



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

PLANNING DIVISION

PLANNING BOARD MEMBERS

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JOSEPH FAVALORO, *CLERK*
ELIZABETH MORONEY
JAMES KIRYLO
MICHAEL A. CAPUANO, ESQ.
ELIZABETH MORONEY

Case #: PB 2012-12
Site: 6 Kensington Avenue
Date of Decision: August 2, 2012
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: August 9, 2012

PLANNING BOARD DECISION

Applicant Name:	Katie-Rose Wagner
Applicant Address:	20 Grove Street, #4, Somerville, MA 02144
Property Owner Name:	George Hatzis
Property Owner Address:	136A West Adams Street, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicant Katie-Rose Wagner and Owner George Hatzis seek a Special Permit under SZO §6.1.22.D.5 to alter the façade of the existing building including new signage, and to legalize recent alterations including new windows and the infilling of a garage door.

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 1
<u>Zoning Approval Sought:</u>	§6.1.22.D.5
<u>Date of Application:</u>	July 3, 2012
<u>Date(s) of Public Hearing:</u>	August 2, 2012
<u>Date of Decision:</u>	August 2, 2012
<u>Vote:</u>	4-0

Appeal #PB 2012-12 was opened before the Planning Board at Somerville City Hall on August 2, 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 requesting permission to affix a sign of dimensional letters on the front façade of the building facing the sidewalk and a box sign on the left side of the building facing towards Broadway. The signs will advertise the newly opened dental office, Smiles by Rosie. The front dimensional letters will face Kensington Avenue and will be a direct building fascia installation. The Applicant is proposing to drill anchor holes into the building, fill the holes with silicone, and insert aluminum stud rods which will then be screwed into the back side of each individual letter/logo. Each unit will have multiple mounting points and the total size of the front signage will be 6.25 feet wide by 3 feet high. The sign on the side of the building will face Broadway and will be mounted in a similar fashion except for the use of galvanized lag bolts into the building fascia. The box sign on the side will be 6 feet wide by 3.33 feet tall and be located in the upper right corner of the left side façade of the building. The Applicant will also be placing three double-reinforced gooseneck LED lights above the front sign and two above the sign on the side of the building.

Additionally, this Special Permit seeks to legalize recent façade alterations to the front of the building facing Kensington Avenue. This work was already completed prior to Planning Board approval because the Inspectional Services Division issued a Building Permit for the façade modifications in error. Any alterations to an existing façade or signage in the CCD district require Special Permit approval from the Planning Board. Unfortunately, this was overlooked by ISD when the Applicant came in and applied for her Building Permit to perform the façade modifications. When the Applicant came back to apply for the installation of their signage, the error was caught. Now the Applicant is applying to legalize the already completed work and to ask for approval of the new signage. The façade modifications include replacing the windows on the left side of the building and infilling the garage door on the right side of the building. In place of the previous garage door, there is now a new 7 foot by 3 foot Marvin wood door with a new wood panel above the door to match the existing door on the left side of the front façade. To the left of the new door there are new windows above a brick wall. The new bricks match those that already exist on the building. The new door and the wood panel above it contain simple lettering and a small logo advertising the dental office.

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

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 a Special Permit under §6.1.22.D.5 of the SZO, the Board finds that the proposed façade changes and signage would not be substantially more detrimental to the neighborhood than the existing structure. The changes to the façade of the building are an improvement for the business and the east Broadway area. By removing the front garage entrance, the auto-oriented façade has been transformed into a more pedestrian-friendly streetscape. The proposed signage and lighting will augment the presence of the storefront in a manner that is consistent with other East Somerville businesses along Broadway, while at the same time establishing a brand presence for the tenant. The building will remain a two-story structure with a dental office.

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 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 also 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 and increases commercial investment by enhancing a business façade on Kensington Avenue near Broadway.

