



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

GEORGE J. PROAKIS  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**PLANNING BOARD MEMBERS**

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JOSEPH FAVALORO, *CLERK*  
DOROTHY A. KELLY GAY  
AMELIA ABOFF  
GERARD AMARAL, (ALT.)

**Case #: PB 2019-16**  
**Site: 6 Broadway**  
**Date of Decision:** August 8, 2019  
**Decision:** *Petition Approved with Conditions*  
**Date Filed with City Clerk:** August 13, 2019

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**PLANNING BOARD DECISION**

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**Site: 6 Broadway**

**Applicant Name:** Philadelphia Sign Co.  
**Applicant Address:** 707 West Spring Gardens Street, Palmyra, NJ 08065  
**Owner Name:** LaCourt Enterprises LLC  
**Owner Address:** 30 College Avenue, Somerville, MA 02144  
**Agent Name:** Adam Dash, Esq.  
**Agent Address:** 48 Grove Street, Suite 304, Somerville, MA 02144  
**City Councilor:** Matthew McLaughlin

Legal Notice: Applicant, Philadelphia Sign Co., and Owner, LaCourt Enterprises LLC, seek a special permit under SZO §6.5.D.5.a to install signage and an awning for an automated teller machine (ATM) on the ground floor of the building. TOD55 Zone. Ward 1.

<u>Zoning District/Ward:</u>	TOD55 Zone. Ward 1.
<u>Zoning Approval Sought:</u>	SZO §6.5.D.5.a
<u>Date of Application:</u>	June 18, 2019
<u>Date(s) of Public Hearing:</u>	August 8, 2019
<u>Date of Decision:</u>	August 8, 2019
<u>Vote:</u>	5-0

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Case number PB 2019-16 was opened before the Planning Board in the Council Chambers at Somerville City Hall. 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 July 11, 2019, the Planning Board took a vote.



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**I. PROJECT DESCRIPTION**

One of the commercial spaces, at 6 Broadway, was approved to house an automated teller machine (ATM). The proposal is to install signage for the ATM. The signage will include non-illuminated dimensional letters with a blue octagonal “Chase” logo affixed on the sign band of the building and a blue metal awning.

**II. FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.3.8):**

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."*

SZO §6.5.D.5.a requires 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 Special Permit, with findings giving consideration to the Design Guidelines of Section 6.5.H.”*

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 provide for and maintain the uniquely integrated structure of uses in the City; to protect health; to secure safety from fire, panic and other dangers; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the TOD 55 district, which is, “to encourage mixed-use transit-oriented development with well-designed pedestrian access near transit connections and commercial squares. In response to different neighborhood contexts, TODs have been created featuring various heights, densities, and compatible use mixes. In order to be aesthetically, economically, environmentally and socially beneficial, projects in the Districts shall promote a mix of uses both within buildings and across the districts. Moderate to high-density developments will include commercial, residential, and institutional cores complemented by pedestrian-oriented retail and business services, and in some districts, compatible industrial uses. Parking, where provided, will be housed within structured parking facilities. In a dynamic commercial center, changes in tenancy and use are expected. Therefore, the TODs are designed to be responsive to changing market conditions while maintaining high standards



for building design and construction. As such, development review in these Districts is concerned foremost with appropriateness of building design and broad categories of uses. The major purposes are to:

1. Facilitate development of a mix of uses that contributes to a vibrant business environment and increases street-level activity;
2. Increase real estate investment and strengthen local tax base through intensive commercial development in higher density TOD districts;
3. Create new jobs at a variety of income and skill levels;
4. Redevelop vacant or underutilized land with appropriately dense development;
5. Replace incompatible and environmentally unsound uses with compatible mixed-use development;
6. Increase the supply of affordable housing units within the City of Somerville; and,
7. Encourage sustainable development and the use of green building standards..

The TOD is divided into sub-districts, which are distinguished by their respective height and density regulations. These regulations are shown in Table 6.5.F. The Following sub-districts are designated within TOD's.

- TOD-55. This lower-density sub-district allows for mixed-use development opportunities in close proximity to existing lower-density residential neighborhoods. Where mapped in commercial squares, development is anticipated to be a mix of commercial and residential uses. Where mapped on local streets, development is anticipated to be predominantly residential in nature.

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."*

*Surrounding Neighborhood:* The property is located on the eastern edge of the East Somerville main street of Broadway. It is an area which consists of numerous small neighborhood businesses including many restaurants and neighborhood services. The Mount Vernon Restaurant is the nearest landmark. Hundreds of pedestrians pass the site each day to get to Sullivan Square station.

*Impacts of Proposal (Design and Compatibility):*

6.5.H. Design Guidelines for the TODs. 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. The only applicable design guideline for this signage proposal is #7, of which the proposed signage complies.

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.

7. **Housing Impact:** Will not create adverse impacts on the stock of existing affordable housing.
8. **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 Michael Capuano, Joseph Favaloro, Dorothy Kelly Gay, Amelia Aboff and Gerard Amaral. Upon making the above findings, Dorothy Kelly Gay made a motion to approve the request for a Special Permit. Joseph Favaloro seconded the motion. The Board voted **5-0** to **APPROVE** the request **WITH THE FOLLOWING CONDITIONS:**

#	Condition	Timeframe for Compliance	Verified (initial)	Notes	
1	Approval is for signage. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.		
	<b>Date (Stamp Date)</b>				<b>Submission</b>
	June 18, 2019				Initial application submitted to the City Clerk’s Office
	January 28, 2019				Plans submitted to OSPCD (DRC 1-3, 5, and 8)
	April 5, 2019				Signage Details
	February 4, 2011				Awning Details
Any changes to the approved signage that is not <i>de minimis</i> must receive SPGA approval.					
<b>Construction Impacts</b>					
2	The Applicant shall at their 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.	CO	DPW		
3	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		



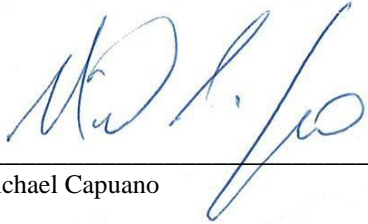
<b>Miscellaneous</b>				
4	Electrical conduits on the exterior facades of buildings shall be painted to match the wall material to which they are attached. Conduits are not allowed on the front of any structure.	CO	Plng.	
<b>Public Safety</b>				
5	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
6	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.	CO	Plng.	
<b>Signage</b>				
7	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.	
<b>Final Sign-Off</b>				
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.	



Attest, by the Planning Board:



Joseph Favaloro



Michael Capuano



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 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 \_\_\_\_\_

