



CITY OF SOMERVILLE, MASSACHUSETTS
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Case #: ZBA 2013-07
Site: 50 Inner Belt Road
Date of Decision: March 14, 2013
Decision: Petition Approved with Conditions
Date Filed with City Clerk: March 26, 2013

ZBA DECISION

Applicant Name:	InterNAP Network Services
Applicant Address:	70 Inner Belt Road Somerville, MA 02143
Property Owner Name:	Penna Realty Associates, LLC
Property Owner Address:	228 Andover Street Wilmington, MA 01887
Agent Name:	Vanasse Hangen Brustlin, Inc.
Agent Address:	101 Walnut Street Watertown, MA 02471

Legal Notice: Owner, Penna Realty Associates, and applicant, InterNAP Network Services, seek a special permit with site plan review for an addition of a loading dock and door. This will alter previously approved façade under ZBA 2008-21. IA Zone. Ward 1.

<u>Zoning District/Ward:</u>	IA zone/Ward 1
<u>Zoning Approval Sought:</u>	Special Permit with Site Plan Review under SZO § 7.11.15.1c
<u>Date of Application:</u>	February 11, 2013
<u>Dates of Public Hearing:</u>	March 20, 2013
<u>Date of Decision:</u>	March 20, 2013
<u>Vote:</u>	5-0

Appeal #ZBA 2013-17 was opened before the Zoning Board of Appeals at Somerville City Hall on March 20, 2013. 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.

DESCRIPTION:

The proposal is to remove an existing double door at grade to accommodate the addition of a loading dock. This includes one loading dock door (approximately 7' tall by 18' long) and an additional door to the south face of the



existing building. The new loading dock will be 3' above grade (the existing floor height of the data center). The dock is needed due to internal reconfiguration to expand capacity.

Due to the fact that a certificate of occupancy has been issued for this site, a revision to SPSR is not possible (SZO § 5.3.8). A change to the approved façade requires a new special permit with site plan review. There are two existing loading docks on the north side of the building. Industrial uses are allowed 2 loading docks for buildings between 10,001-50,000 nsf (ZBA § 9.7). The data center is 45,637 nsf and there will be one loading door in excess of the minimum required which is allowed.

Due to the new loading dock there will be a loss of 3 parking spaces (84 to 81). The property will still be in compliance of the required 11 parking spaces as 81 will still be available onsite. There are currently 6 bicycle parking spaces (Page 5 Site Photos). One space is required (1 per 5,000 nsf).

Exterior lighting will not be altered.

FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO § 7.11.15.1c):

In order to grant a special permit with site plan review, the SPGA must make certain findings and determinations as outlined in §5.2.5 of the SZO. The following findings relate to the proposed change to the previously approved plans. This section of the report goes through §5.2.5 in detail.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.2.3 of the SZO and allows for a comprehensive analysis of the project.
2. Purpose of District: The Applicant has to ensure that the project "is consistent with the intent of the specific zoning district as specified in Article 6".

The proposal of the additional loading dock and man door is consistent with the purpose of the district. Zone IA's purpose is to establish and preserve areas for industrial uses as well as supporting uses.

3. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area, and that the scale, massing and detailing of the buildings are compatible with those prevalent in the surrounding area".
4. Functional Design: The project must meet "accepted standards and criteria for the functional design of facilities, structures, and site construction."

There will still be adequate parking on site with a working layout.

5. Lighting: With respect to lighting, the Applicant must ensure that "all exterior spaces and interior public and semi-public spaces shall be adequately lit and designed as much as possible to allow for surveillance by neighbors and passersby."

There will be no changed to the exterior lighting.

6. Emergency Access: The Applicant must ensure that "there is easy access to buildings, and the grounds adjoining them, for operations by fire, police, medical and other emergency personnel and equipment."

Emergency access and egress to the building will not change.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans, and Elaine Severino, with Josh Safdie absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rosetti 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>Approval is for the SPSR for the addition of a loading dock door and man door. This approval is based upon the following application materials and the plans submitted by the Applicant:</p> <table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>2-19-13</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>1-8-13 (3-11-13)</td> <td>Plans submitted to OSPCD (A2.0 Plans, C-1 Layout & Materials Plans, C-2 Grading & Drainage Plan, C-3 Utility Plan, C-4 Planting Plan)</td> </tr> </tbody> </table> <p>Any changes to the approved (elevations) that are not <i>de minimis</i> must receive SPGA approval.</p>	Date (Stamp Date)	Submission	2-19-13	Initial application submitted to the City Clerk's Office	1-8-13 (3-11-13)	Plans submitted to OSPCD (A2.0 Plans, C-1 Layout & Materials Plans, C-2 Grading & Drainage Plan, C-3 Utility Plan, C-4 Planting Plan)	CO / BP	ISD/Png.	
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2	All new construction should match existing material and color scheme.	BP	Png.							
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 to DPW standard.	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	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	Png.							

Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Danielle Evans
Richard Rossetti
Elaine Severino (Alt.)

Attest, by Administrative Assistant: _____
Dawn 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 _____