



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

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GERARD AMARAL, (ALT.)

Case #: PB 2018-11
Site: 105 Broadway
Date of Decision: June 21, 2018
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: June 28, 2018

PLANNING BOARD DECISION

Applicant Name: Philadelphia Sign Company
Applicant Address: 50 Porter Road, Littleton, MA 02145
Owner Name: JPNS Realty Trust
Owner Address: c/o Hajjar Management Co., 30 Adams St, Milton, MA 02186
Agent Name: Heather Dudko
Agent Address: 2 Phoebe Way, Worcester, MA 01605
Alderman: Matt McLaughlin

Legal Notice: Applicant, Philadelphia Sign Company, and Owner, JPNS Realty Trust, seek a special permit under SZO §12.4 for signage in a non-residential district to add a wall sign and window graphics to the Broadway elevation of an existing one-story building and a wall sign on the Illinois Avenue elevation. CCD-45 Zone. Ward 1.

<u>Zoning District/Ward:</u>	CCD 45 Zone/Ward 1
<u>Zoning Approval Sought:</u>	§5.2 and §12.4
<u>Date of Application:</u>	May 16, 2018
<u>Date(s) of Public Hearing:</u>	June 21, 2018
<u>Date of Decision:</u>	June 21, 2018
<u>Vote:</u>	5-0

Appeal #PB 2017-11 was opened before the Planning Board at the Visiting Nurses Association on June 21, 2018. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Planning Board took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

DESCRIPTION:

This application is for signage only. Signs are requested to identify the Citizens Bank ATM that is already located in the lobby of the building. The size of the signage that is proposed, and added to the existing amount, is smaller than the maximum permitted signage area.

FINDINGS FOR SPECIAL PERMIT (SZO §5.2 and 12.4):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. This section of the report goes through §5.2.5 in detail.

1. **Information Supplied:**

The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.

2. **Compliance with Standards:** *The Applicant must comply “with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit with site plan review.”*

Nature of Application: Corridor Commercial Districts (CCDs).

There are no alterations or additions to the existing building massing or materials. Many of the standards required for development in the CCD zone do not apply to this application for signage. However, for reference, 6.1.22.G CCD specifies that all new developments shall meet the following standards:

1. **Penthouses and Mechanical Equipment.** All elevator and stairwell penthouses, roof-mounted mechanical equipment (including enclosure, if any) and other similar rooftop installations shall be set back behind a plane inclined at 45 degrees from the vertical, beginning at the maximum height of the building, along all street lines and rear lot line and shall be screened pursuant to the screening provisions in Section 14.3. Ventilation for restaurants and other businesses producing odors should vent away from residential districts. Equipment shall be designated to comply [with] the City's Noise Ordinance during operation. The first fifteen (15) feet in height of such equipment shall be exempt from the calculation of maximum height; if such equipment is greater than fifteen (15) feet in height, the additional height shall count toward the building's height.
2. **Service Areas and Loading Spaces.** Ground level mechanical equipment, utility and trash enclosures, loading docks and other utilitarian and service elements shall not abut the street edge(s) of the parcel and shall be visually and acoustically screened (sufficient to conform to the City's Noise Ordinance during operation). Access to these areas shall not interrupt pedestrian and sidewalk treatments. The SPGA may limit the hours of delivery so as to minimize any adverse impacts the service and loading aspects of proposed use may have on the surrounding neighborhood. Generally, loading times should take local traffic patterns into consideration.
3. **Pedestrian Oriented Requirements.** To promote pedestrian activity, buildings shall be designed with separate front entrance doors to lobbies, cultural spaces, retail and business, and other sources of pedestrian activity. These entrances shall be oriented to existing public sidewalks

and other open space (as opposed to a central "mall" entrance).

4. Lighting. Lighting shall be appropriate to the historic and pedestrian-oriented character of surrounding neighborhoods and buildings, and shall enhance safety and security while minimizing glare and light trespass.

5. Transition to Abutting Residential District. The minimum side or rear yard setback of a property abutting or spanning a residential district line (RA, RB, RC) shall be 20 feet from the district line with outermost 10 feet of the setback to consist exclusively of vegetative landscaping. The building shall have a 15 foot Upper Level Setback at a Tapering Height of 35 feet from the property line(s) abutting the residential district. The building shall be designed so that its massing is concentrated along the commercial corridor and away from properties in residential zoning districts to the extent possible.

