



**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 2010-04-R1-3/2012**  
**Site: 561 Windsor Street**  
**Date of Decision: April 5, 2012**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: April 6, 2012**

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**PLANNING BOARD DECISION**

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<b>Applicant Name:</b>	Laurence Slotnick, Taza Chocolate
<b>Applicant Address:</b>	561 Windsor Street, Somerville, MA 02143
<b>Property Owner Name:</b>	Bart Bussink, Miller's River Development
<b>Property Owner Address:</b>	561 Windsor Street, Somerville, MA 02143
<b>Agent Name:</b>	N/A

<u>Legal Notice:</u>	Applicant, Laurence Slotnick, Taza Chocolate, and Owner, Bart Bussink, Miller's River Development, seek a revision under SZO §5.3.8 to Case PB 2010-07 to change approved signage and landscaping and add windows on the back of the building. The original permit included Special Permits under SZO §6.5.D.5 to alter the façade, signage and site plan. TOD-135 zone. Ward 2.
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<u>Zoning District/Ward:</u>	TOD-135 zone/Ward 2
<u>Zoning Approval Sought:</u>	§5.3.8 & §6.5.D.5
<u>Date of Application:</u>	March 6, 2012
<u>Date(s) of Public Hearing:</u>	April 5, 2012
<u>Date of Decision:</u>	April 5, 2012
<u>Vote:</u>	5-0

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Appeal #PB 2010-04-R1-3/2012 was opened before the Planning Board at Somerville City Hall on April 5, 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 change the signage design and site design for Taza Chocolate as well as install windows in the back of the building for Taza's expanded office space. The office space is 4400 sf and will ultimately have an occupancy of 35 people. The windows will match those on the back of the building on floors one, three and five. Since the building is located just a few feet from the property line, the owner of the property is working to acquire 10 feet of the right of way behind the building that is currently under shared ownership. If the acquisition of land is not successful, the windows may need to be glass block to satisfy the building code.

The landscaped area in front the Taza store will include more hardscape than the previous version to allow for some outdoor events in this space. The landscape area will continue to be significantly planted with two large trees, evergreen shrubs, and perennials. There will be additional bike storage in this area that was not part of the original proposal.

In place of the large canopy will be a metal, aluminum and wood awning to define the entrance. There will also be a hanging sign near the sidewalk that hangs from a granite post. Two large banner signs will be posted on the western and southern sides of the building and these signs will not be lit. The banners will be approximately 18 feet by 24 feet. The material will be UV Nylon mesh which will be tightly secured to the building between the pilasters of the building. The UV Nylon is a nylon material with small holes in it to create a "softened" look from what might come from using a solid vinyl or plastic material. The Applicant does not want to use the painted, ghost mural concept that was originally approved for these signs because after further investigation it was determined that the condition of the brick would not sufficiently hold the paint. With the resurfacing project planned for the entire building, it did not make financial sense to refinish just the area behind the murals when the murals would have to be redone in the near future.

The remainder of phase 1 and phases 2 and 3 will proceed as originally approved.

The Applicant submitted the following narrative regarding the proposal:

*In the almost two years since the Taza Chocolate Factory Store opened our business has grown in unexpected and exciting ways. Taza Chocolate is becoming known as the place to visit in Somerville for food-culture events and holiday celebrations. We invite many small and local food producer companies into our space to introduce their products to the Taza/Somerville community, and share in Taza's success.*

*Our needs have changed since our first storefront proposal in 2010. With the growth of our retail store, tours and events business, we have identified the need to create a sizeable outdoor space to allow us to host events that benefit the local community and businesses. This space needs to enable us to tailor the set up... depending on the event. We need the capability and flexibility to accommodate multiple tents, our authentic, Mexican choco-cycle, other vendors, and customers to sample and discover local products. While we intend to provide effective signage and beautiful landscaping, we also need to ensure the space is functional for outdoor events. Also, pedestrian and bicycle accessibility are critical. Lombardi Design and Boston Sign have done an excellent job identifying the correct materials to that will enhance the Taza brand, and improve our store front, without making drastic changes that would alienate Taza from the rest of 561 Windsor Street building frontage and general environment.*

