The Applicant shall present the final design plans (approved by the above parties) to the Somerville Traffic Commission for approval.
- k. The Applicant shall be responsible for securing all permits and other approvals necessary for the construction of these improvements, including those permits required from the Metropolitan District Commission (MDC), the Massachusetts Highway Department (MHD), and City of Somerville departments.
- l. If, through no fault of the Applicant, the Applicant cannot construct improvements required as part of this special permit, the applicant shall escrow funds for their eventual construction. The Applicant shall set aside in escrow a sum equal to the construction value of the improvements they are unable to construct. The value of the improvements shall be as determined by the Traffic & Parking Department after consultation with the Applicant. Once escrowed, funds shall only be expended through mutual agreement between the Applicant and the Zoning Board of Appeals.
- m. The Applicant may be relieved from a special permit requirement if the improvements are constructed by another party, including other developers.

2. All improvements described in condition number 1 (above) shall be completely finished prior to the issuance of a final certificate of occupancy. If not completed prior to the certificate of occupancy as a result of no fault on the part of the applicant, the Applicant shall post a performance bond in an amount required to construct the balance of the improvements described in items 1a through 1m, above. This bond may be reduced upon recommendation of the Traffic & Parking Department as the work proceeds. If requested, the bond may be reduced to an amount commensurate with the amount of work yet to be completed as determined by the Department of Traffic & Parking.

3. The applicant shall conduct a traffic volume-monitoring program to identify the actual traffic volumes generated by the site. The Applicant shall collect 24-hour automatic traffic recorder (ATR) traffic volumes at four (4) locations and manual turning movement counts at seven (7) locations. The traffic volumes will be counted one month prior to opening of the CVS store, one month after opening of the CVS store, and six months after the opening of the CVS store. The collected traffic volumes will be submitted concurrently to the Zoning Board of Appeals and the Department of Traffic & Parking.

4. Prior to the issuance of a building permit the Applicant will provide no more than \$1000 for an independent review of the traffic study for the project. The review will be undertaken by one of the three local engineering companies listed below (choice made by Ward Alderman acting on behalf of neighbors), who must make a finding that the Traffic Study and proposed mitigation are generally in conformance with standard practices of the Institute of Traffic Engineers. The Zoning Board of Appeals shall retain continued jurisdiction over this matter, and should it be determined by the consultant that the Traffic Study and proposed mitigation is not generally in conformance with standard practices of the Institute of Traffic Engineers and that additional information or mitigation is necessary, the Applicant shall apply to the Zoning Board of Appeals for a minor revision (should this permit request be approved), the Zoning Board of Appeals will then determine what additional information or mitigation is necessary.

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5. All of the landscaping within the proposed parking lot must be planted and maintained in accordance with National Nurseryman's Standards.

Special permit for an automatic teller machine (§7.11.8.5.a)

Based on the materials submitted, the above findings and analysis, a Staff site visit and comments and findings from the various City Departments, the Planning Board recommends **Approval** of the requested special permit.

The proposed size and location of the ATM should make it less conspicuous than other locations that were previously suggested, while similar to the proposed CVS store, the

Board finds that the proposed ATM would provide a valuable service for nearby residents. At the request of the Director of Traffic and Parking the Applicant submitted trip generation figures for the ATM component of the development. It was determined that the ATM component of the development would generate only 4 new peak hour trips. Traffic and Parking found this trip generation to be acceptable. Although representing an increase of roughly 10% in site-generated trips, overall it would be statistically insignificant in comparison to the more than 20,000 vehicle trips per day on Broadway. Traffic and Parking also found that there was adequate parking to accommodate this use and other uses at the site.

Special permit for shared parking (§9.13.e)

Based on the materials submitted, the above findings and analysis, a Staff site visit and comments from the various City Departments, the Planning Board recommends **Approval** of the requested Special Permit.

In recommending approval of this special permit the Planning Board relied heavily on the comments of the Fire Prevention Bureau and the Traffic and Parking Department. The Fire Prevention found that a shared parking/loading facility would not impede their access to the proposed building, while the Traffic and Parking Department also found the amount of passage required for emergency vehicle access/egress to be acceptable and the dimensional requirements of this shared loading/parking area to be in conformance with the dimensional requirements of the SZO.

Variance for failure to meet parking requirements (§9.5)

Based on the materials submitted, the above findings and analysis, a Staff site visit and comments from the various City Departments, the Planning Board recommends **Approval** of the requested Variance.

