



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

PLANNING DIVISION

***ZONING BOARD OF APPEALS MEMBERS***

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ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA 2010-27**

**Site: 26 Chestnut St**

**Date of Decision: July 14, 2010**

**Decision: *Petition Approved with Conditions***

**Date Filed with City Clerk: July 16, 2010**

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**ZBA DECISION**

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**Site: 26 CHESTNUT ST**

**Applicant Name:** NSTAR Electric

**Applicant Address:** 1 NSTAR Way, Westwood, MA 02090

**Property Owner Name:** Lawrence Realty Trust

**Property Owner Address:** 300 Trade Center, suite 5410, Woburn, MA 01880

**Alderman:** Heuston

Legal Notice: Applicant, NSTAR Electric and Owner, Lawrence Realty Trust, seek a Special Permit with Site Plan Review under SZO §7.11.11.10.b to establish an open lot motor vehicle parking facility of more than 5,000 square feet for NSTAR employees.

Zoning District/Ward: Industrial A

Zoning Approval Sought: Special Permit under SZO §7.11.11.10.b

Date of Application: 5/13/2010

Date(s) of Public Meeting/Hearing: PB: 6/24/10 - ZBA 7/14/10

Date of Decision: July 14, 2010

Vote: 5-0

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Appeal #ZBA 2010-27 was opened before the Zoning Board of Appeals at Somerville City Hall on July 14, 2010. 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.



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## **DESCRIPTION:**

The Applicant is proposing to renovate and use the existing parking lot to park 61 vehicles for its operations on nearby lots. Parking will be for employee personal vehicles as well as company vehicles. The site will not serve as a storage area for materials and equipment related to the Applicant's electric and gas operations as this is not an allowed use within this zone.

## **FINDINGS FOR SPECIAL PERMIT (SZO §7.11.15.3):**

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.

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.” As conditioned, the proposal would comply with these standards.

3. Purpose of the 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 project site is located in the IA district. The purpose of the IA district is to “establish and preserve areas for industrial and related uses which are not incompatible with commercial uses; uses which are most appropriately located as neighbors of industrial uses including living and studio space for artists; and uses which are necessary to serve the immediate needs of industrial establishments in those areas, and accessory uses to industrial uses such as day care centers, cafeterias, health facilities and the like.” The use of an existing parking area to provide parking for vehicles that serve the immediate needs of the adjacent industrial establishment by the applicant is consistent with the intent of the district.

Nonetheless, this area is in transition and the continued use of this site as a surface parking lot is not likely consistent with the plans for the long-term future of this area. For this reason, the Board is recommending a time limit for this special permit, limiting the use to 8 years, with the ability for the applicant to seek two 2-year extensions with the approval of the ZBA. This will minimize the impact that this lot may have when neighborhood conditions change in the future.

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”.

The Board finds that the proposed development, as conditioned to increase and update landscaping, would be compatible with the surrounding industrial area. Despite the industrial nature of the surrounding area, it is important to put any Special Permit application in this area in context with future plans for transitions in and around the neighborhood and the Green Line. Therefore, a project should ensure that it is as attractive as can be, to be a good neighbor to existing as well as future development in the immediate vicinity.

The success of a commercial parking lot to be a good neighbor to industrial and business properties depends upon its use and its landscaping. Conditions are designed to address these issues.

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



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The project would meet accepted standards and criteria for the functional design of a freestanding parking facility, with appropriate landscape upgrades.

**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.”

The Board finds that the proposed use of the lot does not significantly differ than the previous use that was granted a special permit, provided that the use of the lot does not create any new storm water impacts. The Board recommends that the proposal be conditioned to require additional on-site landscaping, and the uses on the lot are limited to ensure that there is no environmental impact on the storm drain system.

**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.”

The Board finds that the proposed use of the lot does not significantly differ from the previous use that was granted by special permit. The number of vehicles would increase but the Board finds that two automobiles would be less of an environmental impact on a neighborhood than a single garbage truck. Adverse impacts would be limited to the visual impact that may occur only if there is not adequate and well maintained landscaping, and the impact of any open lot storage of materials other than vehicles.

Conditions are established to address these issues.

**8. 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.”

No increases to the building footprints or groundcover are proposed. Landscaping will be improved and maintained.

**9. 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.”

No new curb cuts are proposed. Entrances and exits will remain in place. Vehicles used these entrances and exits under the previous special permit, so there are no new impacts. A gate would be installed that would provide added security on the lot.

### **DECISION:**

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Josh Safdie. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. 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
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1	Approval is for the construction of 61 parking spaces. This approval is based upon the following application materials and the plans submitted by the Applicant:		Plng.							
	<table><tr><th>Date (Stamp date)</th><th>Submission</th></tr><tr><td>(5/13/2010)</td><td>Initial application submitted to City Clerk</td></tr><tr><td>(6/18/2010)</td><td>Plan submitted to OSPCD</td></tr></table>				Date (Stamp date)	Submission	(5/13/2010)	Initial application submitted to City Clerk	(6/18/2010)	Plan submitted to OSPCD
	Date (Stamp date)				Submission					
	(5/13/2010)				Initial application submitted to City Clerk					
(6/18/2010)	Plan submitted to OSPCD									
Any changes to the approved plans that are not de minimis, or any changes to the use, must receive ZBA approval.										
2	The applicant shall repair and maintain all landscaping shown on the plan and add flowers and/or groundcover to the empty mulch beds.	CO	Plng.							
3	The applicant shall add and maintain additional landscaping as follows: the applicant shall move parking spaces 48-61 back by three feet to create additional landscaping along the front of the lot with new bushes. This area shall also serve to collect stormwater runoff from the lot, reducing the impact of the lot on the public storm drain system. The applicant shall submit a new plan identifying this new landscaping to the Planning Staff for review and approval prior to occupancy of the lot.	CO	Plng.							
4	The applicant shall replace the asphalt sidewalk in front of the parcel with a concrete sidewalk similar in design to the sidewalk in front of 14 Chestnut Street. The applicant shall meet with the City Engineer to review and approve sidewalk design and materials.	CO.	Eng.							
5	The applicant shall restripe the lot to clearly mark parking spaces. Parking shall only be allowed within marked spaces.	CO	Plng.							
6	The use of the lot is for parking of employee and company vehicles only. No storage of materials is allowed.	Cont.	Plng.							
7	This approval is granted for the current applicant only, and any change of lessee will require the new lessee to reapply for the special permit with site plan review.	Cont.	Plng.							
8	The Applicant shall be responsible for maintenance of 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.	Cont.	ISD							
9	Shall the applicant choose to change the design of the entry gate system and/or any on-site fencing, the new system and/or fence design shall be presented to the Planning Staff for review and approval prior to installation.	Cont.	Plng.							
10	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.							
11	This special permit shall lapse 8 years from the date of the	Cont.	Plng. &							



	decision. The applicant may apply for 2-year extensions with the ZBA at that time.		ISD	
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Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*  
Orsola Susan Fontano, *Clerk*  
Richard Rossetti  
T.F. Scott Darling, III, Esq.  
Josh Safdie (alt)

Attest, by the Senior Planner:

\_\_\_\_\_  
Christopher Dilorio

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 \_\_\_\_\_



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