



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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Case #: ZBA # 2010-71
Site: 191 Inner Belt Road
Date of Decision: January 5, 2011
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: January 11, 2011

ZBA DECISION

Applicant Name:	Triumvirate Environmental HQ
Applicant Address:	61 Inner Belt Road, Somerville, MA 02143
Property Owner Name:	Winebow Boston
Property Owner Address:	30 Dane Street, Somerville, MA 02143
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

<u>Legal Notice:</u>	Applicant Triumvirate Environmental Inc. and Owner Winebow Boston, seek a Special Permit with Site Plan Review to establish the use of an office, yard and storage facility per Somerville Zoning Ordinance section, 7.11.12.7.1.C.
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<u>Zoning District/Ward:</u>	IA zone/Ward 1
<u>Zoning Approval Sought:</u>	§7.11.12.7.1.C
<u>Date of Application:</u>	October 22, 2010
<u>Date(s) of Public Hearing:</u>	12/1, 12/15/10 & 1/5/11
<u>Date of Decision:</u>	January 5, 2011
<u>Vote:</u>	5-0

Appeal #ZBA 2010-71 was opened originally before the Zoning Board of Appeals at Somerville City Hall on December 1, 2010 but was re-advertised and read into the record again on January 5, 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.



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DESCRIPTION:

The proposal is to change the use of the building from a wine distributor to an office, yard and storage facility. The occupant 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 (VA, NY, CT, MD, and MA) and the Inner Belt is their corporate headquarters. The subject site will be used to store supplies used by the teams that are assigned to clients in the Boston metro region and the company's wholesale sales operation. Other technical staff are located elsewhere in the Inner Belt. The operation employs engineers and technical staff with extensive specialized skills and licenses, but essentially operates as an office, yard and storage facility. Equipment for client work is stored inside the building, and company vehicles are stored in the adjacent lot. Staff makes daily trips to client sites to remove hazardous materials. The vehicles in the lot sometimes temporarily hold materials that are in transit to a final off-site cleanup. No materials will be released or cleaned in Somerville.

The exterior of the building will be cleaned and repaired where necessary and three new loading docks will be added to the north elevation. The site would be improved with landscaping around the perimeter and in islands between parking spaces. The parking area will be paved and the spaces will be marked. The Board conditioned that the sections of the fence that are rusty and/or bent should be removed or replaced.

FINDINGS FOR SPECIAL PERMIT WITH SITE PLAN REVIEW (SZO §5.2 & 7.11.12.7.1.c):

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2 of the SZO. This section of the report goes through §5.2.3 in detail.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

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."

The proposal will comply with the standards in the Ordinance. The parking, loading, landscaping and other dimensional requirements are met. The Board recommends a condition to address bicycle parking.

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 proposed office, yard and storage facility is a commercial and industrial service, which is a use that is consistent with the purpose of the district. The purpose includes preserving areas for industrial and related uses that are not incompatible with commercial uses, and uses that are most appropriately located as neighbors of industrial uses.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The proposed use will be compatible with the surrounding commercial and industrial uses. The changes to the exterior including repairing the façade of the building, the site layout and the landscaping including the fencing will improve the look of the property, which is important especially considering the future mixed-use nature of the area. The addition of loading docks along the façade facing the railroad tracks will not substantially diminish the appearance of this industrial structure.

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 site will meet standards for a functional design. The parking spaces and loading docks have been designed in such a way that the landscaping is increasing on the site.

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 office, yard and storage facilities are likely similar to that of the existing distribution center in terms of truck and pedestrian trips to the site. The five existing offices and conference room will remain as they have been used on the site in the past.

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 business that will be occupying the site transports hazardous waste; however, while material in transit can remain on site overnight, such material will not be cleaned or released there. There should be no emission of toxins. Excessive noise, level of illumination, glare, dust, smoke, and vibration are not anticipated to be higher than levels now emitted.

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 conserving the value of land and buildings and encouraging the most appropriate use of land throughout the City.

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.”

The amount of landscaping on the site will improve from the current state with only 5% landscaped to 15%. Two substantial areas of landscaping will be visible from the MBTA right of way. The landscaping at the front of the building will be reconfigured and landscaped islands will be located in the front parking lot. The site does not have land forms or grading that will be altered.

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.”

The existing building will be reused. The only change to the exterior are three additional garage doors. The location of these doors was determined by the existing site layout and interior needs.



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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 paved 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.”

The City Engineer is reviewing the drainage planned for the site. The site plan shows drainage to subsurface infiltration systems and a bioretention area.

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.”

The existing structure is not of historical significance and the installation of garage doors will not be a detriment to the design of this industrial building.

