



**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.  
ELIZABETH MORONEY

**Case #: PB 2011-18**  
**Site: 76 Broadway**  
**Date of Decision: January 5, 2012**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: January 17, 2012**

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**PLANNING BOARD DECISION**

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<b>Applicant Name:</b>	Vinny Migliore
<b>Applicant Address:</b>	76 Broadway, Somerville, MA 02145
<b>Property Owner Name:</b>	Vinny Migliore & Carol Anne Migliore
<b>Property Owner Address:</b>	76 Broadway, Somerville, MA 02145
<b>Agent Name:</b>	N/A

**Legal Notice:** Applicants and Owners Vinny Migliore and Carol Anne Migliore, Trustees, seek a special permit under SZO §6.1.22.D.5 to alter the façade of the building including new signage, lighting, and awnings.

<b><u>Zoning District/Ward:</u></b>	CCD 45 zone/Ward 1
<b><u>Zoning Approval Sought:</u></b>	§6.1.22.D.5
<b><u>Date of Application:</u></b>	October 4, 2011
<b><u>Date(s) of Public Hearing:</u></b>	12/15/11 & 1/5/12
<b><u>Date of Decision:</u></b>	January 5, 2012
<b><u>Vote:</u></b>	4-0

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Appeal #PB 2011-18 was opened before the Planning Board at Somerville City Hall on December 15, 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.



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**DESCRIPTION:**

The Applicant is proposing to renovate the façade of the Vinny’s Ristorante space at 76 Broadway. The existing awning above the main entry will be removed as will the existing box sign that is affixed to the façade along Broadway. Two new belt signs, 10 feet long by 2 feet 4 inches high, will be added to the soffit, one on the Broadway façade and one on the Hathorn Street façade. The existing 16 square foot blade sign that is affixed to the roof of the restaurant will be refurbished with new interior lighting and repainted support pieces. Three new red awnings will also be installed on the ristorante façade. A six foot long awning over the main entry, a 17 foot 5 inch long awning over the window bank on along Broadway, and a 6 foot 2 inch long awning over the bank of two windows on the Hathorn Street façade. Each of the awnings will project one foot off of the façade and contain lettering advertising some of the specific elements of the restaurant with four inch yellow lettering on the awning above the doorway and six inch yellow lettering on the awnings over the windows. There are currently four gooseneck lights, two along Broadway and two along Hathorn Street, that are spaced across the façade. These four lights will be pushed towards the main entrance and will illuminate the two new belt signs. There will also be new LED light strips affixed to the underside of the soffit that will shine down onto the awnings to illuminate them at night.

**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."

In considering a special permit under §6.1.22.D.5 of the SZO, the Board finds that the proposed use would not be substantially more detrimental to the neighborhood than the existing use. The use of the colorful signage, awnings, and lighting will help to augment the retail presence of the storefront in a manner that is consistent with other East Somerville businesses along Broadway, while at the same time strengthening the brand presence of the tenant. The building will remain a three-story mixed-use structure with a first floor restaurant and residences above it.

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:



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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 façade along Broadway.

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 is designed to be compatible with the characteristics of the surrounding area and is consistent with the design guidelines in the CCD as laid out in SZO §6.1.22.H. as follows:

