



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION
ZONING BOARD OF APPEALS MEMBERS
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RICHARD ROSSETTI, *CLERK*
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE
ANNE BROCKELMAN, (ALT.)

Case #: ZBA 2015-49-R2-(10/18)
Site: 161 Linwood Street
Date of Decision: November 7, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: November 15, 2018

ZBA DECISION

Applicant Name: Phil Naffah, Harvey Signs
Applicant Address: 30 Osgood Street, Methuen, MA 01844
Owner Name: Herbert Chambers
Owner Address: 259 McGrath Highway, Somerville MA 02143
Alderman: J.T. Scott

Legal Notice: Applicant, Phil Naffah, Harvey Signs, and Owner, Herbert Chambers, seeks a Revision to a previously approved Special Permit (ZBA 2015-49) for signage. IA Zone. Ward 2.

| | |
|-----------------------------------|------------------|
| <u>Zoning District/Ward:</u> | 2 |
| <u>Zoning Approval Sought:</u> | §5.3.8 |
| <u>Date of Application:</u> | October 17, 2018 |
| <u>Date(s) of Public Hearing:</u> | November 7, 2018 |
| <u>Date of Decision:</u> | November 7, 2018 |
| <u>Vote:</u> | 5-0 |

Appeal #ZBA 2015-49-R2-(10/18) was opened before the Zoning Board of Appeals in the Aldermanic Chambers at Somerville City Hall on November 7, 2018. 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 November 7, 2018 the Zoning Board of Appeals took a vote.



DESCRIPTION:

The current proposal is to alter the previously approved signage.

FINDINGS FOR REVISIONS to SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.3.8):

Revisions that are not de minimis shall be subject to the full notice and hearing provisions of §5.3.2 of this Ordinance, but shall not be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised.

The findings made under the previous Special Permit with Site Plan Review approved by ZBA in December of 2015 (ZBA 2015-49) are not applicable to this proposal for signage, with the exception of finding #19, which is as follows:

19. *Signage: The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”*

The signage is reflective of the scale and character of the existing building and proposed alterations.

The Planning Board finds that the proposed signage plan is also reflective of the scale and character of the existing building and proposed alterations.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino, and Anne Brockelman. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit with Site Plan Review and Variance. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

| # | Condition | Timeframe for Compliance | Verified (initial) | Notes |
|---|-----------|--------------------------|--------------------|-------|
|---|-----------|--------------------------|--------------------|-------|



| 1 | Approval is for the modification of previously approved signage. 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>October 17, 2018</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 21, 2018</td> <td>Plans submitted to OSPCD (site plan, rendering, sign family, and elevation)</td> </tr> </tbody> </table> | | | | Date (Stamp Date) | Submission | October 17, 2018 | Initial application submitted to the City Clerk's Office | August 21, 2018 | Plans submitted to OSPCD (site plan, rendering, sign family, and elevation) |
| | Date (Stamp Date) | | | | Submission | | | | | |
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| August 21, 2018 | Plans submitted to OSPCD (site plan, rendering, sign family, and elevation) | | | | | | | | | |
| Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval. | | | | | | | | | | |
| Signage | | | | | | | | | | |
| 2 | Signs R1, R2, and R3 must be individual channel letters and symbols that are halo lit. | CO/Cont. | Plng. | | | | | | | |
| 3 | Sign R4 must be non-illuminated metal panel. | CO/Cont. | Plng. | | | | | | | |
| Final Sign-Off | | | | | | | | | | |
| 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 Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Danielle Evans
Elaine Severino
Anne Brockelman

Attest, by the Administrative Assistant:

Monique Baldwin

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 _____

