



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**PLANNING BOARD MEMBERS**

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ELIZABETH MORONEY  
JAMES KIRYLO  
MICHAEL A. CAPUANO, ESQ.  
ELIZABETH MORONEY

**Case #: PB 2012-20**  
**Site: 255 Washington Street**  
**Date of Decision: November 29, 2012**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: December 6, 2012**

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**PLANNING BOARD DECISION**

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<b>Applicant Name:</b>	Annex T.W.
<b>Applicant Address:</b>	255 Washington Street, Somerville, MA 02143
<b>Property Owner Name:</b>	Kepnes R.E.T.
<b>Property Owner Address:</b>	255 Washington Street, Somerville, MA 02143
<b>Agent Name:</b>	Ben Dyer
<b>Agent Address:</b>	11Olive Square, Somerville, MA 02145

Legal Notice: Applicant, Annex T.W., and Owner, Kepnes Bros., seeks a Special Permit under SZO §6.1.22.D.5 to alter the façade of the building including door openings, signage, and lighting.

<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 30, 2012
<u>Date(s) of Public Hearing:</u>	November 29, 2012
<u>Date of Decision:</u>	November 29, 2012
<u>Vote:</u>	4-0

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Appeal #PB 2012-20 was opened before the Planning Board at Somerville City Hall on November 29, 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  
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**DESCRIPTION:**

A new restaurant, Bronwyn, will occupy two existing storefronts that were previously occupied by Union Square Chiropractic and Ronnarong Thai Tapas Bar. The proposal includes adding signage to the building and creating a new doorway on the Sanborn Court side of the building.

The signage will be done by painting the building. The brick façade has already been painted by the Applicant and the signage will be painted on top of this base color. The name and a design will be over the main entrance at the corner of the building and there will be a new metal copper awning above the door that will be supported by metal brackets. The door that was previously used by the chiropractic office will remain as is. The name of the restaurant and a few words to represent items that they serve will be above the windows on the Washington Street and Sanborn Court sides of the building.

There will be downward projecting lighting above the restaurant name and other wall mounted lights will hang in between all of the windows and door openings and there will be several along the Sanborn Court side of the building. The existing patio in Sanborn Court will remain for now, although the Applicant is contemplating adding a roof deck to replace the patio. This proposal would require a new special permit if constructed. The door proposed to be located on the side of the building would still be needed whether or not the patio continues to be located here.

**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 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."

The proposal complies with the development standards in the CCD.

1. *Penthouse and Mechanical Equipment.* There will not be a significant change to the mechanical equipment at the site.
2. *Service Areas and Loading Spaces.* The restaurant does not currently have nor will it have a loading dock. Loading will occur on the street or in the parking lot.
3. *Pedestrian Oriented Requirement.* The signage and façade changes have been designed to be pedestrian oriented. The copper awning will be inviting and direct people to the main entrance. The standard storefront windows will remain, which provide views into the restaurant.
4. *Lighting.* There will be new exterior lighting fixtures along the front of the building between the windows at the level of the pedestrian. The fixtures will provide lighting along the sidewalk that is appropriate to the pedestrian-oriented character of the surrounding area. The fixtures will also provide light for the outdoor seating.



5. *Transition to Abutting Residential District.* The property abuts a residential district and the building is nonconforming because it is not setback 20 feet from the district line. This situation is not proposed to change as a result of this application.
6. *Parking Design.* There is no parking lot associated with this property.
7. *Payment in Lieu of Parking.* Payment in lieu of parking is not applicable to this application. Since the square footage of the building is not increasing there are no additional parking requirements.
8. *Credit for Provisions of Land for Public Infrastructure.* Not applicable.

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 conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City. The building is being reused and a restaurant use is an appropriate use for this commercial corridor.

The proposal is consistent with the purpose of the district. The restaurant provides an active use for the building. As a reuse of an existing building, there is not an opportunity to have a multi-use building as is encouraged in the district; however, the business will increase commercial investment by improving these vacant storefronts and it will be neighborhood serving. The building will continue to be multi-tenanted with two restaurants in the front and rear portions of the building and have the ability to be divided back into two storefronts in the future.

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 proposed signage is designed to be compatible with the characteristics of the surrounding area and is consistent with the design guidelines for signage in the CCD as laid out in SZO §6.1.22.H.

1. The building is built along the front property line and completes the street wall.
2. The massing and height of the one-story structure will not change.
3. The existing height of the building is only one-story and it is located next to another other one-story commercial building to its right. A transition to residential or historically designated properties is not applicable as the height of the building is not proposing to be changed. The residential properties to the rear of this property are currently 2½ stories in height.
4. The guidelines encourage 30 foot wide commercial bays. Two storefronts will be combined into one 82 foot wide establishment; however, the doors and windows will remain such that the space could be divided up by two tenants in the future. The existing windows will not be altered or 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 paint and a metal awning. The recent repainting of the façade of the building, although not part of the signage approval, does have a negative affect on the building because it is very difficult to remove paint from brick. All future tenants will have to continue to paint the façade to distinguish their storefront in the future and the consistent brick retail block is lost. Since this as already



occurred, painting the name of the restaurant onto the already painted brick will not be detrimental. The metal awning is a quality material and element on the building.

6. The exterior of the tenant’s space in the building has recently been repainted and the appearance, signage and lighting will be consistent along the two sides of the building that this tenant occupies.
7. The proposed signage will give two storefronts along this building a consistent appearance and remove the awning for the previous chiropractic businesses that had an outdated appearance. The proposed signage design respects the building’s context by creating a small signage band that is typical of signage for the rest of the retail strip. The proposed signage would be oriented towards pedestrians and subordinate to the overall building composition. The signage location and proposed awning will demarcate the main entrance to the restaurant well so that people are not confused by the two entrances along the Washington Street side of the building. The signage is legible and is simple in nature only indicating the business’s name and a few items that they serve. The lighting is appropriately placed to will allow the painted letters to be visible in the evening without being overly bright.
8. The restaurant use is a pedestrian-oriented use that is encourage in the 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 10 feet wide in this location.

**DECISION:**

Present and sitting were Members Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano with Kevin Prior absent. Upon making the above findings, Michael Capuano made a motion to approve the request for a Special Permit. Joseph Favaloro 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 erect new signage and doorway for a by-right restaurant under SZO §6.1.22.D.5. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>October 30, 2012</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>October 16, 2012</td> <td>Existing and Proposed Elevations</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	October 30, 2012	Initial application submitted to the City Clerk’s Office	October 16, 2012	Existing and Proposed Elevations
	Date (Stamp Date)				Submission					
October 30, 2012	Initial application submitted to the City Clerk’s Office									
October 16, 2012	Existing and Proposed Elevations									
Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.										



2	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
3	Applicant shall comply with Fire Prevention Bureau's requirements.	CO	FP	
4	The Applicant shall at his/her 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	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	PIng.	
6	Signage will be limited to the type of lettering, materials, and lighting technology shown in the approved elevation. No internally lit signs shall be allowed unless specifically individually approved by the SPGA in a separate Special Permit application.	CO/Cont.	PIng.	
7	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
8	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.	



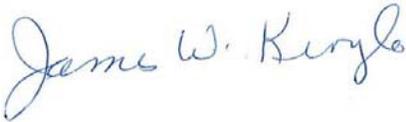
Attest, by the Planning Board:



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 \_\_\_\_\_