6. Parking Design. Refer to Section 9.17 for parking requirements. Parking and loading areas shall be hidden from view from public ways. They may be located at the side or rear of a lot or in concealed structures shall be suitably screened both visually and acoustically from the street and abutters (sufficient to conform to the City's Noise Ordinance during operation). Any views into parking structures shall be minimized through use of landscaping or architectural treatment.

7. Payment in Lieu of Parking. With the approval of the SPGA, the applicant may make either a cash payment in lieu of providing the required parking, or a partial cash payment combined with a partial provision of the required vehicle or bicycle parking. Applicants wishing to make use of this option are strongly encouraged to meet with the Planning Director prior to formal submission of an application to help determine project compliance. Payment must be made in an accordance with an adopted plan for payment-in-lieu of parking, and must be applied to the nearest planned or existing municipal facility to the site in question.

8. Credit for Provision of Land for Public Infrastructure. Where land is to be dedicated to the City of Somerville for public infrastructure (including roadways, sidewalks, public paths, parks, and other public infrastructure), the area of dedicated land shall be applied to calculations for dimensional requirements except for setbacks requirements.

3. Purpose of District: *The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".*

The proposal is consistent with the purpose of the district, which is, "The Corridor Commercial Districts have been established to promote appropriate infill development along heavily traveled transportation corridors, especially where those corridors meet at named Squares. The district recognizes that such corridors present opportunities for an active mix of uses while also addressing development challenges posed by smaller lots and nearby existing residential development and the need to be accessible by multiple modes of transportation. The major objectives of the districts are to:

1. Encourage active mid-rise commercial and residential uses that contribute to a multi-modal-friendly street;
2. Increase commercial investment in high-profile, accessible areas including retail that is largely neighborhood-serving in multi-tenant, mixed use buildings;
3. Preserve and complement historic structures;



4. Discourage inappropriate auto-oriented, significant trip-generating uses along transit corridors; and,
5. Promote pedestrian and bicycle activity.”

4. Site and Area Compatibility: *The Applicant has to ensure that the project “(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area”.*

Surrounding Neighborhood: East Somerville and the Broadway commercial corridor

Impacts of Proposal (Design and Compatibility): There are no alterations or additions to the existing building massing or materials. Many of the design guidelines required for development in the CCD zone do not apply to this application for signage. Only one guideline within 6.1.22.H addresses signage:

“7. Signage and awning design should respect buildings' context (e.g., scale, design, style, colors, materials), be oriented to pedestrians, and be subordinate to the overall building composition. Creative shapes must be carefully designed and coordinated with the overall appearance of the building. The design should also maintain an existing "signage line" and respect the character, scale, and locations of adjacent signs and awnings. Large, interior-lit or back-lit signs or awnings, neon "open" signs, vinyl or plastic materials and overly bright colors are generally discouraged. To add interest and character to the retail environment signs or awnings may convey interesting elements or logos without excessive wording. They should be limited to advertising the business name and its main goods or services, with minimal or no national brand names or logos. Type styles should enhance readability of the sign and provide information simply and legibly. Use awnings to create pleasant shaded spaces in front of a building. Signs and awnings should enhance important architectural details and not conceal or obliterate them.”

As the structure is a 1970's brick one-story commercial building, there is not much architectural character to provide design standards. The proposed signs are relatively small and coordinate with the sizing of the existing signage. The color is the bank's corporate logo and there is no lighting associated with the new signs.

5. Functional Design: *The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”*

This finding is not applicable to this application.

6. Impact on Public Systems: *The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”*

This finding is not applicable to this application.

7. Environmental Impacts: *“The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding*



area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.”

This finding is not applicable to this application.

8. Consistency with Purposes: *“Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to provide for and maintain the uniquely integrated structure of uses in the City; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; and to preserve and increase the amenities of the municipality.

9. Preservation of Landform and Open Space: *The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”*

This finding is not applicable to this application.

10. Relation of Buildings to Environment: *The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”*

This finding is not applicable to this application.

11. Stormwater Drainage: *The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”*

This finding is not applicable to this application.



12. Historic or Architectural Significance: *The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”*

This finding is not applicable to this application.

