



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

*PLANNING DIVISION*

**STAFF**

GEORGE PROAKIS, *PLANNING DIRECTOR*  
CHRISTOPHER DI IORIO, *SENIOR PLANNER*  
LORI MASSA, *PLANNER*  
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*  
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

**Case #:** PB 2010-07  
**Date:** May 18, 2010  
**Recommendation:** Conditional Approval

---

**PLANNING STAFF REPORT**

---

**Site:** 561 Windsor St

**Applicant Name:** Millers River Development LLC

**Applicant Address:** 561 Windsor St, Somerville MA 02143

**Property Owner Name:** same

**Agent Name:** Bart Bussink

**Agent Address:** 561 Windsor St, Somerville MA 02143

**Alderman:** Maryann Heuston

Legal Notice: The Applicant/Owner, Millers River Development LLC, seek a special permit under SZO §6.5.D.5 to alter the façade, signage and site plan.

Zoning District/Ward: TOD 135 / 2

Zoning Approval Sought: Special Permit §5.1

Date of Application: April 6, 2010 (complete Apr 30, 2010)

Dates of Public Hearing: Planning Board 5/20

---

**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. This area was recently rezoned from Industrial Park (IP) to Transit Oriented District 135 (TOD-135). Internally, the property is divided down the middle such that one side contains five floors and the other side four floors even though the building is the same height throughout when viewed from the exterior. The structure on the site houses a mix of uses.



**CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143**  
**(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722**  
**[www.somervillema.gov](http://www.somervillema.gov)**



The following Use Clusters currently occupy the building:

### Use Clusters

Vacant	1,250
--------	-------

### Office (total 19,782 sf)

C class office	1,667
Artists, photographers, architects	11,733
Community Services	6,382

### Small Retail and Service (total 1,404 sf)

Internet sales	634
Taza	770

### Educational/Recreational/Institutional (total 11,360 sf)

Martial arts	5,000
Recording studios	6,360

### Light Industrial (total 33,487 sf)

Contractor storage	2,928
Warehouse	5,766
Cabinet Making	11,162
Moving company storage, training repair	4,894
Light Manufacturing	8,737

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 partially completed.

In February of this year, the Planning Board issued a special permit to expand manufacturing space (SZO §7.13.H) in the building for the tenant Taza Chocolate. The applicant did not apply for exterior changes at that time.



*561 Windsor St – Front Façade and landscaping (above), Windsor St Side Façades (below)*



2. Proposal: There are three proposed phases to the renovations.

The first phase includes altering the façade of the first story of the building along Windsor Street and Windsor Place and the middle of the building for all of the stories. A metal screen will be placed over the plywood along the first floor. The metal paneling system will also be located in the middle of the building to fill in the area that currently looks unfinished. New windows will also be placed in this location along with numbers to identify the building's address. The metal panels on the building will be perforated to create a design. The main entrance of the building will include a sculptural element to provide interest and provide a focal point for the building.

Also included in this phase are signage and a slight change to the site plan.

The Taza Chocolate entrance to the building will have a canopy and wooden structure projecting from the door to the sidewalk. The new entrance will give this retail entrance prominence and be distinct from the rest of the building. There will be a free standing sign along the sidewalk and a round sign at the front of the structure. There will also be awnings above the three windows, which are the only windows on the first floor of this façade. One parking space in the front of the building by the Taza entrance will be removed to allow for outdoor seating, the canopy and additional landscaping. There will also be signs for Taza on the sides of the building at the fourth floor height to increase visibility from Webster Avenue and Boynton Yards. The signs will be ghost murals painted directly on the building. The building will be protected with green graffiti coat before it is painted.

The second phase includes replacing the windows and brick veneer on the western side of the building along Windsor Street. The new material would be stucco with grid lines and the windows would be larger and more proportional to the building's size. The Applicant explained that the cost of this phase is high due to removing the brick veneer and restoring the larger, original window openings. The stucco would match that on the south and west faces of the building.