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.”

The current state of the site is not appealing with minimal landscaping and rusty/broken fences. The proposal includes landscaping at the perimeter of the site including several trees, shrubs and perennials/grasses.

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.”

The lighting for the site is not specified on the plans. The Board attached a condition that lighting be provided on-site but that it be limited so that it does not illuminate adjacent properties or the night sky. There are no public spaces on the site to illuminate.

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.”

There is sufficient access for emergency vehicles from paved areas in the front and left side of the building.

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.”

The parking area and building are accessible from the end of Inner Belt Road through an existing driveway.



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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.”

The installation of utilities must comply with the City’s regulations.

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.”

There is no machinery that emits heat, vapor, light or fumes. The landscaping on the site will result in an overall reduction in the amount of hard surface ground cover. The light, air and noise impacts will be typical of many industrial uses that occupy the site.

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 sign design for the building was not submitted as part of this application. Any proposed sign must comply with the SZO regulations.

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.”

The newly proposed loading docks will be screened from the MBTA right of way by a landscaped area. The site plan does not contain a dumpster or transformer. The Board attached a condition to require these utilities to be screened if they are located outside of the building.

21. Screening of Parking: The parking area currently is not screened. The proposal calls for landscaping surrounding the site, which should help to screen the parking from the abutters at 150 Inner Belt Rd.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Scott Darling. 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												
Application and Plans																
1	Approval is for a 21,831 nsf office, yard and storage facility with operations conducted entirely within an enclosed building. 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>Oct 22, 2010</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>Oct 13, 2010</td><td>Plans submitted to OSPCD (site plan)</td></tr><tr><td>Sept 15, 2010</td><td>Plans submitted to OSPCD (title survey)</td></tr><tr><td>Oct 13, 2010</td><td>Plans submitted to OSPCD (L-02 planting plan, A-100 floor plans, A-101 roof plans, A-300 building elevations)</td></tr><tr><td>October 28, 2010</td><td>Civic Site Plan</td></tr></table>				Date (Stamp Date)	Submission	Oct 22, 2010	Initial application submitted to the City Clerk’s Office	Oct 13, 2010	Plans submitted to OSPCD (site plan)	Sept 15, 2010	Plans submitted to OSPCD (title survey)	Oct 13, 2010	Plans submitted to OSPCD (L-02 planting plan, A-100 floor plans, A-101 roof plans, A-300 building elevations)	October 28, 2010	Civic Site Plan
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	October 28, 2010				Civic Site Plan											
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.																
Drainage																
2	The Applicant shall submit plans to the Engineering Department. The utility, grading and drainage plans must meet City regulations, and may be amended per request of the City Engineer to meet these standards. The project may not create additional runoff to city streets or abutting properties.	BP	Engineer ing													
Construction Impacts																



3	The Applicant shall at his expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW	
4	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P	
Impacts of Completed Project				
5	Landscaping should be installed and maintained in compliance with the American Nurserymen's Association Standards.	Perpetual	Plng. / ISD	
6	Any transformers should be located as not to impact the landscaped area, and shall be fully screened. Transformer screening shall be indicated on an updated landscape plan and submitted to Planning Staff for review and approval.	Electrical permits & CO	ISD / Plng.	
7	The Applicant shall remove and replace sections of the chain link fence that are rusty and/or broken.	CO	Plng.	
8	If a dumpster is required, the Applicant will screen the dumpster with fencing or landscaping that blocks any view of the dumpster itself. Dumpster screening shall be indicated on an updated landscape plan and submitted to Planning Staff for review and approval.	CO	Plng.	
9	Applicant will supply 3 bicycle parking spaces in a location that complies with the SZO regulations. Bicycle facilities shall be indicated on an updated plan that shall be submitted to Planning Staff for review and approval.	CO	Plng.	
10	The applicant shall provide exterior lighting to increase security for the lot and building. To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties. The applicant shall provide a lighting plan to Planning Staff for review and approval.	CO	Plng.	
11	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.	Perpetual	ISD	
Public Safety				
12	Notification must be made, within the time period required under applicable regulations, to the Massachusetts Department of Environmental Protection (DEP) if there is any release of oil, hazardous materials, or regulated hazardous substances at the site. The City's OSE office, Fire Department and the Board of Health shall also be notified.	CO	OSE/FP/ BOH	



13	The applicant shall provide a copy of transportation licenses that permit the transport of hazardous materials and the use of the parking area for parking of in-transit trucks containing hazardous materials	BP	Plng.	
14	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
Final Review				
15	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.	



Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
T.F. Scott Darling, III, Esq.
Danielle Evans

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 _____



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