



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

PLANNING DIVISION

PLANNING BOARD MEMBERS

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JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
ELIZABETH MORONEY

Case #: PB 2012-15
Site: 118-120 Broadway
Date of Decision: August 23, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: August 28, 2012

PLANNING BOARD DECISION

Applicant Name:	Michael Bandar
Applicant Address:	27 Francesca Avenue, Somerville, MA 02145
Property Owner Name:	Michael Bandar
Property Owner Address:	27 Francesca Avenue, Somerville, MA 02145
Agent Name:	N/A

Legal Notice: Applicant and Owner Michael Bandar, seeks a Special Permit under SZO §6.1.22.D.5 to alter the façade of the building including new window and door openings, signage, and lighting, as well as a Special Permit under SZO §6.1.22.D.6 for exterior seasonal seating.

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 1
<u>Zoning Approval Sought:</u>	§6.1.22.D.5 & §6.1.22.D.6
<u>Date of Application:</u>	July 17, 2012
<u>Date(s) of Public Hearing:</u>	8/16 & 8/23/12
<u>Date of Decision:</u>	August 23, 2012
<u>Vote:</u>	5-0

Appeal #PB 2012-15 was opened before the Planning Board at Visiting Nurse Association on August 16, 2012. 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.



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DESCRIPTION:

The Applicant is proposing to renovate the front façade and the interior of the commercial space at 118-120 Broadway as part of the improvements to open a new restaurant. Currently there are two entrances with solid panel doors on the front façade and only four window openings that are situated fairly high on the face of the building. The existing parapet is quite simple and there are two square box-style signs that sit perpendicular to the building and extend above the roof line. The existing front façade design gives the building the feel of an old speakeasy. The Applicant is proposing substantial changes to all elements of this existing front façade. Large glass sliding doors will be installed across approximately half of the front façade to allow an open air atmosphere when the weather permits. Two large glass picture windows will be installed on each end of the front façade and a new single centrally located entrance door, with a large glass panel, will be implemented. Wood pilasters and wood partitions will be used for the detailing around the windows and glass transoms will be installed just below the signage band. The restaurant's signage will be painted onto wood or metal paneling that will be affixed to the front of the building an illuminated with six gooseneck light fixtures which will be attached to the refurbished parapet. The name of the restaurant (Bandar's East End Grille) will be approximately 15 square feet and the wording on either side will be roughly 4 square feet.

The inside of the space will be entirely renovated with Red Oak flooring, new tables, booths, and chairs. There will be a bar, restaurant seating, a private dining area, an office, and bathrooms on the first floor. The basement will contain the food preparation area, coolers, secure dry storage, a trash storage area, the utilities for the building, and miscellaneous storage. The first floor will have a seating capacity for 224 people including seasonal exterior seating for 28 people. This outdoor seating area will project outward from the front façade of the building 6 feet into the sidewalk. Once the Broadway roadway and streetscape improvement project is complete, the sidewalk in this area will be approximately 12 feet wide and therefore there should be ample room for both pedestrians and the exterior seating. The seasonal outdoor seating area will consist of portable wooden posts, metal railings, umbrellas, tables, and chairs, all of which will be removed and stored in the basement of the building when the weather is too cold.

FINDINGS FOR SPECIAL PERMIT (SZO §5.1, §6.1.22.D.5 & §6.1.22.D.6):

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."

In considering Special Permits under §6.1.22.D.5 and §6.1.22.D.6 of the SZO, the Board finds that the proposed alterations and accessory use would not be substantially more detrimental to the neighborhood than the existing structure or previous use. The new signage, lighting, and large amounts of glass on the front façade will help to augment the presence of the restaurant in a manner that is consistent with other East Somerville businesses along Broadway, while at the same time strengthening the brand presence of the tenant. The proposed seasonal outdoor seating will help to create an inviting pedestrian streetscape environment, bringing vibrancy to this portion of Broadway. The building will remain a one-story structure with a restaurant use.

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."



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The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to providing for and maintaining “the uniquely integrated structure of uses in the City; 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 (6.1.22. Corridor Commercial Districts (CCDs)), 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 proposal is consistent with the purpose of the district. The proposal increases commercial investment by taking a vacant restaurant space along Broadway and establishing a new restaurant while at the same time renovating the interior space as well as the front façade of the building.

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.”

The proposal is designed to be compatible with the characteristics of the surrounding area and is consistent with the design guidelines in the CCD as laid out in SZO §6.1.22.H.

1. The proposed façade alterations help to improve the street wall along Broadway and the proposed renovations will not greatly alter the existing rhythm of the storefronts. The proposed façade design greatly increases the amount of glass along the public way and will create an interesting and inviting space along this portion of the sidewalk. The business, the proposed façade design, and the seasonal outdoor seating all help create pedestrian interest along the streetscape, while at the same time also improving the appearance of this building.
2. The massing and height of the one-story structure will not change.
3. The height of the building is only one-story and it is located between other one-story buildings. A transition to residential or historically designated properties is not applicable as the height of the building is not proposing to be changed.
4. The Applicant will be maintaining the existing width of the commercial bay, which is approximately 47 feet. The proposed façade design provides a varied type of architecture from the other restaurants and storefronts along Broadway. The proposed new single main entrance will be recessed, which will help add depth to the space, and the glass sliding doors will provide additional depth to the space during days that are warm enough for the doors to be opened. The proposal complies and exceeds the guideline to have 75% transparent material on the ground floor. The windows on the proposed façade will provide views into the restaurant and will not be blocked by interior storage, nonartistic displays, or greater than 30% internally mounted signage.



