



CITY OF SOMERVILLE, MASSACHUSETTS
STRATEGIC PLANNING AND COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE, MAYOR

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Case #: 2009-03
Site: 100 Fellsway West
Date: July 16, 2009
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 100 Fellsway West

Applicant Name: Richard Berg
Applicant Address: 100 Fellsway West, Somerville, MA 02145
Property Owner Name: Craig Corporation
Alderman: Pero

Legal Notice: Applicant: Richard Berg seeks a Special Permit under SZO §4.4.1 to expand a non-conforming structure within a required front yard setback and a Special Permit with Site Plan Review (SZO §7.11.1.c) to convert from a factory/industrial use to a mixed commercial and residential use in order to construct a 19 unit residential building with approximately 5000sf of office space.

Zoning District/Ward: BB and RB / 4

Zoning Approval Sought: Special Permit (SZO §7.11.1.c)

Date of Application: February 4, 2009

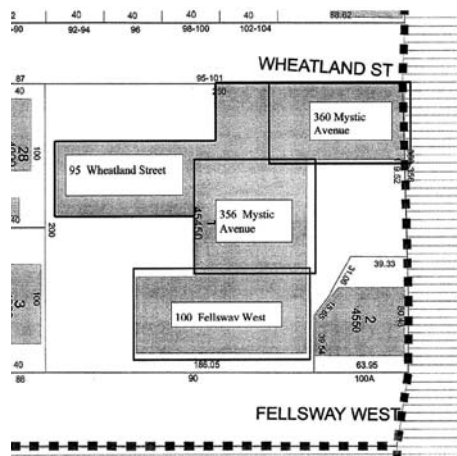
Date(s) of Public Meeting / Hearing: Planning Board: June 25, 2009 / ZBA: July 15, 2009

Date of Decision: N/A

Vote: N/A

I. PROJECT DESCRIPTION

1. Subject Property: The property is a 45,419 sf lot that abuts Wheatland Street, Fellsway West and Mystic Avenue. The property is predominantly within a BB district though there is a small portion of the lot where vehicle parking is located within an RB district. There are multiple structures on the lot that have been built at various times using a variety of materials ranging from brick to corrugated steel. The structures have addresses of 100 Fellsway West, 356 Mystic Avenue, 360 Mystic Avenue and 95 Wheatland Street. Together these structures cover approximately 24,263 sf of the lot. The remaining lot area is paved and used for parking.



The property at 100 Fellsway West is a two-story, brick facade structure that is currently used as office space for Electro-Sales, which once occupied the entire structure as a motor distribution facility. The current operation has three employees. Labor Ready, which provides temporary labor services, occupies some office space within the structure as well as a church that meets weekly at the facility.

The structure at 356 Mystic Avenue is a single-story wooden building that abuts 100 Fellsway in the rear and connects the structure to the two other buildings along Wheatland Street and Mystic Ave. This structure is considered to be "significant" and was "preferably preserved" by the Historic Preservation Committee (HPC). However, the HPC voted

on June 16, 2009 to remove the "preferably preserved" designation with conditions in response to review of the proposed project.

The structure at 95 Wheatland Street is a corrugated steel and brick structure that includes a square brick smoke stack and a series of truck loading docks.

The structure at 360 Mystic Avenue is a wooden, three-story, former manufacturing building that lies at the corner of Mystic Avenue and Wheatland Street. This structure is considered by the City to be the most historically significant structure on the lot due to its rarity pertaining to age, original use and type of construction.

2. Proposal: The Applicant is proposing a two phase project that would ultimately include 54 residential units and approximately 5000 sf of office space. The current application is for phase I of the project and a condition of approval will be incorporated to require the applicant to apply for a special permit for the second phase prior to receiving a building permit for the first phase. Details of the second phase are currently being finalized with the City.

Phase I: The first phase of the development would contain 19 residential units and 5,000 sf of ground floor office space within an approximately 25,000 g.s.f building at the 100 Fellsway West address. The existing two-story masonry structure would be demolished and a new four story wooden structure would be built on the existing foundation. There would be 13 parking spaces located beneath the structure in the existing basement and a total of 60 spaces on the lot to serve the residential, office and existing warehouse use.