*\*\*\* Ultimately, Taza Chocolate is a factory. It is a factory located in a unique industrial enclave that is experiencing an entrepreneurial explosion energized by gritty vibrance. This area experiences constant automobile traffic and limited bicyclist and pedestrian use. We want to change that, but we don't want to distance ourselves from the surrounding businesses or the fact that we are proud to be a manufacturing company in Massachusetts.\*\*\*\* We do not want to hide the grit by covering up all of the rough edges in front of and abutting our storefront. Lombardi Design and Boston Sign have proposed*



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using materials that reflect this, and will allow our improvements to compliment—rather than alienate—our surroundings. These materials are concrete, as seen on the floors of our store and factory, metal, representing our chocolate making machines and industrial vibe, and wood, which helps tie everything together and is used inside our factory store to reflect the natural and agricultural aspect of our product. The NStar transformer, for example, is an element that we appreciate for its industrial look.

### **Landscape**

Lombardi's landscape design plan creates a beautiful, low-maintenance, functional outdoor space. It utilizes a generous amount of concrete pavers installed in a geometric abstract contrasted with a generous amount of ground cover plantings (235 plants) to soften the overall look. They did not attempt to conceal the transformer. We don't want to call attention to it by planting an intentional looking "green screen." The NStar guidelines demand a large amount of clearance on all four side of this unit, and we wish to utilize our valuable storefront area for functional purposes. We are however, utilizing border and foundation plantings to soften as-built materials such as corrugated fencing and the building's lower cementitious board fascia. The Lombardi plan places two Honeylocust (alt. Redbud ) trees in the space, at different depths from the sidewalk, to create a transition from the horizontal plane to the vertical plane of the building face. Finally, the location and dimensioning of the sidewalk signage and the paver path are designed to create a physical connection to the Taza doorway.

### **Signage**

The signage is the focal point of the new Taza front porch. Their design, material and placement will unify our facade project with a modern-industrial appearance. The dual-sided sidewalk sign is anchored by stone posts, with a metal and distressed wood sign. It will be lit from both sides. The doorway sign, also of a metal and distressed wood construction, mounts to the front face of an over-the-doorway aluminum-frame canopy structure. This sign will be front-lit. The canopy's dimensions are approximately 13 ft wide and 24 in deep. (This doorway already has an alcove with a depth of 18")

### **Banners - Wayfinding**

The banners are designed with a graphic that serves to impart a sense of permanence to 561 Windsor Street as the home of Taza Chocolate. At the same time, they are way-finding banners with an old-school style that harks back to an earlier time. Way-finding is critical, because Taza attracts many locals and tourists who are unfamiliar with the area. These banners will be fabricated from an industrial nylon mesh material, and fastened with a grommet, shock-cord and frame system to create high-tension. They will appear permanent without ripples in the banner. The mesh material creates a sublimated appearance to the banners' graphics, creating an impression similar to that of a ghost mural.

### **Windows - rear**

The windows that we would like to install as infill units in large, previously-glazed openings are architectural-grade, aluminum frame, functional double-hung, insulated glass units that comprise approximately 43% of the rear, south-facing exterior side of 561 Windsor Street. The windows are an exact match to recently installed windows on other floors in the building on this same exterior side. These windows fill large gaps in the poured-in-place concrete structure that we know—from historic photos—were filled with "factory windows" at one point. For our project, they are replacing what was primarily cinderblock fill, as well as two outdated and inefficient sliding windows.

### **Summary**

As we are trying to demonstrate, Taza is planning to invest in this building with a scale and intentionality that one would expect from a tenant that has just made an eight-year lease commitment to the building and its neighborhood. We have an overarching aim to create value for ourselves, our landlord, the neighborhood, and for the City.



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**FINDINGS FOR SPECIAL PERMIT (SZO §5.3.8):**

The following Special Permit findings are relevant to the proposed site revisions.

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."

