



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

PLANNING DIVISION

PLANNING BOARD MEMBERS

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JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
ELIZABETH MORONEY

Case #: PB 2011-22
Site: 335 Somerville Avenue
Date of Decision: January 19, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: January 25, 2012

PLANNING BOARD DECISION

Applicant Name:	Liam Mannion
Applicant Address:	34 Bow Street, Somerville, MA 02143
Property Owner Name:	Carlo Hansen
Property Owner Address:	7 Poe Road, Billerica, MA 01821
Agent Name:	N/A

Legal Notice: Applicant, Liam Mannion & Owner, Carlo Hansen, seeks a Special Permit under SZO §6.1.22.D.5 to install signage/awning for an existing restaurant.

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 1
<u>Zoning Approval Sought:</u>	§6.1.22.D.5
<u>Date of Application:</u>	December 20, 2011
<u>Date(s) of Public Hearing:</u>	January 19, 2012
<u>Date of Decision:</u>	January 19, 2012
<u>Vote:</u>	4-0

Appeal #PB 2011-22 was opened before the Planning Board at Somerville Central Library on January 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.



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DESCRIPTION:

The proposal is to install an awning across the storefront (29 feet 8 inches) that will project a maximum of 8 feet. The municipal code requires that awnings be 7 feet or greater in height above a sidewalk and prevents awnings from projecting beyond the line of the sidewalk. The awning will be retractable. It will sit below the existing signage and match the colors of the existing signage. The restaurant name as well as the words "pub" and "grille" will be on the valance section of the awning.

The purpose of the awning is to bring visibility to the restaurant. The awning at the main entrance to the building partially blocks view of the restaurant sign. The awning will also provide cover for the outdoor seating that was recently approved by the Board of Alderman. The business was approved to have 16 seats on the sidewalk.

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."

The sign design complies with the design guideline for signage in the CCD (§6.1.22.H).

1. The proposed awning will add some interest to the street wall along this area.
2. The massing and height of the two story structure will not change.
3. The height of the building is two stories. The project design is not proposing to alter the height of the existing structure and a transition to residential or historically designated properties is not applicable.
4. The Applicant will be maintaining the existing width of the building, which is approximately 30 feet, along with maintaining a separate entrance for the restaurant along the sidewalk. The storefront currently meets the guideline which states that there should be 75% transparent material on the ground floor. The existing windows will not be blocked by interior storage, displays, or signage. The guideline limits windows from being blocked by more than 30%.
5. The material of the awning will be a Sunbrella canvas fabric, which are quality materials as encouraged in the guidelines for the Corridor Commercial District.
6. The side and rear facades of the building are not proposed to change.
7. The proposed signage design respects the building's context by placing the awning just below the existing signage in the signage band that typically holds awnings for similar buildings. The awning will not conceal the architectural details of the building. The sign is legible and does not have excessive wording. The awning will also provide shade and shelter to pedestrians and for the future outdoor seating. The color of the sign is compatible with the existing signage on the building and does not clash or compete with other signage in the area. The curved awning at the main entrance to the building will abut the proposed awning. This is not an ideal situation; however, the tenant expressed a potential for the main entrance awning changing in the future, which



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would improve the look of the entire building. Since the awnings are not physically incompatible, the proposed awning will improve the appearance of the building, and there is a potential for the other awning to be replaced to update the appearance of the entire building, Staff are supportive of the change.

8. This awning/signage proposal will improve visibility for a restaurant and attractiveness for outdoor seating; which is an encouraged ground floor use in this district.
- 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 as the building location and depth of the façade from the sidewalk is not changing.

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 maintain the uniquely integrated structure of uses in the City and the purpose of the CCD by promoting an active mix of uses with structures that complement the historic structures in the area.

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 sign would be compatible with the building's design as explained in finding two.



DECISION:

Present and sitting were Members Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano with Kevin Prior absent. Upon making the above findings, Elizabeth Moroney 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:

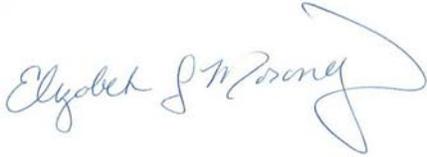
#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	<p>Approval is for the installation of new awning/signage on the building. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>Dec 20, 2011</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Jul 8, 2010</td> <td>Plans submitted to OSPCD (awning plan)</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	Dec 20, 2011	Initial application submitted to the City Clerk's Office	Jul 8, 2010	Plans submitted to OSPCD (awning plan)	BP/CO	ISD/Png.	
Date (Stamp Date)	Submission									
Dec 20, 2011	Initial application submitted to the City Clerk's Office									
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2	The awning shall be 7 feet or greater over any sidewalk and shall not extending beyond the line of the sidewalk.	Installation / Perpetual	ISD							
3	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							
4	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	Png.							



Attest, by the Planning Board:



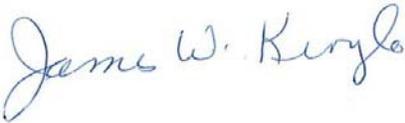
Kevin Prior, Chairman



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 _____



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