



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

PLANNING DIVISION

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Case #: ZBA 2010-78
Date: December 16, 2010
Recommendation: Conditional Approval

PLANNING BOARD RECOMMENDATION

Site: 30 Dane Street

Applicant Name: William Shea
Applicant Address: 21 Properzi Way, Somerville, MA 02143
Property Owner Name: JWF LLC
Property Owner Address: 21 Properzi Way, Somerville, MA 02143
Alderman: Maryann Heuston

Legal Notice: Applicant William Shea and Owner JWF, LLC seek special permit to modify a site and building approved by a previous special permit by placing a fence along the eastern lot line and modifying the eastern wall of the structure to accommodate a parking area for trucks associated with the on-site business.

Zoning District/Ward: IA / Ward 2

Zoning Approval Sought: Special Permit under SZO

Date of Application: December 6, 2010

Dates of Public Meeting • Hearing: Planning Board **12/16/2010** • Zoning Board of Appeals **1/5/2011**

Dear ZBA members:

At its regular meeting on December 16, 2010 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted 5-0, to recommend **conditional approval** of the requested **Special Permit**.

In conducting its analysis, the Planning Board found:



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I. PROJECT DESCRIPTION

1. Subject Property: The project site consists of a 55,493 square foot lot that is a portion of the Ames Envelope complex. It is mostly covered by a warehouse with a single high-bay storage area in the rear and a second floor of offices in the front over the loading docks. The structure has four loading docks for large trucks along the front. It fronts on 'Passageway A', a passageway that is a part of the shared access points between buildings off Dane Street and Somerville Avenue. It is attached to another Ames building that has a parking lot on its roof with access from Dane Street.

The subject property was approved by a 1997 and subsequent 1990 ZBA special permit. It was used for warehouse and distribution purposes by Ames for many years. More recently, the upper story offices were rented while Ames was consolidating operations. In recent months, the structure has been leased to Winebow, a company that has relocated from a building it is selling at 191 Innerbelt Road in Somerville. Winebow is a wine import and distribution business. They purchased the Somerville-based Boston Wine Company, and have chosen to relocate to Dane Street to continue the regional operations of the larger national company here in Somerville. Winebow coordinates deliveries in a set of trucks that they own and store on-site. Because the Winebow business is of the same use category as the operation at Ames, this was not a change in use. No exterior work was completed on the building. Therefore, this initial activity did not require a special permit.

2. Proposal: Upon leaving Innerbelt Road, Winebow needed to locate their trucks in a secure location that meets transportation and food security standards and also provides convenient access to their distribution center. The applicant placed their trucks in a parking facility owned by JWF that was used for employee parking for Ames for many years. Modification to this parking area included the addition of a security fence and establishment of a new entrance. After neighboring property owners complained, OSPCD reviewed the situation, and concluded that the lot, within the RC zoning district, had never been approved to be used for truck parking, which is a separate use than running an off-site employee parking lot. OSPCD/ISD informed the owner and tenant to remove the trucks from this location.

The applicant has responded by providing an alternative location for his tenant to store trucks. This location still must be secure, and also should provide electric power to keep trucks warm on cold winter nights. The proposed location is along the eastern edge of the building, between the structure and the lot line. This will require the installation of a fence along this lot line. The addition of this fence, that was not included in the approval of the original site plan at this location, thereby requires a Special Permit.

3. Nature of Application: The applicant is seeking to modify the site plan referenced in the approval under a special permit with site plan review voted by the ZBA on December 5, 1987 and filed on December 11, 1987 to construct a warehouse manufacturing plant and offices. The original approval granted rights to build this warehouse as a part of a larger project. That project was later modified in a further special permit granted June 13, 1990 which changed the nature of the manufacturing and parking building attached to the constructed warehouse. Both show a clear area in the 10 foot setback area east of the building. This modification would place a fence in this location and use it for truck parking.

Per SZO 5.3.8.5, this is not a revision, as it states that "upon issuance of a Certificate of Occupancy . . . revision right shall lapse, and further development or use changes shall be subject to the zoning applicable at that time." Yet SZO 5.3.6 requires that "in the event that the SPGA approves a special permit . . . with site plan review, any use or any construction, or any subsequent reconstruction or substantial exterior alteration shall be carried out only in conformity with all conditions and limitations included in the decision of the SPGA, and only in conformity with the application and the definitive site plan on the basis of which the findings and determinations were made."

Therefore, while the applicant cannot revise the special permit, it must be modified by a new special permit.

4. Surrounding Neighborhood: This project site is located in an Industrial A district. This structure is surrounded by other industrial uses, including: Extra Space Storage, the paper and provisions warehouse and remainder of the Ames complex. To the east is the Market Basket supermarket.

5. Impacts of Proposal: There shall be minimal, if any, impacts to the surrounding neighborhood from the specific change to the site.

6. Green Building Practices: None noted on the application

7. Comments:

Fire Prevention: Deputy Chief William Lee has been contacted but has not yet provided comments.

Ward Alderman: Alderman Heuston has been contacted and has not yet provided comments.

II. FINDINGS FOR SPECIAL PERMIT:

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

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. Compliance with Standards: The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."

The Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing situation.

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to "promote the health, safety, and welfare of the inhabitants of the City of Somerville; to secure safety from fire, panic and other dangers." The proposed project will create a handicap accessible egress to this portion of the building for the eventual day care center that will be located there.

