



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

DECISION 2024 DEC -2 A 11:48

PROPERTY ADDRESS: 22 McGrath Highway
CASE NUMBER: ZP24-000061
OWNER: Twin City Plaza, LLC
OWNER ADDRESS: 1 Independent Drive, Suite 114, Jacksonville, FL 32202
APPLICANT: Same as above
APPLICANT ADDRESS: Same as above
DECISION: Approved with Conditions (Site Plan Approval)
DATE OF VOTE: November 20, 2024
DECISION ISSUED: November 25, 2024

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Site Plan Approval application submitted for 22 McGrath Highway.

LEGAL NOTICE

Twin City Plaza, LLC proposes a substantial renovation to an existing façade in the Commercial Business (CB) zoning district, which requires Site Plan Approval.

RECORD OF PROCEEDINGS

On November 20, 2024, the Zoning Board of Appeals held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Chair Susan Fontano, Vice-Chair Anne Brockelman, Ann Fullerton, Zachary Zarembo, Alternate Brian Cook and Alternate Sisia Daglian. The applicant provided a presentation to the Board on the proposed façade renovation project and asked if condition 8 recommended in the Staff Memo could be tweaked to provide flexibility for moving the existing gas meters in front of the Dunkin Donuts. After the presentation by the Applicant, Chair Fontano asked the applicant if they have been in communication with Eversource regarding the moving of the gas meters to the rear of the building, which the applicant responded that they have been. After a brief discussion regarding the gas meters and the construction timeline, Chair Fontano opened the public testimony portion of the hearing. No public testimony was given.

After the public testimony portion of the hearing, the Board went into discussion with the applicant. Discussion items includes the material palette for the façade and if the Board is comfortable with revisions to the Staff recommended condition relating to utility meters not be located on the front façade or frontage area. The Board stated they are fine with the gas meters being an exception to that and that the condition language be revised to reflect that they can be moved subject to approval by Eversource. After the discussion, the Board moved to approve the Site Plan Approval.

PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and incorporated are identified below.

Document	Pages	Prepared By	Date	Revision Date
22 McGrath Highway Development Narrative	2	Adam Dash & Associates, 48 Grove Street, Ste 304, Somerville, MA 02144	June 24, 2024	n/a
22 McGrath Highway First Neighborhood Meeting Report	22	Adam Dash & Associates, 48 Grove Street, Ste 304, Somerville, MA 02144	June 24, 2024	n/a
22 McGrath Highway Second Neighborhood Meeting Report	35	Adam Dash & Associates, 48 Grove Street, Ste 304, Somerville, MA 02144	June 24, 2024	n/a
22 McGrath Highway Design Review Report	1	Adam Dash & Associates, 48 Grove Street, Ste 304, Somerville, MA 02144	June 24, 2024	n/a
22 McGrath Highway Drawings	12	Peter Quinn Architects LLC, 259 Elm Street, Ste 301, Somerville, MA 02144	June 28, 2024	August 13, 2024 August 28, 2024 October 8, 2024 October 15, 2024
22 McGrath Highway Land Title Survey	5	Control Point Associates Inc., 352 Turnpike Rd, Southborough, MA, 01772	November 15, 2021	October 13, 2023

SITE PLAN APPROVAL FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a Site Plan Approval upon making findings considering, at least, each of the following:

1. *The comprehensive plan and existing policy plans and standards established by the City.*

The Board finds that this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- Promote a dynamic urban streetscape that embraces public transportation, reduces car dependence, and is accessible, inviting, and safe for all pedestrians, bicyclists, and transit riders.
- Invest in the growth of a resilient economic base that is centered around transit, generates a wide variety of job opportunities, creates an active daytime population, supports independent local businesses, and secures fiscal self-sufficiency.

2. *The intent of the zoning district where the property is located.*

The Board finds that the proposal meets the intent of the CB zoning district is, in part: "[T]o maintain already existing areas appropriate for moderate- and large-scale, low-rise buildings and community- and region-serving commercial uses that do not readily assimilate into other zoning districts.

3. *Mitigation proposed to alleviate any impacts attributable to the proposed development.*

The Board finds that, as conditioned, the proposal does not create any impacts which require mitigation.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Vice-Chair Brockelman moved to approve the Site Plan Approval for a substantial renovation to an existing facade with the conditions included in the staff memo and modification to condition #8 of the staff memo discussed at the hearing. The Board voted **5-0** to approve the permit, subject to the following conditions:

Perpetual

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. Utility meters are not permitted on any façade or within the frontage area of the lot except that existing gas meters, which may be moved, subject to the approval by Eversource Energy.

Prior to Building Permit

3. One (1) digital copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.
4. A digital copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the planning, Preservation & Zoning Division for the public record.
5. Materials specifications from suppliers must be submitted to confirm fenestration glazing is compliant with the VLT and VLR ratings required by the Somerville Zoning Ordinance.
6. An outdoor lighting plan and supplier cut sheet specifications of chosen lighting fixtures must be submitted to confirm compliance with Section 10.7 Outdoor Lighting of the Somerville Zoning Ordinance. The site photometric plan must include a keyed site plan identifying the location of all luminaires; total site lumen limit table (calculations from the SZO); lighting fixture schedule indicating the fixture type, description, lamp type, lumens, color temperature, color rendering index, BUG rating, mounting height, and wattage of all luminaires; and notation of any timing devices used to control the hours set for illumination.
7. Construction documents must be substantially equivalent to the approved plans and other materials submitted for development review.

Prior to Certificate of Occupancy

8. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be submitted to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Anne Brockelman, *Vice-Chair*
Ann Fullerton
Zachary Zaremba
Brian Cook, *Alternate*
Sisia Daglian, *Alternate*

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. 15.5.3.

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.

FOR SITE PLAN APPROVAL(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 _____