With the approval of the changes to signage, installation of windows in the back of the building and site plan changes, the site will otherwise comply with the findings, approvals and conditions of case number PB 2010-07.

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.

The proposal is consistent with the purpose of the Transit Oriented Districts. The districts promote a mix of uses within buildings including commercial and industrial uses. The redesigned retail portion would increase street-level activity, which is another purpose of the districts. A goal of the TOD-135 district is to improve the commercial tax base and bring good quality jobs to the City. The improvement to the appearance of the building will further this goal.

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 in a manner that is compatible with the building surrounding area and land uses as conditioned.

The changes to the building comply with the design guidelines for the Transit Oriented Districts. The following guidelines apply to the proposal.

- Commercial bays with independent entrances onto the street should be incorporated to create visual and pedestrian interest. The newly proposed Taza Chocolate retail entrance alters the building to further this goal.
- Varied architecture should be created using projected entryways, canopies, and awnings. The revised Taza entrance would help to define this entrance to the building while being complementary in material and industrial feel to the awning proposed but not yet installed at the main entrance to the building.
- Non-residential ground floor façades should have a minimum of 75 percent transparent material, and second floor facades should have a minimum of 40 percent transparent material. The building does not comply with this guideline; however, phases two and three further this goal by increasing the size of the window openings. The current revision will increase the amount of transparency on the second floor in the back of the building with the addition of windows.
- The exterior building materials would be high quality, durable and aesthetically appropriate. Materials of the signage include aluminum, wood, granite, wrought iron, and nylon mesh for the larger signs. These are high quality materials that are complementary to the industrial nature of the building.
- The rear and sides of the building will maintain the same character of the front façade, as they would include the same materials and design. The windows on the rear of the building will be the same as other windows on the building unless the building code dictates that they are glass block.



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- The building will have a clearly expressed base with the unique, metal material to break up a monolithic appearance to the building.
- The existing on-site parking is in conflict with pedestrians. One space will be removed to slightly improve the situation; however, future action should be taken to remove or relocate the parking spaces.
- The improved space in front of the Taza entrance and updated signage will add visual interest to the building.
- The transformer will be screened with dense vegetative materials.

The proposed signage and awning design respects the buildings' context. The signage proposed on the side and rear of the building is in scale with the size of the building and more appropriate for this building than it would be in other locations considering the industrial nature and appearance of the building and content of the signs. The Taza signs include their symbol, a few words and are not cluttered.

The change to the site plan in front of Taza would continue to provide an attractive entrance and meet Taza's needs to utilize this space. The canopy that visually connected the sidewalk to the front entrance is no longer part of the proposal; however, landscaped elements and signage were designed to achieve this goal.

The windows on the back of the building would improve the appearance of the building. The windows would be located where windows existing in the past and have since been filled in.

**DECISION:**

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano. Upon making the above findings, Kevin Prior made a motion to approve the request for a special permit. Michael Capuano seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
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1	<p>Approval is for the alteration of the façade, signage and site plan in three phases.</p> <p>Phase 1 – altering the façade of the first story of the building along Windsor Street and Windsor Place and the middle of the building for all of stories, signage, and site plan</p> <p>Phase 2 - replacing the windows and brick veneer on the western side of the building along Windsor Place</p> <p>Phase 3 - replacing the windows and brick veneer on the eastern side of the building along Windsor Place and the side of the building along Windsor Street</p> <p>This approval is based upon the following application materials and the plans submitted by the Applicant:</p>	BP/CO	Plng.													
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Date (Stamp Date)</th> <th style="text-align: left;">Submission</th> </tr> </thead> <tbody> <tr> <td>Mar 6, 2012</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>May 7, 2010</td> <td>Modified plans submitted to OSPCD (A-1: proposed front elevation- phase 1, A-2: proposed left &amp; right elevation- phase 1, A-3: proposed front elevation – phase 2, A-4: proposed front elevation – phase 3, A-5: proposed left elevation – phase 3, A-6 Taza entry, E-1: existing front elevation &amp; site plan, E-2: existing elevations) For Taza signage and site plan see revised plans.</td> </tr> <tr> <td><u>Mar 29, 2012</u></td> <td><u>001a.v1.s1/e1 Sign Elevations and Details (4 pages)</u></td> </tr> <tr> <td><u>Mar 23, 2012</u></td> <td><u>Layout and Materials Plan L1.000</u></td> </tr> <tr> <td><u>Mar 30, 2012</u></td> <td><u>Rear window dimensions and rendering</u></td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	Mar 6, 2012	Initial application submitted to the City Clerk’s Office	May 7, 2010	Modified plans submitted to OSPCD (A-1: proposed front elevation- phase 1, A-2: proposed left & right elevation- phase 1, A-3: proposed front elevation – phase 2, A-4: proposed front elevation – phase 3, A-5: proposed left elevation – phase 3, A-6 Taza entry, E-1: existing front elevation & site plan, E-2: existing elevations) For Taza signage and site plan see revised plans.	<u>Mar 29, 2012</u>	<u>001a.v1.s1/e1 Sign Elevations and Details (4 pages)</u>	<u>Mar 23, 2012</u>	<u>Layout and Materials Plan L1.000</u>	<u>Mar 30, 2012</u>	<u>Rear window dimensions and rendering</u>
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<p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.</p>																



