



City of Somerville

# PLANNING BOARD

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

## DECISION

2022 NOV -8 A 8: 22

**PROPERTY ADDRESS:** 393 Highland Avenue  
**CASE NUMBER:** P&Z 22-152  
**OWNER:** 393 Highland Avenue, LLC (c/o Gorka Brabo)  
**OWNER ADDRESS:** 5 Claremon Street, #1, Somerville, MA 02144  
**DECISION:** Approved with Conditions (Site Plan Approval)  
**DECISION DATE:** November 7, 2022

CITY CLERK'S OFFICE  
SOMERVILLE, MA

Pursuant to the Somerville Planning Board's Rules of Procedure & Policy, any modification to the ground story façade of a building, including building components as defined by the Somerville Zoning Ordinance, requires only Minor Site Plan Approval, with the Director of Planning, Preservation, & Zoning serving as the decision-making authority in-lieu of the Planning Board.

This decision summarizes the findings made by the Director of Planning, Preservation, & Zoning regarding the development review application submitted for 393 Highland Avenue.

### SUMMARY OF PROPOSAL

Applicant proposes to modify the façade of an existing building to install storefront building components and additional windows to the rear and left side facades.

### RECORD OF PROCEEDINGS

On November 7, 2022, the Director of Planning, Preservation, & Zoning reviewed the submitted application materials.

The Zoning Board of Appeals previously approved these elevation changes under case # ZBA2019-123 on November 27, 2019. However, as that permit was never acted upon, and a new by-right Arts and Creative Enterprise use is proposed, the elevation changes require additional review.

### PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and reviewed are identified below.

Document Name	Pages	Prepared By	Date	Revision Date
393 Highland Architectural Plans – Site Plan Review (Sheets T1.0, 1, A1.1, A1.4, A2.2 section &	10	Peter Quinn Architects 259 Elm Street, Suite 301, Somerville MA 02144	October 7, 2022	NA

A2.2 elevations, A3.1, ZA1, Z2, & Z3)				
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**FINDINGS**

In accordance with the Somerville Zoning Ordinance and the Planning Board’s Rules of Procedure and Policies for minor site plan approvals, the Director of Planning, Preservation, & Zoning may approve or deny a site plan approval upon making findings considering, at least, each of the following:

1. *The comprehensive plan and existing policy plans and standards established by the City.*

The Director finds that this proposal is consistent with the goals laid out in SomerVision 2040, the City’s Comprehensive Master Plan, including “support a business-friendly environment to attract and retain a diverse mix of businesses that can start here, grow here and stay here”.

2. *The intent of the zoning district where the property is located.*

The Director finds that the intent of the Commercial Core district “To create, maintain, and enhance areas appropriate for moderately-scaled single- and multi-use commercial buildings; neighborhood-, community-, and region serving uses; and a wide variety of employment opportunities” is met by the proposed tenant and façade alterations.

3. *Mitigation proposed to alleviate any impacts attributable to the proposed development.*

The Director finds that the proposed façade modifications do not cause any impacts deserving of mitigation.

**DECISION**

Following review of the submitted application materials and the statutorily required considerations, the Director of Planning, Preservation, & Zoning **APPROVED** the Minor Site Plan Approval for façade modifications on behalf of the Planning Board, subject to the following conditions:

**Perpetual**

1. This Decision must be recorded with the Middlesex South Registry of Deeds.

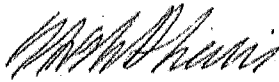
**Prior to Building Permit**

1. One (1) physical copy of the original application materials and one (1) digital and (1) physical copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record.

2. A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.
3. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.

Prior to Certificate of Occupancy

1. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.



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Sarah Lewis, Director of Planning, Preservation, & Zoning  
Office of Strategic Planning & Community Development

**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. 15.5.3.

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.

**FOR SITE PLAN APPROVAL(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 \_\_\_\_\_