



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

PLANNING DIVISION

PLANNING BOARD MEMBERS

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JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
DANA LEWINTER (ALT.)

Case #: PB 2009-16
Site: 561 Windsor Street
Date of Decision: February 4, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: February 9, 2010

PLANNING BOARD DECISION

Applicant Name:	Taza Chocolate
Applicant Address:	561 Windsor Street, Somerville, MA 02143
Property Owner Name:	Millers River Development
Property Owner Address:	c/o Bart Bussink, 561 Windsor Street, Somerville, MA 02143
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant, Taza Chocolate, & Owner, Millers River Development (Bart Bussink), seek a Special Permit (SZO §6.5.E and §7.13.C) to expand manufacturing space (§7.13.H) to a total of 6,765 sf along with an existing 2,000 sf office and a new 770 sf retail space. TOD 135. Ward 2.
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<u>Zoning District/Ward:</u>	TOD 135 zone/Ward 2
<u>Zoning Approval Sought:</u>	§6.5E, §7.13.C & §7.13.H
<u>Date of Application:</u>	December 29, 2009
<u>Date(s) of Public Hearing:</u>	February 4, 2010
<u>Date of Decision:</u>	February 4, 2010
<u>Vote:</u>	4-0

Appeal #PB 2009-16 was opened before the Planning Board at Somerville City Hall on February 4, 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 Planning Board took a vote.

DESCRIPTION:



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The Applicant would like to consolidate and expand its operations to have a main processing space with an office and a small retail space. The roasting and processing areas would be a total of 6,765 sf and the accessory office would be 1,972 sf for a total of 8,737 sf. One of the processing areas would remain separated by a hallway for the building's use. Taza's retail store would be 770 sf and would provide for sampling, purchasing, and informational and product display. The expansion would allow for additional processing equipment, and better storage and packaging areas. The number of additional employees is not yet known. There are no proposed changes to the exterior of the building. There is an existing loading dock on the front of the building adjacent to the area that Taza Chocolate would occupy.

The previous use of the space was a T-shirt printing company, QRST Printing, which had a 1,000 sf of office with a small retail space. The printing company had approximately 7 employees.

FINDINGS FOR SPECIAL PERMIT (SZO §5.2 & §7.13.C):

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

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 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."

Many of the development standards in the TODs apply to alteration of structures and therefore do not apply in this case. It is anticipated that the owner will apply for a special permit to alter the exterior of the structure and these development standards would be evaluated at that time.

3. Purpose of 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 proposal is consistent with the purpose of the Transit Oriented Districts. The districts promote a mix of uses within buildings including commercial and industrial uses. The retail portion would increase street-level activity, which is another purpose of the districts. A goal of the TOD-135 district is to improve the commercial tax base and bring good quality jobs to the City. The expansion of this business helps to achieve this goal and allow for the expansion of a unique business in the City.

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 would be not change to the structure or site as a result of this application.

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

The business currently operates in the building and with the expansion it will continue to operate in a similar manner.

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."



The space that Taza Chocolate would expand into is currently a print shop that is using these public systems. Any increase in the use of the public systems for an industrial use is offset by the tax benefits and support for local businesses that comes with the expansion.

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.”

The Applicant stated that the environmental impact of the business is the creation of a pleasant odor of chocolate and cocoa shell chaff. The cocoa shell chaff is captured and contained in a “cyclone” capture system located adjacent to the roasting area at the rear of the building. There would be no change to the roasting area as a result of the expansion.

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.”

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City. The proposal is also consistent with the purposes of the applicable sections.

9. The following findings are not applicable to the proposal for a use change within an existing building: preservation of landform and open space, relation of buildings to environment, stormwater drainage, historic or architectural significance, enhancement of appearance, lighting, emergency access, location of access, utility service, screening of service facilities, and screening of parking.

10. Prevention of Adverse Impacts: The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development.”

Since the business is currently located at the site, the impacts of it, specifically the cocoa shell chaff byproduct, is captured in a way that minimizes adverse impacts of the business.

11. Signage: The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”

Any new signage within the TOD district requires Planning Board approval under SZO §6.5.D.5. Signage is not part of this approval.



DECISION:

Present and sitting were members Elizabeth Moroney, Joseph Favaloro, Michael Capuano and Dana LeWinter. Upon making the above findings, Elizabeth Moroney made a motion to approve the request for a special permit with site plan review. Michael Capuano seconded the motion. Wherefore the Planning Board voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for 8,737± sf of space within Cluster H – Light Industrial. 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>Dec 29, 2009</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Jan 11, 2010</td><td>Modified plans submitted to OSPCD (E-1: floor plan)</td></tr></table>				Date (Stamp Date)	Submission	Dec 29, 2009	Initial application submitted to the City Clerk’s Office	Jan 11, 2010	Modified plans submitted to OSPCD (E-1: floor plan)
	Date (Stamp Date)				Submission					
	Dec 29, 2009				Initial application submitted to the City Clerk’s Office					
Jan 11, 2010	Modified plans submitted to OSPCD (E-1: floor plan)									
Any changes to the approved floor plans that are not <i>de minimis</i> must receive ZBA approval.										
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP							
3	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.							



Attest, by the Planning Board:



Elizabeth Moroney



Joseph Favaloro



Michael A. Capuano, Esq.



Dana LeWinter

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



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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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