



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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POOJA PHALTANKAR, (ALT.)

Case #: ZBA 2008-38-R2-12/16
Site: 259 McGrath Highway
Date of Decision: February 1, 2017
Decision: Petition Approved with Conditions
Date Filed with City Clerk: February 14, 2017

ZBA DECISION

Applicant Name:	Paul M. Cook, Divine Signs
Applicant Address:	6 Norman Street, Everett, MA 02149
Property Owner Name:	Herb Chambers
Property Owner Address:	259 McGrath Highway, Somerville, MA 02143
Agent Name:	John Welch
Agent Address:	259 McGrath Highway, Somerville, MA 02143

<u>Legal Notice:</u>	Applicant, Paul Cook, Divine Signs, and Owner, Herb Chambers of Somerville, Corp., seek a Special Permit Revision under SZO §5.3.8 in order to alter signage on the existing façade of the structure.
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<u>Zoning District/Ward:</u>	IA zone/Ward 2
<u>Zoning Approval Sought:</u>	§5.3.8
<u>Date of Application:</u>	December 22, 2016
<u>Date(s) of Public Hearing:</u>	February 1, 2017
<u>Date of Decision:</u>	February 1, 2017
<u>Vote:</u>	4-0

Appeal #ZBA 2008-38-R1-12/16 was opened before the Zoning Board of Appeals at Somerville City Hall on February 1, 2017. 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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DESCRIPTION:

The Applicant is proposing to replace signage on the “Smart Center” façade. The proposal is to replace the sign that reads “smart center Boston” with a slightly wider sign that reads “AMG”, shown as E1 in the plans and measures 3’ – 4 1/2” tall and 28’ – 3 3/8” wide. The Applicant also proposes to replace the sign that reads “smart” with one of the same size that reads “AMG”, shown as E2 in the plans and measures 1’ – 5 1/8” tall and 12’ wide. AMG is a brand of Mercedes Benz that offers high performance specialty automobiles.

FINDINGS FOR REVISION TO SPECIAL PERMIT (SZO §5.3.8):

The Board finds that the proposed changes would not significantly impact the original approval of the façade alterations nor will the changes be detrimental to the design of the structure.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Elaine Severino and Josh Safdie with Richard Rossetti absent. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes						
1	This approval incorporates, updates and replaces conditions of all prior zoning approvals except the ZBA variances (case #1993-26) and (case #2002-36) for signage. Approval is to replace signage for the “Smart Center” showroom. This approval is based upon the following application materials and the plans submitted by the Applicant and/or agent: <table><tr><th>Date (OSPCD date)</th><th>Submission</th></tr><tr><td>December 22, 2016</td><td>Initial application and plans submitted to the City Clerk’s Office</td></tr><tr><td>August 31, 2016</td><td>Signage plans submitted to OSPCD</td></tr></table> Any changes to the approved elevations that are not <i>de minimis</i> must receive ZBA approval.	Date (OSPCD date)	Submission	December 22, 2016	Initial application and plans submitted to the City Clerk’s Office	August 31, 2016	Signage plans submitted to OSPCD	BP/CO	ISD/PIng.	
Date (OSPCD date)	Submission									
December 22, 2016	Initial application and plans submitted to the City Clerk’s Office									
August 31, 2016	Signage plans submitted to OSPCD									
2	A code compliant fire alarm and suppression system shall be required.	BP/CO	FP							
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 of concrete subject to DPW approval.	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	Any HVAC or other rooftop equipment shall be screened with materials that are visually similar to the façade.	CO	Plng.	
6	The proposed "Autohaus" façade alterations from the approved 2008 plans are void. The only valid and approved "Autohaus"-themed façade is dated 9/14/09.	Building Permit	ISD/ Plng.	
7	The Applicant should consider acknowledging "Somerville" in the signage on its building and operations.	CO	Plng.	
8	The "Autohaus" signage shall be at the size and location depicted on the elevations.	CO	Plng.	
9	A sign shall be installed on the applicant's property that shall include the words "welcome" and "Somerville" in a location, style and content to be approved by Planning Staff.	CO	Plng.	
10	The Applicant shall reimburse the City for the cost of replacing the two street trees.	CO	ISD/DPW/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:

Orsola Susan Fontano, *Chairman*
Danielle Evans
Elaine Severino
Josh Safdie

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 _____

