



City of Somerville

ZONING BOARD OF APPEALS

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

DECISION

2024 DEC 19 A 10:01

PROPERTY ADDRESS: 200 Inner Belt Road
CASE NUMBER: ZP24-000094
OWNER: NRL WSC 200 Inner Belt Prop LLC
OWNER ADDRESS: 610 West 26th Street c/o North River Company, New York, NY 10001
APPLICANT: Same as above
APPLICANT ADDRESS: Same as above
DECISION: December 18, 2024
DATE OF VOTE: November 6, 2023
DECISION ISSUED: December 19, 2024

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Hardship Variance application submitted for 200 Inner Belt Road.

LEGAL NOTICE

NRL WSC 200 Inner Belt Prop, LLC seeks to install a noncompliant sign in the Commercial Industry (CI) zoning district, which requires a Hardship Variance.

RECORD OF PROCEEDINGS

On November 6, 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 Brockelman, Ann Fullerton, Zachary Zaremba, Alternate Brian Cook and Alternate Sisia Daglian. The applicant presented their argument for a Hardship Variance for a noncompliant commercial sign (monument sign) to the board. Following their presentation, Chair Fontano opened the public hearing, which no testimony was given. The board then discussed the application with the applicant, inquiring about the anchor tenant's building space, potential future noncompliant signs from other tenants, and if other sign types are proposed. The Board also asked staff about the vested rights of noncompliant commercial signs on other properties, receiving confirmation that existing nonconforming signs could be replaced in-kind. After consideration of the three Hardship Variance criteria, the board approved the variance for the proposed noncompliant monument sign.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
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200 Inner Belt Road Hardship Variance Narrative	1	NRL WSC 200 Inner Belt Prop LLC, 610 West 26 th Street c/o North River Company, New York, NY 10001	September 18, 2024	September 25, 2024
200 Inner Belt Road Supplemental Memorandum from NRL WSC 200 Inner Belt Prop, LLC	10	NRL WSC 200 Inner Belt Prop LLC, 610 West 26 th Street c/o North River Company, New York, NY 10001	November 22, 2024	n/a
200 Inner Belt Road Lot Split Plan of Land	1	DGT Associates, 803 Summer Stret, 1 st floor, Boston, MA 02127	August 6, 2024	n/a
200 Inner Belt Proposed Site Plan	2	Redgate and ViewPoint	Site Plan page created on December 12, 2023 and sign rendering created on March 22, 2024	n/a

HARDSHIP VARIANCE FINDINGS

In accordance with M.G.L. 40A and the Somerville Zoning Ordinance, the Board may grant a hardship variance only upon finding all of the following for each hardship variance:

1. *Special circumstances exist relating to the soil conditions, shape, or topography of a parcel of land or the unusual character of an existing structure but not affecting generally the CI zoning district in which the land or structure is located;*

The Board finds that special circumstances exist relating to the existing structure as it is set back on the parcel from a dead-end street and its main entrance is located in such a way that makes it impossible, as a practical matter, to install a permitted commercial sign type that will sufficiently identify the tenant for the public of its presence and reasonable and effective means for identifying street address and business name at 200 Inner Belt Road.

2. *Literal enforcement of the provision of this Ordinance for the district where the subject land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant, NRL WSC 200 Inner Belt Prop, LLC, due to said special circumstances; and*

The Board finds that literal enforcement of the provision of the zoning ordinance for the Commercial Industrial district where the subject land and structure is located would involve substantial hardship to the applicant due to the fact of the inability to have a sign that appropriately reflects the tenant's presence, which would reflect poorly on the tenant, and diminish the tenant's perception of the attractiveness of the value of the property, which would harm the property owner.

3. *Desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Commercial Industry district in this Ordinance or the Ordinance in general.*

The Board finds that desirable relief can be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Commercial Industry district or the zoning ordinance in general because the surrounding area already has several similar signs, the visual impact of the sign will not diminish the view of the dead end of the street, and will enable the applicant to better meet the aims of the applicable section of the zoning ordinance.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Vice-Chair Brockelman moved to approve the **Hardship Variance** for a noncompliant commercial sign type in the Commercial Industry (CI) zoning district with the conditions included in the staff memo. Member Zaremba seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

Permit Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.

Prior to Building Permit

2. 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.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
 Anne Brockelman, *Vice-Chair*
 Ann Fullerton
 Zachary Zaremba
 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 _____