



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

PLANNING BOARD

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Case #: ZBA 2009-01
Date: April 16, 2009
Recommendation: Conditional Approval

PLANNING BOARD REPORT

Site: 377 Summer Street / 6 Cutter Avenue

Applicant Name: Christos Poutahidis

Applicant Address: 80 Prichard Avenue, Somerville MA 02144

Property Owner Name: same as owner

Agent Name: Richard G. Di Girolamo

Agent Address: 424 Broadway, Somerville MA 02145

Alderman: Gewirtz

Legal Notice (revised): Applicant & Owner: Christos Poutahidis seeks a Special Permit to establish 6 dwelling units (SZO §7.11.1.c) and for shared parking (§9.13.e). The dwelling units would be part of a mixed use building with office and retail.

Zoning District/Ward: Central Business District / 6

Zoning Approval Sought: Special Permit SZO §7.11.1.c and §9.13.e

Date of Application: January 22, 2009

Date(s) of Public Meeting / Hearing: Planning Board: April 16, 2009 / ZBA: May 6, 2009

Date of Decision: N/A

Vote: N/A

Dear ZBA members:

At its regular meeting on April 16, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (4-0, with Kevin Prior absent), 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 site is at the corner of Summer Street and Cutter Avenue in Davis Square. It is made up of two parcels (25-A-20 and 25-A-21) that combined are 8055 square feet. One parcel has the address 6-8 Cutter Avenue, which is a 2-family, 2 1/2-story residence with a Greek Revival style and Queen Anne additions. The other is 377 Summer Street, which is a vacant one-story brick and concrete block structure that was previously a historic automobile service station, Jenny Gas, and more recently Enterprise Rent-A-Car. There is one bay and the pumping apparatus has been removed.

2. Proposal: The two buildings on the site would be demolished and a 15,990 square foot building would be constructed. It would be a mixed use building with the following uses by floor. The basement would be underground parking for 16 cars (one handicapped space would be located at grade). The first floor would be retail space of approximately 4,666 gross square feet. The second floor would be office space of approximately 4,906 gross square feet. The third and fourth floors would be six bi-level residential units of approximately 1,050 square feet. The residential units would have two bedrooms, one bath, and balconies.



3. Nature of Application: Six residential units in a Central Business District requires a special permit under §7.11.1.c of the Somerville Zoning Ordinance (SZO). The building complies with the dimensional requirements. The Applicant is also seeking a special permit for shared parking (SZO §9.13.e). Twenty-four parking spaces are required for the retail, office and residential uses and the proposal is to provide 17 parking spaces.

4. Parking/Loading: The Applicants' Traffic Engineer has submitted data justifying the practical need for 17 parking spaces based on accepted transportation engineering practices.

Retail: 9.3 spaces required – 4.66 spaces needed based on parking memo data



Office: 8.5 spaces – 6.8 spaces needed based on parking memo data
Residential: 10 – 5.9 spaces needed based on parking memo data

Two bicycle parking spaces are required. No loading bays are required.

5. Surrounding Neighborhood: The property is located in Davis Square with commercial, retail, restaurant, entertainment and office uses along Elm and Summer Streets. There is a residential neighborhood located to the north of the site. The following monumental buildings are nearby: Winter Hill Bank, Citizens Bank, and the Church of the Nazarene.

6. Impacts of Proposal: The retail, office and residential units would add vibrancy to the thriving square. The change in the appearance of the site would be substantial. The Applicant has incorporated suggestions from the Historic Preservation Commission and Design Review Committee to address the relationship of the building to the historic Rosebud Diner that is adjacent to the site and the surrounding environment in Davis Square (see details below). The demand for parking spaces appears to be mitigated by the following factors: there is shared parking for the three uses that have varying peak parking times, parking data supports the reduced number in this location, the Davis Square MBTA rapid transit station and municipal parking lot are in close proximity.

7. Green Building Practices: The Applicant is building to achieve LEED certification.

8. Comments:

Fire Prevention: “This proposed structure would require a code compliant fire alarm system and the structure would also have to be fully sprinklered with a fire suppression system.”

Engineering: The City Engineer has received the drainage report and made a request to the engineer to provide an "Inspection and Maintenance Plan" of the drainage system to the city and to the client.

He expressed concerns to the engineer regarding the increase in groundwater from the two dry wells because the two adjacent buildings are on or near the property line (edge of dry wells are 9 ft. away from the buildings) and may impact the basements of these buildings. The project engineer said that the rear dry well will be taking a minimum of run-off while the one in front near Summer Street will be receiving the vast majority of run-off. This is beneficial since we believe that the Rosebud restaurant does not have a basement.

