City of Somerville

PLANNING BOARD

City Hall, 93 Highland Avenue, Somerville MA 02143

DECISION

PROPERTY ADDRESS:	**222 Broadway**
CASE NUMBER:	ZP26-000008
OWNER:	Rizzo G Francis & Marino Louis P Trustees
OWNER ADDRESS:	274 Puritan Rd, Swampscott, MA, 01907
APPLICANT:	Nicole Sullivan
APPLICANT ADDRESS:	504 Broadway, Somerville, MA, 02145
DECISION:	Approved with Conditions (Special Permit)
DATE OF VOTE:	October 15, 2026
DECISION ISSUED:	October 28, 2026

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Special Permit submitted for 222 Broadway.

LEGAL NOTICE

Mission Hill Donuts, LLC proposes to expand the hours of an existing nonconforming business in the Mid-Rise 5 (MR5) zoning district, which requires a Special Permit.

RECORD OF PROCEEDINGS

On September 17, 2026, 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, Clerk Jahan Habib, Michael McNeley, Lynn Richards, Alternate Luc Schuster, and Alternate Coralie Cooper. Staff stated that they were waiting on the Applicant to submit a Neighborhood Meeting report. The Applicant stated that the Neighborhood Meeting report had been submitted that afternoon. The Board continued the public hearing to October 1, 2026.

On October 1, 2026, the Board resumed the public hearing. Present and sitting at the public hearing were Board Member Acting-Chair Amelia Aboff, Clerk Jahan Habib, Michael McNeley, Lynn Richards, Alternate Luc Schuster, and Alternate Coralie Cooper. At the hearing, the Applicant gave a summary of the project, which is to increase the hours from 5AM-8PM to 24 hours a day, and the improvements to the site that had been made since the Neighborhood Meeting report. The Chair opened the public comment portion of the hearing and five (5) individuals spoke on the application. The Acting-Chair also stated that the Planning Board received written public testimony as well. The public comments spoke to the conditions of the site, safety of pedestrians, noise and light pollution. The Board discussed the application and asked questions regarding the changes made to the property in response to the community input, and where other 24 hour businesses exist in Somerville. At 6:30, the Planning Board joined

the Land Use Committee joint hearing. When the Planning Board reconvened, they voted to continue the hearing to October 15, 2026.

On October 15, 2026, the Planning Board resumed the public hearing. Present and sitting at the public hearing were Board Member Acting-Chair Amelia Aboff, Clerk Jahan Habib, Lynn Richards, Alternate Luc Schuster, and Alternate Coralie Cooper. The applicant presented their updated proposal to reduce the proposed hours from 24 hours a day to 5AM – 11PM. The Board reopened the public comment and two members of the public spoke. The Board deliberated on the application based on the Applicant's testimony, comments received by the public, and the requirements and intent of the district and the Zoning Ordinance. The Board noted that 10:30PM aligned with the purpose and intent of the Zoning Ordinance to foster neighborhood and community-serving uses. The Planning Board discussed a condition requesting that the Applicant return to the Board in six months to report on the increased hours and the progress made on the mitigation strategies put in place in response to the received written and verbal community feedback.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
222 Broadway Narrative	1	The Pesce Network 72 Junction Square Drive Concord, MA 01742	02/02/2026	n/a
222 Broadway Updated Narrative	1	The Pesce Network 72 Junction Square Drive Concord, MA 01742	10/07/2026	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 the proposal meets the policy plans and standards established in Somervision2040, the City's Comprehensive Plan, such as encouraging commercial development and ensuring that the regulatory environment supports the innovative business models necessary for businesses to adapt.

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

The Board believes that the 10:30PM closure aligns more closely with the intent of the MR5 zoning district, which is in part: “To create, maintain, and enhance areas appropriate for moderate scale, multi-use and mixed-use buildings and neighborhood- and community- serving commercial uses.”

3. *The extent and nature of the proposed alteration.*

The Board believes that the extent and nature of the proposed alteration of the hours of operation is compatible with the surrounding area.

4. *The ability of conforming alterations to meet the demonstrated need of the Applicant.*

The Board finds that a 10:30PM closure time meets the needs of the Applicant by expanding to a reasonable operating hour to serve customers, and allowing for the business to adapt and grow while being contextually sensitive to the surrounding area. A Special Permit is required for any change in hours of an existing nonconforming use beyond the hours of 7AM-9PM.

5. *Consistency of the proposed alterations with the evolution of neighboring structures.*

The Board finds that the alteration does not impact the exterior structure.

6. *The impact of the alteration to the neighborhood when compared to the existing nonconforming use.*

The Board finds that change in hours to 5AM-10:30PM daily will not be substantially more impactful than the existing condition of 5AM-8PM daily.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Acting-Chair Amelia Aboff moved to approve the Special Permit to expand the hours of an existing nonconforming business with the conditions discussed at the hearing. Jahan Habib seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

General

1. The hours of operation of the formula café or coffee shop use may be 5AM to 10:30PM.
2. Any change beyond those hours of operation would require Planning Board approval.
3. The Applicant shall return to the Planning Board six months from the date of the Planning Board vote to provide a status update since the expansion of

operations; a record of any noise complaints, code violations, or civil disturbances; and any mitigation efforts implemented.

4. The Applicant shall provide public notice to the abutters in a 300ft radius of the property at least fourteen (14) days in advance of a scheduled meeting.
5. The Applicant shall coordinate with Planning Board Staff for a meeting date to be scheduled in March or April of 2027.
6. If the Applicant wishes to amend this decision, it will be deemed a major amendment and will need to return to the Planning Board for review.

Attest, by the Planning Board:

Jahan Habib, *Clerk*
Michael McNeley
Lynn Richards
Luc Schuster, *Alternate*
Coralie Cooper, *Alternate*



_____

Amelia Aboff, *Acting Chair*

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_____