2	Phase 2 of the project shall be completed within two years of the opening of the MBTA Green Line transit station opening in Union Square.	2 years after Union Sq Green line opening	Plng.	
3	Phase 3 of the project shall be completed within five years of the opening of the MBTA Green Line transit station opening in Union Square.	5 years after Union Sq Green line opening	Plng.	
4	If the Owner of the property cannot supply sufficient documentation to the Building Inspector to ensure that there is a sufficient setback to satisfy the Building Code, the proposed windows in the rear of the building can be glass block.	BP for windows	ISD / Plng.	
7	The Applicant/Owner shall supply the final details of the sculptural element at the main entrance to the building to Planning Staff for review and approval. Planning Staff will consult with the DRC to ensure that the design is consistent with the intent of the SP and respond with a determination within 30 days. If no determination has been made in 30 days, the Applicant may proceed with the submitted design.	Building Permit for phase 1	Plng.	
8	The Applicant/Owner shall supply the final details and material samples of the perforated metal and means of attaching it to the façade to Planning Staff for review and approval. Planning Staff will consult with the DRC to ensure that the design is consistent with the intent of the SP and respond with a determination within 30 days. If no determination has been made in 30 days, the Applicant may proceed with the submitted design.	Building Permit for phase 1	Plng.	
9	The Applicant/Owner shall supply the final details and material samples of the façade material which is currently marked as stucco and window placement in phases 2 and 3 to Planning Staff for review and approval. Planning Staff will consult with the DRC to ensure that the design is consistent with the intent of the SP and respond with a determination within 30 days. If no determination has been made in 30 days, the Applicant may proceed with the submitted design.	Building Permit for phases 2 and 3	Plng.	
10	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.	Final sign off	DPW	
11	The Applicant shall install 4 additional bicycle parking spaces for a total of 18 onsite.	Final sign off	Plng.	
12	The Applicant shall ensure that the vegetative material screens the transformer from the sidewalk.	Final sign off	Plng.	



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13	The Applicant shall work with Planning Staff to improve the appearance of the loading docks on Windsor Place. This may include replacing asphalt with permeable pavers.	Final sign off	Plng.	
14	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
15	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.	Perpetual	ISD	
16	The Applicant shall make a best faith effort to reduce the number of loading docks along Windsor Place in the future as tenants change and/or the interior layout of the building is reconfigured. The Applicant may remove the additional loading docks without returning for a special permit if the material that replaces them matches the building façade. Plans shall be submitted for changes to the façade and landscaping to Planning Staff for approval.	Perpetual	Plng.	
17	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.	



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Attest, by the Planning Board:



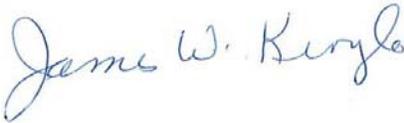
Kevin Prior, Chairman



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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