



CITY OF SOMERVILLE, MASSACHUSETTS
ZONING BOARD OF APPEALS
JOSEPH A. CURTATONE, MAYOR

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ELAINE SEVERINO (ALT.)

Case #: ZBA 2008-18

Site: 11 Bow Street

Date of Decision: May 7, 2008

Decision: *Petition Approved with Conditions*

Date Filed with City Clerk: May 19, 2008

ZBA DECISION

Applicant Name: Pallet Café, Inc. d/b/a Bloc 11 Cafe
Applicant Address: 11 Bow Street, Somerville, MA 02143
Property Owner Name: Aroli Realty Trust (Mr. Menkiti)
Property Owner Address: 155 Fayerweather Street, Cambridge, MA 02138
Agent Name:

Legal Notice: Applicant: Pallet Café Inc. d/b/a Bloc 11 Café & Owner: Aroli Realty Trust seek a Special Permit with Design Review approval under SZO§7.11.10.2.b in order to establish outdoor seating for the existing café.

Zoning District/Ward: CBD zone/Ward 3
Zoning Approval Sought: §7.11.10.2.b
Date of Application: April 4, 2008
Date(s) of Public Hearing: May 7, 2008
Date of Decision: May 7, 2008
Vote: 5-0

Appeal #ZBA 2008-18 was opened before the Zoning Board of Appeals at Somerville City Hall on May 7, 2008. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one (1) hearing(s) of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The Applicant is proposing to landscape 1200 square feet of the courtyard area and provide outdoor seating for patrons. No additional seating is being sought; rather the applicant will relocate existing indoor seating to the outdoor area. The Landscape Plan depicts four tables along the front portion of the outdoor space and two benches along the adjacent property line. A wrought iron fence and planters are proposed as a separation from the sidewalk and the existing dumpster will be screened.

FINDINGS FOR SPECIAL PERMIT (SZO §7.11.10.2.b):

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."

The Applicant requires a special permit under §7.11.10.2.b of the SZO. Under §7.11.10.2.b, operations in part or whole conducted outside an enclosed building of between 2500-5000 square feet of gross floor area require a special permit with design review. The proposal would create a 5000 gross square foot cafe with the addition of 1200 outdoor gross square feet to the existing 3800 indoor gross square feet.

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 project is located in a Central Business District (CBD) zoning district. The CBD seeks to 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.

Specific District Standards and Guidelines

All developments within the CBD district that require a special permit with design review should comply with the following guidelines to the highest degree practicable.

Across the primary street edge, the building should complete the streetwall.

The fence proposed to separate the sidewalk and the new landscaped seating area will be located to continue the existing street wall.

At the street level, provide continuous storefronts or pedestrian arcade which shall house either retail occupancies, or service occupancies suitably designed for present or future retail use.

The proposal will be extending the existing café business to the adjacent property boundary and providing services to customers in the area.

Massing of the building should include articulation which will blend the building in with the surrounding district. At the fourth floor, a minimum five-foot deep setback is recommended.

N/A

Locate on-site, off-street parking either at the rear of the lot behind the building or below street level; parking should not abut the street edge of the parcel.

N/A -no additional parking required

Provide access to on-site, off-street parking from either a side street or alley. Where this is not possible, provide vehicular access through an opening in the street level facade of the building of a maximum 25 feet in width.

N/A -no additional parking required

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 Board finds that the project as proposed would improve the site's compatibility with its surroundings, by transforming a previously unkempt and under-used courtyard area into an appealing landscaped area. Usable open space is at a minimum in Union Square and this proposal will add 1200 square feet of much needed space to the neighborhood.

5. Design Guidelines for Business Zones

1. ***Maintain a strong building presence along the primary street edge, continuing the established streetwall across the front of the site so as to retain the streetscape continuity; however, yards and setbacks as required by Article 8 shall be maintained.***

The Board finds the location of the fence proposed to separate the sidewalk and the new landscaped seating area will continue the existing street wall. All yards and setbacks required are maintained.

2. ***Differentiate building entrances from the rest of the primary street elevation, preferably by recessing the entry from the plane of the streetwall or by some other articulation of the elevation at the entrance.***

N/A

3. ***Make use of the typical bay widths, rhythms and dimensions prevalent in buildings adjacent to the site, especially in new construction or substantial redevelopment.***

The expanse of the outdoor area to be landscaped for patron use is smaller than typical bay widths in the Union Square CBD and the courtyard improvements will create a better appearance for pedestrians and residents.

4. ***Clearly define these bay widths, rhythms and dimensions, making them understandable through material patterns, articulations and modulations of the facades, mullion design and treatment, etc.***

The expanse of the outdoor area will be clearly defined by the wrought iron fence and landscaping visible through the fence.

5. *Provide roof types and slopes similar to those of existing buildings in the area.*

N/A

6. *Use materials and colors consistent with those dominant in the area or, in the case of a rehabilitation or addition, consistent with the architectural style and period of the existing building. Use of brick masonry is encouraged, but not considered mandatory.*

The wrought iron proposed to be used in the fencing is consistent with the architectural style and period of the building. Planters proposed for the fence will match those existing on the building.

7. *When parking lots are provided between buildings, abutting the primary street and breaking the streetwall, provide a strong design element to continue the streetwall definition across the site, such as a low brick wall, iron works or railing, trees, etc.*

N/A

8. *Locate transformers, heating and cooling systems, antennae, and the like, so they are not visible from the street; this may be accomplished, for example, by placing them behind the building, within enclosures, behind screening, etc.*

The proposal will screen the dumpster and mechanicals from public view with a cedar fence.

9. *Sites and buildings should comply with any guidelines set forth in Article 6 of this Ordinance for the specific base or overlay zoning district(s) the site is located within.*

(See Findings for Special Permits -Section 3)

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Fillis and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Richard Rossetti seconded the motion. Wherefore the Zoning Board of Appeals voted 5-0 to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is to provide outdoor seating for café patrons under SZO §7.11.10.2.b. This approval is based upon the following application materials and the plans submitted by the Applicant and/or Agent:	Building Permit	PIng.	
	<table><tr><th>Date</th><th>Submission</th></tr></table>			
Date	Submission			

	<div> <div>April 4, 2008</div> <div>Initial application submitted to the City Clerk's Office including a plot plan, landscape plan, elevations, renderings and material descriptions</div> </div> <p>Any changes to the approved plans must receive ZBA approval.</p>			
2	<p>The Applicant must contact the Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.</p>	Final Building Permit Signoff	Plng. / ISD	

Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Danielle Fillis
Elaine Severino, (Alt.)

Attest, by the Zoning Board of Appeals Administrative Assistant:

Dawn M. Pereira

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 _____