



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

*PLANNING DIVISION*

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DANA LEWINTER, ALT.

**Case #:** ZBA 2009-48  
**Date:** October 22, 2009  
**Recommendation:** Conditional Approval

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**PLANNING BOARD REPORT**

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**Site:** 187 Elm Street

**Applicant Name:** Alpine Restaurant Group, Inc.

**Applicant Address:** 39 Alpine Street, Somerville, MA 02144

**Property Owner Name:** 187 Elm Street, LLC

**Property Owner Address:** 74 Prospect Street, Cambridge, MA 02139

**Agent Name:** Adam Dash, Esq.

**Agent Address:** 48 Grove Street, Suite 304, Somerville, MA 02144

**Alderman:** Rebekah Gewirtz

Legal Notice: The Applicant and Owner seek a Special Permit with Design review (SZO §5.1.5) to establish a restaurant with outdoor seating (§7.11.10.1.2.b).

Zoning District/Ward: Neighborhood Business / 6

Zoning Approval Sought: Special Permit with Design Review under SZO §5.1.5 & 7.11.10.1.2.b

Date of Application: Oct 2, 2009

Dates of Public Meeting • Hearing: Planning Board 10/22/09 • Zoning Board of Appeals 11/4/09

Date of Decision: N/A

Vote: N/A

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Dear ZBA members:

At its regular meeting on October 22, 2009 the Planning Board heard the above-referenced application. Based on materials submitted by the Applicant and the Staff recommendation, the Board voted (5-0), to recommend **conditional approval** of the requested **Special Permit**.



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In conducting its analysis, the Planning Board found:

## I. PROJECT DESCRIPTION

1. Subject Property: The subject parcel contains two contiguous parcels which constitute 6,569 square feet. There is a one-story structure and eight parking spaces on the lot (one additional parking space should be marked as previously permitted). The ZBA granted a special permit with design review for the site in 1996 (1996-06) for a fast order food establishment with no drive-up service conducted in part or in whole outside of an enclosed building (7.11.10.2.2) and a variance for thirteen parking spaces. The Applicant stated that there have been at least five restaurants at the property in the last thirteen years. Some of the businesses included Carberry's Bakery, Boloco, and Green Tomato II. The original special permit was for 50 seats inside and 20 outside.



2. Proposal: The proposal is to open a restaurant with the same number of seats as the previous restaurants at this location: 50 inside and 20 outside. The restaurant would be a pizzeria and there would be a wood-burning oven with a new vent on the roof. Two existing rooftop vents would be removed. There would be some changes to the interior space; however, the exterior would remain the same except for a change to the wording on the sign. The location and size of the sign would remain the same. The outdoor seating would have planters to distinguish the eating area from the sidewalk. Since the sidewalk would be reduced to 4 feet, the planters should be placed so that pedestrians can comfortably step in

between them if more space is needed to pass someone. The planters should also be movable so that in cool weather they could be pushed toward the building or removed to allow for a wider sidewalk.

The Applicant proposes to have 8-9 employees onsite at any one time and operate 7 days per week from 11am to 11pm. Loading would be weekdays between 9 and 5 and on weekends between 10 and 3. Deliveries would occur through a delivery door in the rear.

Part of the prior special permit was to add four landscaped areas that would total approximately 548 sf. Some of the landscaping has been established; however, the remaining plantings should be installed to comply with the prior landscaping plan. The areas that are lacking landscaping are the northwest portion of the site behind the parking spaces and in the parking lot near the main Elm Street entrance.

Parking for the previous and proposed use is based on either gross square feet or number of seats and employees; whichever is larger. Both of these figures are staying the same for the new use. The required parking for the fast-order food establishment received a 10% reduction because it is within 650 sf of a municipal lot. The municipal lot remains in the same location. Since parking the requirement is the same and the municipal lot is still operating, no additional parking is required for the change in use.



3. Nature of Application: The special permit with design review that the site received in 1996 (ZBA 1996-06) was for a fast food establishment with no drive-up service (SZO § 7.11.10.2.2). A fast order food establishment is defined as, “[a]n establishment who primary business is the sale of food for consumption on or off the premises which is: (a) primarily intended for immediate consumption rather than for use as an ingredient or component of meals; (b) available upon a short wait time; (c) packaged



for presented in such a manner that it can be readily eaten inside or outside the premises where it is sold; and, (d) which, because of the nature of the operation, causes or is a major contributor to a large volume or frequent turnover of vehicular traffic” (§2.2.56)

Since the intended use of the space is a restaurant other than fast food (§7.11.10.1.2.b) a new special permit with design review is required to establish the use. A restaurant is defined as, “[a]ny business establishment principally engaged in serving food, drink, or refreshments, whether prepared on or off site, for patrons eating on the premises” (§2.2.139).

4. Surrounding Neighborhood: The property is located in a neighborhood business district on the edge of Davis Square’s central business district. There are commercial uses along Elm Street and a residential neighborhood to the north and east.

5. Impacts of Proposal: The building is located along the street and away from the residential abutting property and there is a six foot wood fence separating the properties. The fast-order food establishments have not been successful at this location as can be seen by the frequent turnover of restaurants. The change to a sit-down restaurant may improve its success. There would also be less frequent trips to the site as a restaurant rather than as a fast-order restaurant. The businesses in the area will benefit from filling a vacant storefront.

