



City of Somerville

ZONING BOARD OF APPEALS

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

TO: Zoning Board of Appeals
FROM: OSPCD Staff
SUBJECT: 54 Elm Street, ZP25-000050
POSTED: May 28, 2025

RECOMMENDATION: None (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 54 Elm Street, 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 May 20, 2025, and is scheduled for a public hearing on June 4, 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

Kupel's Bagels, represented by Adam Dash & Associates, seeks to establish a bakery, café, coffee shop business in the Neighborhood Residential (NR) district within the Small Business Overlay District, which will require a Special Permit.

SUMMARY OF PROPOSAL

Adam Dash & Associates, on behalf of Kupel's Bagels, is proposing to establish a bagel shop & cafe business at 54 Elm Street, which requires a Special Permit for the Bakery, Café, or Coffee Shop use category.

BACKGROUND

54 Elm Street is not located on a Pedestrian Street and is in the 0.25mi Transit Area in the Neighborhood Residential (NR) zoning district in the Porter Square neighborhood represented by Ward 5 Councilor Naima Sait. Establishing a bakery, café, or coffee shop business in the Neighborhood Residential (NR) district within the Small Business Overlay District requires a Special Permit. The Zoning Board of Appeals is the decision-making authority for all (non-variance) discretionary or administrative permits required for the NR zoning district.

There are no dimensional or other changes proposed to the existing building at the Property other than installing new signage on the existing awnings and in the existing windows, and providing 10 seats for outdoor seating, for the Bakery, Café, or Coffee Shop use, all of which is by right following approval of the Special Permit.

NEIGHBORHOOD MEETING

The required neighborhood meeting was hosted by Ward 5 Councilor Naima Sait and the applicant on April 15, 2025, via the Zoom meeting platform. Adam Dash, on behalf of Kupel's Bagels, gave an overview of the project. Dash explained why the project required a special permit and showed a presentation of the site plan and exterior photographs. The architect for the project, Madison Hill, then went through a presentation of the floor plans, outdoor seating, and exterior dumpster and refrigerator locations. Then the meeting was opened up for public comment.

Several residents gave statements of support for the project. Residents raised concerns about traffic congestion from food delivery services like Uber Eats, traffic from customers, and parking. Dash stated this has not been an issue at the Brookline location, which is in a similar area to this proposed location. Dash then noted the locations proximity to public transit, on-street parking, and walkability of the area. Some residents had concerns about future mobility plans, which Case Planner Payne stated they could contact the Mobility Department in regard to these plans and gave the resident contact information to get further information.

Several residents asked about rodent control measures. The owner, Ali Ghorbi, said that they have a plan in place in Brookline and would implement a similar one at this location, and that they would regularly sweep the front of the shop. He said trash would be picked up privately 6 days a week and they would follow Somerville's rules for rodent control. Other residents asked general questions about the location of the dumpsters, hours of operations, bike parking, and the interior of the building. All of these questions were answered by the owner.

Counselor Sait stated she had gotten seven emails in support of the project from residents. Seeing no further comments or questions, Councilor Sait thanked everyone for attending and closed the meeting.

ANALYSIS

The subject of this special permit is an existing first-floor storefront at the corner of Elm Street and Mossland Street in said structure. The storefront was last used as a convenience store but has been vacant for a while. The applicant seeks to establish a Bakery, Café, or Coffee Shop use there, being Kupel's Bagels, which requires a Special Permit due to being in the Small Business Overlay zoning district. The Property is in the ¼ mile Transit Area and is not located on a Pedestrian Street. Installing new signage on the existing awnings and in the existing windows and providing outdoor seating are the only changes being made to the property. This Special Permit application only relates to establishing the Bakery, Café, or Coffee Shop use. The Property has no parking, so no parking will be provided, and no parking is required. Staff believes the Applicant's proposal meets the requirements for a Bakery, Café, or Coffee Shop as set forth in Section 9.2.7.b of the Somerville Zoning Ordinance. Staff also believes the proposed project would be consistent with the recommendations of SomerVision 2040, and "to

create, maintain, and enhance locations appropriate for neighborhood- and community-serving businesses”.

The Economic Development Division determined that the Applicant's proposed improvements to the property will:

- Help activate ground floor spaces and facades - the new bakery/café use will dramatically increase the visibility and attractiveness of the formerly vacant ground floor commercial space
- Improve the interplay of ground-floor space and civic space by enhancing the appearance of the site's existing commercial space and by installing outdoor seating for patrons
- Improve the building's signage and wayfinding around the site by installing new, dedicated commercial signage on the site's facade
- Enhance the potential for outdoor eating and commercial activity by installing outdoor seating for patrons along with new awnings and window treatments
- Improve site access to pedestrians and bicyclists by providing an attractive destination for such users, in the form of attractive ground-floor commercial bakery and café space.

Economic Development Staff propose no objections or conditions to the Applicant's proposal.

The Inspectional Services Department (ISD) completed a review of the proposed project and proposed conditions of approval related to outdoor service areas & trash collection area that are visible from a public thoroughfare or abutting properties, screening mechanical equipment from public view, and commercial signage requirements.

The Mobility Department provided comments from their review of the project stating that plans must demonstrate compliance with bicycle parking requirements as described in the SZO. The department also noted to be aware of the City's ongoing design of the Elm-Beacon Connector project, which is expected to be implemented by Spring 2026 and may include changes to road striping and curbside regulations on Elm St and Mossland Rd.

CONSIDERATIONS & FINDINGS

The Zoning Board of Appeals 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.

Information relative to the required considerations is provided below:

Site Plan Approval and Special Permit

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

Staff believes 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 active daytime population, supports independent local businesses, and secures fiscal self-sufficiency.

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

The intent of the NR zoning district is, in part: "To conserve already established areas of detached and semi-detached residential buildings.

PERMIT CONDITIONS

Should the Board approve the required Special Permit to establish a bakery, café, or coffee shop business in the Neighborhood Residential (NR) district within the Small Business Overlay District, Planning, Preservation & Zoning Staff recommends the following conditions:

Permit Validity

1. The 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 (10) working days in advance of a request for a final inspection.
3. Approval is limited to Kupel's Bagels and is not transferable to any successor in interest.

Public Record

4. A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for public record.
5. Digital copies 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. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.

Mobility

6. Updated plans demonstrating compliant short- and long-term bicycle parking must be submitted to ISD and the Mobility Division for review prior to the issuance of a Building Permit

Zoning Compliance

7. Outdoor service areas, which includes trash collection areas, that are visible from a public thoroughfare or abutting properties in the NR zoning district must be screened in accordance with SZO 10.7.3.c.
8. Any ground mounted mechanical equipment visible from a public thoroughfare will need to be screened in accordance with SZO 10.7.4.b.
9. No signage was reviewed as part of this proposal. Any commercial signage will be required to comply with SZO 10.8.