



CITY OF SOMERVILLE, MASSACHUSETTS
ZONING BOARD OF APPEALS
JOSEPH A. CURTATONE, MAYOR

MEMBERS

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ELAINE SEVERINO (ALT.)

Case #: ZBA 2005-76-R0408
Site: 200 Innerbelt Road
Date of Decision: May 7, 2008
Decision: *Revision Approved with Conditions*
Date Filed with City Clerk: May 20, 2008

ZBA DECISION

Applicant Name:	President and Fellow's of Harvard College
Applicant Address:	c/o Karen Sommerlad, UPO, 1350 Massachusetts Avenue, Cambridge, MA 02138
Property Owner Name:	Fine Art Storage Partners, LC (Somerville)
Property Owner Address:	9600 Blackwell Road, Suite 200, Rockville, MD 20850
Agent Name:	Key Point Partners, LP
Agent Address:	One Burlington Woods Drive, Burlington, MA 01803
 <u>Legal Notice:</u>	 Applicant, President & Fellows of Harvard College, & Owner, Fine Art Storage Partners, seek revisions to Special Permit #2005-76 (SZO §5.3.8) in order to erect a mechanical penthouse on the roof and replace tinted glass with clear glass. Interior floor plans will also be reconfigured. IA district. Ward 1.
 <u>Zoning District/Ward:</u>	 IA zone/Ward 1
<u>Zoning Approval Sought:</u>	Revision to Special Permit #2005-76
<u>Date of Application:</u>	April 14, 2008
<u>Date(s) of Public Hearing:</u>	May 7, 2008
<u>Date of Decision:</u>	May 7, 2008
<u>Vote:</u>	5-0

Appeal #ZBA 20085-76-R0408 was opened before the Zoning Board of Appeals at Somerville City Hall on May 7, 2008. 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 (1) hearing(s) of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The special permit 2005-76, granted on October 19, 2005, allowed the applicant to use the existing building as a wholesale storage facility to store artwork, replace and move a loading dock, and reduce the number of required parking spaces. The requested revision is to erect a mechanical penthouse on the roof and replace tinted glass with clear glass in select locations on the third floor.

The proposed revisions are shown on the plans and renderings submitted to OSPCD on May 7, 2008. Notices have been mailed to abutters and the case was advertised in the newspaper.

The applicant is proposing to fit-out approximately one half of the second, third and fourth floors of the existing building for art storage, a preservation laboratory, and offices for the Harvard University Art Museums.

FINDINGS FOR SPECIAL PERMIT REVISION

The proposed changes meet the requirements of a Special Permit including information supplied, compliance with standards, consistency with purposes, and site and area compatibility.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Fillis and Scott Darling. Upon making the above findings, Susan Fontano made a motion to approve the request for a special permit. Richard Rossetti 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	The applicant has previously received approval to use the structure for arts storage and associated offices, replace and move a loading dock and reduce the number of required parking spaces. This approval is to allow the applicant to construct a 30 foot by 36 foot by 15 foot mechanicals penthouse and replace 31 blue tint windows on the second floor with clear glass based upon the following application materials and the plans submitted by the applicant and/or its contractor:	BP/CO	ISD	

	April 14, 2008	Revision application submitted to the City Clerk's Office			
	May 7, 2008	Modified elevation and roof plan submitted to OSPCD (A-3.1/A1.5))			
	Any changes to the approved plans, elevations, or renderings must receive ZBA approval.				
2	Any plans for the modifications to the fire alarm and suppression systems need to be submitted to the Bureau for review and approval. Permits for both systems will have to be issued by Fire Prevention. The Board approves the granting of this special permit subject to the building being completed in accordance with plans filed and in accordance with the requirements of the Fire Prevention Bureau and fire safety code, and as evidenced by a Certificate of Compliance being granted prior to the issuance of an Occupancy Permit		CO	FIRE	
3	All mechanicals located outside the building must be baffled to be in conformance the City's Noise Ordinance.		CO	Plng	Architect must submit proof
4	At the completion of the applicant's lease term the blue tinted glass shall be reinstalled without requiring any revision to the Special Permit		Cont.	Plng.	
5	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.		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 Fillis
Elaine Severino, (Alt.)

Attest, by the Zoning Board of Appeals 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 _____