In addition, the applicant would demolish the structure at 356 Mystic Avenue in order to allow for windows for the new units, landscaping, parking and improved traffic circulation on the lot. Through negotiations with the HPC, the applicant has agreed to improve and stabilize the remaining structure at 360 Mystic Avenue and to construct the infrastructure for both phases of the project at the inception. The site plan features above and below ground parking, green space and a traffic circulation pattern that allows access and egress on Fellsway West and egress along Mystic Avenue.

Phase II: The second phase of the project will be submitted separately and required as a condition of approval of phase I. During this phase the corrugated steel structure at 95 Wheatland would be

demolished (separate action by the HPC will be required to authorize the demolition). The existing structure at 360 Mystic Avenue would be fully restored and linked to a new residential wing constructed in a similar factory style. The new structure would maintain the 46 ft height of the existing structure and incorporate an elevator tower between the existing structure and new construction. The applicant is proposing 35 units within the completed structure and an additional 40 parking spaces. When completed there will be a total of approximately 100 parking spaces on the property

3. Nature of Application: This application is for phase one of a two phase development, which seeks approval for the site plan and the redevelopment of 100 Fellsway West.

The 19 unit residential structure proposed requires the Applicant to apply for a Special Permit with Site Plan Review (SPSR) under SZO §7.11.1.c of the Somerville Zoning Ordinance (SZO) in order to establish the use.

The existing front yard setback for the 100 Fellsway West property is 10 ft. The required front yard setback within the BB zoning district is 15 ft. The applicant requires a Special Permit under SZO §4.4.1 in order to construct the 4 story structure 5 ft into the front yard requirement.

The section of the lot within the RB district will continue to be used only for parking, therefore no permits would be required. Under the SZO §7.4, "Land in a more restrictive zoning district may supply space for a use permitted in a less restricted zoning district if the use of the land in the more restrictive district satisfies space and passive use requirements (such as setbacks, landscaping or parking) that are not prohibited in the more restrictive district."

4. Surrounding Neighborhood: The surrounding neighborhood is composed of 2 1/2 and 3 story, two- and three-family dwellings. Foss Park is directly across the street from the proposed development and the Century Bank is immediately adjacent along Fellsway West. Several additional commercial uses are located in the area along Mystic Avenue and elevated Interstate 93 is above Mystic Avenue in this area.

5. Traffic and Parking: Under SZO Section 9.5 - the 19 residential units will require 32 parking spaces. The 5,000 sf of office space would require 14 spaces and the remaining 21,000 sf of warehouse space on the property would require another 14 spaces for a total of 60 spaces. The site plan for phase I provides 60 spaces above and below ground which meets the requirement under the SZO.

The traffic circulation on the lot would allow vehicles access to the property from Fellsway West and egress onto Mystic Avenue. Access from Mystic Avenue would be prohibited to prevent vehicles from cutting through the lot onto Fellsway West.

6. Landscaping/Screening: There is currently no landscaping on site. The proposal would increase the landscaping area to 6, 936 sf, which at 15% exceeds the 10% landscaping requirement for the BB zone. The landscaping would be comprised of grass and shrub areas in the front yard. In addition, in the center of the lot a landscaped area is proposed with a decorative brick roadway for vehicles to pass through and exit at Mystic Avenue.

7. Green Building Practices: The applicant will be incorporating renewable materials and energy efficient systems in the construction.

8. Comments:

Fire Prevention Bureau: Deputy Chief Steve Keenan reviewed the proposal and had the following comments: "This project will require that a code compliant fire alarm system and a code compliant fire suppression system be installed"

Aldermen: Alderman Pero has been contacted and has yet to provide comments.

Traffic and Parking: Traffic Engineer Terry Smith reviewed the proposal and had the following comments: "The applicant seeks a special permit to convert from a factory/industrial use at 100 Fellsway West to 19 residential apartments and 5000 sf of office space. The applicant has retained the services of a professional transportation firm, Design Consultants Inc (DCI). DCI has submitted a Traffic Memorandum. This is a well prepared traffic analysis.

The proposed development meets the required off site parking requirements and associated maneuvering aisle width of the Somerville Zoning Ordinance.

