



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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Case #: ZBA # 2012-105
Site: 167-169 Holland Street
Date of Decision: January 9, 2013
Decision: *Petition Approved with Conditions*
Date Filed with City Clerk: January 23, 2013

ZBA DECISION

Applicant Name:	Rudi Pizzi, Tufts University
Applicant Address:	520 Boston Avenue, Medford, MA 02155
Property Owner Name:	Trustees of Tufts University
Property Owner Address:	520 Boston Avenue, Medford, MA 02155
Agent Name:	Martin A. Oppenheimer
Agent Address:	Ballou Hall, Tufts University, 520 Boston Ave, Medford, MA 02155

<u>Legal Notice:</u>	Applicant Rudi Pizzi, Director of Project Admin Tufts University and Owner Trustees of Tufts University seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to replace the roof of the Tufts data center, increasing the height of the roof by two feet for a portion of the building that is not visible from surrounding area.
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<u>Zoning District/Ward:</u>	RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	December 11, 2012
<u>Date(s) of Public Hearing:</u>	January 9, 2013
<u>Date of Decision:</u>	January 9, 2013
<u>Vote:</u>	4-0

Appeal #ZBA 2012-105 was opened before the Zoning Board of Appeals at Somerville City Hall on January 9, 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.



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DESCRIPTION:

The proposal is to replace the roofing of the data center and modify the structural roof framing for code compliance. The roof will be located a few feet taller than the existing roof. The data center is located at the back of the property adjacent to the Powder House School building. Its roof is 22 feet tall and is surrounded by a taller building that is 45 feet in height.

A new diesel powered emergency generator will replace an existing generator on the northwest side of the building. It will have an acoustical enclosure and an exhaust muffler for noise control.

FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. Information Supplied: The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

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."

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The height of the roof will not be greater than the height allowed in the district and the change will not be visible from the surrounding area.

3. Consistency with Purposes: The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article 1, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."

The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to conserving the value of land and buildings and the purpose of the residential districts in making an upgrade to this institutional building that will not be visible from the residential abutters.

4. Site and Area Compatibility: The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."

The new roof height will allow for the code compliance for the renovated data center. The change to the roof was designed to be compatible with the surrounding area as it will only be visible from a bird's eye view.

5. Adverse 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 roof height change will not adversely impact the environment and the new generator will have an acoustical enclosure and exhaust muffler for noise control such that there should not be an audible increase in noise between the old and new generators.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino and Josh Safdie Herbert Foster and Danielle Evans absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Josh Safdie 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	Approval is for the increase in roof height of the data center. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.							
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>Dec 11, 2012</td><td>Initial application submitted to the City Clerk's Office</td></tr><tr><td>Dec 5, 2012</td><td>Plans submitted to OSPCD (Site Plan, Site Scan, Floor Plan, Building Elevation, Sections)</td></tr></table>				Date (Stamp Date)	Submission	Dec 11, 2012	Initial application submitted to the City Clerk's Office	Dec 5, 2012	Plans submitted to OSPCD (Site Plan, Site Scan, Floor Plan, Building Elevation, Sections)
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	Dec 5, 2012				Plans submitted to OSPCD (Site Plan, Site Scan, Floor Plan, Building Elevation, Sections)					
Any changes to the approved plans that are not <i>de minimis</i> must receive SPGA approval.										
2	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, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
Elaine Severino (Alt.)
Josh Safdie (Alt.)

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 _____

