



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

MEMBERS

HERBERT F. FOSTER, JR., *CHAIRMAN*
ORSOLA SUSAN FONTANO, *CLERK*
RICHARD ROSSETTI
T. F. SCOTT DARLING, III, ESQ.
DANIELLE FILLIS
ELAINE SEVERINO (ALT.)

Case #: ZBA 2007-48-R0508

Site: 51 McGrath Highway

Date of Decision: June 4, 2008

Decision: *Revision Approved with Conditions*

Date Filed with City Clerk: June 12, 2008

ZBA DECISION

Applicant Name: Marcus Group
Applicant Address: 155 Schmitt Blvd., Farmingdale, NY 11735
Agent Name: Richard G. DiGirolamo, Esq.
Agent Address: 424 Broadway, Somerville, MA 02145

Legal Notice: Applicant Marcus Group seeks a revision to the Special Permit # ZBA 2007-48 in order to revise the parking and circulation layout and add two canopies to the façade.

Zoning District/Ward: IA zone/Ward 2
Zoning Approval Sought: Revision to Special Permit #2007-48
Date of Application: May 13, 2008
Date(s) of Public Hearing: June 4, 2008
Date of Decision: June 4, 2008
Vote: 5-0

Appeal #ZBA 2007-48-R0508 was opened before the Zoning Board of Appeals at Somerville City Hall on June 4, 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/FINDINGS:

The special permit 2007-48, granted on January 23, 2008 allowed the applicant to construct a three-story building for a self storage facility of 28,800 square feet and convert an existing building of factory and office use to a self-storage facility of 61,760 square feet. The applicant also received approval to alter the preexisting non-conforming structure with ramps, stairs, and an awning.

The proposed revisions are shown on the plans and renderings submitted to OSPCD on May 16, 2008. Notices have been mailed to abutters and the case was advertised in the newspaper.

The applicant is proposing five revisions to the original proposal:

1. The parking area is proposed to be revised in order for the applicant to provide a 10 foot buffer around the existing transformer from any proposed parking space.
2. The open side of the transformer enclosure would be revised to incorporate concrete bollards at the edge of the curb adjacent to the nearest parking space.
3. A 3 foot clearance space would be provided between the new fence enclosure and the existing transformer.
4. A striped traffic island would be removed near the access drive.
5. Additional canvas canopies are proposed over the two loading doors

Traffic and Parking has concerns relative to the parking layout revision request stating that, "since vehicles will be maneuvering around the area where the striped island is being proposed with or without the new building, Traffic and Parking prefers that the striped island remain in place and as previously required."

Planning Staff finds that the proposed changes pertaining to the transformer (Revisions 1, 2 & 3) are being made to accommodate requests made by the Somerville Electrical Inspector. The revisions would result in a loss of two parking spaces. The 30 spaces provided under the revision would still meet the parking requirement under the SZO of 26 spaces. Staff finds that the striped traffic island should remain to facilitate proper traffic flow.

Planning Staff finds that the additional canvas canopies would provide weather protection for customers of the facility.

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 revision to Special Permit #ZBA 2007-48-0608. 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	The applicant has previously received approval for a 49,408 n.s.f. building at 51 McGrath Hwy. and a 28,800 n.s.f. building at 61 McGrath Hwy., both for	BP/CO	ISD/PIng.	