Again, the Planning Board relied heavily on the comments of the Traffic and Parking Director, who found the project to indirectly provide through a reconstructed municipal parking lot "an adequate amount of parking needed to satisfy the commercial and residential needs of Magoun Square, as well as the needs of the Applicant's project."

In considering the grant of this variance the Planning Board found that there are "*Special circumstances relating to soil conditions, shape or topography of land or structures.*" The amalgamation of the existing parcels results in an odd shaped lot, which in certain areas requires retaining walls to stabilize soil conditions and define the property boundaries. Many of these existing parcels are neglected and under utilized, granting the variance would remove these existing conditions of blight and bring the parcel into a productive tax generating resource for the City.

The Board finds that the variance requested “*is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land.*” The variance being sought is the minimum necessary for granting the owner relief for a reasonable use of the property. The variance being sought, though large in number (22 spaces) is the minimal relief necessary, particularly when considering the unique nature of this project. As stated by the Director of Traffic and Parking “While the relationship between the store and the municipal lot is unconventional in terms of satisfying the requirements of the Somerville Zoning Ordinance (the lot will be owned by the City and therefore is not technically “off-street” in the strict definition of the SZO), we believe this arrangement satisfies the intent of the SZO. In addition, this arrangement is not without precedent in the City; we direct the Board’s attention to the Brooks Pharmacy store in Davis Square as a classic example of how this relationship would work cooperatively from an operational point of view.” The Board would also refer the Zoning Board to the comments of the Director of Traffic and Parking, who references the under utilization of the existing lot, the removal of existing businesses and the increased parking provision within the proposed new municipal lot, as all reasons why this variance is minimal and should be granted. The Traffic and Parking Director also found “that the proposed site plan includes an adequate parking supply to service the general requirements of Magoun Square as well as the proposed CVS store.”

Third and finally, the Board finds that “*The granting of this variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare.*” The purpose and intent of the SZO, as stated in SZO §1.2, is, in part, “to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to facilitate the adequate provision of transportation..... parks and other public requirements; to encourage the most appropriate use of land; and to preserve and increase the amenities of the municipality,” all of which would be achieved under this project. In addition, the project is also consistent with the purpose and intent of an NB zoning district which seeks: “To establish and preserve areas for small scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods.” In addition, when an Applicant seeks a special permit with design review or special permit with site plan review in an NB zone, they should comply with the following guideline to the highest degree practicable “Give preference to locating on-site, off-street parking at the rear of the lot, behind the building or below street level, providing vehicular access from either a side street or alley where possible.” The proposed CVS and associated ATM have been designed to high architectural standards in order to be compatible and complimentary to the existing architecture of the Square. Visually, the proposal will do much to enhance the appearance of the Square, while improvements around the perimeter of the lot will lead to more secure, more private and better quality boundary treatments for residential properties that abut the rear of the site. As well as the visual improvements, the proposed CVS and ATM will offer a valuable neighborhood service to area residents. With respect to parking, there is no on-site parking directly accessory to the project. However, through the reconstruction of the municipal parking lot, and by keeping the building on the Medford Street street edge, the Applicant has endeavored to keep as much parking to

the rear and sides of the building as possible, which is a sound urban design principle. Since a small portion of the lot is located in a Residence B (RB) district, the Applicant also has to ensure that the project is consistent with the purpose of RB zoning, which seeks: "To establish and preserve medium density neighborhoods of one-, two- and three-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts." The rear of the proposed site is only partially located in the RB zoning district. That portion of the site within the RB district is to be set aside for parking and landscaping, which is similar to the present day use (parking and vehicular access), except that visually and functionally the area will be upgraded. Since the existing and proposed uses are similar, the compatibility of the proposed use should not be an issue, while a proposed pedestrian path in this area, from Fisk Avenue to the new municipal lot and Magoun Square, should be an added convenience for area residents.

As demonstrated, the project is consistent with the purpose of the Ordinance and the zoning districts in which it is located. In addition, the Applicant's design as well as the mitigation proposed should result in a development that will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Sincerely,



Eamon McGilligan
Senior Planner

Cc: Adam Dash, Agent
Gerald Cohen, SF Properties
Joseph Latronica, Superintendent Inspectional Services
William Lyons, Director, Traffic and Parking
Deputy Chief Hodnett, Fire Prevention
Charles O'Brien, Engineering
Sean O'Donovan, Ward Alderman

