



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

PLANNING DIVISION

***PLANNING BOARD MEMBERS***

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JOSEPH FAVALORO  
JAMES KIRYLO  
MICHAEL A. CAPUANO, ESQ.  
DANA LEWINTER (ALT.)

**Case #: PB #2010-16**  
**Site: 61 Medford Street**  
**Date of Decision: August 24, 2010**  
**Decision: *Petition Approved with Conditions***  
**Date Filed with City Clerk: September 7, 2010**

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**PLANNING BOARD DECISION**

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<b>Applicant Name:</b>	Biogen Idec
<b>Applicant Address:</b>	14 Cambridge Center, Cambridge, MA 02142
<b>Property Owner Name:</b>	Atlantic Management, Corp.
<b>Property Owner Address:</b>	205 Newbury Street, Framingham, MA 01761
<b>Agent Name:</b>	Kris Salmon
<b>Agent Address:</b>	Vanderweil, P& IDC, 25 Birch Street, Milford, MA 01757
 <u>Legal Notice:</u>	 Applicant Biogen Idec & Owner Atlantic Management Corp. seek a special permit (SZO §4.5.3) to expand a nonconforming use by removing two parking spaces and adding a liquid nitrogen tank on the property.
 <u>Zoning District/Ward:</u>	 TOD 100/Ward 2
<u>Zoning Approval Sought:</u>	§4.5.3
<u>Date of Application:</u>	July 15, 2010
<u>Date(s) of Public Hearing:</u>	August 24, 2010
<u>Date of Decision:</u>	August 24, 2010
<u>Vote:</u>	5-0

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Appeal #PB 2010-16 was opened before the Planning Board at Somerville City Hall on August 24, 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 Planning Board took a vote.



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## **DESCRIPTION:**

The proposal is remove two parking spaces along the eastern side of the building in order to install a liquid nitrogen tank. The proposed tank will be situated adjacent to the exterior of the building on a 14' x 14' concrete pad. The tank will be enclosed by a 6ft high chain link fence and surrounded by ten yellow safety bollards.

## **FINDINGS FOR SPECIAL PERMIT (SZO §4.5.3):**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Staff 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."

In considering a special permit under §4.5.3 of the SZO, Staff finds that the changes proposed will not be substantially more detrimental to the neighborhood than the existing nonconforming use. As noted above, the liquid nitrogen is stable and is not expected to impact any neighboring properties. The tank is located at the far side of the property and cannot be seen from the street.

The proposal complies with the parking requirements for TODs under §9.17. A minimum of 60 spaces are required (1 space per 1,000nsf for Cluster A and 1 space per 1,500nsf for Cluster H). The proposal removes 2 spaces from the existing 131, continuing to far exceed the minimum requirement. The proposal also would meet the 96 space minimum parking requirement under the property's previous IP zoning (1 space per 500sf of office, 1 space per 1,500gsf of warehouse, and 1 space per business vehicle stored onsite).

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2. The proposal is also consistent with the purpose of the TOD100 zoning district, namely "to promote those developments that further the City's stated goals of improving its commercial tax base and bringing good quality jobs to the City," by allowing Biogen Idec to work with this material on their site.

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."

Staff finds the proposal to be compatible with the current use of the property and the surrounding area. The proposed tank supports the existing Biogen Idec facility and is not detrimental to the surrounding mix of uses. The location on the far side of the property is appropriate and the tank will have a negligible visual affect on the area.



# **DECISION:**

Present and sitting were Members Kevin Prior, Elizabeth Moroney, Joseph Favaloro, James Kirylo and Michael Capuano. Upon making the above findings, Kevin Prior made a motion to approve the request for a special permit. Joseph Favaloro seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	Approval is for the installation of a liquid nitrogen tank and the removal of two parking spaces. 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>July 15, 2010</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>6/2/10</td><td>Plans submitted to OSPCD (Elevation and site plans; sheets C-001, S-001, SK-002)</td></tr></table>				Date (Stamp Date)	Submission	July 15, 2010	Initial application submitted to the City Clerk's Office	6/2/10	Plans submitted to OSPCD (Elevation and site plans; sheets C-001, S-001, SK-002)
	Date (Stamp Date)				Submission					
	July 15, 2010				Initial application submitted to the City Clerk's Office					
	6/2/10				Plans submitted to OSPCD (Elevation and site plans; sheets C-001, S-001, SK-002)					
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.										
2	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP							
3	The approved tank shall be used for liquid nitrogen only.	BP/CO	Plng.							
4	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 Planning Board:



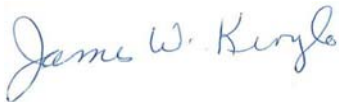
Kevin Prior, Chairman



Elizabeth Moroney



Joseph Favaloro



James Kirylo



Michael A. Capuano, Esq.

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**



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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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