The proposal is consistent with the purpose of the district, which is, "To establish and preserve areas for industrial and related uses which are not incompatible with commercial uses; uses which are most appropriately located as neighbors of industrial uses including living and studio space for artists; and uses which are necessary to service the immediate needs of industrial establishments in those areas, and accessory uses to industrial uses such as day care centers, cafeterias, health facilities, and the like." The proposed use is an industrial use.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The project is compatible with the characteristics of the surrounding area. It ensures that the applicant will have a safe place for storage of vehicles without needing to impact abutting residential areas.

III. RECOMMENDATION

Special Permit under §4.4.1

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is to modify a site and building approved by a previous special permit by placing a fence along the eastern lot line and modifying the eastern wall of the structure to accommodate a parking area for trucks associated with the on-site business. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(12/6/10)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>6/20/09 (12/6/10)</td><td>Plot Plan</td></tr><tr><td>12/6/10 (12/6/10)</td><td>Plan submitted with application (SK-1)</td></tr></table>				Date (Stamp Date)	Submission	(12/6/10)	Initial application submitted to the City Clerk's Office	6/20/09 (12/6/10)	Plot Plan	12/6/10 (12/6/10)	Plan submitted with application (SK-1)
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12/6/10 (12/6/10)	Plan submitted with application (SK-1)											
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
2	The applicant shall meet fire prevention bureau's concerns. The applicant shall not park vehicles in the exit discharge area and shall maintain emergency exit access as needed.	BP	Fire									
3	The applicant will provide the City of Somerville with evidence that the owner of the Market Basket site allows permission for occupancy of the passageway by the fence.	BP	Plng.									

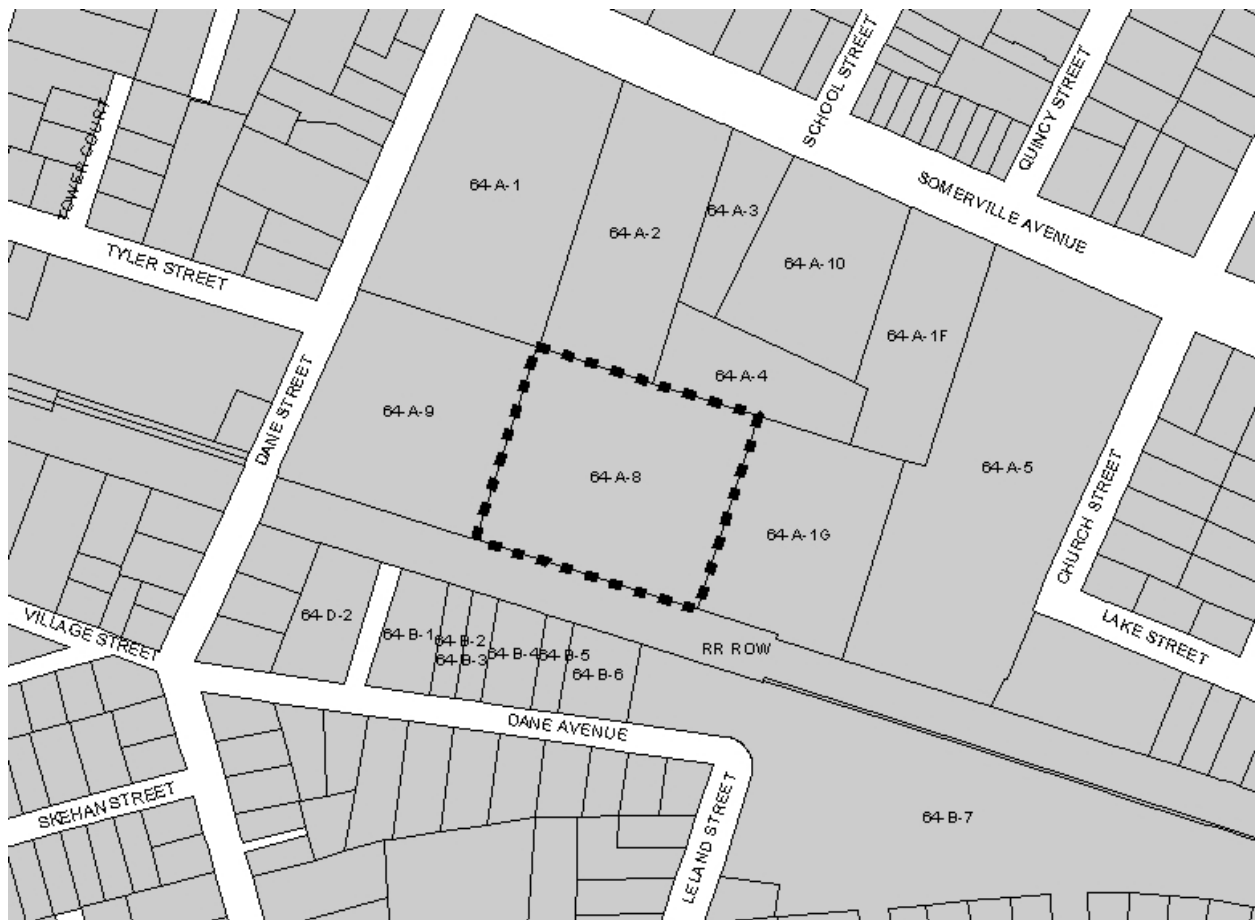
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	
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Sincerely,



Elizabeth Moroney
Acting Chair

Cc: Applicant: William Shea



30 Dane Street