



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:** 248 Elm Street, ZP25-000101  
**POSTED:** January 9, 2025

## **RECOMMENDATION:** Approve with Conditions

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 for a Formula Business application submitted for 248 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 November 25<sup>th</sup>, 2025, and is scheduled for a public hearing on January 15<sup>th</sup>, 2026. 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**

Somerville BBQ Inc. seeks to establish Formula Business principal use in the Mid-Rise 4 (MR4) district, which requires a Special Permit.

## **SUMMARY OF PROPOSAL**

Somerville BBQ Inc. is proposing to construct a restaurant in a commercial unit located at 248 Elm Street. The restaurant, Somerville BBQ, is being proposed within an existing general building in Davis Square.

## **BACKGROUND**

248 Elm Street is located in the Mid-Rise 4 (MR4) zoning district in the Davis Square neighborhood represented by Ward 6 Councilor Lance Davis. Establishing a formula business in the MR4 district requires a Special Permit. The Planning Board is the decision-making authority for all discretionary or administrative permits required for the MR4 zoning district.

## NEIGHBORHOOD MEETING

A neighborhood meeting was hosted by the Case Planner and the applicant on October 23<sup>rd</sup>, 2025, via the Zoom meeting platform. The Ward Councilor, Councilor Lance Davis, was absent from the meeting. The applicant gave an overview of the project and information about the business. There were no comments during the meeting from 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 applicant is proposing the establishment of a formula business at 248 Elm Street and intends to lease the unit for the operation of a restaurant, 'Somerville BBQ.' The proposal requires a Special Permit under SZO Section 9.1.7 to establish a formula business. 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 provides an overview of the project in their Narrative.

Upon analysis of the material submitted by the Applicant, PPZ Staff do not believe that the granting of the requested Special Permit for a formula business would cause a substantial detriment to the public good or nullify or substantially derogate from the intent and purpose of the MR4 District, copied here:

**Intent:**

- a. To implement the objectives of the Comprehensive Plan of the City of Somerville.
- b. To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings, and neighborhood serving uses

**Purpose:**

- a. To permit the development of multi-unit and mixed-use buildings that do not exceed four (4) stories in height.
- b. To provide quality commercial spaces and permit small- scale, neighborhood serving commercial uses.
- c. To create dwelling unit types, sizes, and bedroom counts ideal for larger households in apartment buildings.
- d. To create dwelling unit types, sizes, and bedroom counts ideal for smaller households in general buildings.

- e. To permit increased residential density for buildings that meet the definition of both Net Zero Ready and LEED Platinum Certifiable buildings

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 Mid-Rise 4 (MR4) 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).

## **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 use's 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 relative to the required considerations is provided below:

### 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 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 intent of the MR4 zoning district is, in part: “To create, maintain, and enhance areas appropriate for smaller scale, multi-use and mixed-use buildings, and neighborhood serving uses”

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

Staff believe the proposed use is appropriate for general buildings like the subject property. Larger formula business franchises exist currently Davis Square.

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

Staff believe the proposed use maintains a diverse blend of uses within the neighborhood. The proposed Formula Business is for Somerville BBQ.

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

248 Elm Street is an existing commercial general building and the applicant does not intend to change the façade of the building except for signage.

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

Staff believe the proposed use will not detract from the uniqueness of Somerville's neighborhoods. The proposal is within a building where formula businesses are the norm. The proposed use is a formula business but will not be changing anything architecturally or aesthetically.

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

The existing non-residential vacancy rate in the Davis Square neighborhood is considered high. The subject property is currently occupied by another restaurant.

## **PERMIT CONDITIONS**

Should the Board approve the required Special Permit for a formula business in accordance with Special Permit under SZO Section 9.1.7.d. of the Somerville Zoning Ordinance, Staff recommends 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 Somerville BBQ 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.