



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2012-40
Date: May 31, 2012
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 99 Dover Street

Applicant Name: Bright Horizons Family Solutions
Applicant Address: 200 Talcott Avenue, South Watertown, MA 02472
Property Owner Name: 99 Dover Street, LLC
Property Owner Address: 1018 Beacon Street, 4th Floor, Brookline, MA 02446
Agent Name: Richard Di Girolamo
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Rebekah Gewirtz

Legal Notice: Applicant, Bright Horizons Family Solutions, seeks a Special permit under SZO §4.4.1 to make alterations to the façade of a nonconforming structure including removing a loading dock door and replacing it with windows and an emergency egress.

Zoning District/Ward: CBD / Ward 6

Zoning Approval Sought: Special Permit

Date of Application: May 1, 2012

Dates of Public Hearing: Zoning Board of Appeals – **Wednesday, June 6, 2012**

I. PROJECT DESCRIPTION

1. Subject Property: The subject property, Dover Plaza, consists of a 36,055 square foot lot with no existing space for landscaping due to the masonry building that occupies 35,859 square feet. The lot abuts surrounding residences as well as commercial properties. The existing use of the building is office space and a child care facility will soon be opening in the building as well. The site, adjacent to Davis Square and the Campbell Park/Meacham Road Historic District, is located behind the Somerville Theatre. Presently, the main entrance into the building is at 99 Dover Street. There are also two secondary entrances into the building, one located near the western end of the structure on Dover



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Street and the other on Meacham Road. There is currently one operating loading dock for the building on Meacham Road at the northwestern corner of the structure. There is another loading dock door in the same location; however, the loading dock has been removed and only the loading door remains.

In February 2012, the current Applicant, Bright Horizons Family Solutions, received a Special Permit to modify loading design standards as part of establishing a by-right child care facility. This Special Permit request, approved February 1, 2012, allowed for the removal of a conforming loading dock to create more usable space for the Applicant's child care operations.

Prior zoning relief was also given to this building in 1992 when the Dover Plaza Trust sought to renovate and convert the use of the building to retail and fast food. However, the building was never fully utilized and few commercial spaces were actually occupied. In 1996, EJE Limited Partners sought a Special Permit to convert the Dover Plaza back to office space, alter the existing exit way facilities, and extend the hours of operation.



Above: 99 Dover Street, rear façade along Meacham Road illustrating roll-up loading dock door, near corner, to be removed.

2. Proposal: The Applicant, Bright Horizons Family Solutions, seeks a Special Permit to make alterations to the façade of a nonconforming structure which includes the removal of a loading dock door that is to be replaced with two pairs of windows and an emergency egress. When the Applicant applied for a Special Permit to remove the loading dock in January 2012, the Applicant had originally planned to leave the loading dock door intact. Presently, the Applicant seeks to alter the interior space of the modified loading dock space and remove the roll-up loading dock door. The roll-up door is to be removed and the façade along Meacham Road would include two new pairs of windows and a new emergency egress. A curb cut, approximately 30 feet long, is also existent in this location as it was used by the loading dock. The proposed façade infill and windows are consistent with the materials and windows already on the Meacham Road façade. As part of the interior modification, an emergency egress will be removed, which presently allows occupants to exit from the previous loading dock space to a common space hallway with emergency egress access to Meacham Road. The Applicant proposes to infill this door and create a new emergency egress in the right corner of the building that opens onto Meacham Road. However, all changes made to the child care facility space are temporary and will be removed to convert the space back to the original conditions upon termination of the tenant's lease. The total area of the daycare facility will be approximately 7,025 square feet.

3. Nature of Application: The Applicant seeks a Special Permit under SZO §4.4.1 to make alterations to the façade of a nonconforming structure. The subject parcel is a nonconforming building due to a zero setback at the rear of the building along Meacham Road. As this is the façade where the proposed alterations would be taking place, a Special Permit is necessary to infill the roll-up door with windows and an emergency egress.