Trip Generation to the proposed site by utilizing trip rates presented in the Institute of Transportation Engineers (ITE) Trip Generation Manual during the AM peak hour is 9 into the site and 9 exiting the site and in the PM peak hour the trip generation is 9 into the site and 10 exiting the site. The AM and PM peak hours are the highest volume of trips into or out of the site during the day. The ITE Trip Generation Manual is a traffic engineering industry standard to determine trip generations to a particular site. The number of trips to/from the site will have a minimal impact on traffic and traffic patterns within the neighborhood.

Traffic and Parking has no objections to this application.

Historic Preservation: On June 16, 2009, the applicant and HPC completed a Memorandum of Agreement which would allow the demolition of the structure at 356 Mystic Avenue under several conditions including that the applicant undertake structural work to strengthen the buildings at 360 Mystic Avenue and 95 Wheatland Street.

In addition, the applicant agreed to incorporate historical references in the design of the project.

Size, Shape and Proportion:

New building facades should be designed to look appropriate to, and compatible with, adjacent buildings. If there are no immediately adjacent structures, the applicant should look to nearby structures and blocks.

1. Building height should be similar to nearby buildings, respecting the predominant heights of existing houses or commercial structures.
2. Facade proportions (ratio of width to height) should be similar to those of surrounding buildings to create or complement streetscapes and views with the area.
3. Roof forms should follow predominant styles of adjacent buildings.
4. Utility connections should be placed to minimize visibility from the street.

Materials:

1. Materials should be compatible with those used in adjacent structures or, when there are no immediately adjacent structures, buildings within the surrounding

area. Exterior surfaces should be painted or otherwise finished in a similarly compatible manner.

2. Materials of foundation walls should be compatible with those of nearby buildings. If use of matching materials is impractical, substitutions that are not obtrusive should be used.

Details:

1. Infill design can be approached with non-historic designs using simple neutral elements which will fit better with the character of the neighborhood. New designs generally should not copy existing structures, but must be consistent with the character, style and scale of those structures.

2. Door and window height-to width ratios should be similar to those in neighboring structures. The pattern established by the relationship of window or door openings and the surrounding wall area should respect the neighboring structures. The percentage of glass to wall should approximate that of neighboring structures.

3. Facade elements which can help give a new structure a historically appearance include:

Window hoods and lintels;
Entrances with porches and balustrades;
Cornice lines with architectural detailing;
Brick work with quoins, corbels, and other details;
Friezes;
Gables;
Columns and pilasters; and
Chimneys

Engineering: The Engineering Department has been contacted, but has yet to provide comments.

DRC: On June 25, 2009 the applicant presented the proposal to the DRC. The committee was supportive of the site plan, traffic circulation and landscaping measures and thought it was a good improvement to the site. There was discussion about the scale of the entryway being small for the structure and that incorporating planters on either side of the entrance would improve the appearance and identify the first floor as an area for business. There was also some discussion about the "mill complex" design that has been proposed.

II. FINDINGS FOR SPECIAL PERMIT AND SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §4.4.1 AND 7.11.1.C):

In order to grant a special permit and special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.1.2 and §5.2.5 of the SZO. This section of the report goes through §5.1.4 and §5.2.5 in detail.

1. Information Supplied: The Staff finds that the information provided by the Applicant conforms to the requirements of §5.1.2 and §5.2.5 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.” As conditioned, the proposal would comply with these standards.

3. Purpose of the District: The Applicant has to ensure that the project “is consistent with the intent of the specific zoning district as specified in Article 6”.

The purpose of the Commercial Residential District (BB) district is “to establish and preserve general commercial high density residential areas consisting of multi-family developments, shopping centers, commercial strips and automobile related establishments where customers reach individual businesses primarily by automobile.” The proposed phase I, which includes a high density residential development of 19 units and 5000 sf of office space, is consistent with the intent of the BB zone.

Planning Staff recognizes that the property should support more than 19 units given its size, location and the condition of the structures on the lot. Phase II of this proposal will seek approval for an additional 35 units.

4. Site and Area Compatibility: The Applicant has to ensure that the project “(i)s 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 the buildings are compatible with those prevalent in the surrounding area”.