13. Enhancement of Appearance: *The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”*

This finding is not applicable to this application.

14. Lighting: *With respect to lighting, the Applicant must ensure that “all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby.”*

There is no lighting proposed with this application.

15. Emergency Access: *The Applicant must ensure that “there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment.”*

This finding is not applicable to this application.

16. Location of Access: *The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”*

This finding is not applicable to this application.

17. Utility Service: *The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”*

This finding is not applicable to this application.

18. Prevention of Adverse Impacts: *The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development.”*



This finding is not applicable to this application.

19. Signage: *The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”*

The proposed signage is sized to be similar to the existing signage on the building. The existing signs are lighted box signs which are not supported under the ordinance but the proposed signs are metal panel wall signs. The sign on the Illinois Avenue elevation is similar dimensions to the existing Rent-A-Center sign and the signs on the Broadway elevation are considerably smaller.

20. Screening of Service Facilities: *The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”*

This finding is not applicable to this application.

21. Screening of Parking:

This finding is not applicable to this application.

21. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

This finding is not applicable to this application.

22. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

<u>SomerVision Summary</u>	<u>Existing</u>	<u>Proposed</u>
<i>Dwelling Units:</i>	0	0
<i>Affordable Units:</i>	0	0
<i>Commercial Sq. Ft.:</i>	approximately 4,662	approximately 4,662
<i>Estimated Employment:</i>	unknown	unknown
<i>Parking Spaces:</i>	unknown	unknown
<i>Publicly Accessible Open Space:</i>	0	0

23. Impact on Affordable Housing: *In conjunction with its decision to grant or deny a special permit for a structure of four or more units of housing, the SPGA shall make a finding and determination as to how implementation of the project would increase, decrease, or leave unchanged the number of units of*



rental and home ownership housing that are affordable to households with low or moderate incomes, as defined by HUD, for different sized households and units.

This finding is not applicable to this application.

DECISION:

Special Permit with Site Plan Review under §5.2

Present and sitting were Members Kevin Prior, Joseph Favaloro, Dorothy Kelly Gay, Rebecca Lyn Cooper, and Gerald Amaral. Upon making the above findings, Kevin Prior made a motion to approve the request for a Special Permit. Joseph Favaloro seconded the motion. The Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the Citizens Bank signage on the Broadway and Illinois Avenue facades. This approval is based upon the following application materials and the plans submitted by the Applicant:	CO / BP	ISD/ Planning							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>May 16, 2018</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>June 5, 2018</td><td>Modified plans submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	May 16, 2018	Initial application submitted to the City Clerk’s Office	June 5, 2018	Modified plans submitted to OSPCD
	Date (Stamp Date)				Submission					
	May 16, 2018				Initial application submitted to the City Clerk’s Office					
	June 5, 2018				Modified plans submitted to OSPCD					
Any changes to the approved signs that are not <i>de minimis</i> must receive SPGA approval.										
Construction Impacts										
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Planning							
3	Approval is subject to the Applicant’s and/or successor’s right, title and interest in the property.	Continuous	Planning	Deed submitted & application formed signed						
Design										
4	Applicant shall provide final material and color samples to Planning Staff for review and approval prior to construction.	BP	Planning							
Miscellaneous										
5	If lighting is to be added on the Illinois Avenue elevation, a separate SPSR will be required and the operation of such lighting will be limited to business hours of the building.	Possible future SPSR application	Planning							



6	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Continuous	ISD	
Signage				
7	Signage will be limited in size and location to that shown in the elevation drawings.	CO/ Continuous	Planning	
Final Sign-Off				
8	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Planning	

Attest, by the Planning Board:



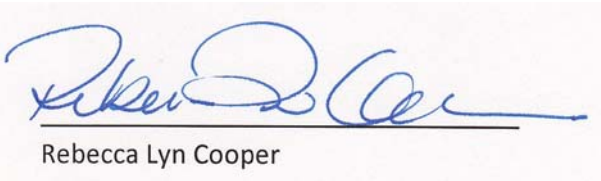
Kevin Prior, Chairman



Joseph Favaloro



Dorothy A. Kelly Gay



Rebecca Lyn Cooper



Michael A. Capuano, Esq.

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

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. 3.2.10.

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.

Signed _____ City Clerk Date _____

