



CITY OF SOMERVILLE, MASSACHUSETTS
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PLANNING BOARD MINUTES

Council Chambers, 93 Highland Avenue at Somerville City Hall, Somerville MA
Thursday, February 21, 2019
6:00 P.M.

Previously Opened Cases Continued to a Future Date

<u>176-182 Broadway (PB 2017-22)</u>	
Applicant:	Yihe Patsy's Corporation
Property Owner:	Yihe Patsy's Corporation
Agent:	Richard DiGiralomo
Legal Notice:	Applicant and Owner, Yihe Patsy's Corporation, seeks a Special Permit with Site Plan Review (SPSR) to construct a 26-unit mixed-use building with commercial space along the street frontage and residences above. CCD-55 zone. Ward 1.
Date(s) of Hearing(s):	6/21, 8/23, 10/4, 11/8, 11/29, 12/13, 1/9, 1/24, 2/7, 2/21
Staff Recommendation:	Conditional approval
PB Action:	Voted on February 7, 2019 to continue the application to March 21, 2019.
Current Status:	Continued to March 21, 2019.

Previously Continued Cases that Will Be Heard

15 Temple Street (PB 2018-20):	
Applicant:	Mass Sign and Decal Inc.
Property Owner:	Comar Real Estate Trust c/o Robert Allen
Agent:	N/A
Legal Notice:	Applicant, Mass Sign and Decal Inc., and Owner, Comar Real Estate Trust c/o Robert Allen, seek a special permit under §6.1.22.D.5 to alter two signs on the building. CCD-55 / RB Zone. Ward 4.
Date(s) of Hearing(s):	2/7, 2/21
Staff Recommendation:	Conditional approval
PB Action:	Voted on February 21, 2019 to approve the application with conditions.
<p>The Chair took the agenda out of order as the Applicant was not yet present.</p> <p>Joe Healy, 443 Webster Street, Rockland, MA is filling in for the Applicant. It is his understanding the proposed sign is smaller than the initial.</p> <p>Alex Mello provided an overview of the project. It was noted any alterations in the CCD-45 district require a special permit. Walgreens acquired Rite Aid thus signage needs to be updated. In speaking to AGI, conveying the Boards messages, they stated they can have the Temple Street façade repainted. Alex also conveyed the message that the Planning Board is skeptical of light boxes. Instead, the Applicant is not proposing to light the sign. The Temple Street sign is the only sign that needs a special permit, since the SZO states the façade is the elevation facing the street.</p> <p>Rebecca Cooper: Wherever there is a smaller sign replacing larger sign it makes sense to see the building painted. She proposes to condition that they repaint all of the faces of the building, to make a good presentation of the neighborhood.</p> <p>Joseph Favaloro: I would have liked a representative from Walgreens present. He states if the Planning Board were to delay signage perhaps someone from Walgreens would make an appearance. This site is the center point for Winter Hill.</p> <p>Dorothy Kelly Gay: As much as she is aware of this, withholding the permit is the only leverage the Board has at this time.</p> <p>Michael Capuano: I’m not certain having the owner appear will help. There are larger discussions regarding this site going on. I’m not sure that bringing in the owner would do better than the administration. He doesn’t think it’s wise to step on feet of administration.</p> <p>Rebecca Cooper: Do you know where the larger process of property is in regards to moving through the court system?</p> <p>Alex Mello: It is still in appeals court and is still pending. It’s being looked at by a lot of developers. In the short term, it is in the best interest of residents for a sign to be on this building.</p> <p>Joe Favaloro: I don’t consider using leverage being petty. When we all have the same goals in mind we should use whatever tools necessary. He was unaware of the information regarding ongoing discussions between the developer and the administration. Joe Favaloro shares the Mayor’s vision and Temple Square’s mission to develop the site. If there are other tools to utilize, then he does not have an issue with permitting the sign.</p> <p>Dorothy Kelly Gay: We would just like to make sure the Applicant knew how the Board felt.</p> <p>Dorothy Kelly Gay made a motion to conditionally approve the request for special permit. Michael Capuano seconded. Motion Approved 4-0.</p>	



Other Business

- Hans Jensen, Zoning Review Planner, appeared at the request of the Planning Board to discuss signage on various properties.

170 School Street: Noncompliant Sign

Hans Jensen himself has also submitted a complaint. An inspector will look into this and draft a violation notice. The next step would be a fine of \$100. If the sign does not come down, there is a \$300 ticket per infraction, each time.