There has been much design input from City staff, Historic Preservation and the Design Review Committee to maximize compatibility with the area, the traditional use and historic structures that will remain on the lot. The proposed two phased development resembles a mill complex that takes key design elements from the existing historically significant structure at 360 Mystic Avenue. Design elements that have been adapted and incorporated into the new buildings include the low angled gable roof, the clapboard façade materials, overhanging eaves with dentil blocks, and the consistent pattern of windows along the facades.

The scale and massing, though larger than the residential structures to the west, maintains the existing character of the lot. In addition, Staff finds the massing of the proposed buildings to benefit the residential neighborhood by increasing the buffer between those neighborhoods and Interstate 93 immediately to the east. Staff finds that this structure as viewed from the park will create an appealing divide between the more industrial Century Bank building and the elevated highway and the lower scale residential structures.

Though the proposed building at 100 Fellsway would be taller than the existing building, Staff finds that the improved design, use of façade materials and increased landscaping would create a structure more compatible with the character of the area than the existing structure. The non-conforming setback of the existing structure would be increased though the addition of two floors (3 and 4) and Staff finds that this increase would not have a detrimental effect on the neighborhood because of the improved design.

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

The project would meet accepted standards and criteria for the functional design of facilities, structures, and site construction. Traffic and Parking has reviewed the proposal for traffic circulation and congestion

levels and believe that as designed any effect on traffic would be minimal. Other City departments have reviewed the proposal and no issues related to the functional design of the facility have been brought to the attention of Staff.

6. 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.”

Staff has not been alerted to any potential impacts on the sewer, storm drainage or water supply systems. Engineering will review construction drawings prior to the issuance of any building permits and any outstanding issues would be addressed at that time. The lot currently has no pervious surfaces, so it is anticipated that the increase in landscaping proposed for this site will reduce the flow of storm water into the drainage system. As previously discussed the street system for vehicular traffic would not be adversely impacted. As a condition of approval for this application all sidewalks and pedestrian paths affected by construction would need to be replaced.

7. 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.”

Environmental impacts would be limited to the increased emissions from the added cars to the area. Given that the lot is adjacent to Mystic Avenue, Interstate 93 and McGrath Highway, Staff finds that any environmental impacts from the proposed use would be almost undetectable. Due to the residential nature of the project Staff does not anticipate other environmental impacts. The proposed non-medical office use would only allow activities that would not produce an adverse environmental impact, such as administrative, professional or clerical activities as per the SZO definition.

8. Consistency with Purposes: “Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; 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.”

As the required findings of Article 5 have been made, and the proposal satisfies the purposes of Article 1, including “to provide for and maintain the uniquely integrated structure of uses in the City” and “to conserve the value of land and buildings” and of Article 6, as already described, the proposal is consistent with the purposes of the SZO.

9. Historic or architectural significance: The applicant must respect Somerville's heritage and actions detrimental to buildings of historic or architectural significance should be minimized and new buildings should be compatible with the buildings or places of historic or architectural significance.

The buildings at 356 and 360 Mystic Avenue have historical significance due to the design, period of construction, construction method and original use of the structures. The significance of the two structures reflects the industrial history of the city, especially with regard to furniture-making.

The Historic Preservation Commission found the structure at 356 Mystic Avenue to be "significant" and "preferably preserved". This structure has also been found by the City to be unsafe and has been marked by the City as dangerous to enter. The applicant proposes to demolish this structure and to locate predominantly landscaping with some parking in the void. The removal of this structure will also enable the new building at 100 Fellsway West to have more windows in the rear of the structure.

The structure at 360 Mystic Avenue was the original manufacturing facility on the site and has the most historic significance on the property. This structure also needs renovation, but is currently in a better condition than the structure at 356 Mystic Avenue.

On June 16, 2009 the Historic Preservation Commission reached a Memorandum of Agreement with the applicant to allow demolition of the building at 356 Mystic Avenue provided that measures are taken to mitigate adverse effects that the demolition may have on 360 Mystic Avenue and 95 Wheatland Street. Under the agreement the applicant must complete, "structural work to stabilize 360 Mystic Avenue and 95 Wheatland Street, and must be completed before the issuance of any demolition or construction permits. The SHPC's signoff on the demolition permit is contingent upon assurance from the City of Somerville Inspectional Services Department (ISD) that all ISD requirements for stabilization of 360 Mystic Avenue and 95 Wheatland Street have been complied with to ISD's satisfaction".

