



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

*PLANNING DIVISION*

**PLANNING BOARD MEMBERS**

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ELIZABETH MORONEY  
JAMES KIRYLO  
DANA LEWINTER, ALT.

**Case #:** ZBA 2010-77  
**Date:** December 16, 2010  
**Recommendation:** Conditional Approval

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**PLANNING BOARD RECOMMENDATION**

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**Site: 22 Kent Street**

**Applicant Name:** Keshet School  
**Applicant Address:** 22 Kent Street, Somerville, MA 02143  
**Property Owner Name:** Tyr Realty Trust  
**Property Owner Address:** 18 Sults Road, Belmont, MA 02478  
**Agent Name:** John Bianchi  
**Agent Address:** 31 Crestview Road, Needham, MA 02492  
**Alderman:** Maryann Heuston

Legal Notice: Applicant Keshet School and owner Tyr Realty Trust seek a special permit under SZO §4.4.1 to lower the front entrance door approximately 14" on the building façade to accommodate handicap access at grade.

Zoning District/Ward: IA / Ward 2

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: November 24, 2010

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

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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:



**CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143**  
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## I. PROJECT DESCRIPTION

1. Subject Property: The project site consists of six properties totaling approximately 41,000 square feet in an area located at the intersection of Somerville Avenue and Kent Street with one large structure that sits on all six parcels. The structure covers approximately 36,500 square feet containing a contemporary furniture warehouse outlet in its northern portion and a vacant set of offices in its southern portion.
  2. Proposal: The Applicant is proposing to lower the front entrance door located on Garden Court approximately 14" on the building façade to accommodate handicap access to the building at grade on a non-conforming structure. Currently there is an awning above the doorway which will remain and inserted into the space above the new door location and the awning will be a 14" by 36" transom window. This will provide access, per the Massachusetts Architectural Access Board, to the area with the offices at the rear of the building. The applicant is seeking to convert this area into an after-school program (child care facility per SZO 7.11.5.A.3). The proposed use, and all other related construction conforms with the Somerville Zoning Ordinance.
  3. Nature of Application: The property is located within an Industrial A district and the proposed use for this location is a child care facility. The applicant is seeking a special permit under §4.4.1 of the Somerville Zoning Ordinance (SZO) to lower the front entrance door approximately 14" on the building façade to accommodate handicap access at grade. This is an application that is simply requesting a 'reasonable accommodation' to a facility to allow ingress and egress for disabled persons to meet requirements of ADA and the Massachusetts Architectural Access Board (MAAB).
  4. Surrounding Neighborhood: This project site is located in an Industrial A district. Separating the site from Somerville Avenue is Samba Bar and Grill and a liquor store. Across Somerville Avenue is a BA district with a bakery, an auto repair shop, and a used auto sale business. To the west of the site is a strip mall with a Papa John's Pizza, a Dollar Store, and a specialty foods store. A community park with a skating rink, basketball courts, and athletic fields sits to the east, and the commuter rail right-of-way is to the south.
  5. Impacts of Proposal: There shall be minimal, if any, impacts to the surrounding neighborhood from the specific change to the structure. External construction will be minor as only the existing metal grating and concrete steps need to be removed, the door on the wall lowered to grade, and a small transom window, approximately 14" by 36", installed above the new door. No significant disruption to the neighborhood is anticipated.
- While the Board has some concerns about the logistical management of an after-school program at this site, these issues are not the subject of the Special Permit application. The use this applicant is seeking is protected under state and local law. The parking demand is lower than the previous use, thereby not triggering additional parking requirements. The site is connected to industrial uses in adjacent structures. Garden Court is a private way. The right-of-way itself disappears in the current context, with city parking, dumpsters and other obstructions on the right-of-way. The Board is recommending that the owner of 22 Kent Street work with legal and engineering staff to address the use and occupation of the right-of-way by the city and abutting private interests. This conversation has begun. While these issues are important, The Board does not recommend holding up the approval of a modification for accessibility over these unrelated issues.
6. Green Building Practices: None.

7. Comments:

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

*Historic Preservation:* “Given the numbers of the alterations over time, the alteration of a doorway would not have a negative impact on the historic character of the building or its neighborhood.” See attached memo for additional information.

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



Existing Conditions

**II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):**

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 §4.4 of the SZO, the Board find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

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 (a day care center) is an accessory use to the industrial uses.

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.

