



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
T. F. SCOTT DARLING, III, ESQ.
DANIELLE EVANS
ELAINE SEVERINO (ALT.)
JOSH SAFDIE (ALT.)

Case #: ZBA # 2011-24
Site: 200 Inner Belt Road
Date of Decision: May 4, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: May 16, 2011

ZBA DECISION

Applicant Name:	Fine Art Storage Partners, LLC
Applicant Address:	9600 Blackwell Road, Suite 200, Rockville, MD 20850
Property Owner Name:	Fine Art Storage Partners, LLC
Property Owner Address:	9600 Blackwell Road, Suite 200, Rockville, MD 20850
Agent Name:	Lawrence E. Kaplan, Esq.
Agent Address:	Goodwin Procter, LLP, Exchange Place, Boston, MA 02109

<u>Legal Notice:</u>	Applicant & Owner Fine Arts Storage Partners (Somerville), LLC seeks a Special Permit with Site Plan Review to establish an approx 25,000 nsf office use (SZO §7.11.7.1.c) in an existing building that is also occupied by approx 135,000 nsf wholesale business or storage use (§7.11.13.1.1.b).
----------------------	--

<u>Zoning District/Ward:</u>	IA zone/Ward 1
<u>Zoning Approval Sought:</u>	§7.11.7.1.c & §7.11.13.1.1.b
<u>Date of Application:</u>	March 22, 2011
<u>Date(s) of Public Hearing:</u>	4/20 & 5/4/11
<u>Date of Decision:</u>	May 4, 2011
<u>Vote:</u>	5-0

Appeal #ZBA 2011-24 was opened before the Zoning Board of Appeals at Somerville City Hall on April 20, 2011. 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 Zoning Board of Appeals 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:

The current proposal is to convert 21,000 nsf of the unused storage space within the existing building into office space. The tenant of the building will be Triumvirate Environmental, an environmental consulting and services firm that specializes in hazardous waste management for biotechnology companies. Triumvirate has approximately 270 employees in five states on the East Coast. The Inner Belt has served as their corporate headquarters. Triumvirate recently received a special permit at the site across the street at 191 Inner Belt Road for their storage and yard facilities. The corporate management technical staff would be located in the new office space at 200 Inner Belt Road. The office space would occupy half of the 4th floor. The rest of the building would remain as wholesale storage for arts storage. The office space would include approximately 93 cubicles and 17 private offices, as well as other rooms such as training rooms, a gym, a lunch room, a board room and storage space. The room listed as a chemist room is actually a computer room that the chemists use to process information. There will be no chemical testing in the office.

No exterior changes to the building are proposed. Twenty-six parking spaces would be added to existing paved areas in the parking lot to bring the number of parking spaces up to 209. Parallel parking spaces would be added along the northern edge of the property along the lot line that abuts Triumvirate's site at 191 Inner Belt Road. Parallel parking space would also be added in the southern corner of the site along the lot line that abuts the MBTA train tracks. Some of the existing parking spaces will be restricted to be compact spaces in the rear parking lot to add two additional spaces.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.2 & 7.11.7.1.c):

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.

The following findings are not applicable to the application because the structure will not change as a result of this request: function design, environmental impacts, preservation of land and open space, relation of buildings to environment, stormwater drainage, historic or architectural significance, enhancement of appearance, lighting, emergency access, location of access, utility service, prevention of adverse impacts, signage, screening of facilities and screening of parking.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO.

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."

An office of greater than 10,000 nsf requires a special permit with site plan review. The building meets the standards of the Somerville Zoning Ordinance and the special permit conditions and variance allowances issued by the Zoning Board of Appeals. The office use meets the parking requirements of the Ordinance. No changes to the structure are planned. The parking layout changes are minimal and are consistent with the standards.

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 offices space proposal is consistent with the purpose of the district as specified in Article 6. The office is a commercial use and it is providing space for staff for Triumvirate Environmental, who has an industrial service operation in the adjacent property. The office use is compatible with industrial uses and in this case the tenants will have the benefit of having an office space that is close to their industrial service operations.

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



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

www.somervillema.gov



surrounding area, and that the scale, massing, and detailing of buildings are compatible with those prevalent in the surrounding area.”

The existing building is compatible with the surrounding area and will not change as a result of this application. The additional parking spaces have been located on the existing paved area so that additional impervious surface is not required. The areas for parking spaces have been found that do not interfere with a 30 foot-long truck access to the building and the loading dock as shown on the site plan.

5. Impact on public systems: The proposal 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.

The demand on the public services and facilities is currently low because the arts storage space does not require many employees or services. The building was designed to be an office building with the appropriate facilities to function as such. The office use will continue to bring office workers, jobs, and tax revenue to the City. The office space for Triumvirate is currently located at 61 Inner Belt Road and so the impact of the employees on the City services will be similar to the current situation. If the use of the building in the future causes an increased demand for parking spaces, Inner Belt Road appears wide enough so that on-street permit parking spaces may be able to be designated by the City. Future office demand will require the development of a second structure on the grass lot along with structured parking.

6. Consistency with purpose: The proposal is consistent with the purposes of the Ordinance, particularly those set forth in Article 1 and Article 5; and the purposes, provisions, and specifically objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in the 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 encouraging the most appropriate use of land throughout the City. The building was intended to be an office building when it was constructed and the use fits with the goal for the Inner Belt is to provide jobs and a commercial tax base for the City. The proposal is also consistent with the purposes of the other sections of the Ordinance.



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

www.somervillema.gov



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Scott Darling and ?. Upon making the above findings, Richard Rossetti made a motion to approve the request for a special permit with site plan review. Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is to establish an approx 25,000 nsf office use (SZO §7.11.7.1.c) in an existing building that is also occupied by approx 135,000 nsf wholesale business or storage use (§7.11.13.1.1.b). This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Mar 22, 2011</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Oct 15, 2010</td><td>Plans submitted to OSPCD (A101 floor plan)</td></tr><tr><td>Apr 28, 2010 (Apr 28, 2010)</td><td>Plans submitted to OSPCD (site plan)</td></tr></table>				Date (Stamp Date)	Submission	Mar 22, 2011	Initial application submitted to the City Clerk’s Office	Oct 15, 2010	Plans submitted to OSPCD (A101 floor plan)	Apr 28, 2010 (Apr 28, 2010)	Plans submitted to OSPCD (site plan)
	Date (Stamp Date)				Submission							
	Mar 22, 2011				Initial application submitted to the City Clerk’s Office							
	Oct 15, 2010				Plans submitted to OSPCD (A101 floor plan)							
Apr 28, 2010 (Apr 28, 2010)	Plans submitted to OSPCD (site plan)											
Any changes to the approved site plan or use that are not <i>de minimis</i> must receive SPGA approval.												
2	The Applicant or Owner shall meet the Fire Prevention Bureau’s requirements.	CO	FP									
3	The signage for the office shall be reviewed and approved by Planning Staff. The signage shall conform to the requirements in SZO Article 12.	CO	Plng.									
4	All mechanicals located outside the building must be baffled to be in conformance the City’s Noise Ordinance.	CO	Plng									
5	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	Plng.									



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

www.somervillema.gov



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
T.F. Scott Darling, III, Esq.
Danielle Evans
Elaine Severino (Alt.)

Attest, by the Administrative Assistant:

Dawn M. Pereira

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 _____



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

www.somervillema.gov

