



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** PB 2013-23  
**Date:** January 30, 2014  
**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 230 Somerville Avenue

**Applicant Name:** Paint Nite LLC Attn: Daniel Hermann  
**Applicant Address:** 230 Somerville Ave, Somerville MA 02143  
**Property Owner Name:** TYR Two Realty Trust, Attn: George Moussalem  
**Property Owner Address:** 18 Stults Road, Belmont MA 02478  
**Agent Name:** Helia Zarkhosh  
**Agent Address:** 230 Somerville Ave, Somerville MA

**Alderman:** Maryann Heuston

Legal Notice: Applicant, Paint Nite LLC, and Owner, TYR Realty Trust, seek a Special Permit under SZO §6.1.22, for new signage. CCD 55 zone. Ward 2.

Dates of Public Hearing: February 6, 2014

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**I. PROJECT DESCRIPTION**

1. Subject Property: The subject property is an approximately 18,844 square foot lot with a two-story, 18,600 net square foot commercial building on it located at corner of Somerville Avenue and Merriam Street near Union Square. The building is divided into three tenant spaces. Paint Nite and Lazybones Laundry Service, both of which have common owners, occupy the first and second floors along Somerville Ave and Achieve Fitness and Bantam Cider Company occupy the back portion of the building and have primary entrances at 40 Merriam Street.



Several Special Permits were issued for this address. In July of 2011, Special Permits were awarded for this property to change from one nonconforming use to another nonconforming use to establish a light manufacturing use (Somerville Zoning Ordinance (SZO) §7.13.h) for a product assembly business (Cue Acoustics) under SZO §4.5.1 and also to legalize the window work completed prior to the arrival of Cue Acoustics under SZO §6.1.22.D.5. Another Special Permit was awarded to the Applicant on March 15, 2012 for the establishment of a research and development use of approximately 11,000 square feet under SZO §7.13.Use Cluster A. The building is not being used for light manufacturing and research and development. Another Special Permit was issued for façade alterations in April of 2012.

2. Proposal: 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. There are two proposed sizes for the blade sign: 36.9 inches by 32.5 inches (3 feet by 2.7 feet) or 48 inches by 54.5 inches (4 feet by 4.5 feet).

3. Green Building Practices: None listed on the application form.

4. Comments:

*Wiring Inspection:* Has been contacted but has not yet provided comments.

*Ward Alderman:* Has been contacted but has not yet provided comments.

## **II. 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 Staff 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 Staff find 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.

Staff recommend that the Board approve the smaller of the two blade sign proposed. 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.

**III. RECOMMENDATION**

**Special Permit under §6.1.22.D.5**

Based on the materials submitted by the Applicant, the above findings and subject to the following conditions, the Planning Staff recommends **CONDITIONAL APPROVAL** of the requested **SPECIAL PERMIT**.

The recommendation is based upon a technical analysis by Planning Staff of the application material based upon the required findings of the Somerville Zoning Ordinance, and is based only upon information submitted prior to the public hearing. This report may be revised or updated with new recommendations, findings and/or conditions based upon additional information provided to the Planning Staff during the public hearing process.

#	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	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)
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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.							
<b>Final Sign-Off</b>										
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.							

