



**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.  
ELIZABETH MORONEY

**Case #: PB 2011-20**  
**Site: 112 Broadway**  
**Date of Decision: January 5, 2012**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: January 18, 2012**

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**PLANNING BOARD DECISION**

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<b>Applicant Name:</b>	Augusto DaCunha
<b>Applicant Address:</b>	112 Broadway, Somerville, MA 02143
<b>Property Owner Name:</b>	Augusto DaCunha
<b>Property Owner Address:</b>	112 Broadway, Somerville, MA 02143
<b>Agent Name:</b>	N/A

Legal Notice: Applicant & Owner, Augusto DaCunha, Ola Gifts Café LLC seeks a Special Permit under SZO §6.1.22.D.5 to install signage for an existing cafe.

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 1
<u>Zoning Approval Sought:</u>	§6.1.22.D.5
<u>Date of Application:</u>	December 6, 2012
<u>Date(s) of Public Hearing:</u>	January 5, 2012
<u>Date of Decision:</u>	January 5, 2012
<u>Vote:</u>	4-0

Appeal #PB 2011-20 was opened before the Planning Board at Somerville City Hall on January 5, 2012. 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 install an awning across the storefront (13 feet) that will project out 4 feet over the sidewalk. The applicants have already received approval from the Board of Alderman to install an awning over the sidewalk. The awning will be 8 feet above the ground. It will be made of orange and red Sunbrella canvas fabric with a galvanized steel frame. The name of the café will be located on the front of the awning and a few items that they sell will be spelled out on the side of the awning which will be visible to pedestrians.

**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 sign design complies with the design guideline for signage in the CCD (§6.1.22.H).

1. The proposed awning will add some interest to the street wall along this area. The storefront currently does not have signage and the store blends into the commercial strip. The awning will add definition and color to this building among the storefronts. Painting the brick to outline the store is not recommended; however, it has already been done and did not require approvals.
2. The massing and height of the three story structure will not change.
3. The height of the building is three stories and it is located between two one-story buildings. The project design is not proposing to alter the height of the existing structure and a transition to residential or historically designated properties is not applicable.
4. The Applicant will be maintaining the existing width of the building, which is approximately 13 feet, along with maintaining a separate entrance for the café along the sidewalk. The storefront currently meets the guideline which states that there should be 75% transparent material on the ground floor. The existing windows will not be blocked by interior storage, displays, or signage. The guideline limits windows from being blocked by more than 30%.
5. The material of the awning will be a Sunbrella canvas fabric and galvanized steel, which are quality materials as encouraged in the guidelines for the Corridor Commercial District.
6. The side and rear facades of the building are not proposed to change.
7. The proposed signage design respects the building's context by placing the awning above the windows within the signage band that typically holds awnings for similar buildings. The awning will not conceal the architectural details of the building. The sign is legible and does not have excessive wording. The awning will be pedestrian oriented with the lettering on the bottom of the awning, in locations most visible to pedestrians. The awning will also provide shade and shelter to pedestrians. The color of the sign is bright but in the context of this block, it should not clash or compete with other bright colors.
8. This signage proposal will improve visibility for a café; which is an encouraged ground floor use in this district.



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9./10. Artist Live/Work Spaces and residential unit size do not relate to this proposal.

11. The Applicant is not proposing to change the width of the sidewalk as part of this proposal as the building location and depth of the façade from the sidewalk is not changing.

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 maintain 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 would be compatible with the building's design as explained in finding two.



**DECISION:**

Present and sitting were Members Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano with Kevin Prior absent. Upon making the above findings, Joseph Favaloro made a motion to approve the request for a special permit. Michael Capuano 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	<p>Approval is for the installation of new awning/signage on the building. 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, 2011</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(Dec 23, 2011)</td> <td>Plans submitted to OSPCD (elevation/rendering)</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	Dec 6, 2011	Initial application submitted to the City Clerk's Office	(Dec 23, 2011)	Plans submitted to OSPCD (elevation/rendering)	BP/CO	ISD/Png.	
Date (Stamp Date)	Submission									
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2	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW							
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	Png.							



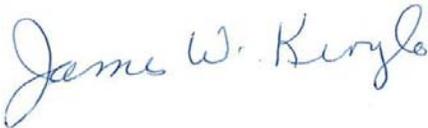
Attest, by the Planning Board:



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 \_\_\_\_\_



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