



City of Somerville

# PLANNING BOARD

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

## DECISION

2023 APR 20 A 11:55

**PROPERTY ADDRESS:** 114-120 Broadway  
**CASE NUMBER:** P&Z 22-171  
**OWNER:** GoodFood Restaurant Group LLC  
**OWNER ADDRESS:** 6 Azalea Rd, Winchester, MA 01890  
**APPLICANT:** GoodFood Restaurant Group LLC  
**APPLICANT ADDRESS:** 6 Azalea Rd, Winchester, MA 01890  
**DECISION:** Approved with Conditions  
**DATE OF VOTE:** April 6, 2023  
**DECISION ISSUED:** April 20, 2023

CITY CLERK'S OFFICE  
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Major Amendment submitted for 114-120 Broadway.

## LEGAL NOTICE

Good Food Restaurant, LLC seeks to extend the validity of, and a Major Amendment to, a previously issued Special Permit (PB 2019-13) in the Mid-Rise 5 (MR-5) 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 provided a brief overview of the application. Clerk Geno asked about Condition #30, whether the change in the cubic feet in structural soil per tree had been discussed with the City Arborist and whether the 1,000 cubic feet per tree pit would be sufficient. Staff confirmed that the revision has been made in coordination with the City Arborist and the current standard is 1,000 cubic feet per tree. Member Michael McNeley asked Staff whether the Fire Department agreed with the condition revision for Condition #38. Staff confirmed that the Fire Department had already reviewed the project. After further deliberation, the Board moved to approve with conditions the Major Amendment and six (6) months extension to the previously issued Special Permit (PB 2019-13).

## PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
114-120 Broadway Narrative	1	GoodFood Restaurant Group LLC, 6 Azalea Rd, Winchester, MA 01890	March 16, 2023	n/a

## FINDINGS

In order to extend the duration of validity, the Planning Board is required by the Somerville Zoning Ordinance to make a finding that a demonstrated hardship has prevented utilization of the rights authorized by the Special Permit.

The Board finds that the Applicant satisfies the criteria to be granted an extension.

As this is a revision to Special Permits issued under the previous Somerville Zoning Ordinance, pursuant to the previous Ordinance, §5.3.8.2, the following is applicable:

*"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 Board finds that the proposed changes meet the intent of the previous approval.

## 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 seeks to extend the validity of, and a Major Amendment to, a previously issued Special Permit (PB 2019-13) in the Mid-Rise 5 (MR-5) district with the conditions included in the staff memo dated March 30, 2023. This motion amends the following conditions established in decision #PB 2019-13 for 114-120 Broadway:

Condition #30, which previously stated, "Street trees shall be planted in accordance with City Arborist requirements. The tree pits shall be filled with structural soil of not less than 2,500 cubic feet per tree and the tree grates will be the City standard size and detail. All construction and installation shall be in accordance with DPW standards," will be amended to the following:

- *"Street trees shall be planted in accordance with City Arborist requirements. The tree pits shall be filled with structural soil of not less than 1,000 cubic feet per tree and the tree grates will be the City standard size and detail. All construction and installation shall be in accordance with DPW standards."*

Condition #38, which previously stated, "A revised Landscape Plan shall be submitted to Planning Staff through the Zoning Review Planner showing the Fire Department's requested walkway along the rear/side of the building at the head of the parking spaces. The Landscape Plan shall also be updated to show that the required planted buffer at the rear of the property is the requisite 10', will be amended to the following:

- *"A revised Landscape Plan shall be submitted to Planning Staff through the Zoning Review Planner. The Landscape Plan shall also be updated to show*

*that the required planted buffer at the rear of the property is the requisite 10'."*

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

Perpetual

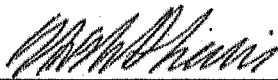
1. All other conditions of decision #PB 2019-13 for 114-120 Broadway remain valid.
2. This Decision extends the validity of the Special Permit from December 16, 2022 to June 16, 2023.

Prior to Building Permit

3. This Decision must be recorded with the Middlesex South Registry of Deeds.
4. 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 \_\_\_\_\_