Staff supports this agreement and has incorporated the structural work to be done as a condition of approval in this report.

10. 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."

The proposal meets all requirements of the zoning regarding parking and driveway dimensions. Traffic will enter from Fellsway West and exit from Mystic Avenue. No new curb cuts are proposed. The curb cut on Fellsway West will be reduced in size, which will improve pedestrian safety in front of the property.

III. RECOMMENDATION
SPECIAL PERMIT SZO §4.4.1
SPECIAL PERMIT WITH SITE PLAN REVIEW SZO §7.11.1.c

Based on the above findings, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT and SPECIAL PERMIT WITH SITE PLAN REVIEW**.

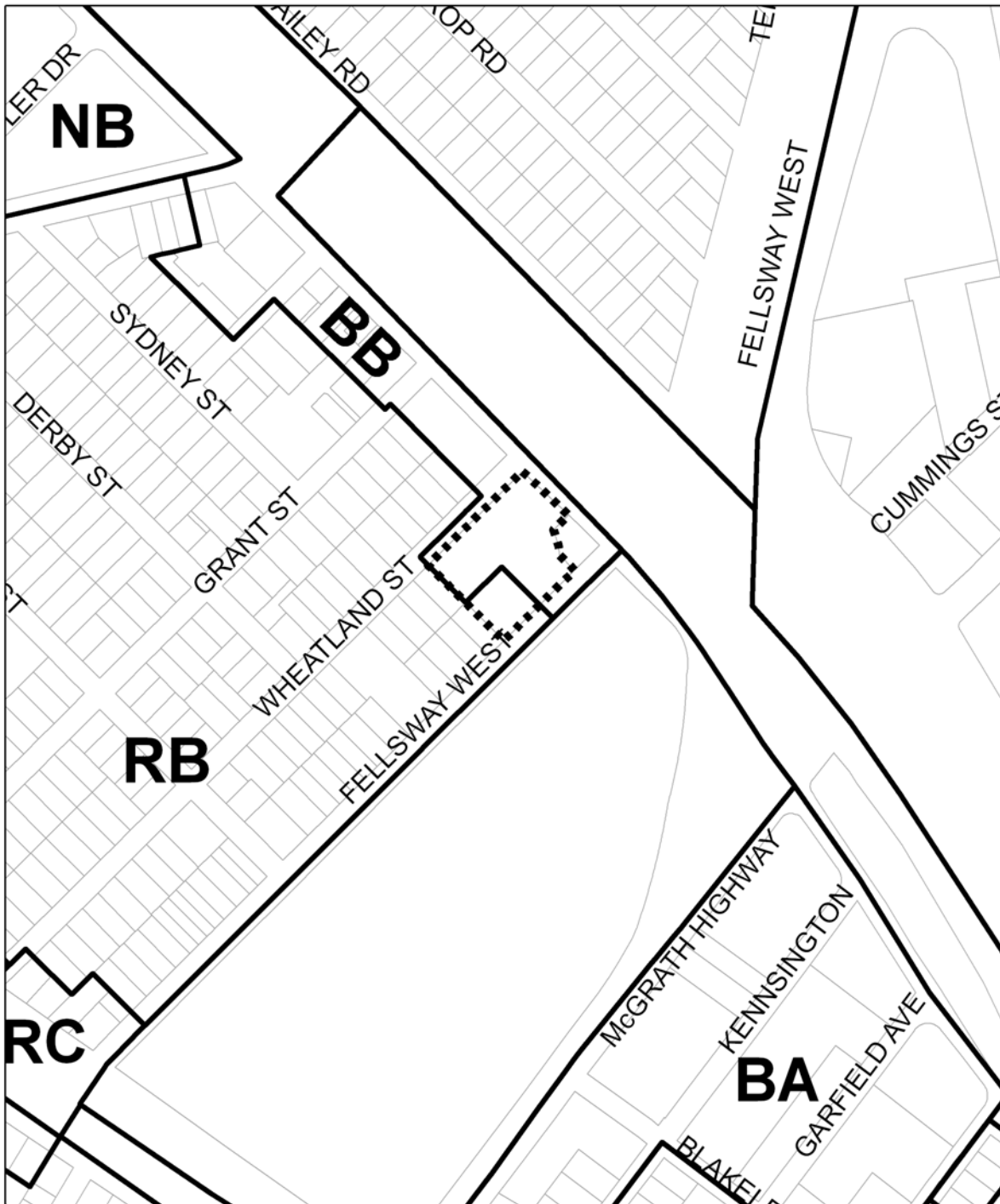
Although the Planning Staff is recommending approval of the requested Special Permit with Site Plan Review, the following conditions should be added to the permits:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is to construct 19 residential units and 5000sf of first floor office space on the 100 Fellsway West address of MBL 69-E-1 (Phase I of a two phased project). This approval is based upon the following application materials and the plans submitted by the Applicant and/or its contractor:	BP/CO	ISD / Plng.	

