



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

PLANNING DIVISION

PLANNING BOARD MEMBERS

KEVIN PRIOR, *CHAIRMAN*
ELIZABETH MORONEY, *CLERK*
JOSEPH FAVALORO
JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
DANA LEWINTER (ALT.)

Case #: PB #2010-19
Site: 34 Sturtevant Street
Date of Decision: November 4, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: November 17, 2010

PLANNING BOARD DECISION

Applicant Name:	Street Retail Inc.
Applicant Address:	1626 E. Jefferson Street, Rockville, MD 20852
Property Owner Name:	Street Retail Inc.
Property Owner Address:	1626 E. Jefferson Street, Rockville, MD 20852
Agent Name:	Berkley Building
Agent Address:	114 Hale Street, Haverhill, MA 01830

<u>Legal Notice:</u>	Applicant and Owner Street Retail Inc seek a special permit to exceed signage requirements in the Assembly Square Mixed Use District per Section 6.4.14.C and of the SZO to exceed size requirements of SZO Article 12 for a 36 foot freestanding three-face sign and 455 square feet of signage on the Assembly Square Marketing Building.
----------------------	---

<u>Zoning District/Ward:</u>	ASMD District. Ward 1
<u>Zoning Approval Sought:</u>	§6.4.14.C
<u>Date of Application:</u>	September 28, 2010
<u>Date(s) of Public Hearing:</u>	November 4, 2010
<u>Date of Decision:</u>	November 4, 2010
<u>Vote:</u>	5-0

Appeal #PB 2010-19 was opened before the Planning Board at Somerville City Hall on November 4, 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov



DESCRIPTION:

The primary work on this site proposed by the applicant is the construction of a 2100 square foot modular building. Because this is a single building for an allowed use under 5,000 square feet, that building does not require a special permit, and the applicant expects to secure building permits to install this structure during the week of November 1, 2010. The applicant is seeking to place a freestanding sign on the site and a sign on the building. These signs require a Special Permit from the Planning Board.

The applicant is proposing to use this building as a marketing center for the Assembly Row development that received preliminary PUD approval in June. The Applicant has indicated that the center will be used to bring potential commercial clients into the development site for an introduction to the development and a review of the project.

In order to adequately label the center and establish an on-site temporary gateway for the project during the marketing phase, the applicant is requesting signage that will allow this small building to stand out within the larger construction site. Therefore, the applicant is requesting to install a 3-face freestanding sign of 297 square feet in total area and 33 feet in total height, and signage on three sides of the building that totals 455 square feet in area.

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 regulations for signs within the ASMD, and is in compliance with all relevant zoning except for the sign size regulations of Section 12. Until the construction progresses on the site, the sign is required to mark the marketing center. The center is temporary and will be removed when the development reaches this parcel.

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 ASMD by allowing the Applicant to market the mixed use PUD that has received preliminary approval on the site.

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 signs will be compatible with the site as it is designed to be placed in proximity to the Assembly Square construction site where it must stand out as an attractive wayfinding structure.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov



DECISION:

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano. Upon making the above findings, Kevin Prior made a motion to approve the request for a special permit. Elizabeth Moroney 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 a freestanding sign of a 33 foot high and 297 square foot freestanding sign and a series of signs attached to a building with a total of 455 square feet, as follows:	BP/CO	Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>10/19/10</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>10/14/10</td><td>Attachments to applicant numbered 1, 2, 3 and 4, with 2-4 dated 10/14/10 showing freestanding sign and marketing center signage.</td></tr></table>				Date (Stamp Date)	Submission	10/19/10	Initial application submitted to the City Clerk's Office	10/14/10	Attachments to applicant numbered 1, 2, 3 and 4, with 2-4 dated 10/14/10 showing freestanding sign and marketing center signage.
	Date (Stamp Date)				Submission					
	10/19/10				Initial application submitted to the City Clerk's Office					
10/14/10	Attachments to applicant numbered 1, 2, 3 and 4, with 2-4 dated 10/14/10 showing freestanding sign and marketing center signage.									
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 sign shall be removed within 30 days from when the marketing center is removed from the site.	Cont.	Plng.							
3	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:



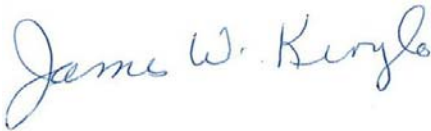
Kevin Prior, Chairman



Elizabeth Moroney



Joseph Favaloro



James Kirylo



Michael A. Capuano, Esq.

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 _____



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

