



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

Case #: PB 2012-19
Site: 47 Webster Avenue
Date of Decision: November 29, 2012
Decision: Petition Approved with Conditions
Date Filed with City Clerk: December 6, 2012

PLANNING BOARD DECISION

Applicant Name:	I.D. Graphics Group d/b/a I.D. Sign Group
Applicant Address:	P.O. Box 506, 9 Bristol Drive, South Easton, MA 02375
Property Owner Name:	Aliki Pishev
Property Owner Address:	114 Waltham Street, #21, Lexington, MA 02421
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant I.D. Graphics Group, Inc. and Owner Aliki Pishev, seek a Special Permit under SZO §6.1.22.D.5 to erect signage for a by-right auto glass business.
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<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 2
<u>Zoning Approval Sought:</u>	§6.122.D.5
<u>Date of Application:</u>	October 9, 2012
<u>Date(s) of Public Hearing:</u>	11/8 & 11/29/12
<u>Date of Decision:</u>	November 29, 2012
<u>Vote:</u>	4-0

Appeal #PB 2012-19 was opened before the Planning Board at the Visiting Nurse Association on November 8, 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.



DESCRIPTION:

The new tenant, JN Phillips Auto Glass, has recently painted the outside of their portion of the building to match their company colors. Their half of the building has a white background with an approximately three foot thick, horizontal royal blue stripe that runs across the front façade and left side of the building that is about 10 feet off the ground. The Applicant is proposing to erect a 10 foot wide by 3 foot high (30 square feet) sign above one of the garage doors to the JN Phillips Auto Glass space. The sign would face out towards the Webster Avenue-Prospect Street intersection. The name of the business, JN Phillips Auto Glass, and the business phone number would be indicated on the sign, which would have a blue background and white lettering. The Applicant is proposing three different styles for the design of the 10 foot by 3 foot sign. One proposal, Proposal 1, calls for the sign to be a 9 inch deep internally illuminated sign with a 3/16" lexan face with translucent vinyl graphics. The sign would be an aluminum cabinet that would be affixed to the building with bolts and brackets. The second proposal, Proposal 2, calls for a custom painted aluminum belt sign with vinyl graphics that would also be bolted to the building. In this particular proposal, the signage would project 1 inch off of the façade of the building and would not be illuminated in any manner. The third proposal calls for the same signage as in Proposal 2, but three gooseneck lights would be affixed just above the aluminum belt sign to provide lighting for the signage. The Applicant does not plan to make any other alterations to the façade of the building.

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 Staff 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 of the SZO, the Board finds that the proposed alterations, under Proposal #3, would not be substantially more detrimental to the neighborhood than the existing structure or previous use. The proposed changes to the façade will improve the appearance of the building. In fact, the proposed signage would actually be somewhat of an improvement to the outside of the structure as it would help to identify the business that is located within the building and increase the professionalism of the tenant in that space. There will be little impact, if any, to the surrounding residential neighborhood located across Concord Avenue and directly behind the property. The signage would not be visible from any of the residences in the surrounding area and would only provide a business identification to those passing by along the streetscape or through the Webster Avenue-Prospect Street intersection. The building will remain a one-story structure with minor motor vehicle maintenance and repair uses.

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 protect health; to conserve the value of land and buildings; 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 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.”

While the existing nonconforming minor motor vehicle maintenance and repair use at the property is not ideal for this area or the district, the signage proposal, as conditioned and approved by the Planning Board, is consistent with the purpose of the district.

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 recent façade alterations (the repainting) and the proposed simple signage will help to improve the street wall along this area just outside of Union Square. The Applicant is not proposing any other changes to the façade of the building other than to erect the 3 foot high by 10 foot long non-illuminated signage. The building will retain the same amount of fenestration along the public way and the renovations will aesthetically improve the appearance of the building along this portion of the sidewalk.
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 left and rear of this property are currently 2½ to 3 stories in height.
4. The Applicant will be maintaining the existing width of their space of the building, which is approximately 50 feet, along with maintaining a separate entrance for their space along the sidewalk. The recent repainting of the façade of the building helps to distinguish the two commercial spaces in the building from one another which helps to create visual and pedestrian interest. 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 aluminum with vinyl graphics. There would be mounting clips/brackets that will bolt the sign to the building. The existing façade of the one story building will be retained. EIFS, precast concrete panels, and large expanses of corrugated sheet metal are discouraged materials and none of these will be used in the proposed signage. There will be little impact, if any, to the surrounding residential neighborhood located across Concord Avenue and directly behind the property. The signage would not be visible from any of the residences in the surrounding area and would only provide a business identification for the tenant.
6. The exterior of the tenant’s space in the building has recently been repainted to match their company colors (royal blue and white). Their half of the building has a white background with an approximately three foot thick, horizontal royal blue stripe that runs across the front façade and left side of the building that is about



10 feet off the ground. No further changes are being proposed for any façade of the building and therefore each side of the tenant's space will be consistent with their front façade of their building space.

7. The proposed signage design respects the building's context by creating a small signage band that is typical of signage for similar buildings. The proposed signage would be an aluminum belt sign with vinyl graphics, approximately 30 square feet (3 feet high by 10 feet wide) in size with three gooseneck light fixtures above it. The proposed signage would be oriented towards pedestrians and subordinate to the overall building composition. The type style of the signage is very legible (Arial font) and is simple in nature only indicating the business's name and phone number in the company colors. The proposed signage would actually be somewhat of an improvement to the outside of the structure as it would help to identify the business that is located within the building and increase the professionalism of the tenant in that space. There will little, if any, impact to the surrounding residential neighborhood located across Concord Avenue and directly behind the property. The signage would not be visible from any of the residences in the surrounding area and would only provide a business identification to those passing by along the streetscape or through the Webster Avenue-Prospect Street intersection.
 8. This simple façade alteration, the addition of the signage with gooseneck lighting, will allow the tenant of the space, JN Phillips Auto Glass, to increase their business's visibility. While the existing nonconforming minor motor vehicle maintenance and repair use at the property is not ideal for this area or the district, the signage proposal, as conditioned and approved by the Planning Board, is consistent with the purpose of the district. The proposed signage would be oriented towards pedestrians and subordinate to the overall building composition.
- 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 varies between approximately 4 and 6 feet wide in this location and the proposal will maintain those widths.



DECISION:

Present and sitting were Members Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano. Upon making the above findings, Elizabeth Moroney 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 erect new signage for a by-right auto glass business 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>October 9, 2012</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>August 31, 2012 (October 26, 2012)</td> <td>Somerville Location – Belt Sign (with Gooseneck Lighting)</td> </tr> <tr> <td>(October 26, 2012)</td> <td>Existing Conditions / Surrounding Neighborhood</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	October 9, 2012	Initial application submitted to the City Clerk’s Office	August 31, 2012 (October 26, 2012)	Somerville Location – Belt Sign (with Gooseneck Lighting)	(October 26, 2012)	Existing Conditions / Surrounding Neighborhood	BP/CO	ISD/PIng.	
Date (Stamp Date)	Submission											
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(October 26, 2012)	Existing Conditions / Surrounding Neighborhood											
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	Plng.	
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.	Plng.	
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	Plng.	
9	The gooseneck lights above the approved signage must be turned off at 6:00 p.m.	Cont.	ISD	



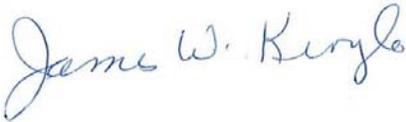
Attest, by the Planning Board:



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 _____

