



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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REBECCA LYN COOPER
GERARD AMARAL, (ALT.)

Case #: PB 2014-20
Site: 337 Broadway
Date of Decision: June 25, 2015
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: July 9, 2015

PLANNING BOARD DECISION

Applicant Name:	Back Bay Sign for Carewell Urgent Care
Applicant Address:	425 Riverside Avenue, Medford, MA 02155
Property Owner Name:	KLT Corporation, c/o Constantine Tsisos
Property Owner Address:	20 Red Coat Road, Framingham, MA 01701
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant, Back Bay Sign for Carewell Urgent Care, and Owner, Corporation, seek a Special Permit under SZO §6.1.22, for new signage and awnings.

<u>Zoning District/Ward:</u>	CCD 45 zone/Ward 4
<u>Zoning Approval Sought:</u>	§6.1.22
<u>Date of Application:</u>	June 12, 2015
<u>Date(s) of Public Hearing:</u>	7/24/14 – 6/25/15
<u>Date of Decision:</u>	June 25, 2015
<u>Vote:</u>	4-0

Appeal #PB 2014-20 was opened before the Planning Board at Somerville City Hall on July 24, 2014. 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:

Applicant, Back Bay Sign for Carewell Urgent Care, and Owner, Corporation, seek a Special Permit under SZO §6.1.22, for new signage and awnings. CCD 45 zone. Ward 4.

FINDINGS FOR SPECIAL PERMIT (SZO §6.1.22):

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 structure is located in a CCD45 district. In accordance with SZO §6.1.22.D.5.a, alterations to an existing façade, other than one-for-one replacement of signage, require a Special Permit. The added awning and change in technology and location of the signage require a special permit.

The design guideline for signage (§6.1.22.H) in the CCD recommends, "Signage and awning design should respect buildings' context (e.g., scale, design, style, colors, materials), be oriented to pedestrians, and be subordinate to the overall building composition. Creative shapes must be carefully designed and coordinated with the overall appearance of the building. The design should also maintain an existing "signage line" and respect the character, scale, and locations of adjacent signs and awnings. Large, interior-lit or back-lit signs or awnings, neon "open" signs, vinyl or plastic materials and overly bright colors are generally discouraged. To add interest and character to the retail environment signs or awnings may convey interesting elements or logos without excessive wording. They should be limited to advertising the business name and its main goods or services, with minimal or no national brand names or logos. Type styles should enhance readability of the sign and provide information simply and legibly. Use awnings to create pleasant shaded spaces in front of a building. Signs and awnings should enhance important architectural details and not conceal or obliterate them."

In addition, OSPCD has submitted a new zoning code for adoption. In the proposed code, the each signage type is defined including the location on the building. Within limitation, most signs are by-right with the exception of larger signs like a roof sign. The following is an evaluation of the signage based on the existing and proposed regulations.

CareWell is proposing signage on the front and side elevation of the building. The existing awning, will be replaced and extended over the door with a red awning. The majority of this is a one-for-one replacement which is by-right. The red color is overly bright and discouraged but could be a perception of the rendering. Sunbrella fabric is proposed. A condition of this report is that the sunbrella fabric sample be submitted to Planning Staff for review and approval prior to installation. If the color is overly bright a darker shade or neutral color can be selected. The information on the awning is limited by the proposed code, "Information type is limited to business name, logo, and address." The Applicant shall submit a revised elevation eliminating or revising the wording on the awnings. "Open 7 days a week" and "Walk in Urgent Care" are not permitted.

There are two of the same wall signs proposed on the front and side elevation. They are internally lit channel letters. A condition of this report is that the Applicant shall submit documentation of the required dimension of the new zoning code for review and approval. Box signs and internal illumination are not permitted.

The pylon sign is a one-for-one replacement.



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 encouraging the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the district as the signage is simple and in scale with the façade.

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 new signage is compatible with the design guidelines and surrounding mixed use area as explained in finding two.

DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Rebecca Lyn Cooper and Gerard Amaral with Michael Capuano and Dorothy Kelly Gay absent. Upon making the above findings, Gerard Amaral made a motion to approve the request for a Special Permit. Rebecca Lyn Cooper 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 for signage for CareWell clinic. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>May 12, 2014</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>April 18, 2014</td> <td>Modified plans submitted to OSPCD (Pages 1-6 incl site photo, front and side rendering ,technical drawing, and pylon sign)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	May 12, 2014	Initial application submitted to the City Clerk's Office	April 18, 2014	Modified plans submitted to OSPCD (Pages 1-6 incl site photo, front and side rendering ,technical drawing, and pylon sign)
	Date (Stamp Date)				Submission					
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April 18, 2014	Modified plans submitted to OSPCD (Pages 1-6 incl site photo, front and side rendering ,technical drawing, and pylon sign)									
Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.										
Signage										
2	Applicant shall submit sunbrella fabric sample to Planning Staff for review and approval prior to installation. If the color is overly bright a darker shade or neutral color shall be selected.	BP	Plng.							



3	Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.	
4	The Applicant shall submit a revised elevation eliminating or revising the wording on the awnings. "Open 7 days a week" and "Walk in Urgent Care" are not permitted.	BP	Plng.	
5	Applicant shall submit documentation of the required dimensions specified in the new zoning code and applicable technology for review and approval. Box signs and internal illumination are not permitted.	Elec Permit	Plng.	
Final Sign-Off				
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	Plng.	
7	The windows shall not be covered with window decals or be tinted.	Plng.	Perpetual	



Attest, by the Planning Board:



Kevin Prior, Chairman



Joseph Favaloro



Rebecca Lyn Cooper



Gerard Amaral

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 _____