The third phase includes the renovations described in phase two for the eastern side of the building along Windsor Street and the side of the building along Windsor Place.

### *Parking*

There are presently 70 parking spaces allocated for general use to building tenants and guests and there would be 69 spaces after approval of this project. 64 of these are off site in a parking area that is approximately 100 feet from the building entrance. The Zoning Board of Appeals previously granted a special permit for parking on a separate lot so the spaces in this satellite lot can be included in the parking

count. The remaining 6 parking spaces are along the front of the building; however, one of these spaces will be removed to add additional landscaping. The parking requirements for the building will still be met.

The use clusters and associated parking requirements in the building are:

Office (total 19,782 sf) – 20 parking spaces  
Small Retail and Service (total 1,404 sf) – 1 parking spaces  
Educational/Recreational/Institutional (total 11,360 sf) – 23 parking spaces  
Light Industrial (total 8,737 sf) – 22 parking spaces  
Vacant (1,250 sf)

66 parking spaces are required - 69 parking spaces are available

The applicant stated that there are 6 bicycle parking spaces in the front of the building and 8 inside at the rear of the building. Building employees primarily use the bike parking. The site is currently nonconforming for the number of bicycle parking spaces since 18 are required for the current use clusters. There does not appear to be an appropriate place to locate additional bike parking in the front yard; however, the Applicant should install racks inside of the building for 4 additional spaces or in a different location that does not interfere with landscaping.

#### *Loading*

The three loading docks in the front of the building and the one loading dock in the rear of the building would remain. The loading docks have existing nonconforming dimensions. The Applicant stated that because the interior of the building has three floor plates that do not align, the three loading docks in the front of the building could not be removed or consolidated. The building previously had ten loading docks along Windsor Place and six entrances when it was a distribution facility for Arnold bread and the excess docks and entrances have been removed. The Applicants do not anticipate that the tenants that require the loading docks will relocate in the next few years. The Applicant is aware of the City's desire to upgrade the streetscape in this area and is in support of this effort. Last year the Applicant upgraded the landscaping along Windsor Place to improve the look of the building.

#### *Trash Disposal*

There is a dumpster in the back of the building that serves the entire building.

#### *Utilities*

There is a transformer located in the front of the building along Windsor Place. The landscaping provides some screening from the sidewalk and as the vegetation grows, it will become denser.

3. Nature of Application: Alterations to existing facades or new signage requires a special permit approval by the Planning Board in the Transit Oriented Districts (SZO §6.5.D.5).

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

5. Impacts of Proposal: The proposal would improve the appearance of the building. The middle of the building is not consistent with the rest of the brick veneer finish on the upper stories and appears unfinished. Also, the Taza retail space will have improved visibility through a newly designed entrance and signage. The material of the canopy could be tied in better with the style of the other proposed changes. A metal canopy would still give a distinct entrance but be more consistent with the rest of the building. The painted murals on the sides of the building give Taza visibility in a way that is consistent with industrial painted signs that existed on this building and other buildings in the area. However, the proposed signage on the sides of the building is very large and should be reduced. The signage on the left (east) elevation should not be installed as there are many other uses in the building and Taza would have great visibility on the side of the building where they are located.

The current expansive curb cut along Windsor Street is not ideal; however, the owner has explained why this situation cannot be remedied at this time. He stated that the three loading docks in the front of the building are used infrequently and the trucks fit on the driveway and off of the road while parked. A loading dock in the back of the building is now functioning, which the owner stated would alleviate recent issues with deliveries to the front of the building.

6. Green Building Practices: The Applicant stated that additional insulation would be installed to the exterior of the structure where practical.

7. Comments:

*Fire Prevention:* Has received plans for the interior renovations and will be reviewing them for compliance.

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

*Design Review Committee:* The DRC reviewed the application at their meeting on May 27, 2010. The recommendations from this meeting are attached and incorporated into the recommended conditions below.

