



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

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AMELIA ABOFF
GERALD AMARAL, *ALT.*

Case #: PB 2019-24
Site: 9 Sanborn Court
Date of Decision: November 21, 2019
Decision: Approved with Conditions
Date Filed with City Clerk: Nov 26, 2019

PLANNING BOARD DECISION

Applicant Name: Sara Markey
Applicant Address: 9 Sanborn Court, Somerville, MA 02143
Property Owner Name: EJH Realty, LLC
Property Owner Address: 10 Nouvelle Way, #1208, Natick, MA 01760

Legal Notice: Applicant, Sara Markey, and Owner, EJH Realty, LLC, seek a Special Permit under SZO §7.13 to expand an existing restaurant by approximately 328 square feet and under SZO §9.13 and §9.17 for parking relief. CCD-55 Zone. Ward 3.

Zoning District/Ward: CCD-55/Ward 3
Zoning Approval Sought: SP §7.13, §9.13, §9.17
Date of Application: October 17, 2019
Date of Public Hearing: November 21, 2019
Date of Decision: November 21, 2019
Vote: 5-0

Appeal #PB 2019-24 was opened before the Planning Board at Somerville City Hall on November 21, 2019. 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION: The subject property consists of one parcel totaling 13,461 square feet. The site contains one single story commercial building with tenants oriented toward Washington Street and Sanborn Court. The tenant space in question is a restaurant that is oriented toward Sanborn Court, which is a private way.

In May 2011, this particular space within the building received a special permit to expand the current eating and drinking use to what it is today.

In August 2019, the Planning Board approved a special permit to conduct a portion of the business outdoors by installing a patio along the building in Sanborn Court.

FINDINGS FOR SPECIAL PERMIT (SZO §7.13 and §9.13):

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."*

Article 7: Table of Permitted Uses

Section 7.13.C of the SZO requires a special permit in the Commercial Corridor Districts (CCDs) for eating and drinking establishments greater than 1,500 net square feet.

Article 9: Off-Street Parking and Loading

<i>Existing 1,460 sf restaurant</i>	<i>Proposed 1,788 sf restaurant</i>
1 per 400 n.s.f	1 per 400 n.s.f
1,460 seats / 400 = 2.92	1,788 seats / 400 = 3.5
3 spaces (rounded up from 2.92)	4 spaces (rounded up from 3.5)

The site currently provides zero on-site parking spaces for the existing restaurant. Therefore, the site is nonconforming with respect to the number of required off-street parking spaces as three are currently required. For sites with a nonconforming number of parking spaces, SZO 9.4.2 only requires a proposal to provide the number of required spaces for what is being added to the site. The proposal is to add approximately 328 square feet to the restaurant, which will increase the number of required parking spaces to four. The proposal will not add any spaces on-site. SZO §9.13 allows for sites with nonconforming parking to apply for a Special Permit to modify parking requirements if the total number of spaces is six or fewer. Relief is being requested from providing the additional one required parking spaces.

In considering a special permit under §9.13 of the SZO “the SPGA may grant such a special permit only when consistent with the purposes set forth in Section 9.1, and upon reaching the findings and



determinations set forth in Section 5.1.4”. Given the proximity to Green Line Station in Union Square, the Board finds that granting the requested Special Permit is consistent with the purposes of SZO §9.1 and will not cause detriment to increased traffic volumes, traffic congestion of queuing of vehicles, changes in the type of traffic, change in traffic patterns and access to the site, reduction in on-street parking, or unsafe conflicts of motor vehicles and pedestrian traffic.

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 Board finds 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 provide adequate light and air; 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 CCD district, which is, “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.

The CCD has two sub-districts, which are distinguished solely by their respective height and density regulations. These regulations are shown in Section 8.5 Table of Dimensional Requirements.

•CCD-45. This sub-district shall provide for mixed-use or commercial development at a small to mid-rise scale.

The proposal is also consistent with the purpose of the Arts Overlay District (AOD), which was established in order to encourage the preservation and enhancement of Arts-Related Uses, particularly within Union Square. The district is also intended to preserve and enhance the area as a center for a variety of retail, business services, housing, and office uses and to promote a strong pedestrian character and scale throughout the district.

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 in the heart of Union Square and there are many restaurants and other businesses in the area.

Impacts of Proposal (Design and Compatibility):

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.

The above design guidelines are not applicable as the restaurant expansion will not have an impact on the exterior of the building.

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

6. SomerVision Plan: The Board finds that the project 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.

DECISION:

Present and sitting were Members Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay, Amelia Aboff, and Gerald Amaral. Upon making the above findings, Michael Capuano made a motion to approve the request for a Special Permit. Dorothy Kelly Gay seconded the motion. Wherefore the Planning Board 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 expansion of the existing restaurant. 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, 2019</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>August 1, 2019</td> <td>Plans submitted to OSPCD (AX.10 and A1.10)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	October 17, 2019	Initial application submitted to the City Clerk's Office	August 1, 2019	Plans submitted to OSPCD (AX.10 and A1.10)
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Any changes to the approved use that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	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							
Public Safety										
3	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
4	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.							
Final Sign-Off										
5	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:

Michael Capuano, *Chair*
Dorothy Kelly Gay, *Vice Chair*
Joe Favaloro, *Clerk*
Amelia Aboff
Gerard Amaral (Alt.)

Attest, by the Senior Planner:

Melissa A. Woods

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 _____