1. The proposed façade alterations will help to improve the street wall along Broadway. The business and the proposed façade design help increase pedestrian interest along the streetscape, while at the same time also improving the appearance of this portion of the building. No other structural changes are proposed and the building will remain a three-story mixed-use structure with a first floor restaurant and residences above it.
2. The massing and height of the three-story structure will not change.
3. The proposal will not change the existing height of the building in any manner. The changes to the structure are only on the façades of the building, primarily on the corner at the Broadway and Hathorn Street intersection.
4. The Applicant will be maintaining the existing width of the commercial bay, which is approximately 30 feet long on Broadway and 70 feet along Hathorn Street. The proposed façade changes will provide a varied type of architecture from the other commercial facades along this portion of Broadway. While the existing structure does not have 75% transparent material on the ground floor as discussed in the guidelines, there is a bank of four windows along the Broadway façade and no changes are being proposed that would reduce the amount of transparent material on either façade. The windows on the first floor will provide views into the restaurant and should not be blocked by interior storage, nonartistic displays, or greater than 30% internally mounted signage.
5. Artistically used metal, wood, and glass, as well as the existing brick, are materials that are encouraged in the guidelines and these will be incorporated into the proposed façade changes for the commercial space. EIFS, precast concrete panels, and large expanses of corrugated sheet metal are discouraged materials and none of these will be used in the proposed façade design. The new signage will be made of Dibond and the new awnings will use metal framing.
6. The commercial space has no visible rear façade from the streetscape. The right side façade along Hathorn Street will maintain a similar character to that of the front façade on Broadway, but no changes are being proposed in this location of the building.
7. The signage design respects the building’s context by creating a signage band that typically holds signage for similar buildings. The proposed signage will also be oriented to pedestrians, be subordinate to the overall building composition, and maintain an existing “signage line” along the existing soffit. No new interior-lit or back-lit signs or awnings are proposed as part of this project. Two new belt signs, 10 feet long by 2 feet 4 inches high, will be added to the soffit, one on the Broadway façade and one on the Hathorn Street façade. The existing 16 square foot blade sign that is affixed to the roof of the restaurant will be refurbished with new interior lighting and repainted support pieces. Three new red awnings will also be installed on the façade. A six foot long awning over the main entry, a 17 foot 5 inch long awning over the window bank



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on along Broadway, and a 6 foot 2 inch long awning over the bank of two windows on the Hathorn Street façade. Each of the awnings will project one foot off of the façade and contain lettering advertising some of the specific elements of the restaurant with four inch yellow lettering on the awning above the doorway and six inch yellow lettering on the awnings over the windows. The proposed awnings will create a shade and rain protection space in front of the restaurant.

8. The restaurant use on the ground floor of the building will continue to be maintained as part of this proposal which is consistent with the design guidelines.
  9. Artist Live/Work Spaces do not relate to this proposal.
  10. There are no changes being proposed for the existing residential units in the building. The project proposal only deals with the façade of the restaurant on the ground floor.
  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. The sidewalk is approximately 7 feet wide in this location and the project will maintain that width.
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 use. 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 only new lighting being added to the façade will be LED light strips to illuminate the new awnings over the main entryway and windows. The four existing gooseneck lamps will remain and be relocated more towards the main entrance at the corner of Broadway and Hathorn Street. All lighting on the façade will be aimed downward to only illuminate the new signage and lettering on the awnings. The building will remain a three-story mixed-use structure with a first floor restaurant and residences above it.



**DECISION:**

Present and sitting were Members Elizabeth Moroney, Joseph Favaloro, James Kirylo & Michael Capuano. Upon making the above findings, Joseph Favaloro made a motion to approve the request for a special permit with Kevin Prior absent. 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 to alter the façade of the building including new signage, lighting, and awnings under SZO 6.1.22.D.5. 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>(October 4, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>October 14, 2011 (November 30, 2011)</td> <td>Cover Sheet, Project Directory and Schedule, Demolition Plan, Floor Plans, Ceiling Plans, Roof Plans, Elevations, and Details (A0.0 – A7.1)</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	(October 4, 2011)	Initial application submitted to the City Clerk's Office	October 14, 2011 (November 30, 2011)	Cover Sheet, Project Directory and Schedule, Demolition Plan, Floor Plans, Ceiling Plans, Roof Plans, Elevations, and Details (A0.0 – A7.1)	BP/CO	ISD/PIng.	
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. Specifically, all driveway aprons shall be concrete.	CO	DPW							
3	Applicant shall comply with Fire Prevention Bureau's requirements.	CO	FP							
4	Signage will be limited to the type of lettering, materials, and lighting technology shown in the elevation. No new internally lit signs shall be allowed unless specifically individually approved by the SPGA in a separate special permit application.	CO/Cont.	PIng.							
5	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 or the night sky.	CO	PIng.							



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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.	
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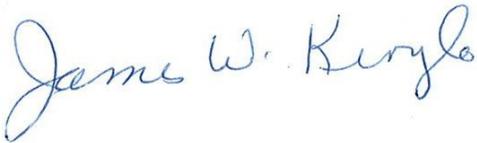
Attest, by the Planning Board:



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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