



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

PLANNING DIVISION

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MICHAEL A. CAPUANO, ESQ.
ELIZABETH MORONEY
JERRY AMARAL, (ALT.)

Case #: PB 2013-23
Site: 230 Somerville Avenue
Date of Decision: February 6, 2014
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: February 11, 2014

PLANNING BOARD DECISION

Applicant Name:	Paint Nite, LLC, Daniel Hermann
Applicant Address:	230 Somerville Avenue, Somerville, MA 02143
Property Owner Name:	TYR TWO Realty Trust, George Moussalem
Property Owner Address:	230 Somerville Avenue, Somerville, MA 02143
Agent Name:	Helia Zarkhosh
Agent Address:	230 Somerville Avenue, Somerville, MA 02143

Legal Notice: Applicant, Paint Nite LLC, and Owner, TYR Realty Trust, seek a Special Permit under SZO §6.1.22, for new signage.

<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 2
<u>Zoning Approval Sought:</u>	§6.1.22
<u>Date of Application:</u>	December 30, 2013
<u>Date(s) of Public Hearing:</u>	February 6, 2014
<u>Date of Decision:</u>	February 6, 2014
<u>Vote:</u>	5-0

Appeal #PB 2013-23 was opened before the Planning Board at Somerville City Hall on February 6, 2014. 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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www.somervillema.gov

DESCRIPTION:

The proposal is to install signage for the Paint Night LLC business. Paint Nite holds events at local pubs at which people learn to paint. The offices for the building are located at 230 Somerville Avenue. The business activity will likely be expanding to include events in this building. The proposal includes installing a wall and blade signs between the windows on the first and second floors. The wall sign will be centered between the windows and the blade sign will be on the left side of the building near the corner of the main façade. The wall sign will be 168 inches by 27.7 inches (14 feet by 2.3 feet) and partially LED channel letters that are face lit and LED reverse change letters that are halo lit. The blade sign will be 36.9 inches by 32.5 inches (3 feet by 2.7 feet).

FINDINGS FOR SPECIAL PERMIT (SZO §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."

The structure is located in a CCD55. In accordance with SZO §6.1.22.D.5.a, alterations to an existing façade, other than one-for-one replacement of signage, require a Special Permit. Therefore, the proposed signage requires Special Permit approval.

The sign design complies with the design guideline for signage in the CCD (§6.1.22.H). The signage design respects the building's context and does not conceal any interesting architectural elements of the building. There is a large area of brick between the first and second floor windows where the sign will be located. The first floor windows were expanded to large storefront system windows but the second floor windows are older windows that are short in comparison with the height of the second floor. This leaves a large void in the façade between the first and second floor windows which the sign will help to fill, improving the proportions of the building.

The CCD sign guidelines allow for some flexibility in the size and style of signs but each sign needs to seek a special permit and go through the discretionary review process. The sign will be simple in design but will be playful in color and lighting. In this case the Board finds that the face-lit signs, which are generally discouraged, are acceptable for the word "paint" and the paint splash in the signs. This technology is only used for a portion of the sign and in combination with the halo lit portion of the signs allows the artistic nature of the business to show through the sign. Also, this building does not have variation in color or close commercial neighbors that would compete with the colorful face lit signs. This building that is lacking in architectural details will benefit from such a sign. The logo on the blade sign provides an interesting element and the wording of the sign overall is not excessive and is easily readable.

The Board approved the smaller blade sign. Blade signs are intended to be pedestrian oriented and do not need to be overly large in size. The sign will be internally lit so it will still be noticeable. It could be moved down in height to the first story if the visibility of the smaller sign at a high height is a concern. The sign standards in this district encourage signs to be pedestrian oriented.

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 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. The proposal is also consistent with the purpose of the CCD. The Paint Nite business as reflected through the signage is a local arts-oriented business that is encouraged in this zoning district. It is a commercial use that provides 50 jobs and will soon promote more pedestrian activity when it is open as an event space.

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 sign would be compatible with the building’s design and surrounding mixed use area as explained in finding two.

DECISION:

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favalaro, Michael Capuano and Gerard Amaral with James Kirylo absent. Upon making the above findings, Michael Capuano made a motion to approve the request for a Special Permit. Gerard Amaral 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 installation of a 168 x 27.7 inch wall sign and a 32.5 x 36.9 inch blade sign. 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>December 30, 2013</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>(January 30, 2014)</td> <td>Modified plans submitted to OSPCD (Photosimulation from façade and blade sign, elevation with dimensions - 32.5 x 36.9 inch blade sign)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission
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December 30, 2013	Initial application submitted to the City Clerk’s Office					
(January 30, 2014)	Modified plans submitted to OSPCD (Photosimulation from façade and blade sign, elevation with dimensions - 32.5 x 36.9 inch blade sign)					
	Any changes to the approved elevations that are not <i>de minimis</i> must receive SPGA approval.					
2	To the extent possible, all exterior lighting must be confined to the subject property, cast light on the signage/building and must not intrude, interfere or spill onto neighboring properties.	CO	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.	
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Attest, by the Planning Board:



Kevin Prior, Chairman



Elizabeth Moroney



Joseph Favaloro



Michael A. Capuano, Esq.



Gerard Amaral

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 _____

