



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

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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DANIELLE EVANS
ELAINE SEVERINO (ALT.)
JOSH SAFDIE (ALT.)

Case #: ZBA # 2010-68
Site: 100 Dover Street
Date of Decision: December 15, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: December 22, 2010

ZBA DECISION

| | |
|--------------------------------|-------------------------------------|
| Applicant Name: | Ideal Auto Repair |
| Applicant Address: | 49 Day Street, Somerville, MA 02144 |
| Property Owner Name: | Ideal Auto Repair |
| Property Owner Address: | 49 Day Street, Somerville, MA 02144 |
| Agent Name: | Richard G. DiGirolamo, Esq. |
| Agent Address: | 424 Broadway, Somerville, MA 02145 |

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| <u>Legal Notice:</u> | Applicant and Owner Ideal Auto Repair seeks a special permit under SZO §4.5.3 and §4.4.1 to build a 2 story 1,275 square foot addition to a nonconforming structure and expand an existing non-conforming use (motor vehicle repair §7.11.5.b and/or §7.11.6.b). |
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| <u>Zoning District/Ward:</u> | CBD zone/Ward 6 |
| <u>Zoning Approval Sought:</u> | §4.5.3, §4.4.1, §7.11.5.b & §7.11.6.b |
| <u>Date of Application:</u> | October 25, 2010 |
| <u>Date(s) of Public Hearing:</u> | December 15, 2010 |
| <u>Date of Decision:</u> | December 15, 2010 |
| <u>Vote:</u> | 5-0 |

Appeal #ZBA 2010-68 was opened before the Zoning Board of Appeals at Somerville City Hall on December 15, 2010. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



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DESCRIPTION:

The applicant and owner, Ideal Auto Repair, is proposing to add an addition to the newly renovated auto repair facility. The addition would consist of office space, waiting area, and a restroom facility. This proposed design would add a new two-story addition onto the existing one-story building. The proposal would also include plans to add two small dormers to the middle and rear of the building to allow for higher vehicle repair lifts in two bays. The proposed addition will also allow the applicant/owner to downsize their operation onto the 100 Dover Street site entirely. Currently, the applicant/owner leases the 49 Day Street site, but the applicant/owner will be removing their business operations from this site. As part of the operational downsizing, the applicant/owner will be moving the main entrance of Ideal Auto Repair from Day Street over to the Dover Street site.

FINDINGS FOR SPECIAL PERMIT (SZO §5.1):

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

1. Information Supplied: The 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."

In considering a special permit under §4.5 of the SZO, the Board finds that the new alterations to the existing non-conforming use would not be substantially more detrimental to the neighborhood than the existing structure & use.

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

1. Across the primary street edge, the building should complete the streetwall.
2. At the street level, provide continuous storefronts or pedestrian arcade which shall house either retail occupancies, or service occupancies suitably designed for present or future retail use.
3. Massing of the building should include articulation, which will blend the building in with the surrounding district. At the fourth floor, a minimum five-foot deep setback is recommended.

While the proposal is not a new development, it does improve the existing situation at street level. The project will complete a greater portion of the street wall along Dover Street, further limiting the expanse of open parking area that is visible along the street. While the façade has garage entrances and not typical retail stores along the street, the addition will provide a more pedestrian-friendly feel to that portion of the building, and the proposed upgrades to entry doors will create a more cohesive and open look for the building. Massing is shorter than many other buildings on the street, and while this does not contribute to a strong street presence for the existing building, the addition provides a more significant anchor to the structure. The structure has been a part of the neighborhood for many years, and the limited architectural detailing that is on the existing building will be preserved and enhanced.

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 promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to providing for and maintaining the uniquely integrated structure of uses in the City; conserving the value of land and buildings;



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preserving the historical and architectural resources of the City; and preserving and increasing the amenities of the municipality.

The proposal is consistent with the purpose of the Central Business District. Which is, designed to preserve and enhance central business areas for retail, business services, housing, and office uses and to promote a strong pedestrian character and scale in those areas. A primary goal for the districts is to provide environments that are safe for and conducive to a high volume of pedestrian traffic, with a strong connection to retail and pedestrian accessible street level uses.

While new automobile-oriented uses are not encouraged in the walkable center of the Davis Square business district, this existing business has provided a benefit to the community for many years, and meets a need for local residents, while also offering automobile repair service in a location with access to alternative forms of transportation. The existing structure is also more oriented to pedestrian activity and, while a multi-story mixed-use building would provide more street life, the existing building respects the pedestrian-oriented nature of the neighborhood, and the expansion will improve upon this condition.

