



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA 2014-96
Site: 200 Inner Belt Road
Date of Decision: October 15, 2014
Decision: Petition Approved with Conditions
Date Filed with City Clerk: October 23, 2014

ZBA DECISION

Applicant Name:	White Skanska Kiewit, JV
Applicant Address:	100 Summer Street, Suite 250, Boston, MA 02110
Property Owner Name:	NorthRiver, LLC d/b/a North River Art
Property Owner Address:	224 12 th Avenue, New York, NY 10001
Agent Name:	N/A

<u>Legal Notice:</u>	Applicant, White Skanska Kiewit, JV, and Owner, NorthRiverII LLC, d/b/a North River Art seek a Special Permit with Site Plan Review under SZO §5.4 and SZO §7.11.14.B.2 to establish manufacturing use of greater than 10,000 square feet conducted outside an enclosed building.
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<u>Zoning District/Ward:</u>	IA zone/Ward 1
<u>Zoning Approval Sought:</u>	§5.4 & §7.11.14.B.2
<u>Date of Application:</u>	September 11, 2014
<u>Date(s) of Public Hearing:</u>	October 15, 2014
<u>Date of Decision:</u>	October 15, 2014
<u>Vote:</u>	5-0

Appeal #ZBA 2014-96 was opened before the Zoning Board of Appeals at the Somerville High School auditorium on October 15, 2014. 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 current proposal is to construct a temporary manufacturing facility on the site to service construction of the Green Line Extension Project for the MBTA. The manufacturing use will be conducted outdoors; there is no new structure proposed. There will be approximately 30 employees working on the manufacturing of various components of the Green Line project, including bridge components, track components, walls and station elements. An existing surface parking lot on the site will be expanded to serve the manufacturing facility. An existing curb cut will be used to create a second access onto the site. The proposed use would last for approximately five years, and would cease at the completion of the Green Line Extension Project.

FINDINGS FOR SPECIAL PERMIT with SITE PLAN REVIEW (SZO §5.2 & 7.11.14.B) for the INDUSTRIAL USE:

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. 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. **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 with site plan review.”*

The proposal is for outdoor manufacturing use. The establishment of outdoor manufacturing uses requires a Special Permit under SZO section 7.11.14.B.2.

In considering a special permit under §7.11.14.B.2 of the SZO, the Board find that the use proposed is compatible with the industrial character of the Innerbelt area.

3. **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 manufacturing area has been designed to be compatible with the industrial character of the Innerbelt area, and to minimize any nuisance to nearby areas.

4. **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”.*

The manufacturing area has been designed to be compatible with the industrial character of the Innerbelt area, and to minimize any nuisance to nearby areas.

5. **Functional Design:** *The project must meet “accepted standards and criteria for the functional design of facilities, structures, and site construction.”*

The manufacturing uses are sited adjacent to the rail right-of-way to be used by the Green Line Extension Project. An existing curb cut will be used to provide access to the site.

6. **Impact on Public Systems:** *The project will “not create adverse impacts on the public services and facilities serving the development, such as the sanitary sewer system, the storm drainage system, the public water*



supply, the recreational system, the street system for vehicular traffic, and the sidewalks and footpaths for pedestrian traffic.”

The proposal will not create adverse impacts on the public services. The drainage and applicable sewer regulations will be followed.

7. Environmental Impacts: *“The proposed use, structure or activity will not constitute an adverse impact on the surrounding area resulting from: 1) excessive noise, level of illumination, glare, dust, smoke, or vibration which are higher than levels now experienced from uses permitted in the surrounding area; 2) emission of noxious or hazardous materials or substances; 3) pollution of water ways or ground water; or 4) transmission of signals that interfere with radio or television reception.”*

The proposal will not have any adverse impact beyond a typical industrial use in the district. The project is essential to further progress on the Green Line Extension.

