



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

PLANNING DIVISION

PLANNING BOARD MEMBERS

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

Case #: PB 2010-22
Site: 61 Union Square
Date of Decision: January 20, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: January 27, 2011

PLANNING BOARD DECISION

Applicant Name:	Elias Interiano
Applicant Address:	61 Union Square, Somerville, MA 02143
Property Owner Name:	Union Square Realty
Property Owner Address:	59 Union Square, Somerville, MA 02143
Agent Name:	Paul Cook
Agent Address:	Divine Signs, 6 Norman Street, Everett, MA 02149

Legal Notice: Applicant Elias Interiano & Owner Union Sq Realty Trust requests a Special Permit to alter signage for an existing restaurant (SZO §5.1 & 6.1.22.D.5).

<u>Zoning District/Ward:</u>	CCD 55 zone. Ward 2.
<u>Zoning Approval Sought:</u>	§5.1& §6.1.22.D.5
<u>Date of Application:</u>	October 6, 2010
<u>Date(s) of Public Hearing:</u>	January 20, 2011
<u>Date of Decision:</u>	January 20, 2011
<u>Vote:</u>	5-0

Appeal #PB 2010-22 was opened before the Planning Board at Somerville City Hall on January 20, 2011. 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
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DESCRIPTION:

The proposal is to install a new sign that includes lighting and an awning. The owner of the restaurant is applying for funding through the City's Storefront Improvement Program. The sign will be in the same location as the existing sign, the background of which is 3.2 feet by 21 feet. The logos and background will be made of aluminum with a non-reflective finish. The letters will be reverse channel LED letters that have solid red opaque fronts. Lighting will be behind the letters to create a halo effect. The awning will also be red and made of sunbrella fabric. The paint surrounding the windows and doors will be updated to a neutral color that will not clash with the red color in the proposed sign.

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 complies with the signage design guidelines in the CCD (§6.1.22.H). The sign respects the building's context. The sign will be located in the existing sign band directly above the restaurant. The beige color of the sign background is intended to blend in with the grayish color of the building. The lighting will be subtle with the halo effect around the letters. The awning will shade the restaurant windows and will provide some shelter for pedestrians. The sign and awning do not conceal important architectural elements. The proposed aluminum sign, fabric awning and halo lighting comply with the list of materials and sign technologies that are recommended in the guidelines. The sign is legible and does not have excessive wording.

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 an active mix of uses with structures that complement the historic structures 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 sign will be compatible with the building's design and improve the appearance of the restaurant.



DECISION:

Present and sitting were Members Elizabeth Moroney, Joseph Favaloro, James Kirylo, Michael Capuano and Dana LeWinter with Kevin Prior absent. Upon making the above findings, Elizabeth Moroney made a motion to approve the request for a special permit. Dana LeWinter 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	<p>Approval is for an aluminum sign including halo lighting and a fabric awning. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Dec 6, 2010</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(Jan 13, 2011)</td> <td>Modified plans submitted to OSPCD (elevation)</td> </tr> </tbody> </table> <p>Any changes to the approved elevations 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.</p>	Date (Stamp Date)	Submission	Dec 6, 2010	Initial application submitted to the City Clerk's Office	(Jan 13, 2011)	Modified plans submitted to OSPCD (elevation)	BP/CO	Plng.	
Date (Stamp Date)	Submission									
Dec 6, 2010	Initial application submitted to the City Clerk's Office									
(Jan 13, 2011)	Modified plans submitted to OSPCD (elevation)									
2	The Applicant shall repaint the areas around the windows and doors to a color that compliments the colors of the proposed sign. The color shall be provided to Planning Staff for review and approval.	Final sign off	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.							



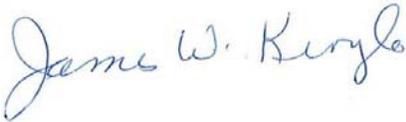
Attest, by the Planning Board:



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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