



City of Somerville

ZONING BOARD OF APPEALS

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

DECISION

2025 JUN 20 A 10:11

PROPERTY ADDRESS: 54 Elm Street
CASE NUMBER: ZP25-000050
OWNER: 54 Elm LLC
OWNER ADDRESS: 464 Common Street, Suite 322, Belmont, MA 02478
APPLICANT: Adam Dash & Associates
APPLICANT ADDRESS: 48 Grove Street, Suite 304, Somerville, MA 02144
DECISION: Approved (Special Permit)
DATE OF VOTE: June 4, 2025
DECISION ISSUED: June 20, 2025

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Special Permit application submitted for 54 Elm Street.

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.

RECORD OF PROCEEDINGS

On June 4, 2025, the Zoning Board of Appeals 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 Orsola Susan Fontano, Ann Fullerton, Zachary Zaremba, Brian Cook, and Sisia Daglian.

The applicant, Adam Dash, on behalf of Kupel's Bagels, gave an overview of the proposed project. Dash indicated that the structure at 54 Elm Street is a mixed-use structure with residential on the second floor and a vacant commercial store front on the first floor, which is the subject of this special permit proposal. Dash stated Kupel's Bagels is proposing to locate a bagel shop within the vacant storefront which would require a Special Permit due to its location within the Small Business Overlay District. Dash indicated the only changes to the exterior of the building being the installation of signage and outdoor seating.

Madison Hill, the architect for the project, then shared a series of slides showing the plans for the project and gave an overview of the proposed changes to the building. Hill showed a series of photos portraying the existing conditions of the exterior of the building, a site plan for the proposal, a proposed floorplan of the project, and exterior elevations. Dash then gave an overview of the Economic Development Division's review and the proposal's alignment with the SB Overlay District and the Somerville Comprehensive Plan.

Chair Fontano then opened up the meeting for public comments. Two residents gave short statements of support for the project.

Board member Zach Zaremba gave his support for the project, but voiced concerns about Mossland Street being very crowded and traffic issues in the area. Zaremba recommended that outdoor seating not interfere with potential bicyclists riding on the sidewalk. Adam Dash noted the City's plans to improve the intersection, which would solve this issue.

Chair Fontano expressed her support for the project and voiced questions about the location of the refrigerator. The owner of Kupel's, Ali Ghorbi, indicated that the outdoor cooler is where the business proposes to store dough for the bagels, which is made at another location. Chair Fontano then asked how the applicant plans to address a concern voiced at the neighborhood meeting regarding screening of the garbage facilities. Madison Hill then stated the existing roof overhang covers where the dumpsters will be located and lattice and a chain link fence will be installed to provide further screening.

Chair Fontano then gave another opportunity for public comment. With no further comment, Fontano then closed the window for public comment and initiated a vote. Acting Clerk Brian Cook then read the findings established in the materials, and the Board voted to approve the application.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
Development Narrative	3	Adam Dash, Esq. 48 Grove Street, Suite 304 Somerville MA, 02144	April 29, 2025	n/a
Development Narrative Supplement	1	Adam Dash, Esq. 48 Grove Street, Suite 304 Somerville MA, 02144	April 29, 2025	n/a
Floor Plans	2	Colwell Group 132 Central Street, Suite 203Foxborough, MA 02035	April 29, 2025	May 12, 2025
Kupel's Bakery Interior Renovation- Revised Plans	11	Colwell Group 132 Central Street, Suite 203Foxborough, MA 02035	May 12, 2025	n/a
Neighborhood Meeting Report	18	Adam Dash, Esq. 48 Grove Street, Suite 304 Somerville MA, 02144	April 15, 2025	n/a

SPECIAL PERMIT FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a special permit upon making findings considering, at least, each of the following:

1. *Comprehensive Plan and existing policy plans and standards established by the City.*

The Board finds 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.

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

The Board finds that the proposal meets the intent of the NR zoning district, which is, in part, 'To conserve already established areas of detached and semi-detached residential buildings.'

The Board finds that the proposal meets the intent of the SB zoning district, which is, in part, 'To create, maintain, and enhance locations appropriate for neighborhood- and community-serving businesses.'

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Acting Clerk Brian Cook moved to approve the Special Permit to establish a bakery, café, coffee shop business in the Neighborhood Residential (NR) district within the Small Business Overlay District with the conditions included in the staff memo dated May 28, 2025. Ann Fullerton seconded. The Board voted **5-0** to **approve** the Special Permit, subject to the following conditions:

1. Approval is limited to Kupel's Bagels and is not transferable to any successor in interest.
2. Outdoor service areas, which include 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.
3. Any ground mounted mechanical equipment visible from a public thoroughfare will need to be screened in accordance with SZO 10.7.4.b.9.
4. No signage was reviewed as part of this proposal. Any commercial signage will be required to comply with SZO 10.8

Prior to Building Permit

5. The Decision must be recorded with the Middlesex South Registry of Deeds.
6. 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 public record.
7. 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.

8. Mobility: 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.

Prior to Certificate of Occupancy

9. 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.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Ann Fullerton
Zachary Zarembo
Brian Cook, *Alternate*
Sisia Daglian, *Alternate*

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 _____