



City of Somerville

PLANNING BOARD

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

TO: Planning Board
FROM: PPZ Staff
SUBJECT: 46 Broadway, P&Z 23-026
POSTED: March 17, 2023

RECOMMENDATION: Approve with Conditions

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation, & Zoning Staff to the Review Board members.

This memo summarizes the Plan Revision application submitted for 46 Broadway, identifies any additional discretionary or administrative development review that is required by the Somerville Zoning Ordinance, and provides related analysis or feedback as necessary. The application was deemed complete on March 8, 2023, and is scheduled for a public hearing on April 6, 2023. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

CRG Graphics proposes a Major Amendment to a previously approved application that required a Special Permit (PB 2017-07) in the Mid-Rise 6 (MR6) district.

SUMMARY OF PROPOSAL

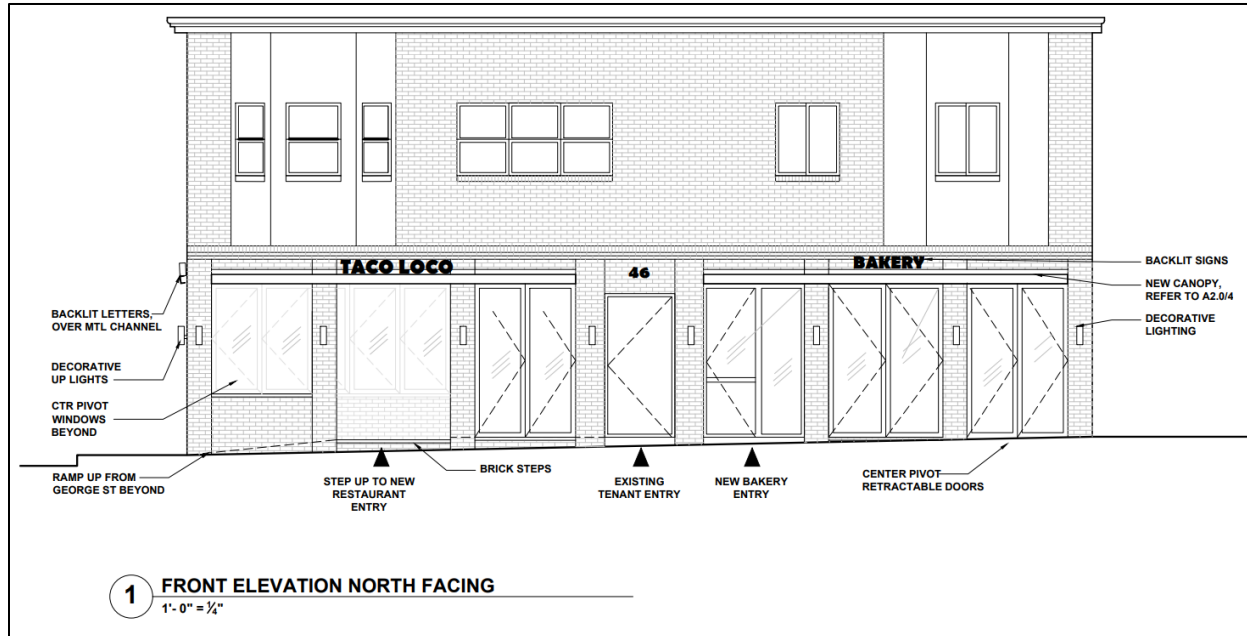
CRG Graphics, c/o Craig Murphy is proposing modifications to the application for 46 Broadway approved by the Board in 2017 (PB 2017-07) to allow signage in a location that is different from what was displayed in the approved plans, which requires the amendment of Condition #15. Changes to conditions of approval are beyond de minimis changes and require review by the Board.

BACKGROUND & ANALYSIS

46 Broadway is located on a Pedestrian Street and in the 0.25mi Transit Area in the Mid-Rise 6 (MR-6) zoning district in the East Somerville neighborhood represented by Ward 1 Councilor Matt McLaughlin.

The original decision (PB 2017-07) was issued under the Zoning Ordinance in effect prior to December 12, 2019, and included Special Permits for (1) façade alterations to an existing structure, (2) outdoor dining, and (3) parking relief. Condition of approval #15 states that “[s]ignage will be limited in size and location to that shown in the elevation diagrams and lighting after 11p.m. facing residential property will be turned

down or off.” Condition #16 also relates to signage and states that “[m]ore detailed signage plans shall be submitted to Planning Staff for their review and approval.” The approved elevation diagram is shown below, and show signage in two locations within the sign band:



The Applicant submitted a sign plan that proposes signage that complies with the Zoning Ordinance but is not the same location as what is shown on the approved plans. This proposed signage cannot be approved due Condition #15 in the original decision.



The Applicant is therefore requesting a that the Planning Board amend the decision language of Condition #15 to permit the proposed signage. Staff do not have concerns about this proposed change, and emphasize that the proposed signage complies with the current SZO. If the Planning Board approves the Major Amendment, Staff recommends amending the language of Condition #15 to the following:

*Signage **must comply with the Somerville Zoning Ordinance**, ~~will be limited in size and location to that shown in the elevation diagrams and~~ **sign** lighting after 11p.m. facing residential property will be turned down or off **after 11p.m.***

Commercial signage that is permitted by right no longer requires Site Plan Approval or Planning Staff review, although signs are still reviewed by ISD Staff for zoning and building code compliance, and must still receive Building Permits prior to installation. The Board may also consider removing Condition #16, or amending the language of Condition #16 to the following:

~~More detailed~~ **Detailed** signage plans shall be submitted to ~~Planning~~ **ISD** Staff for their review and approval.

CONSIDERATIONS & FINDINGS

As this is a revision to Special Permits granted under the previous zoning ordinance, and as the proposed changes were determined not to be de minimis in nature, the findings required by the previous zoning ordinance apply. SZO §5.3.8.2. reads:

Revisions that are not de minimis shall be subject to the full notice and hearing provisions of §5.3.2 of this Ordinance, but shall not be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised.

The only applicable findings for the revision are the following:

5.2.5.(d) Site and area compatibility. Is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of buildings are compatible with those prevalent in the surrounding area;

5.2.5.(e) Functional design. Meets accepted standards and criteria for the functional design of facilities, structures, and site construction;

PERMIT CONDITIONS

Should the Board approve the Major Amendment to the previously approved plans, which required Special Permits, PPZ Staff recommends the following conditions

Validity

- This Decision must be recorded with the Middlesex South Registry of Deeds.
- All other conditions of decision #PB 2017-07 for 46 Broadway remain valid.

Public Record

- A digital 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.