## **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 Staff 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."

Since the building and site are already constructed, many of the development standards do not apply to this application; however, the following standards do apply and are met as conditioned. The pedestrian oriented requirement is to promote pedestrian activity by designing buildings with separate front entrances to uses including retail space. The proposed entrance to the retail portion of Taza Chocolate will improve the building's compliance with this standard. The entrance should; however, be made of metal to tie in with the proposed changes to the rest of the building. Also, the new entrance element will add interest to the building and provide a focal point for the building. The parking and loading areas are not hidden from view; however, one parking space would be removed and replaced with landscaping. The Applicant explained the limitations of being unable to remove or consolidate loading bays because the disjointed interior layout of the building.

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 conserving the value of land and buildings.

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 redesigned 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 improvement to the appearance of the building will further this goal.

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 proposal is designed in a manner that is compatible with the building surrounding area and land uses as conditioned. The changes to the building comply with the design guidelines for the Transit Oriented Districts. The following guidelines apply to the proposal.

- Commercial bays with independent entrances onto the street should be incorporated to create visual and pedestrian interest. The newly proposed Taza Chocolate retail entrance alters the building to further this goal.
- Varied architecture should be created using projected entryways, canopies, and awnings. The building would have a projected entryway, a canopy and awnings on the first story windows. The sculptural element at the entryway will be made of metal and glass; however, the details of the design have not yet been finalized. Planning Staff in consultation with the Design Review Committee will review the details for final approval.
- Non-residential ground floor façades should have a minimum of 75 percent transparent material, and second floor facades should have a minimum of 40 percent transparent material. The building does not comply with this guideline; however, phases two and three further this goal by increasing the size of the window openings.
- The exterior building materials would be high quality, durable and aesthetically appropriate. Materials include artistically used metal and stucco, which will replace and cover plywood and brick veneer. When the brick veneer is removed and the exact window placement and siding material is determined, Staff in consultation with the Design Review Committee will review these details for final approval.
- The rear and sides of the building will maintain the same character of the front façade, as they would include the same materials and design.
- The building will have a clearly expressed base with the unique, metal material to break up a monolithic appearance to the building.
- The existing on-site parking is in conflict with pedestrians. One space will be removed to slightly improve the situation; however, future action should be taken to remove or relocate the parking spaces.
- The main entrance sculptural element adds visual interest to the building.
- The transformer will be screened with dense vegetative materials.
- The proposed signage and awning design respects the buildings' context. The signage for Taza is subordinate to the overall design of the building and appropriately placed to direct patrons to the correct location. The entrance should; however, be made of metal to tie in with the proposed changes to the rest of the building. The signage proposed on the side of the building is in scale with the size of the building

and appropriate considering the industrial nature and appearance of the building; however, the sign on the east side of the building should be removed to reduce the overall signage for one tenant of this large building with several uses. The Taza signs include their symbol and a few words and are not cluttered. The use of awnings on the Taza windows, the only three windows on the first floor, indicate that this portion of the building is retail.

