



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

GEORGE J. PROAKIS, AICP  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**PLANNING BOARD MEMBERS**

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JOSEPH FAVALORO, *CLERK*  
DOROTHY KELLY GAY  
AMELIA ABOFF  
GERAL AMARAL, *ALT.*

**Case #: PB 2019-22**  
**Site: 1060 Broadway**  
**Date of Decision:** October 17, 2019  
**Decision:** *Approved with Conditions*  
**Date Filed with City Clerk:** October 24, 2019

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**PLANNING BOARD DECISION**

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**Site:** 328 Broadway

**Applicant Name:** Breck Bailey  
**Applicant Address:** 328 Broadway, Somerville, MA 02145  
**Owner Name:** John Holmes  
**Owner Address:** Broadway Realty, P.O. Box 17, Somerville, MA 02145

**Legal Notice:** Applicant, Breck Bailey, and Owner, 328 Broadway LLC c/o John Holmes, seek a special permit under SZO §6.1.22 to install an outdoor walk-in refrigerator. CCD-55 Zone. Ward 4.

<u>Zoning District/Ward:</u>	CCD-55 Zone. Ward 4.
<u>Zoning Approval Sought:</u>	SZO §6.1.22
<u>Date of Application:</u>	September 25, 2019
<u>Date(s) of Public Hearing:</u>	October 17, 2019
<u>Date of Decision:</u>	October 17, 2019
<u>Vote:</u>	4-0

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Case number **PB 2019-22** was opened before the Planning Board in the Council Chambers of City Hall at 93 Highland Avenue. 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. On October 17, 2019, the Planning Board took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
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[www.somervillema.gov](http://www.somervillema.gov)

**I. PROJECT DESCRIPTION**

The proposal is to install an outdoor walk-in refrigeration along the side of the building.

**II. 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."*

Section 6.1.22.D.5.a of the SZO states that *"alterations to an existing or approved façade other than a one-for-one replacement of signage within the same sign footprint and using the same sign technology shall require a new Special Permit, with findings giving consideration to the Design Guidelines of Section 6.1.22.H"*

The proposed walk-in refrigerator was determined to be an alteration to the façade.

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 promote the health, safety, and welfare of the inhabitants of the City of Somerville; to protect health; to secure safety from fire, panic and other dangers; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the district, which is, *"the Corridor Commercial Districts have been established 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.*

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."*

*Impacts of Proposal (Design and Compatibility):* The Board finds that the design guidelines below are not applicable to the proposal.

6.1.22.H. *Design Guidelines for the CCDs. These guidelines are not intended to inhibit design creativity or discourage innovative architectural design solutions. Rather, they provide general standards for building massing, siting and articulation. It is understood that Buildings and Structures may not be able to comply with all of the following Guidelines. For projects located in both the Arts Overlay District and the Corridor Commercial Districts, the following CCD Design Guidelines shall apply.*

1. *Building(s) should complete the streetwall along the primary street edge(s).*
2. *Massing and height of buildings should be articulated in a manner compatible with the physical character of the surrounding districts, particularly where a building abuts a residential or historically designated property. Whenever possible, historical variety in the scale, rhythm, and relationship of buildings to pedestrian public ways should be preserved.*
3. *A transition in height should be established between residential or historically designated properties and new development.*
4. *Thirty-foot-wide commercial bays with independent entrances onto the street are typical in Somerville and should be repeated in new developments to create visual and pedestrian interest. Varied architecture should be created and flat facades avoided by using recessed or projected entryways, bays, canopies, awnings, residential balconies on 2nd floor or above, and other architectural elements. Non-residential ground floor façades should have a minimum seventy-five (75) percent transparent material, and second floor facades should have a minimum of forty (40) percent transparent material. These openings should provide views into the building and should not be blocked by interior storage, nonartistic displays, or greater than thirty (30) percent internally mounted signage.*
5. *Exterior building materials for all visible portions of the building should be high quality, durable, and aesthetically appropriate. Particular attention should be paid where properties abut residential districts and historically designated property. Predominant exterior building materials should include an appropriate combination of brick, glass, wood, artistically used metal, stone, or stucco. Precast concrete panels, EIFS-type finishes, and large expanses of glass or corrugated sheet metal are generally discouraged. Bare or painted concrete as the only exterior facade material shall not be allowed.*
6. *Visible rear and side façades should maintain a similar character to the front façade of the building and the intended character of the surrounding district.*
7. *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.*

8. *Retail, restaurant and other pedestrian-oriented uses are encouraged, particularly on the Ground Floor. As noted in 6.1.22.E, residential uses shall not be permitted on the Ground Floor street frontage along major streets unless they are located in structures that are historically residential on the Ground Floor.*

9. *Individual Artist Live/Work Spaces should be designed as closely as possible in accordance with the "Design Guidelines for Artist Housing" produced by the Somerville Arts Council.*

10. *Residential units should be of varying sizes to accommodate a range of family sizes. Generally dwelling units within a structure should not have an average size of less than 1,000 square feet.*

11. *A sidewalk depth of at least ten (10) feet from the street curb to building is strongly encouraged for developments fronting major streets.*

5. Housing Impact: Will not create adverse impacts on the stock of existing affordable housing.

6. SomerVision Plan: Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods.

**III. DECISION**

Present and sitting were, Dorothy Kelly Gay, Joseph Favaloro, Gerald Amaral, and Amelia Aboff. Upon making the above findings, a motion was made to approve the requested revisions to the special permits. The Planning Board voted **4-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
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1	Approval is for the installation of an outdoor walk-in refrigerator. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/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>September 25, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>(October 15, 2019)</td> <td>Two pages of sketched plans</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	September 25, 2019	Initial application submitted to the City Clerk's Office	(October 15, 2019)	Two pages of sketched plans
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Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.										
<b>Public Safety</b>										
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
<b>Final Sign-Off</b>										
3	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.							



Attest, by the Planning Board:



Joseph Favaloro

  
Dorothy A. Kelly Gay

Gerard Amaral



Amelia Aboff

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 \_\_\_\_\_

