



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

PLANNING DIVISION

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Case #: ZBA 2009-59
Site: 30 Washington Street
Date of Decision: February 3, 2010
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: February 12, 2010

ZBA DECISION

Applicant Name:	Holiday Inn
Applicant Address:	30 Washington Street, Somerville, MA 02143
Property Owner Name:	Northeast Motel Associates
Property Owner Address:	319 Speen Street, Natick, MA 01760
Agent Name:	James Harvey
Agent Address:	c/o Holiday Inn, 30 Washington Street, Somerville, MA 02143

Legal Notice: Applicant, James Harvey, & Owner, Northeast Hotel Associates, seek a Variance from SZO §12.4.1 to install a 385 square foot exterior commercial sign at a height of approximately 75 feet.

<u>Zoning District/Ward:</u>	Business B zone/Ward 1
<u>Zoning Approval Sought:</u>	§12.4.1
<u>Date of Application:</u>	December 8, 2009
<u>Date(s) of Public Hearing:</u>	1/20 & 2/3/10
<u>Date of Decision:</u>	February 3, 2010
<u>Vote:</u>	5-0

Appeal #ZBA 2009-59 was opened before the Zoning Board of Appeals at Somerville City Hall on January 20, 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 Zoning Board of Appeals took a vote.



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DESCRIPTION:

The applicant is proposing to install a 385sf sign on the south side of the building below the 80ft roofline. The sign would be approximately 25ft high and 21ft wide at its maximum dimensions and reach a maximum height of 75ft on the side façade. The sign would feature the new Holiday Inn logo.

FINDINGS FOR SPECIAL PERMIT (SZO §12.4.1):

In order to grant a variance the Board must make certain findings and determinations as outlined in §5.5.3 of the SZO.

1. There are "special circumstances relating to soil conditions, shape or topography of land or structures which especially affect such land or structures but not affecting generally the zoning district in which it is located, causing substantial hardship, financial or otherwise."

Applicant justification: *"When the Hotel was constructed 36 years ago, it was in anticipation of the exit ramp off 93 north being built. Almost 30 years later the ramp became a reality. The signage is requested to draw hotel demand from Boston through improved visibility from I-93. The new sign faces industrial/commercial buildings and will not impact local residents. Current economic conditions have magnified the impact of the hotels lack of exposure to Boston I-93 traffic."*

Board Finding: The topography of the land and the structures that exist between the Hotel and I-93 /Boston limits the ability of the hotel to attract business from these areas due to poor visibility. This signage would enable the hotel to increase business through the opportunities provided by the new I-93 off-ramp. The hotel should have the ability to market itself and be visible to potential customers and not allowing this would cause financial hardship.

2. "The variance requested is the minimum variance that will grant reasonable relief to the owner, and is necessary for a reasonable use of the building or land."

Applicant justification: *"Installing a sign lower on the building façade would not create the visibility necessary to increase demand/exposure to I-93 northbound traffic. The signage will match the existing signs and be in character for the structure and its intended use."*

Board Finding: The proposed sign would be at least 1500ft away from I-93 and the sign would need to be at a significant height to become easily visible to traffic on that roadway. The proposed sign is lower than the two existing signs located on the penthouse.

3. "The granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would not be injurious to the neighborhood or otherwise detrimental to the public welfare."

Applicant justification: *"The sign variance, if granted, would place new signage at a lower level than existing signage. It does not face any residential properties in Somerville. The increased exposure to the Boston hotel customer will bring increased tax revenues, increase demand for area businesses and create additional jobs. With the replacement of existing signage the hotel has reduced the size of the signs that face residential areas of the city."*

Board Finding: The reduction of the square footage of the signs that face residential areas and the increased business that could be generated by the new signage would be beneficial to the City and more consistent with the intent of the SZO.



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DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Scott Darling and Josh Safdie with Danielle Fillis absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a Variance. 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	Approval is for the installation of an approximately 385sf (max 21ft by max 25ft) sign on the south facing façade of the structure. 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>(12/8/09)</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>7/22/08 (12/31/09)</td><td>Plans and elevations submitted to OSPCD</td></tr></table>				Date (Stamp Date)	Submission	(12/8/09)	Initial application submitted to the City Clerk's Office	7/22/08 (12/31/09)	Plans and elevations submitted to OSPCD
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7/22/08 (12/31/09)	Plans and elevations submitted to OSPCD									
Any changes to the approved plans and elevations that are not <i>de minimis</i> must receive ZBA approval.										
2	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.
Josh Safdie (Alt.)

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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