4. Surrounding Neighborhood: The subject property is located in the Central Business District of Davis Square and is directly west (behind) the building that houses the Somerville Theatre. While the Square has a mix of commercial and residential uses, Dover Plaza serves as a transition between the Square and the surrounding residential neighborhood. Most of the lots in Davis Square do not have parking on-site. This site is accessible to Davis Square attractions and public transit.

5. Impacts of Proposal: There do not appear to be negative effects to Davis Square or the residential neighborhood that surrounds the Square as a result of this proposal. The alterations to remove the loading dock door and infill the façade with windows and an emergency egress will enhance the façade, but will also require more effort to return the space back to its prior condition once the child care facility leaves. The proposal will also allow the daycare facility additional access to natural light and fresh air with the addition of the windows. Although there is a large curb cut in front of the proposed infill space, if this space is to revert back to its original condition with the termination of the Applicant's lease, demolishing the curb cut to create additional parking could be inefficient and is dependant upon both the length of the lease and the Applicant's desire to renew their lease.

6. Green Building Practices: The Applicant does not note any green building practices on the application.

7. Comments:

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

Ward Alderman: In an email to Staff on May 30, 2012, Alderman Gewirtz stated that she did not see any problems with this proposal.

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 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."

In considering a Special Permit under §4.4 of the SZO, Staff find that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposed alterations to the Meacham Road façade will undoubtedly enhance this corner of the building through the addition of windows and an egress door. These façade additions will also enable the occupants of the space to take advantage of natural light and fresh air. However, granting a request for these modifications

ensures that the Applicant will have to come back before the Board to revert the space back to a loading dock with a roll-up door.

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 "promoting the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to secure safety from fire, panic and other dangers; to provide adequate light and air; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality."

The proposal is also consistent with the purpose of the district (6.1.5. CBD - Central Business Districts), 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 alterations to the façade have been designed to be compatible with the built and unbuilt surrounding area. The infill design of the roll-up loading dock door is consistent with the rest of the façade. The windows are similar in size, shape, and appearance to those already existing on the Meacham Road façade and the new emergency egress door appears to be identical to the one located to the left of the proposed infill space. The addition of windows to this corner of the façade will also make this area of Meacham Road visible from the interior space of the child care center.

5. Vehicular and Pedestrian Circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

While there is an option to demolish the 30+ foot curb cut along Meacham Road at the infill site, which could create space for additional parking, this option is not viable once the lease for the Applicant has been terminated and the loading dock and door have been reinstalled. Therefore, although the circulation pattern in this area could be altered to add more parking, two additional spaces would not alter the circulation of this area detrimentally, or indefinitely if the curb cut is removed and reinstalled with the termination of the Applicant's lease.