Other than that issue, the plans and report appear to satisfy the City's and DEP's regulations relative to storm water, sewerage and water distribution.

Historic Preservation: At their hearing on July 15, 2008, the Somerville Historic Preservation Commission voted unanimously (5-0) that the “significant” buildings at 377-379 Summer Street and 6-8 Cutter Avenue are not “preferably preserved”. The minutes from this meeting are attached.

Design Review Committee: The DRC reviewed the proposal at their meeting on February 26, 2009. The Applicant has incorporated the Committee’s recommendations into the current design. The minutes from this meeting are attached.



Traffic & Parking: "...Traffic and parking has conducted several specific on site (377 Summer St) reviews and also traffic reviews of the immediate area (Cutter Ave/Summer St) and corridor reviews of Summer St and Cutter Ave.

Traffic and Parking has concerns relative to off site parking spaces located in close proximity to sidewalks and problems that could be created with vehicles blocking the sidewalk and or street while waiting for the vehicle in the parking space to vacate the parking space and exit the ramp system to the street. In the case of 377 Summer St upon close examination of the HP parking space this concern can be negated if the vehicle is required to "back in" to the HP parking space and thus exit the parking space in a forward movement.

Therefore to restate previous comments, the applicant seeks a special permit to redevelop two sub-parcels located in Davis Square at 377 Summer St. The development consists of replacing an existing gas station and a single family home with a mix of retail space, office space and residential space. This project per the Somerville Zoning Ordinance (SZO) requires 24 off-street parking spaces. The applicant's proposed site plan provides only 17 off-street parking spaces. The applicant has provided a Parking Memorandum by a competent Traffic/Transportation consultant. This memorandum states that a practical requirement for the above referenced development is 17 off street parking spaces.

The Parking Memorandum submitted indicates that based on previous Traffic and Parking Studies used for other projects (One Davis Square, et al) in the Davis Square area that there is parking availability during the day and early evening at existing parking spaces/meters in the Davis Square area. Traffic and parking concurs with this analysis. This Parking Memorandum also refers to the ITE Transportation and Land Use Development Manual regarding reduction in traffic generation due to pass-by trips, diverted trips and internal trips. This reduction in generated traffic will simultaneously reduce the parking associated with trips calculated by any strict traffic generated trips. The ITE document is a professional traffic industry standard. Traffic and Parking also concurs with this analysis using ITE standards. Further analysis in this Parking Memorandum refers to the Davis Square/Central Business District as a Transit Oriented Development (TOD) area. Other TOD's in the Boston area have provided empirical documentation of average parking space demand as 1.18 parking spaces per unit. U. S. Census Data also supports this parking space utilization factor. Traffic and parking does not dispute these calculations for TOD's in Boston or Somerville.

The 17 parking spaces provided for this project appears sufficient and will have a negligible impact on surrounding public parking. However there will be a minor increase in on street traffic congestion and delay due to not fully providing for the 24 parking spaces. There will also be a slight decrease in pedestrian and bicycle safety due to this factor.

To alleviate this condition and promote a safe comprehensive transportation network in the Davis Square area, mitigation to provide for pavement markings and traffic and parking related signs is required. It is recommended that the developer provide a gift to the City of \$2000.00 for pavement marking in the Davis Square area and also a gift to the City of \$2000.00 for traffic and parking signs in the Davis Square area.

Provided the above mitigation including the requirement for the HP parking space is incorporated, Traffic and Parking does not object to this application."



Wire Inspection: Per N-Star requirements a 4' (ft.) clearance is required at both sides and the rear of the transformer; a clearance of 10' is required in front. The final location of the transformer will need review by the Wiring Inspector.

Ward Alderman: Has been contacted but has not provided comments.

II. 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. There are two site plans (both labeled sheet 2) – one showing fifteen parking spaces (March 26, 2009) and other seventeen spaces (Nov 2008). The final plan will have seventeen parking spaces with the slight alterations to the site shown on the March 26, 2009 plans.

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 Applicant has complied with the standards for granting a special permit for the six residential units and for exceptions to parking requirements, §9.13 of the SZO.

