



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

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JOSEPH FAVALORO, *CLERK*
ELIZABETH MORONEY
JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
ELIZABETH MORONEY
JERRY AMARAL, (ALT.)

Case #:PB 2014-15
Site: 83-91 Broadway
Date of Decision: June 19, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: June 25, 2014

PLANNING BOARD DECISION

Applicant Name:	Jose Miguel Rodrigues
Applicant Address:	P.O. Box 76, Allston, MA 02134
Property Owner Name:	Jose Miguel Rodrigues
Property Owner Address:	P.O. Box 76, Allston, MA 02134
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant and Owner, Jose Miguel Rodrigues, seeks a Special Permit under SZO §6.1.22.D.5.a to alter a nonconforming structure which includes modifications to signage, doors, and windows. CCD45 zone. Ward 1.
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<u>Zoning District/Ward:</u>	CCD 45 zone/Ward 1
<u>Zoning Approval Sought:</u>	§6.1.22.D.5
<u>Date of Application:</u>	May 7, 2014
<u>Date(s) of Public Hearing:</u>	June 19, 2014
<u>Date of Decision:</u>	June 19, 2014
<u>Vote:</u>	4-0

Appeal #PB 2014-15 was opened before the Planning Board at the Visiting Nurse Association on June 19, 2014. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L.



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c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Planning Board took a vote.

DESCRIPTION:

The proposal is to rehabilitate the existing architectural details at the parapet, including the cornice, and to install a new storefront system (windows, doors and awnings) that creates a consistent rhythm along the streetscape. Red clay brick will sheath the exterior at the base of the windows and within the sign band. New stucco will resurface the existing columns between the storefronts as well as above the sign band. New signage, gooseneck lighting, and awnings are also part of this proposal. Each storefront will have wood painted signage, 8'x 2', with three gooseneck lights and an awning. Due to the individual color choice in awning, this component may or may not be considered part of the signage, dependent upon if the color choice is branded by the establishment. A condition requires that if an awning color is considered branding, a new Special Permit is required to increase signage.

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 Board 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."*

Per SZO §6.1.22.D.5.a, alterations to an existing or approved façade other than a one-for-one replacement of signage within the same sign footprint and using the same sign technology shall require a new Special Permit.

In considering a special permit under §6.1.22.D.5.a of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure.

Although this is not a new development, the design does promote the development standards of the CCD district where possible. It will increase the pedestrian oriented focus of the district by making a more desirable storefront. The awnings, lighting, and new signage are pedestrian oriented as well as consistent along the streetscape. Last, this proposal will rehabilitate and enhance the historic and architectural quality that remains on this structure.

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 provide adequate light and air; and to preserve the historical and architectural resources of the City."



The proposal is consistent with the purpose of the district, which is, "to establish and to promote appropriate infill development along heavily traveled transportation corridors, especially where those corridors meet at named Squares. The district recognizes that such corridors present opportunities for an active mix of uses while also addressing development challenges posed by smaller lots and nearby existing residential development and the need to be accessible by multiple modes of transportation. The major objectives of the districts are to:

1. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street;
 2. Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings;
 3. Preserve and complement historic structures;
 4. Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors; and,
 5. Promote pedestrian and bicycle activity.
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 surrounding neighborhood is a mix of commercial and residential uses. This block of Broadway is near Mudflat Studios and the East Somerville Library. The neighborhood behind the Broadway corridor is a mix of multi-family homes in a Residential A zoning district.

6.1.22.H. Design Guidelines for the CCDs. These guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general standards for building massing, siting and articulation. It is understood that Buildings and Structures may not be able to comply with all of the following Guidelines. For projects located in both the Arts Overlay District and the Corridor Commercial Districts, the following CCD Design Guidelines shall apply.

1. Signage and awning design should respect buildings' context (e.g., scale, design, style, colors, materials), be oriented to pedestrians, and be subordinate to the overall building composition. Creative shapes must be carefully designed and coordinated with the overall appearance of the building. The design should also maintain an existing "signage line" and respect the character, scale, and locations of adjacent signs and awnings. Large, interior-lit or back-lit signs or awnings, neon "open" signs, vinyl or plastic materials and overly bright colors are generally discouraged. To add interest and character to the retail environment signs or awnings may convey interesting elements or logos without excessive wording. They should be limited to advertising the business name and its main goods or services, with minimal or no national brand names or logos. Type styles should enhance readability of the sign and provide information simply and legibly. Use awnings to create pleasant shaded spaces in front of a building. Signs and awnings should enhance important architectural details and not conceal or obliterate them.

There are no impacts to the proposal. The signage and awning are pedestrian oriented, enhance the streetscape, and rehabilitate the historic and architectural quality of the building.

5. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, Transform key opportunity areas, Preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs.*



The proposal preserves and enhances the existing building along a prominent mixed-use corridor in the East Somerville neighborhood as well as orients signage to the pedestrian and creates a consistent rhythm within the streetscape.

DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, James Kirylo and Gerard Amaral with Elizabeth Moroney and Michael Capuano absent. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Joseph Favaloro seconded the motion. Wherefore the Planning Board voted 4-0 to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for a Special Permit under SZO §6.1.22.D.5.a to alter a nonconforming structure which includes modifications to signage, doors, and windows. 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 7, 2014)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>May 3, 2014 (June 10, 2014)</td><td>Plans submitted to OSPCD (A-0.0, S-1.0, rendering, A-2.0, A-3.1, A-3.2, S-1.0, S-1.1)</td></tr></table>				Date (Stamp Date)	Submission	(May 7, 2014)	Initial application submitted to the City Clerk's Office	May 3, 2014 (June 10, 2014)	Plans submitted to OSPCD (A-0.0, S-1.0, rendering, A-2.0, A-3.1, A-3.2, S-1.0, S-1.1)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.										
2	To the extent possible, all exterior lighting must be confined to the subject property, cast light on the signage/building and must not intrude, interfere or spill onto neighboring properties.	CO	Plng.							
3	Signage for existing or new establishments shall be consistent in footprint (8'x2'), technology (wood) and lighting (3 gooseneck lights per sign).	Perp	Plng							
4	If awning color is considered part of the establishment's branding, a new Special Permit shall be required to add signage.	BP	Plng							
Final Sign-Off										
5	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.							



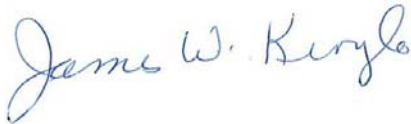
Attest, by the Planning Board:



Kevin Prior, Chairman



Joseph Favaloro



James Kirylo



Gerard Amaral

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 _____

