



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

PLANNING DIVISION

STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
LORI MASSA, *SENIOR PLANNER*
ADAM DUCHESNEAU, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

Case #: ZBA 2011-83
Date: November 10, 2011
Recommendation: Conditional Approval

PLANNING STAFF REPORT

Site: 44 Park Street

Applicant Name: Belam II LLC
Applicant Address: 15 Ward St, Somerville MA 02143
Property Owner Name: same
Agent Name: none
Alderman: Maryann Heuston

Legal Notice: Applicant and Owner Belam II LLC seeks a special permit to alter a nonconforming structure under SZO §4.4.1 by adding windows, doors and a canopy for the use of an approx 6000 sf by-right child care facility.

Zoning District/Ward: Residence C / 2

Zoning Approval Sought: Special Permit under SZO §4.4.1

Date of Application: Nov 1, 2011

Dates of Public Hearing: Zoning Board of Appeals 11/30/11

I. PROJECT DESCRIPTION

1. **Subject Property:** The property is a 43,012 sf lot on which sits a 10,908 sf one-story steel framed warehouse. The building is vacant except for a 800 sf office in the front portion of the building. The office is used by a professional engineer and contractor. The open space on the site is covered with a mix of overgrown vegetation, gravel, and dirt. The northern edge of the property abuts an MBTA commuter rail track. There is an approximately 7-foot chain link fence along the tracks which continues to the front yard along Park Street. The parcel is rectangular except for the southwestern edge, which has a triangular shape.

The eastern edge abuts a 40-foot private way that the Applicant shares access to with other abutters. The



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right-of-way is not functioning as evidenced by a fence and vegetation blocking the way from the public road.



44 Park Street – Front Elevation (left), Rear Yard (right), Aerial View (below)



2. Proposal: The proposal is to use the eastern portion of the building for a child care facility. The daycare facility will accommodate 44 children and there will be 17 employees. The hours of operation will be from 8am to 5:30pm. The drop-off times are from 8am to 10am and the afternoon pick up times are from 3pm to 5:30pm. Most of the children at the daycare's current location in Harvard Square are picked up by 3:45pm.

The building will be altered to add new windows and doors and add an awning/portico. The siding on portions of the building will also be refinished. The east façade will have the largest change. There is currently no fenestration on this portion of the building. Several new windows and two new entrances are proposed. There will be a portico spanning most of the façade. The HVAC equipment will be on top of the northern portion of the portico and it will be screened by mahogany boards. This side will be clad in

hardi-panels with batten at the seams, corrugated metal panels, and mahogany boards. On the west side of the building, the siding on the tower will be replaced with insulated corrugated metal panels to match the south and east facades. There will be a small painted graphic of children on the tower that will primarily be on the southern face of the tower but will wrap around to the western face. There will be new casement windows along the southern face of the building where small windows and a door currently are currently located. The siding on the lower portion of the building will be hardi-panels with batten at the seams. There will be exterior lighting on the façade that will be projecting downward. A portion of the corrugated metal panel on the north elevation will be replaced and two new casement windows will be installed.

There will be a play area and 14 parking spaces behind the building. There will be another 5 parallel spaces along the driveway. The parking lot was designed to be able to be extended when the middle portion of the building is occupied and additional parking will be required for that use.

Other site work will include the installation of ground water recharge tanks for on-site storm water. The new storm drainage system has been designed to remove the existing connection to the sanitary sewer. The recharge tanks will capture and treat rainwater and it will be infiltrated on-site so that adjacent properties will not experience an increase in water runoff. The sanitary sewer has been video inspected and is in good condition. The applicants expect to reuse the connection to the existing sanitary sewer with new internal plumbing connecting the new fixtures to the existing sub slab piping.

3. Nature of Application: Under SZO §4.4.1, lawfully existing nonconforming structures, other than one- and two-family dwellings may be enlarged, extended, renovated or altered only by special permit authorized by the SPGA. The structure is currently nonconforming in terms of the left (northern) side yard setback. The building is 2 ft 5 in from the side yard and the requirement is 6 ft. Due to its nonconforming status, a special permit is required to alter the building.

The use of the child care facility is a protected use under state law and is allowed by-right (SZO §7.11.5.A.3). The child care facility requires 1 parking space per employee or 17 parking spaces. The office use requires 1 parking space for every 500 sf or 2 parking spaces. The 19 parking spaces requirement will be met.

The 25% landscape requirement will also be met by providing over 10,900 sf of landscaped area. There will be 10 new trees on the site and the large existing trees on the site will be maintained for a total of 13 trees. The requirement for one tree per 1,000 sf of required open space will be met (SZO §10.3).

4. Surrounding Neighborhood: The neighborhood to the north is comprised of a mix of factory, business and residential uses. Conway Playground is also located north of the site. To the south, east and west are mostly residential neighborhoods with one- and two-family homes.

5. Impacts of Proposal: The renovation to the rear portion of the building will greatly improve the appearance of the building which is currently rusty and in need of repair. The new siding, windows, doors and portico on the back portion of the building have been designed to be compatible with the industrial nature of the building but will make the building inviting as a daycare. Ideally the entire building will be renovated when a tenant occupies the middle portion of the building.

The vehicular and pedestrian traffic to the site will increase. The driveway was designed to improve the circulation pattern on the site and minimize the increase in traffic. The required number of parking spaces will be provided onsite, which the Applicants find is an adequate number of spaces to meet their demand. At their current site in Harvard Square, half of their employees do not drive.