	Date (Stamp Date)	Submission			
	(2/4/09)	Initial application submitted to the City Clerk's Office			
	6/16/09 (7/9/09)	Plans submitted to OSPCD for Phase I (Renderings, mechanical study)			
	7/10/09 (7/14/09) 6/25/09 (7/14/09)	Plans submitted to OSPCD for Phase I (Site Plan A-010; Alt-02 Elevations)			
	Any changes to the approved plans or use must receive ZBA approval.				
2	The applicant shall file an application for zoning approval for Phase II of the development in accordance with the renderings and site plan submitted to OSPCD dated June 16, 2009 prior to the issuance of a building permit for 100 Fellsway West.		Building permit	Plng.	
3	The applicant shall construct infrastructure for both Phase I and Phase II as shown in site plan A-010, including all applicable water, sewer, duct and drainage work to the satisfaction of Inspectional Services.		CO	Plng/ISD	
4	The applicant shall complete structural work to stabilize 360 Mystic Avenue and 95 Wheatland Street to the satisfaction of Inspectional Services before the issuance of any demolition or construction permits.		Demolition or building permits	ISD	
5	Applicant shall work with Planning Staff and Traffic and Parking to develop appropriate control measures to ensure automobiles do not cut through the lot from Mystic Avenue to Fellsway West.		CO	Plng./T&P	
6	The Applicant shall work with Planning Staff to locate and screen (with fencing and/or vegetation) from the public way any proposed transformer.		Building Permit	Plng	
7	The Applicant shall install six bicycle parking spaces which could be satisfied by three inverted U-shaped racks.		CO	Plng	
8	No commercial signage shall be visible from Interstate 93 or Mystic Avenue. Signage visible from Fellsway West shall be approved by Planning Staff.		Cont.	Plng	
9	A code compliant fire alarm and suppression system shall be installed.		CO	FP	
10	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.		Cont.	ISD	
11	Any fencing installed on the site shall not be chain link.		CO	Plng.	
12	The Applicant shall at his expense replace any existing		CO	DPW	

	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 meet DPW standards.			
13	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	
14	The applicant shall provide notice of intent to strictly comply with applicable State and Federal regulations regarding air quality including without limitation continuous dust control during demolition and construction.	CO	Plng/OSE	
15	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	
16	Because of the history of the site and the intended residential use, the Applicant shall, prior to issuance of any foundation permit and/or any building permit for the project, provide to the Planning Division and the Inspectional Services Division: a) a copy of the Response Action Outcome (RAO) Statement, signed by a Licensed Site Professional (LSP) and filed with DEP, verifying that a level of no significant risk for the proposed residential use has been achieved at the site; or b) if remediation has not reached the RAO stage, a statement signed by an LSP describing (i) the management of oil and hazardous materials/waste at the site, including release abatement measures intended to achieve a level of no significant risk for residential use at the site, treatment and storage on site, transportation off-site, and disposal at authorized facilities, (ii) a plan for protecting the health and safety of workers at the site, and (iii) a plan for monitoring air quality in the immediate neighborhood.	Building Permits	ISD/Plng.	
17	To the maximum extent feasible applicant will utilize strategies during construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program for the removed debris.	During Construction	OSE/ISD	
18	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil,	CO	OSE/FP/BOH	

	hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.			
19	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit 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	



MBL 69-E-1 / 100 FELLSWAY WEST