**III. RECOMMENDATION****Special Permit under §5.1**

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

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	Approval is for the alteration of the façade, signage and site plan in three phases.	BP/CO	Plng.					
	Phase 1 – altering the façade of the first story of the building along Windsor Street and Windsor Place and the middle of the building for all of stories, signage excluding the painted sign on the east elevation, and site plan							
	Phase 2 - replacing the windows and brick veneer on the western side of the building along Windsor Place							
	Phase 3 - replacing the windows and brick veneer on the eastern side of the building along Windsor Place and the side of the building along Windsor Street							
	This approval is based upon the following application materials and the plans submitted by the Applicant:							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Apr 6, 2010 (complete Apr 30, 2010)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>May 7, 2010</td><td>Modified plans submitted to OSPCD (A-1: proposed front elevation- phase 1, A-2: proposed left &amp; right elevation- phase 1, A-3: proposed front elevation – phase 2, A-4: proposed front elevation – phase 3, A-5: proposed left elevation – phase 3, A-6 Taza entry, E-1: existing front elevation &amp; site plan, E-2: existing elevations)</td></tr><tr><td>(May 18, 2010)</td><td>Signage Plans (4 pages)</td></tr></table>				Date (Stamp Date)	Submission	Apr 6, 2010 (complete Apr 30, 2010)	Initial application submitted to the City Clerk’s Office
Date (Stamp Date)	Submission							
Apr 6, 2010 (complete Apr 30, 2010)	Initial application submitted to the City Clerk’s Office							
May 7, 2010	Modified plans submitted to OSPCD (A-1: proposed front elevation- phase 1, A-2: proposed left & right elevation- phase 1, A-3: proposed front elevation – phase 2, A-4: proposed front elevation – phase 3, A-5: proposed left elevation – phase 3, A-6 Taza entry, E-1: existing front elevation & site plan, E-2: existing elevations)							
(May 18, 2010)	Signage Plans (4 pages)							
	Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.							
2	Phase 2 of the project shall be completed within two years of the opening of the MBTA Green Line transit station opening in Union Square.	2 years after Union Sq Green line opening	Plng.					



3	Phase 3 of the project shall be completed within five years of the opening of the MBTA Green Line transit station opening in Union Square.	5 years after Union Sq Green line opening	Plng.	
4	The Applicant/Owner shall not install the proposed signage on the east elevation.	Building Permit	Plng.	
5	The Applicant shall modify the proposed sign on the west elevation so that it does not overlap the vertical or top horizontal structural elements on the building and does not go below the height of the floor of the fourth story (i.e. the sign will be 2-stories).	Building Permit	Plng.	
6	The new entry canopy on the right side of the building shall be made of metal. Final details shall be submitted to Planning Staff for review and approval. Planning Staff will consult with the DRC to ensure that the design is consistent with the intent of the SP and respond with a determination within 30 days. If no determination has been made in 30 days, the Applicant may proceed with the submitted design.	Building Permit	Plng.	
7	The Applicant/Owner shall supply the final details of the sculptural element at the main entrance to the building to Planning Staff for review and approval. Planning Staff will consult with the DRC to ensure that the design is consistent with the intent of the SP and respond with a determination within 30 days. If no determination has been made in 30 days, the Applicant may proceed with the submitted design.	Building Permit for phase 1	Plng.	
8	The Applicant/Owner shall supply the final details and material samples of the perforated metal and means of attaching it to the façade to Planning Staff for review and approval. Planning Staff will consult with the DRC to ensure that the design is consistent with the intent of the SP and respond with a determination within 30 days. If no determination has been made in 30 days, the Applicant may proceed with the submitted design.	Building Permit for phase 1	Plng.	
9	The Applicant/Owner shall supply the final details and material samples of the façade material which is currently marked as stucco and window placement in phases 2 and 3 to Planning Staff for review and approval. Planning Staff will consult with the DRC to ensure that the design is consistent with the intent of the SP and respond with a determination within 30 days. If no determination has been made in 30 days, the Applicant may proceed with the submitted design.	Building Permit for phases 2 and 3	Plng.	

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.	Final sign off	DPW	
11	The Applicant shall install 4 additional bicycle parking spaces for a total of 18 onsite.	Final sign off	Plng.	
12	The Applicant shall ensure that the vegetative material screens the transformer from the sidewalk.	Final sign off	Plng.	
13	The Applicant shall work with Planning Staff to improve the appearance of the loading docks on Windsor Place. This may include replacing asphalt with permeable pavers.	Final sign off	Plng.	
14	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
15	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	
16	The Applicant shall make a best faith effort to reduce the number of loading docks along Windsor Place in the future as tenants change and/or the interior layout of the building is reconfigured. The Applicant may remove the additional loading docks without returning for a special permit if the material that replaces them matches the building façade. Plans shall be submitted for changes to the façade and landscaping to Planning Staff for approval.	Perpetual	Plng.	
17	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.	