Neighbors at 4 surrounding properties on Properzi Way and Skehan Street have submitted a letter of support for the daycare. Some of the reasons of support stated in the letter are that it will be a small business that has limited vehicular traffic through the day. The vehicular and pedestrian access will be through Park Street and not through the back of the site. The alterations to the building will improve the existing building without changing its footprint. The letter requests that the owners of the property improve the front portion of the site.

6. Green Building Practices: None listed on the application form.

7. Comments:

Fire Prevention: The installation of a radio master box is required. A low voltage fire alarm system shall be installed. A complete analysis of the sprinkler system by a fire protection engineer is required to ensure that the system is reliable and adequate for a daycare facility.

Wiring Inspector: A one-line diagram of the electrical service to the building shall be submitted to the Wiring Inspector for review and approval.

Engineering: Engineering has reviewed the plans and does not have concerns regarding the proposal.

Traffic & Parking: Traffic and Parking has reviewed the application for 44 Park St. The application meets the requirements of the Somerville Zoning Ordinance for number of parking spaces.

However Traffic and Parking is concerned about the access and egress turning movements into this site. Left turn movements into and out of the site must be prohibited. These turning movements could cause a queue on Park St which could extend to the nearby railroad tracks. This situation is a public safety issue and can not occur.

Traffic and Parking is requesting that a plan be prepared and submitted by a professional Traffic Engineering Firm indicating what traffic control devices or roadway improvements can be installed to preclude the above referenced turning movements.

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

II. FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1 & 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."

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 alterations to the structure do not increase the nonconforming side yard. In fact the site would become more conforming in

terms of the landscape requirements. The new windows proposed will be a significant distance from the surrounding residential neighbors. The lighting proposed for the building will be cast downward so that it will not intrude on the residential neighbors.

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.

The proposal is consistent with the purpose of the district, which is, "[t]o establish and preserve a district for multi-family residential and other compatible uses which are of particular use and convenience to the residents of the district." The daycare will be a convenient use to the residents in the area and the renovations to the structure will improve its appearance. However, the warehouse structure and industrial use in the Residence C district is nonconforming. A redevelopment of the site to bring the site into conformance with the Ordinance and to find the highest and best use of the site is desired in the future to meet the goals of the district and the goal of the Ordinance to encourage the most appropriate use of land throughout the City. The applicant has signed a development covenant with the City that will require the applicant to meet with the City no less than once per year beginning at year 9 of the lease to discuss and review the potential for redevelopment of the property. The covenant does not preclude the daycare from exercising an extension to their lease.

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 renovation to the rear portion of the building will greatly improve the appearance of the building which is currently rusty and in need of repair. The new siding, windows, doors and portico on the back portion of the building have been designed to be compatible with the industrial nature of the building but will make the building inviting as a daycare. Ideally the entire building will be renovated when a tenant occupies the middle portion of the building. The driveway was designed to improve the circulation pattern on the site and minimize the increase in traffic. The condition regarding limiting left turn movements into and out of the site will satisfy the traffic related concerns at the site.

III. RECOMMENDATION**Special Permit under §4.4.1 & 5.1**

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 alter a nonconforming structure by adding windows, doors and a canopy for the use of an approx 6000 sf by-right child care facility. 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>Nov 1, 2011</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Nov 1, 2011</td><td>Plans submitted to OSPCD (C1.0 Existing Conditions, C2.0 Site Plan, C3.0 Site Layout, C5.1 Site Details, A1.0 Ground Floor Plan, A2.0, 2.1, 2.2, 2.3 Existing and Proposed Elevations, D1.0 Demo Plan)</td></tr><tr><td>Nov 9, 2011</td><td>Modified plans submitted to OSPCD (C4.0 Grading, Drainage and Utilities Plan, C5.0 Site Details,)</td></tr></table>				Date (Stamp Date)	Submission	Nov 1, 2011	Initial application submitted to the City Clerk's Office	Nov 1, 2011	Plans submitted to OSPCD (C1.0 Existing Conditions, C2.0 Site Plan, C3.0 Site Layout, C5.1 Site Details, A1.0 Ground Floor Plan, A2.0, 2.1, 2.2, 2.3 Existing and Proposed Elevations, D1.0 Demo Plan)	Nov 9, 2011	Modified plans submitted to OSPCD (C4.0 Grading, Drainage and Utilities Plan, C5.0 Site Details,)
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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	A one-line diagram of the electrical service to the building shall be submitted to the Wiring Inspector for review and approval.	BP	Wiring Inspector									

3	The owner shall work cooperatively with the City towards the eventual redevelopment of the property to its highest and best use. At the beginning of year #9 of the lease or upon termination of the lease, whichever is earlier, the Owner shall meet with the City from time-to-time as may be appropriate, but in any event no less than once a year to discuss and review the potential for redevelopment of the property to its highest and best use.	Year 9 of the lease and no less than once a year after year 9	Plng.	
4	The installation of a radio master box is required. A low voltage fire alarm system shall be installed. A complete analysis of the sprinkler system by a fire protection engineer is required to ensure that the system is reliable and adequate for a daycare facility.	CO	Fire Prevention	
5	A plan shall be prepared and submitted by a professional Traffic Engineering Firm indicating what traffic control devices or roadway improvements can be installed to preclude left turn movements into and out of the site.	CO	Traffic and Parking	
6	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
7	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	
8	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	
9	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	
10	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.	

