



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MAYOR

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EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

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JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
ELIZABETH MORONEY
JERRY AMARAL, (ALT.)

Case #: PB #2013-19
Site: 125 Broadway
Date of Decision: November 7, 2013
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: November 18, 2013

PLANNING BOARD DECISION

| | |
|--------------------------------|---|
| Applicant Name: | Imageone Industries |
| Applicant Address: | 677 Dunks Ferry, Bensalem, PA 19020 |
| Property Owner Name: | Santander |
| Property Owner Address: | 1130 Berkshire Blvd, Wyomissing, PA 19610 |
| Agent Name: | Carolyn Parker |
| Agent Address: | 3 Lorion Avenue, Worcester, MA 01606 |

Legal Notice: Applicant, Image One Industries, and Owner, Santander, seeks a Special Permit under SZO §6.1.22.D.5.a to modify signage at an existing commercial structure.

| | |
|-----------------------------------|------------------|
| <u>Zoning District/Ward:</u> | CCD 45/Ward 1 |
| <u>Zoning Approval Sought:</u> | §6.1.22.D.5.a |
| <u>Date of Application:</u> | October 7, 2013 |
| <u>Date(s) of Public Hearing:</u> | November 7, 2013 |
| <u>Date of Decision:</u> | November 7, 2013 |
| <u>Vote:</u> | 5-0 |

Appeal #PB 2013-19 was opened before the Planning Board at Somerville City Hall on November 7, 2013. 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:

Applicant, Image One Industries, and Owner, Santander, propose to modify signage at an existing commercial structure.

The subject commercial space, currently Sovereign Bank, at 125 Broadway is 2,622 net square feet and the proposed new signage would reflect the rebranding of Sovereign Bank, as this entity takes on the name of its parent company, Santander.

The signage is proposed to be slightly larger than the existing and conforms to CCD45 signage guidelines. There is approximately 35 feet of frontage along Broadway and 80 feet of frontage along Michigan Avenue for this commercial use; however, in a CCD45 there is no size requirement as related to frontage. The proposal is for two identical signs, composed of plate letters on an aluminum composite (ACM) background that would be approximately 75 square feet (3' in width by 25' in length) and located within the sign band above the first floor, and for two decals as well as hours of operation, to be approximately 15 square feet (3" in width by 30" in length) and affixed to the glazing of the front door. Each of the two signs within the sign band above the door would have five gooseneck lights above the ACM panel. Total signage would be approximately 90 square feet.

FINDINGS FOR SPECIAL PERMIT (SZO §6.1.22.D.5.a):

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."

In considering a Special Permit, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal to alter the existing signage due to the rebranding of Sovereign Bank as Santander conforms to CCD guidelines in material and lighting.

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 promoting "the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to facilitate the adequate provision of... other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality."

The proposal is consistent with the purpose of the CCD45 district, §6.1.22, which is, "to promote appropriate infill development along heavily traveled transportation corridors, especially where those corridors meet at named Squares. The district recognizes that such corridors present opportunities for an active mix of uses while also



addressing development challenges posed by smaller lots and nearby existing residential development and the need to be accessible by multiple modes of transportation.”

The major objectives of the CCD45 district are addressed with respect to the subject proposal below.

1. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street;
2. Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings;
3. Preserve and complement historic structures;
4. Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors; and,
5. Promote pedestrian and bicycle activity.

The use of the structure is not proposed to change as a result of this proposal, but the use as a banking institution serves the neighborhood as well as the larger community and is located within an existing structure. The rebranding of this branch would maintain a contributory neighborhood amenity that is not auto oriented and would encourage pedestrian and bicycle activity.

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 proposal to alter signage is compatible with the site and the neighborhood. This project will reduce the existing square feet of signage and become conforming in material and lighting the district guidelines. There will likely be no impact on the surrounding neighborhood as this proposal does not alter the use, footprint or number of vehicles to access the site.

Further, this proposal adheres to CCD signage guidelines, as outlined below.

7. Signage and awning design should respect buildings' context (e.g., scale, design, style, colors, materials), be oriented to pedestrians, and be subordinate to the overall building composition. Creative shapes must be carefully designed and coordinated with the overall appearance of the building. The design should also maintain an existing "signage line" and respect the character, scale, and locations of adjacent signs and awnings. Large, interior-lit or back-lit signs or awnings, neon "open" signs, vinyl or plastic materials and overly bright colors are generally discouraged. To add interest and character to the retail environment signs or awnings may convey interesting elements or logos without excessive wording. They should be limited to advertising the business name and its main goods or services, with minimal or no national brand names or logos. Type styles should enhance readability of the sign and provide information simply and legibly. Use awnings to create pleasant shaded spaces in front of a building. Signs and awnings should enhance important architectural details and not conceal or obliterate them.

The proposed sign conforms to CCD district guidelines in material and lighting. The proposal is for two identical signs, composed of plate letters on an aluminum composite (ACM) background that would be approximately 75 square feet (3' in width by 25' in length) and located within the sign band above the first floor, and for two decals as well as hours of operation, to be approximately 15 square feet (3" in width by 30" in length) and affixed to the glazing of the front door. Each of the two signs within the sign band above the door would have five gooseneck lights above the ACM panel. Total signage would be approximately 90 square feet.

5. Adverse environmental impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.



6. Vehicular and pedestrian circulation: The circulation patterns for motor vehicles and pedestrians which would result from the use or structure will not result in conditions that create traffic congestion or the potential for traffic accidents on the site or in the surrounding area.

The proposal would not alter circulation patterns for motor vehicles or pedestrians as a result of this project.

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. Joseph 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 a Special Permit to modify signage at an existing commercial structure. This approval is based upon the following application materials and the plans submitted by the Applicant: | BP/CO | ISD/Plng. | | | | | | | |
| | <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(October 7, 2013)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 16, 2013 (October 28, 2013)</td> <td>Existing & Proposed plans submitted to OSPCD (Pages 7, 10, 11, 13, 14 & 15)</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | (October 7, 2013) | Initial application submitted to the City Clerk's Office | July 16, 2013 (October 28, 2013) | Existing & Proposed plans submitted to OSPCD (Pages 7, 10, 11, 13, 14 & 15) |
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| Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval. | | | | | | | | | | |
| 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 | | | | | | | |
| Public Safety | | | | | | | | | | |
| 3 | The Applicant or Owner shall meet the Fire Prevention Bureau's requirements. | CO | FP | | | | | | | |
| 4 | To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties. | CO | Plng. | | | | | | | |
| Signage | | | | | | | | | | |
| 5 | Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off. | CO/Cont. | Plng. | | | | | | | |
| Final Sign-Off | | | | | | | | | | |



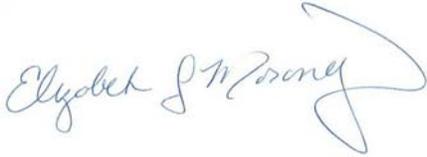
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|---|---|----------------|-------|--|
| 6 | The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval. | Final sign off | Plng. | |
|---|---|----------------|-------|--|



Attest, by the Planning Board:



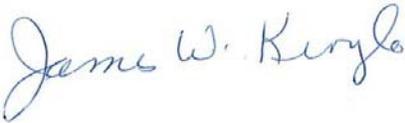
Kevin Prior, Chairman



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 _____

