



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

PLANNING DIVISION

***PLANNING BOARD MEMBERS***

KEVIN PRIOR, *CHAIRMAN*  
JOSEPH FAVALORO, *CLERK*  
ELIZABETH MORONEY  
JAMES KIRYLO  
MICHAEL A. CAPUANO, ESQ.  
ELIZABETH MORONEY

**Case #: PB 2012-07**  
**Site: 230 Somerville Avenue**  
**Date of Decision: April 19, 2012**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: April 26, 2012**

---

**PLANNING BOARD DECISION**

---

<b>Applicant Name:</b>	George Moussallem
<b>Applicant Address:</b>	18 Stults Road, Belmont, MA 02478
<b>Property Owner Name:</b>	TYR TWO Realty Trust
<b>Property Owner Address:</b>	18 Stults Road, Belmont, MA 02478
<b>Agent Name:</b>	Richard G. DiGirolamo, Esq.
<b>Agent Address:</b>	424 Broadway, Somerville, MA 02145

**Legal Notice:** Applicant George Moussallem and Owner TYR TWO Realty Trust, seek a Special Permit under SZO §6.1.22.D.5.a to alter the façade of the building including door and window openings.

<b><u>Zoning District/Ward:</u></b>	CCD 55 zone/Ward 2
<b><u>Zoning Approval Sought:</u></b>	§6.1.22.D.5.a
<b><u>Date of Application:</u></b>	March 19, 2012
<b><u>Date(s) of Public Hearing:</u></b>	April 19, 2012
<b><u>Date of Decision:</u></b>	April 19, 2012
<b><u>Vote:</u></b>	5-0

---

Appeal #PB 2012-07 was opened before the Planning Board at Somerville City Hall on April 19, 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722  
[www.somervillema.gov](http://www.somervillema.gov)



## **DESCRIPTION:**

The building at the subject property takes up almost the entire lot. The Applicant is proposing to make door opening alterations along the Merriam Street façade of the building. These changes include adding two new door openings on the right and left sides of the façade to create entries/exits for the rear space of the building (Space #1), lowering the existing garage door approximately one foot to be flush with the sidewalk, and adding a new canvas canopy of the new metal door on the right side of the façade. The Merriam Street façade currently contains an overhead roll-up garage door providing access to the rear portion of the building and three windows evenly spaced across the façade with one window directly above the garage door. Each of the new door openings would be approximately 6.5 feet wide and 8 feet high and would be recessed approximately 20 feet from the streetscape. This would allow for room to have ramps that would transition up to each of the new person-doors from the sidewalk to the level of the interior floor. The existing garage door would be lowered to be made flush with the sidewalk along Merriam Street and all three of the existing windows on the façade would be retained.

## **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 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."

In considering a Special Permit under §6.1.22.D.5.a of the SZO, the Board finds that the proposed alterations of the design to the Merriam Street façade would not be substantially more detrimental to the neighborhood than the existing structure. The Board finds that the proposed design helps the building to better fit in with the characteristics of the surrounding neighborhood and will enhance the streetscape along Merriam Street. By creating additional openings in the façade, implementing pedestrian scaled facade elements, and bringing the fenestration of the façade down to a pedestrian oriented level, this will help the building to feel less massive to those at the street level. Additionally, the proposed design will allow the Applicant to cater to a particular type of business that may locate in the space whether that is a commercial business, a research and development entity, or some other type of use. The property will remain a two-story commercial building which is consistent with the surrounding neighborhood and therefore, there are no anticipated negative impacts from the 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 promoting "the uniquely integrated structure of uses in the City; to secure safety from fire, panic and other dangers; 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



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

[www.somervillema.gov](http://www.somervillema.gov)



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, will allow for a façade design that will cater to the type of business that will locate inside the space, and will enhance the streetscape along Merriam Street.

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 streetwall along Merriam Street. The existing façade of the building along Merriam Street completes the streetwall and the proposed alterations the Applicant is seeking will only improve the existing situation by creating additional openings in the façade, implementing pedestrian scaled facade elements, and bringing the fenestration of the façade down to a pedestrian oriented level, which will help the building to feel less massive to those at the street level.
2. The massing and height of the two-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 Merriam Street façade of the building.
4. The Applicant will be maintaining the width of the existing garage door, which is approximately 9 feet, and will also be adding new person-doors on the right side and left sides of the Merriam Street façade. In the proposed design, the garage door will also be lowered to be flush with the sidewalk. These proposed changes will help to tie together the entire length of this 50 foot long façade to something that is more consistent with the 30 foot wide commercial bay width that is typically found throughout Somerville. The façade changes will also help to break up this 50 foot stretch of façade with varied architecture, increased transparent material, and recessed doorways.
5. The existing exterior building material of the façade is predominantly brick and this will be maintained as part of the proposed design. Brick is a material that is encouraged in the guidelines and will be retained in the proposed façade changes. Bare concrete will only be found in the bottom one foot of the façade where the façade meets the sidewalk. 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.
6. The proposed alterations to the Merriam Street façade will take an existing, somewhat unwelcoming façade and improve the building’s interaction with the streetscape in this area. In retaining all of the existing brick, the façade will be very similar to that of the building’s façade along Somerville Avenue. Further, by creating additional openings in the façade, implementing pedestrian scaled facade elements, and bringing the fenestration of the façade down to a pedestrian oriented level, this will help the building to feel less massive to those at the street level
7. The Applicant is not proposing any signage for this façade of the building at this time. The Board has included a condition with this Special Permit that was also included with the Special Permit awarded to the



**CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143**  
**(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722**

**[www.somervillema.gov](http://www.somervillema.gov)**



Applicant in March of 2012 which states that the Applicant or Owner may install signage on the façade of the building to clearly indicate where the entrances are located for each entity that is occupying space inside the building. This small directional signage would be subject to review and approval by Planning Staff. Should the Applicant, Owner, or one of the building's existing or future tenants wish to erect new signage identifying their business, they would be required to appear before the Planning Board requesting a Special Permit to do this.

8. The Applicant is not proposing any residential uses as part of this proposal and the proposed design would improve the pedestrian oriented characteristics of the existing façade. By creating the additional openings in the façade, implementing pedestrian scaled facade elements, and bringing the fenestration of the façade down to a pedestrian oriented level, this will help the building to feel less massive to those at the street level.
9. Artist Live/Work Spaces do not relate to this proposal.
10. Residential units are not being proposed as part of this project.
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 4 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 proposal. No new noise, illumination, glare, dust, smoke, vibration, nor emissions of noxious or hazardous materials or substances, 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 project. The existing garage door on the façade will remain except it will be lowered to be flush with the sidewalk on Merriam Street. The proposed new door openings will have no adverse environmental impacts. The structure will remain a two-story commercial building which is consistent with the surrounding neighborhood and therefore, there are no anticipated negative impacts from the proposal.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

[www.somervillema.gov](http://www.somervillema.gov)



**DECISION:**

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano. Upon making the above findings, Michael Capuano made a motion to approve the request for a Special Permit. Elizabeth Moroney 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	<p>Approval is to alter the façade of the building including door and window openings under SZO §6.1.22.D.5.a. 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>(March 19, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>June 28, 2002 (April 2, 2012)</td> <td>Plot Plan</td> </tr> <tr> <td>March 14, 2012 (April 2, 2012)</td> <td>1<sup>st</sup> Floor Plan (A 1.01)</td> </tr> <tr> <td>March 22, 2012 (April 12, 2012)</td> <td>Merriam Street Elevation (SKA 1.05)</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not <i>de minimis</i> must receive ZBA approval.</p>	Date (Stamp Date)	Submission	(March 19, 2012)	Initial application submitted to the City Clerk's Office	June 28, 2002 (April 2, 2012)	Plot Plan	March 14, 2012 (April 2, 2012)	1 <sup>st</sup> Floor Plan (A 1.01)	March 22, 2012 (April 12, 2012)	Merriam Street Elevation (SKA 1.05)	BP/CO	ISD/Plng.	
Date (Stamp Date)	Submission													
(March 19, 2012)	Initial application submitted to the City Clerk's Office													
June 28, 2002 (April 2, 2012)	Plot Plan													
March 14, 2012 (April 2, 2012)	1 <sup>st</sup> Floor Plan (A 1.01)													
March 22, 2012 (April 12, 2012)	Merriam Street Elevation (SKA 1.05)													
2	The Applicant shall comply with Fire Prevention Bureau's requirements.	CO	FP											
3	The Applicant shall seek Board of Aldermen approval before installing the canopy which will project over the public sidewalk.	BP	Plng.											
4	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											
5	The Applicant or Owner may install signage on the façade of the building to clearly indicate where the entrances are located for each entity that is occupying space inside the building. Signage shall be subject to review and approval by Planning Staff.	CO	Plng.											



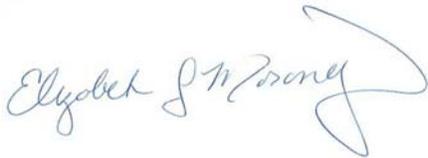
6	The Applicant shall ensure that heating, air conditioning, and ventilation units do not violate city noise regulations.	Cont.	ISD	
7	Garage door/loading docks shall not be used between the hours of 8:00 PM and 7:00 AM.	Cont.	ISD	
8	Parking shall not be permitted on the sidewalk, and the Applicant shall delineate a parking space or spaces in the front of the building that allows for parking but does not impact the sidewalk. The Applicant shall submit to the Planning Staff a plan that shows the parking spaces that have been identified, and shall work with Planning Staff on placing landscaping in planters in any area in front of the building that is not used for parking. The location and design of these planters shall be delineated on a plan and reviewed and approved by Planning Staff.	Final Sign Off	Plng.	
9	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:



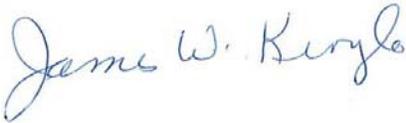
Kevin Prior, Chairman



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 \_\_\_\_\_



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

[www.somervillema.gov](http://www.somervillema.gov)

