



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

PLANNING DIVISION

***PLANNING BOARD MEMBERS***

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JOSEPH FAVALORO  
JAMES KIRYLO  
MICHAEL A. CAPUANO, ESQ.  
DANA LEWINTER (ALT.)

**Case #: PB# 2010-13**  
**Site: 9 Sanborn Court**  
**Date of Decision: June 24, 2010**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: July 1, 2010**

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**PLANNING BOARD DECISION**

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<b>Applicant Name:</b>	Summer & Hancock, LLC
<b>Applicant Address:</b>	297 Walden Street, Cambridge, MA 02138
<b>Property Owner Name:</b>	Kepnes Brothers Realty Trust
<b>Property Owner Address:</b>	c/o Henry Patterson, 78 Harding Road, Lexington, MA 02420
<b>Agent Name:</b>	Campbell Ellsworth
<b>Agent Address:</b>	267 Norfolk Street, Cambridge, MA 02139

Legal Notice: Applicant, Summer and Hancock LLC, and Owner, Kepnes Brothers Realty Trust, seek a special permit under SZO §6.1.22.D.5 to alter signage on the building. CCD 55 zone. Ward 3.

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 3
<u>Zoning Approval Sought:</u>	§6.1.22.D.5
<u>Date of Application:</u>	June 1, 2010
<u>Date(s) of Public Hearing:</u>	June 24, 2010
<u>Date of Decision:</u>	June 24, 2010
<u>Vote:</u>	5-0

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Appeal #PB 2010-13 was opened before the Planning Board at Somerville High School Auditorium on June 24, 2010. 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 hearing of deliberation, the Planning Board took a vote.



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## **DESCRIPTION:**

The proposal is to add signage and lighting to the restaurant's facade. The tenant of the building is applying for funding through the City's Storefront Improvement Program. A 4' x 1' unfinished steel sign will hang perpendicular to the building and have the name "Journeyman" cut into it. "Journeyman" will also be cut into one of four new 6" wide safety bollards placed in front of the entrance and exit. The existing boarded up opening to the left of the door will be replaced with a window. Since this is an existing opening it does not need special permit approval. Lighting will include three lamps across the 10' x 12' window, 1 lamp illuminating the hanging sign from above, and a wall sconce by the door.

## **FINDINGS FOR SPECIAL PERMIT (SZO §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 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 sign design complies with the design guideline for signage in the CCD (§6.1.22.H). The sign respects the building's context. The sign's material will be unfinished mild steel and it will not be lit from within. These characteristics comply with the list of materials and sign technologies that are recommended and the materials complement the existing brick façade and the building's industrial style. The sign is legible and does not have excessive wording. The sign will be subordinate to the overall building in its size and appearance and will not conceal important façade details such as the brick patterns.

No "signage line" currently exists on this side of the building. The perpendicular placement of the sign was chosen due to the orientation of the restaurant and the desire to inform pedestrians of the new use in the private way. The height of the sign is necessary to ensure visibility above the existing lattice screen of an adjacent restaurant. The lighting will be focused on the unit's sign, window, and door, enhancing safety and security while minimizing glare and light trespass.

The pedestrian oriented requirements of this district will be improved by the proposal. The signage and lighting will encourage pedestrian activity on Sanborn Court and the adjacent Stone Place Park, helping link Homer Square and Stone Place to Union Square.

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 and the purpose of the CCD by promoting pedestrian activity and an active mix of uses.



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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 signage and lighting will be compatible with the building's design as explained in finding two. The design of the lighting is also similar to that of a neighboring restaurant, The Independent.

**DECISION:**

Present and sitting were Members Michael Capuano, Joseph Favaloro, James Kirylo, Elizabeth Moroney and Dana LeWinter. Upon making the above findings, Elizabeth Moroney made a motion to approve the request for a special permit. James Favaloro seconded the motion. Wherefore the Planning Board voted **5-0 to APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	Approval is for the proposed signage and lighting. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.											
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>June 1, 2010</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>May 5, 2010</td><td>Plans submitted to OSPCD (1-Plan, 2-Elevations)</td></tr><tr><td>May 31, 2010</td><td>Plans submitted to OSPCD (1-Plan and Elevation)</td></tr><tr><td></td><td>Plans submitted to OSPCD (Hanging sign)</td></tr></table>				Date (Stamp Date)	Submission	June 1, 2010	Initial application submitted to the City Clerk's Office	May 5, 2010	Plans submitted to OSPCD (1-Plan, 2-Elevations)	May 31, 2010	Plans submitted to OSPCD (1-Plan and Elevation)		Plans submitted to OSPCD (Hanging sign)
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	Plans submitted to OSPCD (Hanging sign)													
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval. Sign replacement of the same size within the same sign footprint and using the same sign technology shall be permitted by right.														
2	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.											



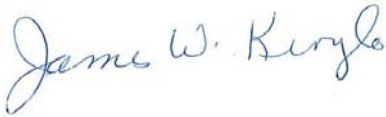
Attest, by the Planning Board:



Elizabeth Moroney



Joseph Favaloro



James Kirylo



Michael A. Capuano, Esq.



Dana LeWinter

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 \_\_\_\_\_



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