



City of Somerville

PLANNING BOARD

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

DECISION

2023 APR 11 A H: 05

PROPERTY ADDRESS: 46 Broadway
CASE NUMBER: P&Z 23-026
OWNER: Edgardo B. Morales
OWNER ADDRESS: 15 Michigan Ave., Somerville, MA 02145
APPLICANT: CRG Graphics
APPLICANT ADDRESS: 1236 Eastern Ave., Malden, MA 02148
DECISION: Approved with Conditions (Major Amendment to a Special Permit)
DATE OF VOTE: April 6, 2023
DECISION ISSUED: April 7, 2023

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Plan Revision application submitted for 46 Broadway.

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.

RECORD OF PROCEEDINGS

On April 6, 2023, the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice-Chair Amelia Aboff, Clerk Erin Geno, Jahan Habib, and Michael McNeley. The Applicant briefly reviewed the proposed plans and why the proposed revisions are needed. Board members asked about lighting and how common these types of signs are in the area. The Board reviewed how the proposed revision requires changes to conditions of approval in the previously issued Special Permit. Public testimony was given by one individual in support of the application, and requesting that the lighting temperature be addressed to minimize potential sleep interruption.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date
46 Broadway, Somerville, MA 02145 – Sign Plan	3	CRG Graphics 1235 Eastern Ave., Malden, MA 02148	Undated, submitted March 2, 2023

CONSIDERATIONS AND FINDINGS

As this is a revision to a Special Permit 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;

The Board finds that the proposed changes are compatible with the site and area.

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

The Board finds that the proposed changes meet the functional design standards and criteria.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Michael Capuano moved to approve the Major Amendment to the previously approved Special Permit with the conditions included in the staff memo on the case, dated March 17, 2023. This motion amends the following conditions established in decision #PB 2017-07 for 46 Broadway:

Condition #15, which previously stated, "Signage 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," will be amended to the following:

- *"Signage must comply with the Somerville Zoning Ordinance, and sign lighting facing residential property will be turned down or off after 11p.m."*

Condition #16, which previously stated, "More detailed signage plans shall be submitted to Planning Staff for their review and approval," will be amended to the following:

- *"Detailed signage plans shall be submitted to ISD Staff for their review and approval."*

Vice Chair Amelia Aboff seconded the motion. The Board voted **5-0** to approve the revision, subject to the following conditions:

Perpetual

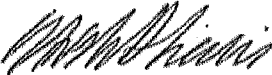
1. All other conditions of decision #PB 2017-07 for 46 Broadway remain valid.

Prior to Building Permit

2. This Decision must be recorded with the Middlesex South Registry of Deeds.
3. 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.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, *Vice-Chair*
Erin Geno, *Clerk*
Jahan Habib
Michael McNeley



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 _____