



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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MICHAEL A. CAPUANO, ESQ.
ELIZABETH MORONEY
JERRY AMARAL, (ALT.)

Case #: PB 2014-04
Site: 395 Artisan Way
Date of Decision: September 4, 2014
Decision: Petition Approved

PLANNING BOARD DECISION

Site: 301 Artisan Way (Assembly Row Block 3)

Applicant Name: Express
Applicant Address: 1 Express Dr., Columbus, OH 43230
Property Owner Name: Federal Realty Investment Trust
Property Owner Address: 5 Middlesex Ave, Somerville, MA 02145

Alderman: Matthew McLaughlin

Proposal Description: Express would like to install signage that is outside of the scope of the Assembly Row Sign Standards.

Dates of Public Meeting: September 4, 2014

<u>Zoning District/Ward:</u>	ASMD / 1
<u>Zoning Approval Sought:</u>	Waiver from Assembly Row Storefront and Signage Standards
<u>Date(s) of Public Meeting:</u>	September 4, 2014
<u>Date of Decision:</u>	September 4, 2014
<u>Vote:</u>	4-0



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Case #PB 2014-28 was discussed by the Planning Board at Somerville City Hall, 93 Highland Avenue, on September 4, 2014. After one (1) meeting, the Planning Board took a vote.

DESCRIPTION:

The signage will be for Express. This retailer will occupy 7,067 square feet on the first floor of Block 3 at the corner of Grand Union Boulevard and Artisan Way. The proposed signage can be found on sheets 1 through 12 from Ruggles Sign dated 8/19/14.

APPLICABLE SIGNAGE REGULATIONS / APPROVAL:

The general regulations for signage in the Assembly Square Mixed Use District are located in the Somerville Zoning Ordinance Article 12 - Signs and Section 6.4.14. These sections were further refined in the approved Planned Unit Development (PUD-PMP) Preliminary Master Plan and Special Permits with Site Plan Review (SPSR) for Assembly Row. The PUD-PMP approval included a condition that required retail storefronts and signage to comply with design standards that were to be developed. Condition 28 states, "[t]he applicant shall provide a design guideline for all retail storefronts and signage within the PUD area for review by the Design Review Committee and approval by the Planning Board." The Planning Board approved the Assembly Row Storefront & Signage Standards on March 21, 2013 and amended them on May 8, 2014.

All of the retail storefronts and signage shall be consistent with the approved Standards. Condition 5 of SPSR for the subject building, Block 3 of Assembly Square, reiterates this requirement. The condition states, "[a]ll storefronts and retail signage shall be consistent with the design to be developed. Storefronts or retail signage that is inconsistent with the guidelines shall be provided to DRC and Planning Board for review and approval."

In addition to the conditions of approval related to signage, Block 3 received approval for signage as part of the SPSR approval. The Planning Board issued a Special Permit in part to waive the signage requirements related to the size requirements for the western/Grand Union Boulevard side of the building. The Board approved the overall signage size that exceeds the size allowance under Section 12.4.4; however, since the signage as part of this application is within the storefront area, the waiver for signage size for the building is not applicable to this proposal.

The current application for Express signage is inconsistent with the standards because there are two flat mounted signs per tenant frontage and only one is allowed per frontage. There would be one flat mounted sign above each of the main entrances along Artisan Way and Grand Union Boulevard and a second flat mounted sign would wrap the column at the corner of the building.

The Planning Board has made it clear that they are going to hold applicants to meet these standards unless there are circumstances related to the building and tenant where the waiver allows for signage that furthers the goals of creating unique storefronts and a positive experience for those who live, work and play in the Assembly Row neighborhood. The Board must consider each application separately because the impacts of the types of waivers requested in the context of the other signage for the tenant that meets the standards, as well as the design and location of the signage that needs a waiver, vary greatly from one application to the next.



To date, the tenants that have sought waivers from the signage standards are the largest tenants, anchors and junior anchors: AMC, LegoLand, Saks and Express. LegoLand and AMC are unique in that they occupy multi-levels of the building and have unique storefronts. LegoLand takes up an entire block face and AMC has a three-story storefront. Express comprises half of Block 3 along Grand Union Boulevard and wraps the corner onto Artisan Way.

The Board finds that two flat mounted signs will not overwhelm the storefront. The Express store occupies long stretches of the building - approximately 113 feet and 64 feet. Also, the second flat mounted signs will be a different form than the other flat mounted signs so they will not be perceived to be the same. The second flat mounted signs will wrap the column and not be located above the storefront system. This creates an interesting sign and also creates an interesting column that will visually ground the building at this corner.

On the larger scale, the proposal fits with the rationale for other signage waivers that were approved for other retailers at the corners of buildings along Grand Union Boulevard for the following reasons. The first filing of the PUD included a Master Plan with no retail at all along Grand Union Boulevard (formerly Assembly Square Drive). The City pushed Federal Realty to bring retail out to this street so that the development was not turning its back to the rest of the area and a possible future redevelopment of the existing mall. They complied and now the ground floors of Blocks 1 and 3 along Grand Union Boulevard are almost entirely made up of retail storefronts. In order to make this strategy work for the retailers, corner merchandising opportunities were necessary that are large enough to attract junior anchor-type tenants next to them along Grand Union Boulevard at the edge of the development. The junior anchors are now critical to driving retail traffic and they need a significant presence. By granting them larger signage the overall goal of creating a true retail presence on Grand Union will be realized.

The large majority of the in-line retailers have approved sign or are anticipated to have signs that meet the Assembly Row Signage Standards and do not need waivers. There may be some special cases where waivers are justified and those would be brought to the Board. Generally, however, the waivers are intended to address project-wide goals and weave together a collection of storefronts to create a balanced retail environment that is not intended to give specific retailers an edge.



DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Michael Capuano and Gerard Amaral with James Kirylo absent. Kevin Prior made a motion to approve the request for a waiver from the Assembly Row Signage Standards. Joseph Favaloro seconded the motion. Wherefore the Planning Board voted **4-0** to **APPROVE** the request.



Attest, by the Planning Board:



Elizabeth Moroney, Acting Chair



Joseph Favaloro



Michael A. Capuano, Esq.

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 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 _____