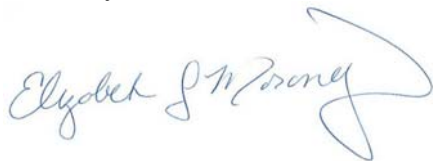
### **III. RECOMMENDATION**

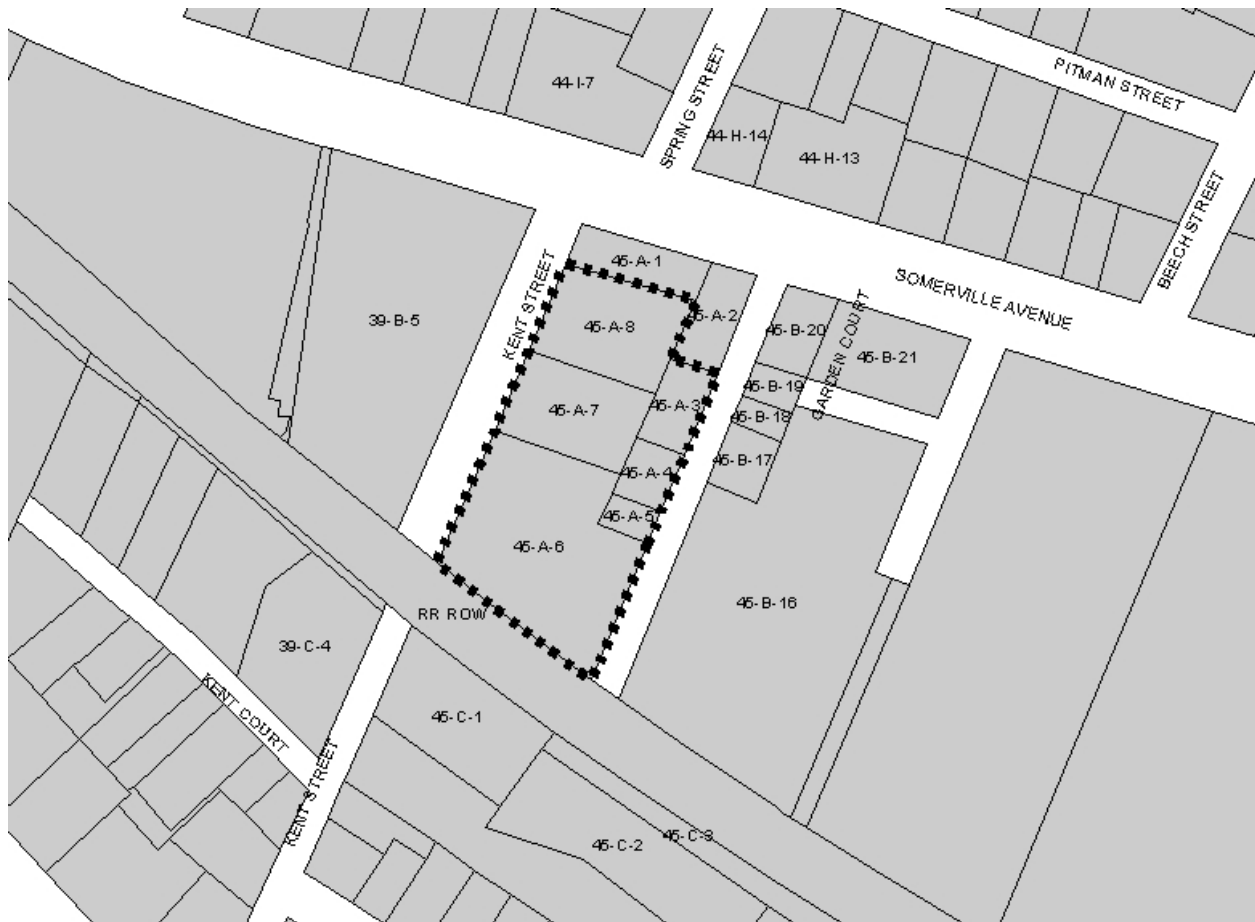
#### **Special Permit under §4.4.1**

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      |  |                    |           |                     |  |       |       |  |
|---------------------|--|--------------------------|--------------------|------------|--|--------------------|-----------|---------------------|--|-------|-------|--|
|                     | <p>Approval is to alter a non-conforming structure to lower the front entrance door approximately 14” on the building façade to accommodate handicap access at grade. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(11/24/10)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>4/25/95 (11/24/10)</td><td>Plot Plan</td></tr><tr><td>11/12/10 (11/24/10)</td><td>Plans submitted with application (A-301.0)</td></tr></table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p> | Date (Stamp Date)        | Submission         | (11/24/10) | Initial application submitted to the City Clerk’s Office | 4/25/95 (11/24/10) | Plot Plan | 11/12/10 (11/24/10) | Plans submitted with application (A-301.0) | BP/CO | Plng. |  |
| Date (Stamp Date)   | Submission   |                          |                    |            |  |                    |           |                     |  |       |       |  |
| (11/24/10)          | Initial application submitted to the City Clerk’s Office   |                          |                    |            |  |                    |           |                     |  |       |       |  |
| 4/25/95 (11/24/10)  | Plot Plan  |                          |                    |            |  |                    |           |                     |  |       |       |  |
| 11/12/10 (11/24/10) | Plans submitted with application (A-301.0)   |                          |                    |            |  |                    |           |                     |  |       |       |  |
|                     | <p>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.</p>   | Final sign off           | Plng.              |            |  |                    |           |                     |  |       |       |  |

Sincerely,


Elizabeth Moroney  
Acting ChairCc: Applicant: Keshet School  
Agent: John Bianchi



**22 Kent Street**

To: Planning Division  
From: Kristi Chase, Preservation Planner  
Date: December 9, 2010  
Re: HPC 10.113 – 22 Kent Street

This property has never been surveyed. A quick review of the building permits indicates that the oldest portions of the building date from prior to 1916. However numerous building permits have been issued for everything from repairs after a fire to alteration of use and the addition of garages. Nothing remains that can be said to date specifically back to the early 20<sup>th</sup> century and its early uses. Over time, businesses included Eastern Utilization sorting cotton waste (1916-1920); Security Fence Co. (1926-1947); American Oil (1964); and Catania Spagna Oil (1976-1993). Other permits did not specify the company or the uses but were tied to the name of the owner.

Given the numbers of alterations over time, the alteration of a doorway would not have a negative impact on the historic character of the building or its neighborhood.