6. Green Building Practices: The building will be reused. The Applicant intends to cook with local ingredients in the restaurant.

7. Comments:

*Fire Prevention:* Fire Prevention requires plans showing the location of all required fire detection and/or fire protection devices.

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

## **II. FINDINGS FOR SPECIAL PERMIT (SZO §5.1):**

In order to grant a special permit with design review, the SPGA must make certain findings and determinations as outlined in §5.1.4 and §5.1.5 of the SZO. This section of the report goes through §5.1.4 and §5.1.5 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 proposal complies with the design guidelines for business zones (§5.1.5):

1. The building maintains a strong presence along the primary street.
2. The entrances of the building are differentiated from the rest of the elevation with metal and glass in contrast to the brick on the rest of the façade.
3. There are approximately 10 foot windows that look like small storefronts along the front façade. Small scale retail is typical in the area.
4. There are clearly defined rhythms of large windows with a curved design at the top and awnings.

5. The roof is flat which is consistent with the other commercial roof types in the area.
6. The materials of the building are red brick, metal and glass, all of which are dominant in the area.
7. There is landscaping along the street where the parking lot breaks the streetwall. Additional landscaping near the entrance was proposed for the last special permit with design review and will be a recommended condition of approval to comply with this guideline to continue the streetwall between buildings.
8. The rooftop mechanical equipment (pizza oven vent) would be placed in the middle rear of the structure and would comply with the 45 degree setback from the edge of the structure. Two existing chimneys near the edges of the building would be removed as shown on the roof plan.
9. The building complies with guidelines in Article 6 for Neighborhood Business Districts (§6.1.4.) - the parking is at the rear of the lot, behind the building.

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 conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the district, which is to establish and preserve areas for small-scale retail stores, services and offices which are located in close proximity to residential areas and which do not have undesirable impacts on the surrounding neighborhoods. This small scale restaurant where the majority of people are sitting down to eat is in close proximity to the vibrant Davis Square with several transit options. This type of use conforms to the spirit of the Neighborhood Business district.

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."

As discussed in the design guidelines in finding 2, the building conforms to the characteristics of the NB district and the area. A small scale restaurant is compatible with the commercial uses in the district and it would be a convenient use for the residents in the area. The Board does not anticipate negative impacts to the community from this use. There would be no change to the exterior of the building except for the name of the restaurant on the signage and improvements to the site that were conditions of the prior approval. The amount of landscaping would increase, the dumpster and recycling receptacles would be screened, and there would only be one dumpster for trash onsite. The businesses in the area will benefit from filling a vacant storefront.

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

Based on the above findings and subject to the following conditions, the Planning Board recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT with DESIGN REVIEW**.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is to establish a restaurant with outdoor seating (§7.11.10.1.2.b) with 50 seats inside and 20 seats outside. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	PIng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Oct 2, 1009</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Aug 10, 2009</td><td>Plans submitted to OSPCD (A1.1: roof plan, A1.0: floor plan)</td></tr><tr><td>Sept 11, 1996</td><td>Plans submitted to OSPCD (landscape plan)</td></tr></table>				Date (Stamp Date)	Submission	Oct 2, 1009	Initial application submitted to the City Clerk’s Office	Aug 10, 2009	Plans submitted to OSPCD (A1.1: roof plan, A1.0: floor plan)	Sept 11, 1996	Plans submitted to OSPCD (landscape plan)
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Sept 11, 1996	Plans submitted to OSPCD (landscape plan)											
Any changes to the approved site plan, elevations or use that are not <i>de minimis</i> must receive ZBA approval.												
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
3	The 9 <sup>th</sup> parking space by the dumpster shall be marked as indicated on the landscape plan.	CO	PIng.									
4	The site shall comply with the landscaping plan.	CO	PIng.									
5	The planters, or similar barrier, separating the outdoor dining area and the sidewalk shall be placed so that pedestrians can comfortably step in between them if more space is needed on the sidewalk to pass someone. The planters, or similar barrier, shall be movable so that in cool weather they could be pushed toward the building or removed to allow for a wider sidewalk.	CO	PIng.									
6	To the extent possible, all new exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties.	CO	PIng.									
7	Applicant will screen the dumpster and recycling receptacles with fencing that totally encloses them and blocks views of them.	CO	PIng.									

8	An Outdoor Seating and Goods License is required from the Board of Alderman to encumber the sidewalk.	annually	BOA	
9	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	
10	The Applicant is encouraged to hire locally and urge employees to commute to work on foot, bicycle or use public transportation.	Cont.	Applicant	
11	There shall only be one dumpster for trash on-site. There may be recycling receptacles within the fencing enclosure for the dumpster.	Cont.	ISD	
12	All operations of the restaurant shall end at 11pm.	Cont.	ISD	
13	The Applicant shall make his best faith efforts, including collaboration with the Traffic and Parking Director or his designee, to secure additional designated parking spaces should any become available in the Davis Square area in the future, through the Business Program or other means.	Cont.	Owner / Tenant	
14	The Applicant shall contact 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.	Final sign off	Plng.	

Sincerely,


Kevin Prior  
Chairman

Cc: Applicant: Alpine Restaurant Group, Inc.  
Owner: 187 Elm Street, LLC  
Agent: Adam Dash, Esq.