	<p>use as self-storage facilities. This approval is for the applicant to provide a 10 foot buffer between the transformer and any proposed parking space, to install concrete bollards, to provide a 3 foot clearance between the transformer and the new screening fence, and to install canopies above the two loading docks based upon the following application materials and the plans submitted by the Applicant and/or agent:</p> <table><tr><th>Date</th><th>Submission</th></tr><tr><td>August 3, 2007</td><td>Informational report and description of proposal</td></tr><tr><td>September 6, 2007</td><td>Plans submitted to the City Clerk’s Office (existing conditions, preliminary grading and utility plan, SP-1 <i>(see revised L-1 for parking layout)</i>, SP-2, A-1, A-2, A-100, A-200, A-201, A-300, S-100</td></tr><tr><td>November 7, 2007</td><td>Traffic Impact and Access Study</td></tr><tr><td>May 16, 2008</td><td>Revised plans submitted to OSPCD (A-5, A-6)</td></tr><tr><td>June 4, 2008</td><td>Revised plans submitted to OSPCD (L-1)</td></tr></table> <p>Any changes to the approved use, site plan or elevations must receive ZBA approval;</p>	Date	Submission	August 3, 2007	Informational report and description of proposal	September 6, 2007	Plans submitted to the City Clerk’s Office (existing conditions, preliminary grading and utility plan, SP-1 <i>(see revised L-1 for parking layout)</i> , SP-2, A-1, A-2, A-100, A-200, A-201, A-300, S-100	November 7, 2007	Traffic Impact and Access Study	May 16, 2008	Revised plans submitted to OSPCD (A-5, A-6)	June 4, 2008	Revised plans submitted to OSPCD (L-1)			
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2	A code compliant fire alarm and suppression system will be required. Fire Prevention permits will be required before any work begins;	BP/CO	FP													
3	A vehicle detection system shall be provided along the bi-directional one lane access approach and configured so that vehicles exiting the rear parking area are required to stop and allow vehicles approaching the rear parking area to proceed;	CO	T&P													
4	Applicant will screen the dumpster with fencing that blocks any view of the dumpster itself	CO	Plng.													
5	Any transformers should be located as not to impact the historic building or landscaped area, and shall be fully screened.	Electrical permits & CO	Plng.													
6	Applicant will supply two bicycle parking spaces, which can be satisfied with one U-type bicycle rack.	CO	Plng.													

7	Signage will be limited in size and location to that shown in the elevation diagrams and lighting after 10p.m. facing residential property will be turned down or off.	CO/Cont.	Plng.	
8	Landscaping and ivy will be grown on side of building facing Brickbottom Condominiums.	Cont.	Plng.	
9	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 stormwater systems, ensuring they are clean, well kept and in good and safe working order;	Cont.	ISD	
10	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;	CO	DPW	
11	To the extent possible, all exterior lighting must be confined to the subject property and must not intrude, interfere or spill onto neighboring properties.	CO/Cont.	ISD	
12	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	
13	To the maximum extent feasible applicant will adhere to statements made in the application report to utilize strategies during construction to mitigate dust and control air quality, to minimize noise and to implement a waste recycling program to recycle 75% of the material from the removed debris.	During Construction	OSE/ISD	
14	Linkage payments will be required to be paid to the Somerville Housing Trust Fund before a CO is issued.	CO	Housing	
15	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.	
16	The Applicant shall obtain the approval of the MBTA to change the existing site grading or hydrology as proposed in plans dated September 6,	Building Permit	Plng.	

	2007.			
17	The Applicant prior to the construction process shall meet the MBTA regulations for new construction within 50' of the railroad right-of-way.	Building Permit	PIng.	
18	The ZBA delegates authority to the Planning Staff to review and approve changes to the site plan facilitating the building's being further removed from the railroad right of way, as well as design details of the new building, provided that all dimensional, landscaping, and parking requirements continue to be met.	Building Permit	PIng.	
19	The Applicant shall develop an excavation plan in consultation with the City of Somerville Inspectional Services Department. Full compliance with proper procedures shall be required, including rodent control measures, minimization of dust, noise, odor, and debris outfall, and sensitivity to existing landscaping on adjacent sites.	Building Permit	PIng.	
20	During excavation, if soil contamination is observed, the Applicant shall identify the Licensed Site Professional (LSP) responsible for the removal of any soil contamination at the site. The LSP shall submit to ISD and the Office of Sustainability and Environment (OSE) evidence showing that the site cleanup has been carried out and has met the standards and requirements of the Massachusetts Department of Environmental Protection (DEP) OR a professional opinion by the LSP justifying the safety of the site in terms of health and safety of the workforce and occupants after submittal of Immediate Response Completion (IRAC) report to DEP but prior to filing Response Action Outcome (RAO) or Activity and Use Limitation (AUL).	Building Permit	PIng.	
21	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 and the Board of Health shall also be notified.	Building Permit	PIng.	
22	The traffic island proposed to be eliminated in the revision shall remain as in the original site plan and landscaping proposal submitted 9/6/07.	CO	T&P	

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 _____