



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

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DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

Case #: PB 2009-16
Date: February 4, 2010
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 561 Windsor St

Applicant Name: Taza Chocolate

Applicant Address: 561 Windsor St, Somerville, MA 02143

Property Owner Name: Millers River Development (Bart Bussink)

Property Owner Address: 561 Windsor St, Somerville, MA 02143

Agent Name: none

Alderman: Heuston

Legal Notice: 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.

Zoning District/Ward: TOD 135 / 2

Zoning Approval Sought: Special Permit (§6.5.E & §7.13.C)

Date of Application: Dec 29, 2009

Dates of Public Hearing: Planning Board 2/4/10

I. PROJECT DESCRIPTION

1. Subject Property: The subject property is in Boynton Yards and is made up of three parcels with a total area of 27,481 sf. The structure on the site is a four and five story brick building that houses a mix of commercial and industrial uses. The Applicant, Taza Chocolate, makes high-quality chocolate in approximately 5,000 sf in three separate spaces in the building. There are approximately 12 employees at any time in the facility. The hours of operation are listed as normal business hours. This area was recently rezoned from Industrial Park (IP) to Transit Oriented District 135 (TOD-135).



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

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In 2001, the Zoning Board of Appeals issued a special permit to alter the existing non-conforming structure (S.Z.O. §4.4.1.), a special permit to park on a separate lot (S.Z.O. §9.13.d.), a special permit for floor area ratio (S.Z.O. §8.5.e.) and a special permit for height (S.Z.O. §8.5.f.). The ZBA also issued a special permit with site plan review to place 53,851 gsf of non-medical office space within the existing building (S.Z.O. §7.11.7.1.c). The plans were not completed as permitted. The Owner is expecting to apply for a separate special permit to alter the exterior of the building again to improve the Taza storefront as well as the rest of the façade.

Parking

There are presently 71 parking spaces allocated for general use to building tenants and guests. 64 of these are off site in a parking area that is around 100 feet from the building entrance. The remaining parking spaces are along the front of the building. The spaces are designated as "30 minutes or less" and there is one Handicap parking space.

There is parking available for 6 bicycles in the front of the building. This is primarily used by building employees.



561 Windsor (l) main entrance, (r) area of proposed first floor use by Taza Chocolate



2. Proposal: 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.

Parking

Three of the parking spaces in front of the building would be designated for Taza visitors all day on weekends, and after 6pm on weekdays. In the satellite lot, 10 spaces would be designated for "Taza use - employees and visitors." Their website would indicate the location of parking spaces with a diagram along with the driving directions.

3. Nature of Application: Uses in the TOD are governed by SZO §6.5.E and §7.13.C. Where the total square footage for a proposed use cluster exceeds the by-right allowance, special permit with site plan review approval is required. The manufacturing space is in use cluster H – light industrial. The proposed 6,765 sf along with an existing accessory 1,972 sf office is over the 5,000 nsf by-right allowance. The retail space is in use cluster B – small retail. The proposed 770 sf of retail space is less than the 10,000 nsf by-right allowance so this use is by-right.

The 13 parking spaces, as proposed, satisfy the parking requirement. The retail use requires 0.5 and the industrial use requires 6 parking spaces. The Zoning Board of Appeals previously granted a special permit for parking on a separate lot so the spaces in the satellite lot can be included in the parking count.

The use clusters in the rest of the building are:

Office (total 19,782 sf) – 19.8 parking spaces

Small Retail and Service (total 2,606 sf) – 1.7 parking spaces

Educational/Recreational/Institutional (total 11,360 sf) – 22.7 parking spaces

Light Industrial (total 28,450 sf) – 19 parking spaces

Vacant (1,250 sf)

63 parking spaces are required 71 parking spaces are available.

4. Surrounding Neighborhood: The surrounding area is commercial and industrial in nature. Nearby business include Royal Hospitality Laundry, Nissenbaum's Auto Parts, Green Cab, and several auto repair shops.

5. Impacts of Proposal: The industrial use is consistent with the types of uses that are found in the building. The retail component would give the public access to purchase chocolate and learn how it was made. The Applicant stated the impacts of making chocolate are a pleasant odor 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. There would be no change to the exterior of the building as a result of the application; however, the Owner is expecting to apply for a special permit to alter the exterior of the building again to improve the Taza storefront as well as the rest of the façade.

6. Green Building Practices: The Applicant stated that the company is highly sensitive to energy and resource use. They have instituted a number of best practice procedures for energy, recycling, packing, deliveries, etc. The following are details on their practices:

RECYCLING

We reuse packaging materials wherever possible, and recycle anything that's left over. All of our corrugated shipping boxes, paper collateral, and displays are completely recyclable. We lease a printer and print only what we need. Most of our packaging supplies we use are made with 20% – 100% post-consumer recycled materials. We recycle glass, plastic, metal, and paper in both our office and factory utilizing the City of Somerville recycling program and a Save That Stuff dumpster in our back yard.

SUSTAINABLE AGRICULTURE & DIRECT TRADE

Our supply chain is simple: direct from the farm to us to you. We don't believe in using intermediary brokers! And because our beans come from Latin America and the Caribbean, instead of Africa or Indonesia, our food miles are kept in check.

Direct relationships with our growers bring us the highest quality ingredients while ensuring fair wages and work practices on the farm. All of our ingredients are certified organic; many are also biodynamically grown. These growing methods leave behind a minimal carbon footprint.

ENERGY EFFICIENCY

We do our best to operate an energy efficient chocolate factory. Energy-saving T-8 fluorescent lamps and compact florescent bulbs are used throughout our facility. Our roaster uses clean-burning natural gas to roast the beans by convection. It is so efficient that even at peak usage, our gas bill rarely exceeds \$40 / month.

GREEN PARTNERS

We work with a number of local organizations in an effort to keep our community green. We have collaborated with GoGreen Somerville on developing our operational sustainability strategy. We have worked hard at achieving zero percent waste in our operations, and all of the byproducts of the production process can be recycled, reused, or composted. We donate most of our organic cacao shells to Groundwork Somerville for use as mulch. Some also go to Eva Sommaripa of Eva's Organic Garden.

HUMAN-POWERED DELIVERY

Taza Chocolate is committed to reducing consumption of non-renewable resources. As a company full of cycling enthusiasts, we're glad to provide the option of bike delivery to retail customers in Cambridge and Somerville.

For bike delivery to wholesale customers in Cambridge, Somerville, and Boston, we've partnered with Metro Pedal Power. MetroPed provides eco-friendly pick-up and delivery services for local businesses, organizations and universities.

Finally, factory pick-up is available for local customers at no charge. We hate the idea of shipping a package to someone who could walk here and pick it up. Boston winters notwithstanding.

7. Comments:

Fire Prevention: Has been contacted but has not provided comments.

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

II. FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (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 Staff 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.

III. RECOMMENDATION**Special Permit with Site Plan Review under §5.2 & §7.13.C**

Based on the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT with SITE PLAN REVIEW**.

#	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)
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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.							

