



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2007-63-R3 (2/2016)
Site: 70 Innerbelt Road
Date of Decision: March 16, 2016
Decision: Petition Approved with Conditions
Date Filed with City Clerk: March 29, 2016

ZBA DECISION

Applicant Name:	CoreSite Real Estate 70 Innerbelt, LLC
Applicant Address:	1001 17 th Street, Suite 500, Denver, CO 80202
Property Owner Name:	CoreSite Real Estate 70 Innerbelt, LLC
Property Owner Address:	1001 17 th Street, Suite 500, Denver, CO 80202
Agent Name:	David Hopper
Agent Address:	250 Summer Street, Boston, MA 02210

<u>Legal Notice:</u>	Applicant & Owner CoreSite Real Estate 70 Inner Belt, LLC seek a revision to Special Permit with Site Plan Review (SPSR) (ZBA2007-63) under SZO §5.3.8 in order to alter the site plan for mechanical equipment. The original SPSR was for the expansion of an existing 22,667 sf data storage use (§7.11.15.1.c) within the second floor of an existing building for a total of 61,436 s.f. Prior revisions include ZBA 2007-63-R0308, ZBA 2007-63-R0808 & ZBA 2007-R2(8/2011) which consisted of increasing the use by approx 141,000 sf and altering the site and façade.
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<u>Zoning District/Ward:</u>	IA zone/Ward 1
<u>Zoning Approval Sought:</u>	Revision to Special Permit with Site Plan Review
<u>Date of Application:</u>	February 11, 2016
<u>Date(s) of Public Hearing:</u>	March 16, 2016
<u>Date of Decision:</u>	March 16, 2016
<u>Vote:</u>	4-0



Appeal #ZBA 2016-15 was opened before the Zoning Board of Appeals at Somerville City Hall on March 16, 2016. 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.

DESCRIPTION:

The 2008 and 2011 approval included exterior improvements including equipment screening that is being proposed to change. The prior approvals did not have details associated with the proposal and the height of the equipment, height of the fence, and screening materials were not provided. The proposal includes changing the size and type of exterior equipment, an eight foot fence and the design of the screening.

In the revised proposal the generator is the tallest equipment and is depicted on the submitted elevation as "generator beyond". The generator is 14'-2" tall and sits on a concrete slab that is 6" above existing grade for a total height of approximately 14'-8". There would be an 8 foot fence and evergreen trees surrounding the equipment to protect and screen it.

The project will happen in two phases. The site plans shows one generator which is what is planned to be installed this year. The future plan is to add one more generator in this area in 2018. This equipment area and screening would extend 40 feet to the west.

In terms of parking, both the current and future equipment areas described above are a smaller footprint than the equipment area that was previously approved for this location in the 2008 Special Permit. As part of the 2008 Special Permit, the reduction in parking was approved. Since the size of the equipment area now planned for this location is smaller, the new site plan actually provides more parking than what was previously permitted.

The proposed new generator will have exhaust emissions when in use. The equipment is designed to meet the requirements of the EPA and the Massachusetts Department of Environmental Protection and will be permitted in accordance with their regulations.

FINDINGS FOR SPSR REVISION (SZO §5.3.8):

In order to grant a special permit with site plan review, 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 relevant to the proposed mechanical equipment alteration.

1. Information Supplied: The Board finds that information provided by the Applicant complies "with the information requirements in Section §5.2.3." The information provided by the Applicant allows for a comprehensive review of the proposed development and is in general compliance with the requirements set forth under §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."

Revisions to Special Permits may be sought before the final Certificate of Occupancy is issued for a project that received a special permit. The proposed revision is not deemed de minimis because the changes would be noticeable to persons generally familiar with the plans.

Per SZO §5.3.8, revisions that are not de minimis are subject to the full notice and hearing provisions of the Somerville Zoning Ordinance. The proposal complies with the standards for issuing a revision to the special permit.



The final Certificate of Occupancy has not yet been issued, the proposal otherwise is in accordance with the originally approved plans and conditions, and notice has been given for the public hearing.

3. 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 buildings are compatible with those prevalent in the surrounding area.”

