



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

PLANNING DIVISION

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JOSEPH FAVALORO
JAMES KIRYLO
MICHAEL A. CAPUANO, *ESQ.*

Case #: PB #2011-09
Site: 9 Sanborn Ct/255 Washington St
Date of Decision: May 19, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 25, 2011

PLANNING BOARD DECISION

Applicant Name:	Summer & Hancock, LLC
Applicant Address:	9 Sanborn Court, Somerville, MA 02143
Property Owner Name:	Kepnes Brothers Realty Trust, c/o Henry Patterson
Property Owner Address:	109 Seymour Street, Concord, MA 01742
Agent Name:	Ben Dryer, c/o Other City Builders
Agent Address:	11 Olive Square, Somerville, MA 02143

Legal Notice: Applicant Summer & Hancock LLC and Owner Kepnes Brothers Realty Trust, seek a special permit to expand an existing Eating and Drinking use in the building approximately 1,300 net square feet under SZO §7.13.Use Cluster D.

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 3
<u>Zoning Approval Sought:</u>	§7.13 Use Cluster D
<u>Date of Application:</u>	April 19, 2011
<u>Date(s) of Public Hearing:</u>	May 19, 2011
<u>Date of Decision:</u>	May 19, 2011
<u>Vote:</u>	4-0

Appeal #PB 2011-09 was opened before the Planning Board at Somerville City Hall on May 19, 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 expand the existing 1,460 net square foot Eating and Drinking establishment (Journeyman Restaurant) in the building approximately 1,300 net square feet within the confines of the existing structure. No exterior changes to the building are being proposed. The proposed expansion will add a bar, seating for an additional 37 patrons, a restroom, a dish room, space for wine storage, a plating station, and additional storage space for the business.

FINDINGS FOR SPECIAL PERMIT (SZO §7.13.Use Cluster D):

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 §7.13.Use Cluster D of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing use.

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 protect health; 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 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."

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."



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The project is compatible with the characteristics of the surrounding area. The Applicant is proposing to expand the existing 1,460 net square foot Eating and Drinking establishment in the building approximately 1,300 net square feet within the confines of the existing structure. No exterior changes to the building are being proposed and the restaurant is within the commercial retail character of the neighborhood. The property will remain a single story, office and retail mixed use building which is consistent with the surrounding neighborhood.

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 project. The restaurant expansion will not generate any additional light, glare, dust, etc. nor additional noise except for a new rooftop air conditioning condenser. The proposed expansion will use existing water and sewer lines and no additional burden to the system above the existing conditions is anticipated. The structure will remain a single story, office and retail mixed use building.

DECISION:

Present and sitting were Members Kevin Prior, Michael Capuano, Joseph Favaloro and James Kirylo with Elizabeth Moroney absent. Upon making the above findings, Joseph Favaloro made a motion to approve the request for a special permit. James Kirylo 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 to expand an existing Eating and Drinking use within the building approximately 1,300 net square feet. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(April 19, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(April 29, 2011)</td> <td>Floor Plans: Journeyman Restaurant Addition (#1 and #2)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	(April 19, 2011)	Initial application submitted to the City Clerk's Office	(April 29, 2011)	Floor Plans: Journeyman Restaurant Addition (#1 and #2)
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(April 29, 2011)	Floor Plans: Journeyman Restaurant Addition (#1 and #2)									
Any changes to the approved site plans that are not <i>de minimis</i> must receive SPGA approval.										
2	The Applicant shall meet the Fire Prevention Bureau's requirements.	CO	FP							
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	Plng.							



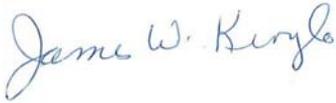
Attest, by the Planning Board:



Kevin Prior, Chairman



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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