



City of Somerville

PLANNING BOARD

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

DECISION

PROPERTY ADDRESS: 74 Middlesex Avenue
CASE NUMBER: ZP25-000006
OWNER: 74M Property Owner, LLC
OWNER ADDRESS: One Federal Street, Suite 1804, Boston, MA 02110
APPLICANT: Leone's Donut Shop, Inc.
APPLICANT ADDRESS: 9 Fox Creek Lane, Framingham, MA 01710
DECISION: Approved (Use Special Permit)
DATE OF VOTE: May 1, 2025
DECISION ISSUED: May 6, 2025

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Special Permit application submitted for 74 Middlesex Avenue.

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.

RECORD OF PROCEEDINGS

On May 1, 2025 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, Jahan Habib, Michael McNeley, Lynn Richards, and Alternate Luc Schuster. The Applicant provided a presentation to the Board about the proposed business, a Dunkin' Donuts franchise. The Chair opened the hearing for public comment. There was a brief deliberation on community benefits agreements. The Chair closed the public comment portion of the hearing. The Board deliberated on outdoor seating availability and how the site fits in within the context of Assembly Square. Chair Capuano moved to approve the Special Permit.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
74 Middlesex Avenue First-Floor Plan	1	Unknown	Undated	n/a
74 Middlesex Avenue Restaurant Floor Plan and Elevations	2	James D. Smith Architects 522 Bay Lane Centerville, MA 02632	June 5, 2024	n/a

74 Middlesex Avenue Signage	4	Poyant 125 Samuel Barnett Boulevard New Bedford, MA 02745	April 3, 2024	n/a
74 Middlesex Avenue Narrative	1	Law Offices of Richard G. DiGiralamo 424 Broadway Somerville, MA 02145	Undated	n/a
74 Middlesex Avenue Neighborhood Meeting Report	1	Law Offices of Richard G. DiGiralamo 424 Broadway Somerville, MA 02145	December 17, 2024	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. *The 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.

The Board also finds 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.*

The Board finds 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.*

The Board finds that 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 Board finds that the location of the Dunkin Donuts would spread out the existing concentration of formula businesses within the neighborhood because Café Nero, Le Macaron French Pastries, Tatte Bakery/Café, Starbucks and Ten One Tea House are all located on Assembly Row Proper while Dunkin Donuts is located three tenths of a mile away.

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

The Board finds that the proposed Formula Business is located within the 74 Middlesex Avenue building 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 Board finds that 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.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Capuano moved to approve the **Special Permit** for a Formal Business principal use with the conditions included in the staff memo. Vice-Chair Aboff seconded. The Board voted **6-0** to approve the permit, subject to 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.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, *Vice-Chair*
Jahan Habib, *Clerk*
Michael McNeley
Lynn Richards
Luc Schuster, *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 _____