8. Consistency with Purposes: *“Is consistent with: 1) the purposes of this Ordinance, particularly those set forth in Article 1 and Article 5; and 2) the purposes, provisions, and specific objectives applicable to the requested special permit with site plan review which may be set forth elsewhere in this Ordinance, such as, but not limited to, those at the beginning of the various sections.”*

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to facilitating the adequate provision of transportation; and, to encourage the most appropriate use of land throughout the City.

The proposal is consistent with the purpose of the Industrial A district, which is, “[t]o establish and preserve areas for industrial and related uses which are not incompatible with commercial uses”.

9. Preservation of Landform and Open Space: *The Applicant has to ensure that “the existing land form is preserved in its natural state, insofar as practicable, by minimizing grading and the erosion or stripping of steep slopes, and by maintaining man-made features that enhance the land form, such as stone walls, with minimal alteration or disruption. In addition, all open spaces should be designed and planted to enhance the attractiveness of the neighborhood. Whenever possible, the development parcel should be laid out so that some of the landscaped areas are visible to the neighborhood.”*

There are no existing land forms to preserve.

10. Relation of Buildings to Environment: *The Applicant must ensure that “buildings are: 1) located harmoniously with the land form, vegetation and other natural features of the site; 2) compatible in scale, design and use with those buildings and designs which are visually related to the development site; 3) effectively located for solar and wind orientation for energy conservation; and 4) advantageously located for views from the building while minimizing the intrusion on views from other buildings.”*

There is no new building proposed.

11. Stormwater Drainage: *The Applicant must demonstrate that “special attention has been given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, and powered area, and routed through a well-engineered system designed with appropriate storm water management techniques. Skimming devices, oil, and grease traps, and similar facilities at the collection or discharge points for paved surface runoff should be used, to retain oils, greases, and particles. Surface water on all paved areas shall be collected and/or routed so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved area. In larger developments, where practical, the routing of runoff through sheet flow, swales or other means increasing filtration and percolation is strongly encouraged, as is use of retention or detention ponds. In instances*



of below grade parking (such as garages) or low lying areas prone to flooding, installation of pumps or other devices to prevent backflow through drains or catch basins may be required.”

All drainage will discharge to the MBTA’s pipes on the railroad right-of-way. The City Engineer will ensure that the site meets the City’s stormwater management policy.

12. Historic or Architectural Significance: *The project must be designed “with respect to Somerville’s heritage, any action detrimental to historic structures and their architectural elements shall be discouraged insofar as is practicable, whether those structures exist on the development parcel or on adjacent properties. If there is any removal, substantial alteration or other action detrimental to buildings of historic or architectural significance, these should be minimized and new uses or the erection of new buildings should be compatible with the buildings or places of historic or architectural significance on the development parcel or on adjacent properties.”*

There are no existing historic structures to preserve.

13. Enhancement of Appearance: *The Applicant must demonstrate that “the natural character and appearance of the City is enhanced. Awareness of the existence of a development, particularly a non residential development or a higher density residential development, should be minimized by screening views of the development from nearby streets, residential neighborhoods of City property by the effective use of existing land forms, or alteration thereto, such as berms, and by existing vegetation or supplemental planting.”*

The approval of the use will not enhance the site in and of itself, but as conditioned, appropriate screening will be in place. Approval of the use will indirectly enhance the appearance of Somerville by allowing the progress of the Green Line Extension. The site will be returned to its original condition at the end of the project (approximately 5 years).

14. 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.”*

The manufacturing uses will be appropriately lit, and will allow for surveillance by neighbors and passerby. The proposal includes security cameras to monitor the manufacturing area. Light should not transmit to the night sky.

15. 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 is possible from Innerbelt Road.

16. Location of Access: *The Applicant must ensure that “the location of intersections of access drives with the City arterial or collector streets minimizes traffic congestion.”*

Site access is provided from Innerbelt Road.

17. Utility Service: *The Applicant must ensure that “electric, telephone, cable TV and other such lines and equipment are placed underground from the source or connection, or are effectively screened from public view.”*

Temporary electric lines are proposed to run from an existing NStar transformer on the site, and will be removed when the Green Line Extension Project is completed.