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5. Artistically used wood and glass are materials that are encouraged in the guidelines and these will be incorporated into the proposed new façade for the commercial space. The existing Glen Street façade consists of brick and this material will be retained. EIFS, precast concrete panels, and large expanses of corrugated sheet metal are discouraged materials and none of these will be used in the proposed façade renovation.
 6. The right side (Glen Street) façade will be maintained as it currently exists with the exception of one emergency exit door that will be added. The space also has a somewhat visible rear façade that abuts a parking lot and this façade will also be maintained as it currently exists.
 7. The signage design respects the building's context by creating a new signage band that is typical for similar buildings in the surrounding area. The proposed signage will also be oriented to pedestrians and is subordinate to the overall building composition. The proposed signage also respects the character, scale, and locations of adjacent signage on surrounding buildings. The restaurant's signage will be painted onto wood or metal paneling that will be affixed to the front façade of the building. The signage for the business is simple, stating the name of the business (Bandar's East End Grille) and will also include descriptive text on either side of the business's name ("Sports Bar" and "Fine Dining"). The signage and portions of the front façade will be illuminated with six gooseneck lights that will be affixed to the parapet.
 8. This façade renovation proposal will allow a restaurant to locate in a currently vacant retail space on the ground floor along Broadway. The sliding glass doors and seasonal outdoor seating that the Applicant is proposing to implement will help to increase pedestrian interest in this area and enhance the vibrancy of the streetscape.
- 9./10. Artist Live/Work Spaces and residential unit size do not relate to this proposal.
11. The Applicant is not proposing to change the width of the sidewalk as part of this proposal as the building location and depth of the façade from the sidewalk is not changing. However, the sidewalk depth will be increased to approximately 12 feet wide when the Broadway roadway and streetscape improvements are completed and the proposed outdoor seating will occupy approximately half of this new sidewalk width.

5. Adverse Environmental Impacts: The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.

No adverse environmental impacts are anticipated from this proposed new use. No new noise, glare, smoke, vibration, nor emissions of noxious materials nor pollution of water ways or ground water are anticipated as part of the proposal. The only new lighting being added to the façade will be the six new, downward aiming gooseneck lights that will illuminate the signage on the building and portions of the front facade. The restaurant that is moving into the space will be using existing water and sewer lines and no additional burden to the system above the existing conditions is anticipated. The building will remain a one-story structure with a restaurant use.

DECISION:

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favalaro, James Kirylo and Michael Capuano. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Michael Capuano seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:



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#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	<p>Approval is to alter the façade of the building including new window and door openings, signage, and lighting under SZO §6.1.22.D.5, as well for exterior seasonal seating SZO §6.1.22.D.6. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>(July 17, 2012)</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>July 17, 2012 (August 15, 2012)</td> <td>Restaurant Floor Plan and Basement Floor Plan - Food Prep. & Storage (SKA-1 and SKA)</td> </tr> <tr> <td>July 17, 2012 (July 23, 2012)</td> <td>Restaurant Section-A, Restaurant Section-B, Restaurant Elevation (Winter), and Restaurant Elevation (Summer) (SKA-2 – SKA-5)</td> </tr> </tbody> </table> <p>Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval. Sign replacement of the same size within the same sign footprint and using the same sign technology shall be permitted by right.</p>	Date (Stamp Date)	Submission	(July 17, 2012)	Initial application submitted to the City Clerk's Office	July 17, 2012 (August 15, 2012)	Restaurant Floor Plan and Basement Floor Plan - Food Prep. & Storage (SKA-1 and SKA)	July 17, 2012 (July 23, 2012)	Restaurant Section-A, Restaurant Section-B, Restaurant Elevation (Winter), and Restaurant Elevation (Summer) (SKA-2 – SKA-5)	BP/CO	ISD/Plng.	
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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									
3	Applicant shall comply with Fire Prevention Bureau's requirements.	CO	FP									
4	The Applicant shall at his/her 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. Specifically, all driveway aprons shall be concrete.	CO	DPW									
5	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 or the night sky.	CO	Plng.									



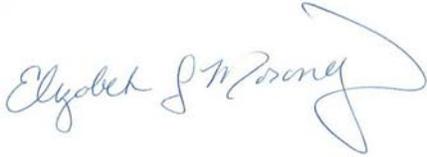
6	Signage will be limited to the type of lettering, materials, and lighting technology shown in the elevation. No internally lit signs shall be allowed unless specifically individually approved by the SPGA in a separate special permit application.	CO/Cont.	Plng.	
7	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
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:



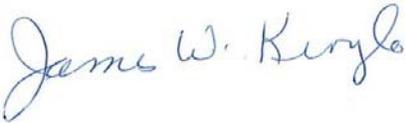
Kevin Prior, Chairman



Elizabeth Moroney



Joseph Favaloro



James Kirylo



Michael A. Capuano, Esq.

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 _____



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