



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

PLANNING DIVISION

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Case #: ZBA #2008-38-R0909
Site: 259 McGrath Highway
Date of Decision: November 4, 2009
Decision: *Revision Approved with Conditions*
Date Filed with City Clerk: November 9, 2009

ZBA DECISION

Applicant Name:	Herb Chambers of Somerville, Corp.
Applicant Address:	259 McGrath Highway, Somerville, MA 02143
Property Owner Name:	Herb Chambers of Somerville, Corp.
Property Owner Address:	259 McGrath Highway, Somerville, MA 02143
Agent Name:	Richard G. DiGirolamo, Esq.
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicant, Herb Chambers of Somerville, Corp., seeks a Special Permit Revision under SZO §5.3.8 in order to alter the façade of the structure and increase the ground coverage by approximately 300sf with a granite base around the existing car showroom. IA zone. Ward 2.

<u>Zoning District/Ward:</u>	IA zone/Ward 2
<u>Zoning Approval Sought:</u>	Revision to Special Permit# ZBA #2008-38
<u>Date of Application:</u>	September 28, 2009
<u>Date(s) of Public Hearing:</u>	11/4/09
<u>Date of Decision:</u>	November 4, 2009
<u>Vote:</u>	5-0

Appeal #2008-38-R0909 was opened before the Zoning Board of Appeals at Somerville City Hall on November 4, 2009. After one hearing of deliberation, the Zoning Board of Appeals took a vote.

DESCRIPTION:

The applicant is proposing façade alterations for the existing two-story 50ft by 50ft concrete and brick section of the building currently used as the showroom for the Mercedes Benz dealership. The Mercedes-Benz Company is requesting that the applicant incorporate signature "Autohaus" façade elements to the building. Alterations to the façade would include an applied clear vision and spandrel (reflective) glass curtain wall system over the existing brick and glass façade; new beam and exposed roof structures with blue aluminum columns extending to a 16in granite base along the perimeter of the structure and to incorporate new signage. These alterations would affect the north, south and west sides of the building section.

This proposal would increase the ground coverage of the structure through the incorporation of the granite base. Approximately 300sf would be added to the ground coverage calculation which would increase the figure from 67,070sf to 67,370sf or 67.8% to 68.1%.

Current signage is a continuous band that wraps the three facades of the structure. The proposal would remove the existing signage and replace it with three individual signs attached to the aluminum columns.

FINDINGS FOR SPECIAL PERMIT REVISION

Section 5.3.8 of the SZO states "Revisions that are not *de minimis* shall be subject to the full notice and hearing provisions of §5.3.2 of this Ordinance, but shall not be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised."

The alterations are being pursued primarily by Mercedes Benz USA in an effort to modernize the showroom with their signature "Autohaus" design. The materials used and the appearance of the "Autohaus" has been established by Mercedes Benz and is being used for many of their showrooms. Façade options were minimal and Staff has worked with the applicant and Mercedes Benz to create the most appealing façade with the limited options available.

The DRC reviewed the Autohaus proposal when it initially came before the board for approval in August 2008. The design included a combination of the aluminum columns and clear vision glass on the first floor of the structure. The DRC commented that one option to improve the design would be to make the Autohaus element and the existing masonry design clearly distinct and independent of one another. This option was the applicant's preference and Staff has collaborated with the design team to arrive at the current proposal.

Façade: The Board finds that the addition of the proposed façade elements would create a more appealing structure than currently exists. The glass curtain wall that would encase the existing structure beneath would modernize the existing structure and compliment the previously approved Smart Center. The existing structure, constructed with tan brick and eye level windows, is unremarkable in design. The Board finds that this clear vision/spandrel glass proposal gives the structure a distinctive look more appropriate for a car showroom. The columns, granite base and roof style give the building a modern industrial look that in conjunction with the Smart Center create a more visually appealing building and gateway to Somerville.

Signage: Several variances have been granted by the ZBA since 1993 regarding signage. The height of McGrath Highway and the height of the abutting waste transfer station were cited as causes of financial hardship for the Applicant. It was determined that due to the height of these abutting structures, the property was hidden from view and the lack of advertising would adversely affect the business. It was also argued that public safety would be better served by these signs, as the increased height and size of these signs would allow drivers to change lanes in advance of the driveway to the building.

A variance granted by the ZBA in 2002 approved the signage that currently bands around the top of the Mercedes Benz showroom. The current proposal actually reduces the square feet of signage on the structure and reduces the height of the signs from the heights approved by the ZBA in 2002. The Board finds that this reduction in size and height reduces the visual impact of the signage. In addition, the Board finds the appearance of the signs to be appropriate for the structure and use of the facility.

Ground Coverage: The Board finds that the increased ground coverage would continue to meet the requirements of the ordinance. Maximum ground coverage in the IA zone is 80% and the coverage under the proposal would be approximately 68%. There would be no reduction in landscaping and the granite base would improve the appearance of the structure.

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. 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	<p><u>This approval incorporates, updates and replaces conditions of all prior zoning approvals except the ZBA variances (case #1993-26) and (case #2002-36) for signage.</u></p> <p>Approval is to construct a 6,614 g.s.f second story addition and for façade alterations to the Mercedes Benz showroom. This approval is based upon the following application materials and the plans submitted by the Applicant and/or agent:</p> <table><tr><th>Date (OSPCD date)</th><th>Submission</th></tr><tr><td>7/14/08</td><td>Initial application and plans submitted to the City Clerk's Office</td></tr><tr><td>7/2/08 (8/5/08)</td><td>Plans and elevations for the second floor addition submitted to OSPCD</td></tr><tr><td>(8/29/08)</td><td>Three renderings of second floor addition submitted to OSPCD</td></tr><tr><td>4/13/09 (9/28/09)</td><td>First floor plan</td></tr><tr><td>9/14/09 (9/28/09)</td><td>Elevations</td></tr></table> <p>Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive ZBA approval.</p>	Date (OSPCD date)	Submission	7/14/08	Initial application and plans submitted to the City Clerk's Office	7/2/08 (8/5/08)	Plans and elevations for the second floor addition submitted to OSPCD	(8/29/08)	Three renderings of second floor addition submitted to OSPCD	4/13/09 (9/28/09)	First floor plan	9/14/09 (9/28/09)	Elevations	BP/CO	ISD/PIng.	
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2	A code compliant fire alarm and suppression system shall be required.	BP/CO	FP													

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 of concrete subject to DPW approval.	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	
5	Any HVAC or other rooftop equipment shall be screened with materials that are visually similar to the façade.	CO	Plng.	
6	The proposed "Autohaus" façade alterations from the approved 2008 plans are void. The only valid and approved "Autohaus"-themed façade is dated 9/14/09.	Building Permit	ISD/ Plng.	
7	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.	
8	The Applicant should consider acknowledging "Somerville" in the signage on its building and operations.	CO	Plng.	
9	The "Autohaus" signage shall be at the size and location depicted on the elevations.	CO	Plng.	
10	A sign shall be installed on the applicant's property that shall include the words "welcome" and "Somerville" in a location, style and content to be approved by Planning Staff.	CO	Plng.	
11	The Applicant shall reimburse the City for the cost of replacing the two street trees.	CO	ISD/DPW/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

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
ZBA 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 _____