



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

PLANNING DIVISION

PLANNING BOARD MEMBERS

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ELIZABETH MORONEY

JAMES KIRYLO

MICHAEL A. CAPUANO, ESQ.

Case #: PB 2012-09

Site: 342 Broadway

Date of Decision: July 12, 2012

Decision: *Petition Approved with Conditions*

Date Filed with City Clerk: July 23, 2012

PLANNING BOARD DECISION

Applicant Name:	Winter Hill Bank, FSB
Applicant Address:	342 Broadway, Somerville, MA 02145
Property Owner Name:	Winter Hill Bank, FSB
Property Owner Address:	342 Broadway, Somerville, MA 02145
Agent Name:	Adam Dash, Esq.
Agent Address:	48 Grove Street, Suite 304, Somerville, MA 02144

Legal Notice: Applicant and Owner, Winter Hill Bank, FSB, seeks a Special Permit under SZO §6.1.22.D.5.a to alter the signage at an existing bank.

<u>Zoning District/Ward:</u>	CCD 45 zone/Ward 4
<u>Zoning Approval Sought:</u>	§6.1.22.D.5.a
<u>Date of Application:</u>	June 12, 102
<u>Date(s) of Public Hearing:</u>	July 12, 2012
<u>Date of Decision:</u>	July 12, 102
<u>Vote:</u>	4-0

Appeal #PB 2012-09 was opened before the Planning Board at Somerville High School Auditorium on July 12, 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 existing free standing sign at the subject property has an electronic LED message board sign situated at the top of the pole. This existing message board sign is two sided and is 13.5 feet wide by 3 feet high. The sign has recently broken and Winter Hill Bank, FSB wishes to replace the message board sign with a new, modern electronic LED message board sign with the same dimensions on the same pole in the same location of the same height. The new message board sign, like the old sign, will show text and graphics, although the new sign will have full color capability. The old message board sign could only display text and graphics using amber-colored lighting on a black background. New electronic LED message board signs have full color capabilities which the bank would like to install and use. The text displayed on the new message board sign will have the same mix of time, temperature, community messages, and bank advertising as before. The new sign will maintain the same sign dimensions and be lit at the same times as the old sign before it was broken.

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 Permit.
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 proposed signage complies with the design guideline for signage in the CCD (§6.1.22.H).

1. No alterations to the existing building at the site are being proposed and therefore the streetwall along the street edge will remain the same.
2. The massing and height of the two story structure will not change.
3. The project is not proposing to alter the height of the existing structure and therefore a transition to residential or historically designated property is not applicable.
4. No alterations to the existing building at the site are being proposed and therefore the commercial bay width, architecture, entrances, and fenestration on the existing building will remain the same.
5. The proposed double-faced electronic LED message board sign will be made of LED lights and an aluminum cabinet. This is consistent with the materials of the old electronic message board sign. The materials that are listed as being discouraged are not being proposed in this replacement signage.
6. No alterations to the existing building at the site are being proposed and therefore the rear and side facades will remain the same.
7. The proposed signage design respects the building's context by maintaining the same size signage as the original message board sign. Additionally, since the proposed new message board sign is the same size as the old sign, it is maintaining the existing "signage line and respecting the character, scale, and locations of adjacent signs and awnings in the surrounding area." Planning Staff is proposing a series of conditions that will limit the time, lighting, and types of messages that can be displayed on this proposed new message board sign.



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8. This signage replacement proposal is not calling for any changes to the existing use (a bank) at the site.
- 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.

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; 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 also consistent with the purpose of the CCD district (6.1.22. Corridor Commercial Districts (CCDs)), 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 districts are to:

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 proposal is consistent with the purpose of the district and increases commercial investment by enhancing a business along the Broadway streetscape.

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 proposed new electronic LED message board sign would be compatible with the original message board sign as well as the characteristics of the built and unbuilt surrounding area as explained in finding two above.

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.

No adverse environmental impacts are anticipated from this proposed new signage. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. The proposed new electronic LED message board sign will maintain the 13.5 foot wide by 3 foot high dimensions. The only change is that the new message board sign will be able to display the full spectrum of colors while the old sign could only display messages, text, and graphics using amber-colored lighting on a black background.



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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	Approval is for a Special Permit to alter the signage at an existing bank under SZO §6.1.22.D.5. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.											
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(June 12, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>September 11, 2000 (June 28, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>March 16, 2012 (June 28, 2012)</td> <td>EMC – Color Display (# 12-2266-1r3)</td> </tr> <tr> <td>January 29, 2001 (June 28, 2012)</td> <td>12" Sunscreen 16.88 Double Face (# 162770)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(June 12, 2012)	Initial application submitted to the City Clerk's Office	September 11, 2000 (June 28, 2012)	Plot Plan	March 16, 2012 (June 28, 2012)	EMC – Color Display (# 12-2266-1r3)	January 29, 2001 (June 28, 2012)	12" Sunscreen 16.88 Double Face (# 162770)
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.														
2	Prior to the issuance of a Building Permit and an Electrical Permit, the sign company shall supply all listing documentation to the Wiring Inspector.	BP	Wiring Inspector											
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											
4	The electronic LED message board sign shall only be used to display community-oriented messages or the advertisement of goods and services being provided on the premises.	Cont.	ISD/PIng.											
5	A minimum of fifty (50) percent of the messages displayed on the electronic LED message board sign shall be community-oriented in nature.	Cont.	ISD/PIng.											



6	Messages displayed on the electronic LED message board sign shall remain stationary for at least eight (8) seconds. No flashing of messages is allowed. Nothing in this condition shall be interpreted as prohibiting moving graphics which accompany a message.	Cont.	ISD/Plng.	
7	Signage light should not be more intense than accepted industry standards (5000 nits at day and 500 nits at night).	Cont.	ISD/Plng.	
8	This Special Permit is granted only to the current owner (Winter Hill Bank, FSB) and shall not be transferred to a new owner without returning to the Planning Board for review.	Cont.	ISD/Plng.	
9	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	Final Sign Off	FP	
10	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.	Final Sign Off	DPW	
11	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.	



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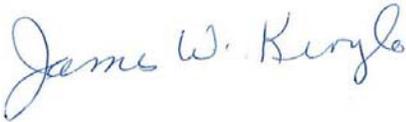
Attest, by the Planning Board:



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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