18. Prevention of Adverse Impacts: *The Applicant must demonstrate that “provisions have been made to prevent or minimize any detrimental effect on adjoining premises, and the general neighborhood, including, (1) minimizing any adverse impact from new hard surface ground cover, or machinery which emits heat, vapor, light or*



fumes; and (2) preventing adverse impacts to light, air and noise, wind and temperature levels in the immediate vicinity of the proposed development.;”

A proposed topsoil stockpile will be seeded and surrounded with proper erosion control measures to control runoff. Street sweeping will be utilized to minimize dust. The manufacturing use will comply with the Somerville noise ordinance. Typical hours of operation will be a single day shift.

19. Signage: *The Applicant must ensure that “the size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall reflect the scale and character of the proposed buildings.”*

No signage is proposed.

20. Screening of Service Facilities: *The Applicant must ensure that “exposed transformers and other machinery, storage, service and truck loading areas, dumpsters, utility buildings, and similar structures shall be effectively screened by plantings or other screening methods so that they are not directly visible from either the proposed development or the surrounding properties.”*

There will be not be permanent equipment that needs screening.

21. Screening of Parking:

The parking needs to be screened. Applicant will supply screening plan with landscaping or fencing prior to paving permit.

5. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

The project will not have an impact on existing affordable housing.

6. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville’s neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

Innerbelt is marked as a Transformational Mixed Use area on the Future Land Context Map and is an Area to Transform in the SomerVision Map. The proposal will support public transit infrastructure improvements that will unlock high-value redevelopment opportunities in the Innerbelt area.



DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Richard Rossetti, Danielle Evans and Elaine Severino with Brandy Brooks absent. Upon making the above findings, Susan Fontano made a motion to approve the request for a Special Permit. Richard Rossetti 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 construction of a temporary outdoor manufacturing area, temporary access road and temporary parking area . This approval is based upon the following application materials and the plans submitted by the Applicant:	CO	ISD/Plng.							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>September 11, 2014</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> <tr> <td>September 8, 2014</td> <td>Modified plans submitted to OSPCD (Overall Plan View)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	September 11, 2014	Initial application submitted to the City Clerk’s Office	September 8, 2014	Modified plans submitted to OSPCD (Overall Plan View)
	Date (Stamp Date)				Submission					
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September 8, 2014	Modified plans submitted to OSPCD (Overall Plan View)									
Any changes to the approved site plan, elevations or use that are not <i>de minimis</i> must receive SPGA approval.										
Pre-Construction										
2	The Applicant will be required to demonstrate that the updated project plans meet the current City of Somerville stormwater policy. Utility, grading, and drainage plans/reports must be submitted to the Engineering Department for review and approval.	Paving permit	Eng.							
3	Applicant shall provide screening plan for the parking with landscaping or fencing for review and approval by planning staff prior to a paving permit. This plan shall designate landscaping and/or fencing along Innerbelt Road to screen the parking and the manufacturing area.	Paving permit	Plng.							
Construction Impacts										
4	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.	Cont.	DPW							
5	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							



6	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.	
7	Applicant shall seed topsoil stockpile to limit runoff and dust during construction for the duration of its presence on the site.	Perp.	ISD/Plng.	
Miscellaneous				
8	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the site and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
9	All temporary parking and manufacturing uses shall cease upon completion of the Green Line Extension project to College Avenue. This special permit with site plan review shall lapse and the site shall be restored to its original condition 90 days after the completion of the Green Line Extension project to College Avenue. Continuation of the parking use shall require application to the SPGA to further extend the use of the lot.	Cont.	ISD	
Public Safety				
10	To the extent possible, all exterior lighting must be confined to the subject property, cast light downward and must not intrude, interfere or spill onto neighboring properties. No onsite lighting shall cast light across the tracks to the adjacent Brickbottom neighborhood.	CO	Plng.	
Final Sign-Off				
11	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 Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Richard Rossetti
Danielle Evans
Elaine Severino

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 _____

