



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

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Case #: PB 2015-04
Site: 328 Broadway
Date of Decision: July 16, 2015
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: July 23, 2015

PLANNING BOARD DECISION

Applicant Name:	Jeffrey Aaron Rowe
Applicant Address:	64 Thurston Street, Apt. 2, Somerville, MA 02145
Property Owner Name:	John Holmes, Broadway Realty
Property Owner Address:	P.O. Box 17, Somerville, MA 02145
Agent Name:	John P. Connell
Agent Address:	112 Water Street, Suite 201, Boston, MA 02109

Legal Notice: Applicant, Jeffrey Aaron Rowe, and Owner, John Holmes, seek a Special Permit with Site Review, to establish an eating and drinking establishment and a Special Permit for alterations to the building including signage.

<u>Zoning District/Ward:</u>	CCD 55/Ward 4
<u>Date of Application:</u>	May 20, 2015
<u>Date(s) of Public Hearing:</u>	6/25 & 7/16/15
<u>Date of Decision:</u>	July 16, 2015
<u>Vote:</u>	5-0

Appeal #PB 2015-04 was opened before the Planning Board at the Visiting Nurse Association on June 25, 2015. 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 a brewpub called Winter Hill Brewing Company. The first floor will have a bar and restaurant seating and a small kitchen. The lower floor, which will be back of house, is storage and brewing. There will be a deck built on the side of the building for seasonal restaurant seating. Signage is proposed for the top of the building since there is no sign band. Winter Hill Brewing Company is also proposing to serve coffee in the morning since there currently is no such service provided in Winter Hill.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW:

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. **Information Supplied:**

The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

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 with site plan review."*

To establish an eating and drinking establishment greater than 1,500 square feet requires a special permit. All Special Permits in CCD and TOD districts require a Special Permit with Site Review. All new signage that isn't a one-for-one replacement also requires a Special Permit.

In considering a special permit and special permit with site review, the Board finds that the use and building alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure and use.

All new developments shall meet the standards of Section 6.1.22.G. However, since this is not new construction, only applicable standards are below:

1. **Lighting.** Lighting shall be appropriate to the historic and pedestrian-oriented character of surrounding neighborhoods and buildings, and shall enhance safety and security while minimizing glare and light trespass.

The lighting proposed for the signage will enhance the nighttime appearance of the building but may interfere with the night sky. A condition of this report is that all lighting proposed will be shielded from the night sky.

3. **Purpose of District:** *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".*

The proposal is consistent with the purpose of the district. The Corridor Commercial Districts has been established 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.



4. Site and Area Compatibility: *The Applicant has to ensure that the project “(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area”.*

The surrounding neighborhood is a mix of commercial and residential uses. The immediate abutters are parking lots with small buildings with commercial uses. There are residential developments behind the development and on Bradford Street. A new mixed-use building is in construction at 315 Broadway, across the street.

There are little to no impacts of the proposal. This will improve an existing building that has been vacant for about a year. The use will be pedestrian oriented and bring a service that is missing in the neighborhood.

All new developments shall meet the design guidelines of Section 6.1.22.H. However, since this is not new construction, only applicable standards are below:

1. Exterior building materials for all visible portions of the building should be high quality, durable, and aesthetically appropriate. Particular attention should be paid where properties abut residential districts and historically designated property. Predominant exterior building materials should include an appropriate combination of brick, glass, wood, artistically used metal, stone, or stucco. Precast concrete panels, EIFS-type finishes, and large expanses of glass or corrugated sheet metal are generally discouraged. Bare or painted concrete as the only exterior facade material shall not be allowed.

The building will have new exterior materials including a reclaimed wood and new paint. The deck will be Trex decking with pipe railing and steel cables.

2. Visible rear and side façades should maintain a similar character to the front façade of the building and the intended character of the surrounding district.

The visible side of the building will be enhanced with outdoor seating and new paint.

3. 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.

There will be one new roof mounted sign since the building doesn't have a sign band. The sign will have channel letters mounted to simple geometric shape. There are mash paddles (a tool used in making beer) mounted in key locations to signify the brewery. A condition of this report is that the roof signs are not more than 3' in height so they don't overwhelm the facades.

5. Functional Design: *The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”*

The proposal meets the functional design criteria.

6. Impact on Public Systems: *The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water*



supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”

The project will not create adverse impacts on public services.

7. 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.”*

The proposal will not create any environmental impacts.

8. Consistency with Purposes: *“Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”*

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 encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

9. Preservation of Landform and Open Space: *The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”*

There are no existing natural landforms or open space on the site.

10. Relation of Buildings to Environment: *The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”*

The building is located on the streetfront and is compatible in design with buildings on the Broadway corridor.

11. Stormwater Drainage: *The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and paved area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”*



There will be no increase in impervious area on the site or change in stormwater drainage.

12. Historic or Architectural Significance: *The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”*

The proposal will enhance the Winter Hill corridor and makes a creative design statement on a building with no historical or architectural significance.

13. Enhancement of Appearance: *The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”*

The proposal will enhance the appearance of Winter Hill.

14. Lighting: *With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”*

As condition, lighting shall not trespass into the night sky.

15. Emergency Access: *The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”*

The proposal meets emergency access requirements.

16. Location of Access: *The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”*

Access to the site is not changing.

17. Utility Service: *The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”*

Utility connections to the site will not change.

18. Prevention of Adverse Impacts: *The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development.”*

The building is existing, no adverse impacts are expected from the new use and building alterations.

19. Signage: *The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”*



The signage will reflect the scale and character of the building.

20. Screening of Service Facilities: *The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”*

As conditioned, the dumpster shall be screened.

21. Screening of Parking:

The parking is existing and will not be screened.

21. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The project will have no impact on existing affordable housing.

22. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

The project will no directly contribute to the metrics of SomerVision but will allow a small business to operate in an existing storefront.



DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Michael Capuano, Rebecca Lyn Cooper, Gerard Amaral with Dorothy Kelly Gay absent. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Michael Capuano 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 an eating and drinking establishment over 1,500 square feet and signage. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 20, 2015</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 7, 2015</td> <td>Modified plans submitted to OSPCD (Plot Plan, Concept Sketch, Plans, Exterior Elevation, Interior Elevations)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 20, 2015	Initial application submitted to the City Clerk's Office	July 7, 2015	Modified plans submitted to OSPCD (Plot Plan, Concept Sketch, Plans, Exterior Elevation, Interior Elevations)
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Any changes to the approved plan, elevations, and use that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
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	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P							
Design										
4	An exterior light and electrical receptacle is required for the first level of the deck.	Final sign off	Wiring Inspector							
Site										
5	Applicant will screen the dumpster with fencing that blocks any view of the dumpster itself.	CO	PIng.							
Miscellaneous										



6	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.	Cont.	ISD	
7	For developments with 7 or more residential units or commercial development, the Owner/Applicant is required to hire a private company to remove trash and recycling on a regular basis.	Cont.	Sanitation	
Public Safety				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
9	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				
10	Signage will be limited in size and location to that shown in the elevation diagrams and signage lighting shall be turned off when the establishment is closed.	CO/Cont.	Plng.	
11	The roof signs shall be no more than 3' in height.	CO/Cont.	Plng.	
Final Sign-Off				
12	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:



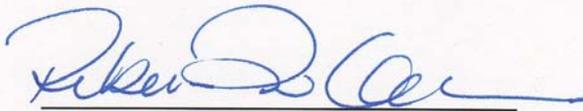
Kevin Prior, Chairman



Joseph Favaloro



Michael A. Capuano, Esq.



Rebecca Lyn Cooper



Gerard Amaral

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 _____