Rebecca Cooper: I have reported that for the past two years, it went away and then came back. How do we handle serial offenders?

Hans Jensen: I am not sure what the statutes of limitations are. He can find out through the Legal Counsel.

185 Washington – Burger King: Noncompliant Sign

Michael Capuano: This one goes back to 2015. His recollection is that the Board allowed the Applicant to have composite material, a more durable wood. What was the appropriate material at that time?

Hans Jensen: Either wood or some material that resembled wood. This was Melissa Woods's case, and she is particular about materials, so I don't believe she would have approved what has been placed there.

197 Washington – New Café (similar condition as 185 Washington): Noncompliant Sign

Hans Jensen: There were material requirements in the decision regarding location, size and materiality. The Staff concluded the Applicant was supposed to replicate the sign of the Worcester sign. Hans Jensen has not been back on site since 2016.

Rebecca Cooper: I'm very interesting in this case because I took note of a back lit plastic sign. Her best recollection was a halo lit wood sign with metal lettering and greyish distressed wood backing. She does remember giving the applicant caution that they would keep an eye on that. Can someone verify that is what she saw? That materiality, backlit plastic, is not among the options they generally recommend.

Hans Jensen: He appreciates the Board letting him know.

315 Broadway: Noncompliant Sign

Michael Capuano would like to add two sites for Hans Jensen to take a look at:

1. Mystic Dentist Office has a flashing neon sign that says 'OPEN'. Apparently they are open 24/7.
2. 2468 Broadway- Michael Capuano: How are they regarding quality of construction, signage, materiality, etc. Hans Jensen: It's less than I would hope for, and they did meet the Planning Board approved set of plans after De Minimis changes. He cannot recall the signage.

Rebecca Cooper: Can anyone log complaints to 311?

Hans Jensen: It's not the most synched way to keep a record of a particular project. Though, it does create an initial log.

It's unfortunate because this board always specifies real full course brick. If doesn't appear in the actual approval then that is an issue. When material memorialized, the nuance was possibly lost.

Michael Capuano: Can we check the recording of that meeting and find out what was supposed to be conditioned? The nuance is complicated. If certain items don't make it to be a condition, then there is an issue. He has no doubt real brick was specified.

Hans Jensen: To avoid this type of error, for the sake of clarity the Planning Staff uses the term "full-course, full-depth" real brick.

Rebecca Cooper: She would like to second the chair's request to get the evidence. In the back of her mind she has the memory of the Tesla chocolate building and flat iron building. She seconds the chair's confidence.

Hans Jensen: It appears; right now they are in compliance.

Michael Capuano: What about the windows?

Hans Jensen: They are smaller.

Dorothy Kelly Gay: If we find that real brick was the intent of the board, what happens then? If you require the applicant to replace it, it could not support the weight and they would have to evict everyone until they replace it.

Michael Capuano: Let's see what it is in the course of legislative intent, and recordings. That's how a finder of fact finds to interpret what conditions were.

Hans Jensen: The complaint for 170 Schools St has been officially logged with ISD. There will be an inspection. He wants to make sure the building is being built correctly.

Rebecca Cooper: I know Lorie prepared a spreadsheet that was ongoing- or recently closed. A spreadsheet that shows what the Planning Board has approved the statuses of the projects would be helpful.

The Planning Staff is to provide a spreadsheet.

- SomerVision 2040 Committee
 - Sarah Lewis provided a summary of the SomerVision 2040 Committee.
 - Michael Capuano asks when the first meeting will be. Sarah Lewis states the Kick-Off Social was last Wednesday. The Committee has roughly 30 persons so that they have a lot of diverse voices represented. SomerSuppers are occurring now, where they try to get input from the community, their families etc.
 - Michael Capuano asks when the next meeting should be scheduled. Sarah Lewis states April 5th and 6th however, she can verify those dates.
 - Rebecca Cooper asks if the responsibility can be on the Board as a whole, opposed to one person. Spreading the responsibility would help to unburden just one member. Is there a conflict of interest being a committee member?
 - Sarah Lewis will verify the conflict of interest with the Legal team and follow up.

- Meeting Minute Approval
 - January 10, 2019 minutes. Michael Capuano made a motion to approve the minutes. Rebecca Cooper seconded. Motion approved 5-0.

Plans and reports are available at the City of Somerville website at the following link:
<https://www.somervillema.gov/departments/ospcd/planning-and-zoning/reports-and-decisions>