



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

PLANNING DIVISION

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

**Case #: PB #2009-12**  
**Site: 282 Somerville Avenue**  
**Date of Decision: December 3, 2009**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: December 4, 2009**

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**PLANNING BOARD DECISION**

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<b>Applicant Name:</b>	Viewpoint Sign & Awning
<b>Applicant Address:</b>	35 Lyman Street, Northboro, MA 01532
<b>Property Owner Name:</b>	D'Alelio, LLC
<b>Property Owner Address:</b>	One Smith Farm Trail, Lynnfield, MA 01940
<b>Agent Name:</b>	Darlene McCarthy
<b>Agent Address:</b>	35 Lyman Street, Northboro, MA 01532

Legal Notice: Applicant Viewpoint Sign and Awning and Paul Rebelo PGR Construction & Owner D'Alelio LLC requests a Special Permit to alter the façade and signage for an existing fast order food establishment (SZO §5.1 & 6.1.22.D.5). CCD zone. Ward 2.

<u>Zoning District/Ward:</u>	CCD zone/Ward 2
<u>Zoning Approval Sought:</u>	§5.1 & §6.1.22.D.5
<u>Date of Application:</u>	November 5, 2009
<u>Date(s) of Public Hearing:</u>	December 3, 2009
<u>Date of Decision:</u>	December 3, 2009
<u>Vote:</u>	4-0

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Appeal #PB 2009-12 was opened before the Planning Board at Somerville City Hall on November 19, 2009. 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 renovate the building's façade and signage. The façade materials would be glazing, painted insulated panels, and fiber cement board in the front, EIFS stucco on the sides and painted concrete block in the rear. The signs would be vinyl and would be internally-illuminated. There would be an opaque white backspray around the letters so that at night only the letters and the cup graphic would illuminate. The change to the pylon sign is by-right. The opaque white backspray is proposed for the pylon sign as well.

Many Dunkin Donuts are being renovated to have a similar appearance. The Dunkin Donuts in Magoun Square recently completed similar renovations.

The proposal also includes adding gooseneck lighting around the front and left side of the building. The landscaping on the site would also be expanded slightly and replanted with dwarf rhododendron, spreading juniper, azalea, and yew plantings.

## **FINDINGS FOR SPECIAL PERMIT (SZO §5.1 & §6.1.22.D.5):**

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 façade and sign design complies with some but not all of the design guidelines for the CCD (§6.1.22.H). The building does have a large portion of transparent glass that provides unobstructed views into the building. The sign design fits with the style of a traditional, stand-alone Dunkin Donuts; however, the signs are more oriented to automobiles than pedestrians. The signs are large and interior-lit, which are discouraged. The proposed materials include those on the list of discouraged materials such as EIFS-type finishes and vinyl signs. Since the application is only for modest sign and façade changes, adherence to all of the design guidelines is not essential. In reviewing new structures and signs the design guidelines should be followed.

Because the applicants are keeping with the traditional Dunkin Donuts appearance that does not follow the design guidelines, they have incorporated other elements into the building and site that will improve the pedestrian experience. They are proposing to add gooseneck lighting that will help to illuminate the site, which is currently dark at night. They are also proposing to deepen the landscape bed along Prospect St from 3 to 5 feet, retain the three trees and install new shrubs. The proposed vegetation is hardy, consisting of 4-season plants.

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 the purpose of the CCD by increasing the commercial investment in the area.



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 façade and sign would be compatible with the building's design and the site improvements would be compatible with the pedestrian oriented nature of Union Square.

**DECISION:**

Present and sitting were members Kevin Prior, Elizabeth Moroney, James Kirylo and Dana LeWinter. Upon making the above findings, Elizabeth Moroney made a motion to approve the request for a special permit. James Kirylo 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 the alteration of the façade and signage. 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>Nov 5, 2009</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Oct 26, 2009</td><td>Plans submitted to OSPCD (sign design)</td></tr><tr><td>Aug 12, 2009</td><td>Plans submitted to OSPCD (A-4-A-5: façade materials)</td></tr><tr><td>Jun 3, 2009</td><td>Plans submitted to OSPCD (EX-1: existing elevations &amp; floor plan)</td></tr><tr><td>Dec 27, 2009 (note incorrect date on plan) (Dec 3, 2009)</td><td>Modified plans submitted to OSPCD (SP-2: lighting &amp; landscaping)</td></tr></table>				Date (Stamp Date)	Submission	Nov 5, 2009	Initial application submitted to the City Clerk's Office	Oct 26, 2009	Plans submitted to OSPCD (sign design)	Aug 12, 2009	Plans submitted to OSPCD (A-4-A-5: façade materials)	Jun 3, 2009	Plans submitted to OSPCD (EX-1: existing elevations & floor plan)	Dec 27, 2009 (note incorrect date on plan) (Dec 3, 2009)	Modified plans submitted to OSPCD (SP-2: lighting & landscaping)
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Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval.																
2	If the 3 trees along Prospect St are deemed dead or unsatisfactory by the Superintendent, the Applicant/Owner shall replace the trees with those of at least a 3" caliper until they have lived through one year. The trees shall be planted and maintained according to National Nurseryman's Standards, and in accordance with SZO §10.2.2 and §10.6.2.	BP	Plng.													



3	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.	Perpetual	ISD	
4	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final inspection	Plng.	



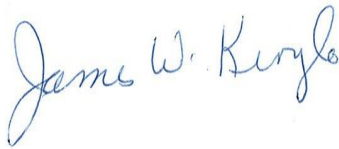
Attest, by the Planning Board:



Kevin Prior, Chairman



Elizabeth Moroney



James Kirylo



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



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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 \_\_\_\_\_

