



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

**Case #: PB 2011-13**  
**Site: 15 Union Square**  
**Date of Decision: September 15, 2011**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: September 21, 2011**

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**PLANNING BOARD DECISION**

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<b>Applicant Name:</b>	Frank Golden
<b>Applicant Address:</b>	P.O. Box 575, Nutting Lake, MA 01865
<b>Property Owner Name:</b>	Frank Golden
<b>Property Owner Address:</b>	15 Union Square, Somerville, MA 02143
<b>Agent Name:</b>	Derek Rubinoff
<b>Agent Address:</b>	11 Sherwood Street, #2, Roslindale, MA 02131

**Legal Notice:** Applicant and Owner, Frank Golden, seeks a Special Permit under SZO §6.1.22.D.5 to alter the façade of the building including awnings, signage, and windows.

<b><u>Zoning District/Ward:</u></b>	CBD 55 zone/Ward 2
<b><u>Zoning Approval Sought:</u></b>	§6.1.22.D.5
<b><u>Date of Application:</u></b>	August 16, 2011
<b><u>Date(s) of Public Hearing:</u></b>	September 15, 2011
<b><u>Date of Decision:</u></b>	September 15, 2011
<b><u>Vote:</u></b>	4-0

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Appeal #PB 2011-13 was opened before the Planning Board at Somerville City Hall on September 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 make minor cosmetic improvements while augmenting the historic details of the existing structure. The existing sign belt, awnings, and some of the trim work would be removed. The existing fluorescent lighting, disused second door, and vending machines would all remain and be incorporated into the new look of the façade. With regard to the new façade design, there are two options that the Applicant is considering. The only difference between the two options is that in Option 2, the Applicant would remove the existing aluminum and glass storefront system and replace it with a thermally-broken aluminum and glass system, such as a Kawneer 451 T or something equivalent. The Applicant would prefer to implement Option 2 but this design may prove to be too cost prohibitive. Other than that difference, the two design options are the same. In both designs the current belt sign would be replaced with a main belt sign and two secondary belt signs that would be complete with a 3" PTD metal frame, red backboard, and ½" acrylic text. New Sunbrella awnings separated into two sections on black steel 1" tube framing would replace the existing awnings. Other new additions to the façade would include seven new gooseneck sign lights, a new 16 square foot clock mounted just below peak of the structure, and a vinyl graphic that would be applied to the window to the right of the main entrance. Cosmetic upgrades to the façade would include the repair and painting of existing clapboards, trim, and beadboards, the refurbishment of infill panels, and the repairing and painting of the existing storefront base.

## **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 alterations to the structure would not be substantially more detrimental to the neighborhood than the existing structure.

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 preserve the historical and architectural resources of the City; 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:



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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. The proposal improves the aesthetics of the existing façade on a long standing viable business in Union Square and continues to maintain the pedestrian friendly streetscape 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 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.

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 and aesthetically improves 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 one story building (to the left) and a two story building. The project design is not proposing to alter the height of the existing structure in any way, but instead continues to maintain the structure’s century old bulk and massing. A transition to residential or historically designated properties is not applicable.
4. The Applicant will be maintaining the existing width of the storefront, which is approximately 38.5 feet, along with maintaining a separate entrance for the existing convenient store. The proposed façade design improves the existing façade of the structure while at the same time maintaining a varied type of architecture from the other commercial facades along this portion of the streetscape. The proposal is in compliance with the guideline which indicates that there should be 75% transparent material on the ground floor. Some of this fenestration will be taken up by the proposed vinyl graphic on the storefront windows, but not more than 30% as indicated in the guidelines. Additionally, the vinyl graphic and proposed transparent storefront windows will be an improvement from the existing situation as there is currently abundant internally mounted signage in the windows of the store which exceeds the 30% coverage allowance in the guideline. Furthermore, the vinyl graphic is also a creative way to provide the necessary visibility privacy required for behind the counter activities in the store.
5. Wood, brick, glass, and artistically used metal are all materials that are encouraged in the guidelines for the Corridor Commercial District. Those materials that already existing on the façade will be repaired and those that do not exist will be incorporated into the proposed new façade for the storefront. EIFS, precast concrete panels, and large expanses of corrugated sheet metal are discouraged materials and none of these will be used in the proposed new façade design.
6. The convenient store has no visible rear or side facades from the streetscape. There is a small, approximately 3.5 foot wide opening down the right side of the existing structure, but this is fenced off from public access.
7. The proposed signage design respects the building’s context by creating a signage band that typically holds signage for similar buildings. The existing signage and awning design is so large it almost entirely obscures



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the façade of the building. The proposed signage will be approximately 84 square feet total with appropriate lighting that is aimed downward, oriented to pedestrians, and is much more subordinate to the overall building composition. The proposed signage for the facade is simple stating the name of the business (Mid-Nite Convenient) and five type goods that are sold inside the store. The proposed awnings for the façade are quite subtle and do not obscure the architecture of the building, while at the same time still provide adequate shaded space in front of the store. The existing fluorescent lighting on the storefront will be retained and positioned under these awnings (aimed downward) to light up the storefront at night.

8. This façade renovation proposal will allow the convenient store to continue to operate on the ground floor in Union Square. The store will continue to complement the numerous other businesses that are located in the square and continue to promote a pedestrian environment.

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 6 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 are anticipated as part of the proposal. The only new lighting being added to the façade will be the sign lights that will shine down onto the newly proposed signage for the store. The store will continue to use existing water and sewer lines and with no additional burden to the system and there will be no transmission of signals that would interfere with radio or television reception. The structure will remain a single story building used for a convenient store.



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**DECISION:**

Present and sitting were Members Kevin Prior, Joseph Favaloro, James Kirylo and Michael Capuano with Elizabeth Moroney absent. Upon making the above findings, Kevin Prior 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	<p>Approval is to alter the façade of the building including awnings, signage, and windows 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>(August 16, 2011)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 26, 2011 (September 9, 2011)</td> <td>Special Permit Review Set (A0 – A2.3)</td> </tr> </tbody> </table> <p>Any changes to the approved plans or 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	(August 16, 2011)	Initial application submitted to the City Clerk's Office	August 26, 2011 (September 9, 2011)	Special Permit Review Set (A0 – A2.3)	BP/CO	ISD/Plng.	
Date (Stamp Date)	Submission									
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2	Applicant shall comply with Fire Prevention Bureau's requirements.	CO	FP							
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. Specifically, all driveway aprons shall be concrete.	CO	DPW							
4	Signage will be limited to the type of lettering, materials, and lighting technology shown in the elevation. No internally lit signs shall be allowed unless specifically individually approved by the SPGA in a separate special permit application.	CO/Cont.	Plng.							
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	Plng.							



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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	PIng.	
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Attest, by the Planning Board:



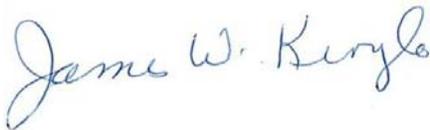
Kevin Prior, Chairman



Joseph Favaloro



Michael A. Capuano, Esq.



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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