In considering a special permit under §9.13 "the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and determinations set forth in Section 5.1.4". The Board finds that the proposal, as conditioned, would be consistent with Section 9.1. All but one parking space would be located below grade and accessed via a driveway off of Cutter Avenue. There would be a ramp signal system and the vehicle parked in the handicapped space would back into the space to prevent vehicle conflict. The Board finds that granting the requested special permit would not cause detriment to the surrounding neighborhood through any of the criteria as set forth under SZO §9.13, which are as follows:

- 1) increase in traffic volumes;
- 2) increased traffic congestion or queuing of vehicles;
- 3) change in the type(s) of traffic;
- 4) change in traffic patterns and access to the site;
- 5) reduction in on-street parking;
- 6) unsafe conflict of motor vehicle and pedestrian traffic.

Additionally, the standards for shared parking have been met. There are three uses that would utilize common parking. Traffic and Parking staff have approved the parking deviation based on calculated parking demand data for combined land uses based on recognized methodology.

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 providing for and maintaining the uniquely integrated structure of uses in the City, adequately protecting the natural environment (through green building design) and encouraging the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the Central Business District, which is, “[t]o 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.”

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 designed in a manner that is compatible with the built area and uses. The building would have a mix of uses with residential, office and retail that would promote daytime and nighttime activity of the site, which is important for a successful square. The building meets the guidelines of a CBD: it completes the streetwall and provides a continuous retail storefront, there is articulation to the massing, the fourth floor is setback, parking is below street level, and parking is accessed from a side street. Additionally, the proposed materials are compatible with the buildings in Davis Square.

III. RECOMMENDATION

Special Permit under §7.11.1.c & 9.13.e

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
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1	Approval is for 6 dwelling units (SZO §7.11.1.c) as part of a mixed use building with office and retail and for shared parking of 17 spaces (§9.13.e). This approval is based upon the following application materials and the plans submitted by the Applicant:	Prior to ZBA meeting	Plng.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(Jan 30, 2009)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Dec 29, 2008 (Jan 30, 2009)</td><td>Plans submitted to OSPCD (Site Grading Drainage and Utilities Plan: C2, C3)</td></tr><tr><td>Mar 26, 2009</td><td>Modified plans submitted to OSPCD (Zoning Compliance: 1, 2nd-4th floor plans:3, Proposed Elevations: 4)</td></tr><tr><td>TBD</td><td>Modified plans submitted to OSPCD (Basement / Parking, 1st floor w/ Site Plan: 2)</td></tr></table>				Date (Stamp Date)	Submission	(Jan 30, 2009)	Initial application submitted to the City Clerk’s Office	Dec 29, 2008 (Jan 30, 2009)	Plans submitted to OSPCD (Site Grading Drainage and Utilities Plan: C2, C3)	Mar 26, 2009	Modified plans submitted to OSPCD (Zoning Compliance: 1, 2nd-4th floor plans:3, Proposed Elevations: 4)	TBD	Modified plans submitted to OSPCD (Basement / Parking, 1 st floor w/ Site Plan: 2)
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Any changes to the approved plans or use that are not <i>de minimis</i> must receive ZBA approval.														
2	If the retail use that is established at this location is not a by-right use and requires a Special Permit, the Applicant shall seek this permit.	CO	ISD											
3	The Applicant shall install a code compliant fire alarm system and a fire suppression system.	CO	FP											
4	The Applicant shall provide an "Inspection and Maintenance Plan" of the drainage system to the City and to the client.	CO	Engineering											
5	Signage shall be posted specifying that a vehicle is required to "back in" to the HP parking space and thus exit the parking space in a forward movement.	CO	T&P											
6	The Applicant will provide a contribution to the City of \$2000.00 for pavement marking in the Davis Square area and also a contribution to the City of \$2000.00 for traffic and parking signs in the Davis Square area.	CO	T&P											
7	The Applicant shall supply 2 bicycle parking spaces, which can be satisfied with “U” type bicycle rack.	CO	Plng.											
8	The transformers should be located as not to decrease the landscaped area and it shall be fully screened.	Electrical permits &CO	DPW											
9	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											

10	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	
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	
12	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.	
13	The suspected underground fuel tanks on this site must be removed under the supervision of the Fire Prevention Bureau. Permits will be required for these removals.	CO	FP	
14	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.	Demolition Permitting	ISD	
15	<p>Because of the history of the site and the intended use, the Applicant shall, prior to issuance of any foundation permit and/or any building permit for the project, provide to the Planning Department and the Inspectional Services Division:</p> <p>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</p> <p>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.</p>	Foundation Permit	Plng/ ISD	

16	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, 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.	CO	OSE/FP/ BOH	
17	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.	

Sincerely,



Elizabeth Moroney
Acting Chair

Cc: Applicant/Owner: Christos Poutahidis
Agent: Richard G. Di Girolamo