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. as follows:

1. The façade alterations improve the street wall along Broadway. The business and the façade design help to increase pedestrian interest along the streetscape, while at the same time also improving the appearance of this portion of the building. No other structural changes are proposed and the building will remain a two-story structure with a dental office.
2. The massing and height of the two-story structure will not change.
3. The proposal will not change the existing height of the building in any manner. The changes to the structure are only on the front façade of the building, primarily the installation of new windows and the infilling of a garage door.
4. The Applicant will be maintaining the existing width of the commercial bay. The proposed façade changes will maintain a similar architecture to the existing façade, but replacing the opaque garage door with windows and a glass door will greatly increase the percentage of transparent material on the ground floor. The new windows will provide enhanced views into the building and are not blocked by interior storage, nonartistic displays, or greater than 30% internally mounted signage.
5. Artistically used metal, glass, and brick are materials that are encouraged in the guidelines and these have been incorporated into the façade changes for the commercial space. EIFS, precast concrete panels, and large expanses of corrugated sheet metal are discouraged materials and none of these will be used in the façade design.
6. The commercial space has no visible rear façade from the Kensington Avenue or the Broadway streetscape. The side and rear façades were not affected by the recent modifications. The façade improvements only altered the front façade by increasing fenestration and pedestrian visibility into the storefront.



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7. The signage design respects the building's context by placing the signage at an appropriate height and in a signage band that typically holds signage for similar buildings. There are not many stores in the immediate vicinity to compare to an existing signage line, but the proposed height is appropriate for the design of the front façade. The adjacent structures on the northeast side of the subject property on Kensington Avenue are residential in an RC Zoning District. The proposed signage will be oriented to pedestrians and be subordinate to the overall building composition. The signage on the left side of the property will face Broadway to augment the presence of the Applicant's dental office in the East Somerville area. The proposed signage is simple and legible with a small logo and without excessive wording. No new interior-lit or back-lit signs or awnings are proposed as part of this project.
8. The dental office use on the ground floor of the building will continue to be maintained as part of this proposal which is consistent with the design guidelines. There will be no residential use in the building.
9. Artist Live/Work Spaces do not relate to this proposal.
10. There are no residential units in the building. The project proposal only deals with the façade of the dental office on the ground floor.
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.

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 nor transmission of signals that interfere with radio or television reception are anticipated as part of the proposal. The new lighting being added to the façade will be five double reinforced gooseneck LED lights to illuminate the signage. All lighting on the façade will be aimed downward to only illuminate the new signage and the front and left side façades of the dental office. Additionally, the Board encourages the Applicant to make best efforts to find additional and alternative off street parking options for clients and employees. The building will remain a two-story structure with a dental office.



DECISION:

Present and sitting were Members Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano with Kevin Prior absent. Upon making the above findings, Elizabeth Moroney made a motion to approve the request for a Special Permit. Michael Capuano seconded the motion. Wherefore the Planning Board voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes										
1	<p>Approval is to alter the façade of the building including new signage and to legalize recent façade modifications including new windows and the infilling of a garage door under SZO 6.1.22.D.5. 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 3, 2011)</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>June 12, 2012 (July 16, 2012)</td> <td>Sign Mounting Information</td> </tr> <tr> <td>(July 16, 2012)</td> <td>Proposed Signage Plans</td> </tr> <tr> <td>February 23, 2012 (July 16, 2012)</td> <td>Cover Sheet (T001), Demo and New Architectural Floor Plans (A101), Door Schedule And Details (A501)</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 3, 2011)	Initial application submitted to the City Clerk’s Office	June 12, 2012 (July 16, 2012)	Sign Mounting Information	(July 16, 2012)	Proposed Signage Plans	February 23, 2012 (July 16, 2012)	Cover Sheet (T001), Demo and New Architectural Floor Plans (A101), Door Schedule And Details (A501)	BP/CO	ISD/Plng.	
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2	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. The Applicant shall work with Planning Staff and the Wiring Inspector to determine the final design and location for the five double reinforced gooseneck LED lights.	BP	Plng.											
3	Applicant shall comply with Fire Prevention Bureau’s requirements.	CO	FP											



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4	Signage will be limited to the type of lettering, materials, and lighting technology shown in the proposed signage plans and described in this Staff Report. No new internally lit signs shall be allowed unless specifically and individually approved by the SPGA in a separate Special Permit application.	CO/Cont.	Plng.	
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.	
6	The Applicant shall arrange for private trash pickup. No hazardous materials or waste shall be left outside.	CO/Cont.	ISD	
7	The exterior lights used for the purpose of illuminating the building's signage shall only be turned on during business hours and up to one hour after the close of business.	Cont.	ISD	



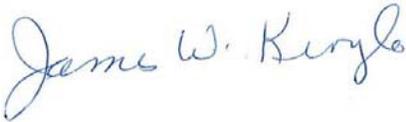
Attest, by the Planning Board:



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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