



City of Somerville

# PLANNING BOARD

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

**TO:** Planning Board  
**FROM:** OSPCD Staff  
**SUBJECT:** 74 Middlesex Avenue, ZP25-000006  
**POSTED:** April 23, 2025

**RECOMMENDATION:** Approve with Conditions (SP)

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 Special Permit application submitted for 74 Middlesex Avenue, 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 14, 2025, and is scheduled for a public hearing on May 1, 2025. 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

Leone's Donut Shop, Inc. seeks to establish a Formula Business principal use in the Assembly Square Mixed Use (ASMD) district, which requires a Special Permit.

## SUMMARY OF PROPOSAL

Leone's Donut Shop, Inc. is proposing to establish a Formula Business principal use. The proposed business is a Dunkin Donuts franchise, which will be located on the ground floor of the lab office building at 74 Middlesex Avenue. The 1,830 SF interior space is the corner of Middlesex Avenue and McGrath Highway, with an entrance on Middlesex Avenue.

## BACKGROUND

74 Middlesex Avenue is located in the 0.5mi Transit Area in the Assembly Square Mixed Use (ASMD) zoning district in the Assembly Square neighborhood represented by Ward 1 Councilor Matthew McLaughlin. Establishing a Formula Business principal use requires a Special Permit. The Planning Board is the decision-making authority for all (non-variance) discretionary or administrative permits required for the ASMD zoning district.

The Master Plan Special Permit for the building at 74 Middlesex Avenue (DRA #2020-0162) approved approximately 27,000 SF of ground floor retail and/or restaurant space, and explicitly notes that the previously existing Dunkin Donuts would be relocated to within the new building.

## **NEIGHBORHOOD MEETINGS**

One (1) required neighborhood meeting was hosted by Ward 1 Councilor Matthew McLaughlin and the applicant team on December 17, 2024, via the Zoom meeting platform. At the meeting, there were no comments from members of the public.

## **ANALYSIS**

Somerville's Zoning Ordinance (SZO) defines Formula Business as the following:

“Any business, regardless of ownership or location worldwide, that chooses or is required as a franchise to maintain two (2) or more of a standardized menu, standardized merchandise, a standardized facade, a standardized decor or color scheme, a standardized employee uniform, a standardized sign or signage, or a trademark or a service mark along with nine (9) or more other businesses.”

The proposed Dunkin Donuts franchise meets the definition of a Formula Business as stated above, requiring the Applicant to pursue a Special Permit to authorize the establishment. Staff do not believe this proposed Formula Business will have any detrimental impacts on the neighborhood or the local economy. This parcel was the former location of a Dunkin Donuts prior to the construction of the 16-story building in which it is proposed to be located.

The purpose of the Special Permit designation for this type of use is to provide the Board an opportunity to make sure the proposal's "formulaic" aspects do not detract from the uniqueness of Somerville's neighborhoods. The Applicant has provided architectural elevations and proposed signage for the restaurant – the proposed space will not be aesthetically prominent and will fit into the larger architectural character of the 74 Middlesex Avenue building.

Staff do not propose any conditions to address impacts related to the business' formulaic aspects, but do recommend a condition that, if approved, the Special Permit be attached to the Applicant and not the property. This will ensure that if the Applicant should leave the space in the future, the Special Permit process would need to be undertaken again if there was another Formula Business proposal. Use proposals permitted by-right in the ASMD district do not need to go through a discretionary review process to be established (e.g., a café or food establishment that does not meet the definition of a Formula Business).

Economic Development Division Comments (2/27/2025)

The Economic Development Division has reviewed the Applicant's Special Permit application ZP25-000006 to use [1,830] square feet of the ground floor of 74 Middlesex Avenue for a Dunkin' Donuts franchise restaurant business. Economic Development determines that the Applicant's proposed improvements to the property will:

- Help activate ground floor spaces and facades - specifically with a popular ground-floor formula restaurant business
- Improve the interplay of ground floor space and civic space by installing an active retail use in the first floor of the building
- Improve the building's signage and wayfinding around the site with a canopy and business signage
- Enhance the potential for outdoor eating and commercial activity on the site's civic space
- Improve access to the site to pedestrians and bicyclists by providing an attractive destination for such users.

The Economic Development Division has no objections or conditions to the Applicant's proposal in its current form.

**CONSIDERATIONS & FINDINGS**

The Planning Board is required by the Somerville Zoning Ordinance to deliberate each of the following considerations at the public hearing. The Board must discuss and draw conclusions for each consideration, but may make additional findings beyond this minimum statutory requirement.

**Special Permit Considerations:**

1. The comprehensive plan and existing policy plans and standards established by the City.
2. The intent of the zoning district where the property is located.
3. The existing concentration of Formula Businesses within the neighborhood.
4. The availability of other similar uses and the maintenance of a diverse blend of uses within the neighborhood.
5. The compatibility of the proposed Formula Business with the existing architectural and aesthetic character of the neighborhood.
6. The proposed uses contribution to the nationwide trend of standardized offerings that detracts from the uniqueness of Somerville's neighborhoods.
7. The existing non-residential vacancy rates within the neighborhood.

Information relating to the required considerations is provided below:

Special Permit

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

Staff believe that this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- Invest in the growth of a resilient economic base that is centered around transit, generates a wide variety of job opportunities, creates an active daytime population, supports independent local businesses, and secures fiscal self-sufficiency.

Staff also believes that this project supports the implementation of recommendations from the Assembly Square Neighborhood Plan, including the following:

- Active uses such as retail and restaurants should be encouraged along the ground floor of major pedestrian thoroughfares.

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

Staff find that the proposal meets the intent of the ASMD zoning district, which is, in part, “To redevelop underutilized areas within close walking distance to the Assembly Square T-station with mixed-use, mid-rise and high-rise, transit-oriented development that will support the transformation of Assembly Square into an urban commerce center.”

*3. The existing concentration of Formula Businesses within the neighborhood.*

Multiple existing Formula Businesses are located within the vicinity of the proposed use. These include Trader Joes, Home Goods, Ashley Furniture and La Quinta Inn.

*4. The availability of other similar uses and the maintenance of a diverse blend of uses within the neighborhood.*

The proposed Formula Business is a Dunkin Donuts, which according to the project narrative, “will serve smoothies, salads, acai bowls, wraps and the like to health-conscious customers.” Similar businesses exist in the Twin City Plaza – including Starbucks and McDonalds, but the proposed use serves different items than those served at nearby formula businesses.

*5. The compatibility of the proposed Formula Business with the existing architectural and aesthetic character of the neighborhood.*

The proposed Formula Business is located within the Twin City Plaza and will have no facade or architectural changes besides signage.

*6. The proposed use’s contribution to the nationwide trend of standardized offerings that detracts from the uniqueness of Somerville’s neighborhoods.*

The proposed use is a nationwide chain but does not propose changing the site or building facade.

*7. The existing non-residential vacancy rates within the neighborhood.*

The Applicant states that there are no non-residential vacancies in the neighborhood.

**PERMIT CONDITIONS**

Should the Board approve the required Special Permit to establish a Formula Business principal use, Planning, Preservation, & Zoning Staff recommend the following conditions:

**Permit Validity**

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be provided to the Inspectional Services Department at least ten (1) working days in advance of a request for final inspection.
3. Approval is limited to Dunkin Donuts owned by Leone's Donut Shop, Inc., and is not transferable to any successor in interest.

**Public Record**

4. Digital copies of all required application material reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.
5. 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.