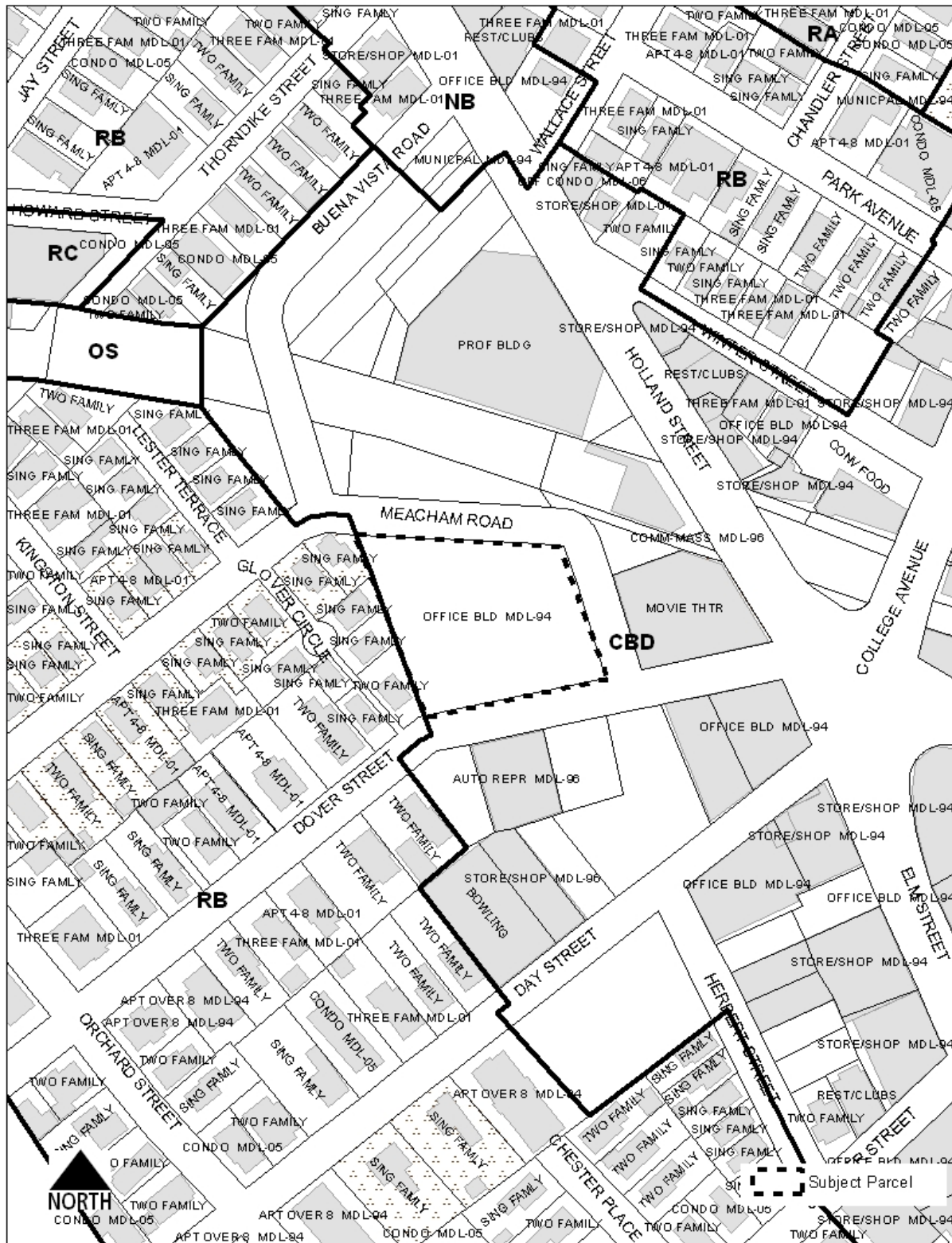
III. RECOMMENDATION

Special Permit under §4.4.1

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

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is to make alterations to the façade of a nonconforming structure under SZO §4.4.1 which include removing a loading dock door and replacing it with windows and an emergency egress. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>(May 1, 2012)</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>December 30, 2011 (May 30, 2012)</td><td>Loading space reconfiguration plan submitted to OSPCD (Sheet PR-1)</td></tr><tr><td>April 19, 2012 (May 30, 2012)</td><td>Proposed Exterior Infill Wall & Glazing plan submitted to OSPCD (sheet SD-1)</td></tr><tr><td>April 19, 2012 (May 30, 2012)</td><td>Proposed Infill Wall & Glazing Elevation submitted to OSPCD (SD-2)</td></tr></table>				Date (Stamp Date)	Submission	(May 1, 2012)	Initial application submitted to the City Clerk’s Office	December 30, 2011 (May 30, 2012)	Loading space reconfiguration plan submitted to OSPCD (Sheet PR-1)	April 19, 2012 (May 30, 2012)	Proposed Exterior Infill Wall & Glazing plan submitted to OSPCD (sheet SD-1)	April 19, 2012 (May 30, 2012)	Proposed Infill Wall & Glazing Elevation submitted to OSPCD (SD-2)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.														
2	Approval is subject to the Applicant’s and/or successor’s right, title and interest in the property.	Cont.	Plng.	Deed submitted & application formed signed										
3	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP											
4	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.											



99 Dover Street