



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

PLANNING DIVISION

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JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
ELIZABETH MORONEY

Case #: PB 2011-19
Site: 379 Somerville Avenue
Date of Decision: December 1, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: December 7, 2011

PLANNING BOARD DECISION

Applicant Name:	Josh Banville
Applicant Address:	205 Highland Avenue, Apt. 2, Somerville, MA 02143
Property Owner Name:	Victor Ortiz
Property Owner Address:	181 Kennedy Drive, Apt. 504, Malden, MA 02148
Agent Name:	N/A

Legal Notice: Applicant, Josh Banville, and Owner, Victor Ortiz, seek a Special Permit under SZO §6.1.22.D.5 to alter the signage for a by-right restaurant.

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 3
<u>Zoning Approval Sought:</u>	§6.1.22.D.5
<u>Date of Application:</u>	October 8, 2011
<u>Date(s) of Public Hearing:</u>	11/17 & 12/1/11
<u>Date of Decision:</u>	December 1, 2011
<u>Vote:</u>	4-0

Appeal #PB 2011-18 was opened before the Planning Board at Visiting Nurses Association on November 17, 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 two hearings of deliberation, the Planning Board took a vote.



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DESCRIPTION:

The proposal is to remove the awning sign and install a wood sign. The name of the restaurant will be carved into 5 wood blocks that resemble pieces from the game Scrabble. There will be up-lighting to illuminate the sign. The metal shutters over the windows and door will be removed. The Applicants would like the restaurant to be a comfortable place for people to eat and enjoy a neighborhood setting.

The Applicants plan to make other alteration to the façade of the building in the future to continue to make the building more interactive with the street.

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 façade alterations and repairs will help to improve the street wall along this area in Union Square. The proposed façade design retains the same amount of fenestration along the public way; however, with the metal shutters removed the fenestration will be more visible. The renovations aesthetically improve the space along this portion of the sidewalk. The proposed façade design also helps create pedestrian interest along the streetscape, while at the same time improving the appearance of the building.
2. The massing and height of the one story structure will not change.
3. The height of the building is only one story and it is located between a 2 story building and a 2 ½ story building. 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 31 feet, along with maintaining a separate entrance for the restaurant along the sidewalk. The windows will be more transparent than they have been in the past with the removal of the metal shutters. Future planned renovations to the façade should meet 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 sign will be wood, which is encouraged in the guidelines for the Corridor Commercial District.
6. The left side of the restaurant is visible from the streetscape but is not proposed to change. The right side and rear of the building are not visible from the streetscape.
7. The proposed signage design respects the building's context by creating a signage band that typically holds signage for similar buildings. The existing awning signage is large and obscures the façade of the building. The proposed signage will be five wooden blocks that make up approximately 20 feet by 3 ½ feet of the façade.



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The sign will not conceal the architectural details of the building. Up-lighting is proposed to illuminate the sign. The sign is legible and does not have excessive wording. The Applicant may want to add other signage in the future to clarify the use of the building; however, new signage would require another special permit review.

8. This façade renovation proposal will allow the space to be converted to a restaurant which is a pedestrian-oriented uses, as encouraged on the ground floor 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. The sidewalk is approximately 11 feet wide in this location and the project will maintain that width.

DECISION:

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favalaro and James Kirylo with Michael Capuano absent. Upon making the above findings, Kevin Prior made a motion to approve the request for a special permit. Elizabeth Moroney 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 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>Oct 8, 2011</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>Oct 28, 2011</td> <td>Plans submitted to OSPCD (floor plan, elevation/rendering)</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	Oct 8, 2011	Initial application submitted to the City Clerk's Office	Oct 28, 2011	Plans submitted to OSPCD (floor plan, elevation/rendering)	BP/CO	ISD/Plng.	
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.	CO	DPW							
3	To the extent possible, all exterior lighting must be confined to the subject property, must not intrude, interfere or spill onto neighboring properties.	CO	Plng.							



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.	
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Attest, by the Planning Board:



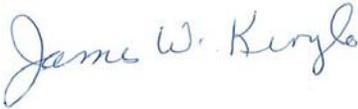
Kevin Prior, Chairman



Elizabeth Moroney



Joseph Favaloro



James Kirylo

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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