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 addition provides an improvement to the built environment, furthering the street wall along the sidewalk edge, and providing an interesting design element as an addition to the existing building.

2. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

The proposed automotive use can have existing impacts from noise and emissions. All of these impacts will not become more significant with the proposed addition.

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

The Board is concerned that the existing condition requires vehicles to cross the pedestrian way for access to the garage, and that the site has multiple curb openings for access to the site. Nonetheless, the curb openings are pre-existing and are clearly marked. There is one curbcut that will run right into the area with the proposed addition, and this cut will be unnecessary with the completion of the addition.

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

4. Clearly define these bay widths, rhythms and dimensions, making them understandable through material patterns, articulations and modulations of the facades, mullion design and treatment, etc.

The Board appreciates the design difference between the existing traditional garage façade and the contemporary nature of the proposed addition. But, the Board finds that in order to understand the clarity of the proposed addition, the material labeled "painted panels" should be clearly articulated in regards to material type and color. This will help staff understand the material logic of the façade in order to gain a greater understanding of how



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the new addition will coexist with the existing building. The Board recommends that final material type and color selections be subject to review and approval by Planning Staff.

5. Use materials and colors consistent with those dominant in the area or, in the case of a rehabilitation or addition, consistent with the architectural style and period of the existing building. Use of brick masonry is encourage, but not considered mandatory.

As conditioned, the Board finds that this finding is met. See item #4, above.

Finally, in regards to the interior of the building, the Board is seeking to understand how the proposed mezzanine meets accessibility requirements. The Board recommends that the applicant address how the structure meets ADA and MAAB requirements for accessibility without the requirement for further modifications to the exterior of the structure to meet interior accessibility requirements.

DECISION:

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

| # | Condition | Timeframe for Compliance | Verified (initial) | Notes | | | | | | |
|-----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------|-------|----------------------------------------------------------|------------|------------------|----------------------------------------------------------|------------------|---------------------------------------|
| Approved Plans | | | | | | | | | | |
| 1 | Approval is for the expansion to the existing automotive garage on the site. 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>October 25, 2010</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>October 25, 2010</td><td>Modified plans submitted to OSPCD (2)</td></tr></table> | | | | Date (Stamp Date) | Submission | October 25, 2010 | Initial application submitted to the City Clerk's Office | October 25, 2010 | Modified plans submitted to OSPCD (2) |
| | Date (Stamp Date) | | | | Submission | | | | | |
| | October 25, 2010 | | | | Initial application submitted to the City Clerk's Office | | | | | |
| | October 25, 2010 | | | | Modified plans submitted to OSPCD (2) | | | | | |
| Any changes to the approved site plan and elevations that are not <i>de minimis</i> must receive SPGA approval. | | | | | | | | | | |
| Impact of Approved Project | | | | | | | | | | |
| 2 | The Applicant shall design the parallel parking space on the side facing the addition with grass pavers instead of the proposed asphalt paving, and provide updated plans showing this change to Planning Staff. | BP/CO | Plng. | | | | | | | |
| 3 | The applicant shall ensure that interior layout meets ADA and MAAB requirements for access to the mezzanine. | BP | Plng. | | | | | | | |



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| 4 | The Applicant shall provide material and color samples for the exterior elements of the new addition to Planning Staff for review and approval. | BP | Plng. | |
| 5 | The applicant shall provide a signage plan to Planning Staff for review and approval. Signage shall meet all zoning regulations. | BP | Plng. | |
| 6 | The applicant shall close any portion of curb not being used for vehicle access on Dover Street, and shall provide curb and sidewalk repairs that meet the requirements of DPW/City Engineer. | CO | Eng./DPW | |
| 7 | The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard. | CO | DPW | |
| 8 | The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order. | Perpetual | ISD | |
| 9 | Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards. | Perpetual | Plng. / ISD | |
| Construction Impacts | | | | |
| 10 | 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 | |
| 11 | All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained. | During Construction | T&P | |
| Public Safety | | | | |
| 12 | Applicant shall comply with Fire Prevention Bureau's requirements. | CO | FP | |
| Final Sign-off | | | | |
| 13 | The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval. | Final sign off | Plng. | |



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Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Danielle Evans

Attest, by the Administrative Assistant:

Dawn M. Pereira

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

CLERK'S CERTIFICATE

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

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

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

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

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

FOR VARIANCE(S) WITHIN

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

FOR SPECIAL PERMIT(S) WITHIN

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

Signed _____ City Clerk Date _____



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