The surrounding area is industrial in nature and the mechanical equipment will not be detrimental to the existing neighborhood. On the other hand, the Inner Belt neighborhood is an area that is marked as an area to transform in SomerVision and new development should be designed with future change in mind. The mechanical equipment will be quite large and tall. Substantial evergreens will soften the edge of this equipment area. The 8 foot fence is setback from the street, will serve a security purpose and will be located behind the trees. The height of the fence should be allowed as part of this special permit revision per SZO §10.7.1. The mechanical equipment that is currently on the site is more visible from the street than the proposed equipment. This existing equipment should be screened as was stated that it would be on the plans for the 2011 approval.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Josh Safdie and Anne Brockelman with Richard Rossetti and Elaine Severino absent. Upon making the above findings, Danielle Evans made a motion to approve the request for a Revision to a Special Permit with Site Plan Review. Anne Brockelman seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	This approval is for the revision to Special Permit 2007-63 to make equipment location and screening changes as shown in the following materials submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table><tr><th>Plan Date</th><th>Submission</th></tr><tr><td>Feb 11, 2016</td><td>Application Form</td></tr><tr><td>Feb 11, 2016</td><td>Plans submitted to OSPCD (C1 Site Demolition, Site Plan for Phase 2, C2 Generator Enclosure Elevations)</td></tr><tr><td>March 15, 2016</td><td>(C-3 Phase 1B Site Improvement Plan and C-4 Phase 2 Site Improvement Plan)</td></tr></table>				Plan Date	Submission	Feb 11, 2016	Application Form	Feb 11, 2016	Plans submitted to OSPCD (C1 Site Demolition, Site Plan for Phase 2, C2 Generator Enclosure Elevations)	March 15, 2016	(C-3 Phase 1B Site Improvement Plan and C-4 Phase 2 Site Improvement Plan)
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March 15, 2016	(C-3 Phase 1B Site Improvement Plan and C-4 Phase 2 Site Improvement Plan)											
The conditions of this approval shall supersede any conditions attached to prior zoning approvals. Any changes to the presently approved use or site plan that are not <i>de minimis</i> or specifically delegated to staff review below must receive ZBA approval.												
2	Prior to the issuance of the CO, all of the building's devices shall be tied to the new fire alarm panel, and the old panel	CO	FP									



#	Condition	Timeframe for Compliance	Verified (initial)	Notes
	will have to be removed.			
3	A Project Mitigation Contribution (PMC) (linkage) agreement will be signed and payments made for the area in the building that does not yet have a certificate of occupancy for the data center use by the time of this approval (September 2011). This includes the 18,055 sf that is under construction currently (September 2011) labeled Phase 3A in the attached floor plan and the remaining 87,305 sf that is anticipated to be built out as a data center. Linkage payments will be made for each phase of the build out before a certificate of occupancy is issued for each phase, as specified in the agreement.	Document progress of buildout and linkage payments prior to permit for exterior equipment	ISD/Housing	
4	If swing gates at the entrances and exits of the site are included in the final design, these facilities will require approval by the Planning Staff as well as the Fire Prevention Bureau.	BP	PLNG/ FP	
5	<i>De minimis</i> changes to the building and site will be subject to Planning Staff review and approval; and it is further recommended that Planning Staff review and approval be required for subsequent additional signage.	BP/CO/ Perpetual	PLNG	
6	Planning Staff approval will be required for the final landscaping plan and plant list; additional trees along the Third Avenue frontage are encouraged.	CO	PLNG	
7	Lighting design shall limit light trespass, sky-lighting, and glare from the site.	BP/CO/ Perpetual	ISD/ PLNG	
8	Site work must be complete 12 months after this special permit revision is issued. After the 12 month period, no building permits or certificates of occupancy will be issued until the site work is complete.	BP/CO	PLNG	
9	The mechanical equipment that exists on the south side of the building at the time of this approval (March 2016) shall be screened 18 months after this March 2016 revision is issued. After a 19 month period no building permits or certificates of occupancy will be issued until this site work is complete.	Final Signoff on electrical permit	PLNG.	
10	If the phase 2 of the mechanical equipment installation shall be screened with evergreens of at least a 3 inch caliper.	Final Signoff on electrical permit	PLNG.	
11	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final sign-off on the building permit to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	CO	PLNG.	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Danielle Evans
Josh Safdie
Anne Brockelman (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.
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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 _____

