

The City of Waltham
ZONING BOARD OF APPEALS

NOTICE OF DECISION

CASE NUMBER: #2018-45
NAME OF PETITIONER(s): Zoom Information Inc.
NAME OF OWNER(s): Tracer Lane Trust II.
LOCATION OF PROPERTY: 170 Tracer Lane
DATE OF HEARING(S): January 29, 2019
DATE OF DECISION: January 29, 2019
DATE OF FILING OF DECISION WITH CITY CLERK: February 8, 2019
DATE OF NOTIFICATION TO BUILDING INSPECTOR: February 8, 2019
FINAL DATE FOR FILING OF APPEAL FROM THIS DECISION: February 28, 2019

Appeals, if any, shall be made pursuant to Section 17 of the General Laws of Massachusetts Chapter 40A. All plans referred to in the decision have been filed with the Planning Board and with the City Clerk.

DECISION

GRANTED XX
DENIED _____

ROLL CALL

	<u>Yes</u>	<u>No</u>		<u>Yes</u>	<u>No</u>
Barbara Rando	X		Edward T. McCarthy, Jr.		
Michael J. Cotton			Oscar L. LeBlanc		
John Sergi	X		Marc S. Rudnick		
Mark A. Hickernell	X		Michael R. Squillante		
Glenna Gelineau	X		Sarah Hankins	X	

PETITION

Case #: 2018-45. **Petitioner:** Zoom Information Inc. **Owner:** Tracer Lane Trust II. **Nature of Appeal:** Application for Sign Variances. **Subject Matter:** The Petitioner proposes to construct, use and maintain a primary sign with the firm name attached to or flush with the south wall of the Building. The Petitioner also proposes to construct, use and maintain a secondary wall sign on the west wall of the building. **Location and Zoning District:** 170 Tracer Lane, Limited Commercial Zoning District. **Provisions of Zoning Ordinance Involved:** Article VI, Sections 6.51, 6.52, & 6.6798. **Specific Relief Sought:** 1.) Section 6.6798 states that signs in a Limited Commercial Zoning District shall be no larger than 5 feet by 20 feet (100 square feet), attached to or flush to the building and non-illuminated. Here, the Petitioner proposes to construct, use and maintain a wall sign attached to or affixed to the decorative architectural feature of the building on the south wall with a sign area of 196 square feet. The Petitioner is also proposing to illuminate the sign from 5AM to Midnight. 2.) Section 6.52 states that each business which abuts at least one exterior wall of the building may have one secondary wall sign provided that it does not exceed eighteen (18) square feet. Here, the Petitioner, as sole occupant of the building, proposes one wall sign on the west wall of the building attached to a canopy over the entrance. The secondary wall sign shall have an area of 22.25 square feet.

ON MOTION DULY MADE AND SECONDED THE BOARD ADOPTED THE FOLLOWING FINDINGS OF FACT:

The Board of Appeals of the City of Waltham makes the following findings of fact after a hearing on the above captioned Petition for variances:

1. This Board of Appeals, having met all legal prerequisites by proper publications and posting as provided in Massachusetts General Laws, Chapter 40A, § 11 and having by mail notified all parties in interest and having heard all the evidence, is now empowered to exercise the power to grant or deny the variances sought by the Petitioner.
2. The locus is 170 Tracer Lane and is situated in a Limited Commercial Zoning District.
3. The locus is also known as tax parcel no. R005-005-008A and is shown as Lot F on Owner's deed, Tracer Lane Trust II, dated May 30, 2000, recorded at the Middlesex South Registry of Deeds in Book 31451, page 506.
4. The Petitioner is Zoom Information, Inc., a for profit corporation organized in the State of Delaware, with its corporate headquarters here in Waltham.
5. The Petitioner is relocating from Waverley Oaks Road in Waltham to 170 Tracer Lane as its new corporate headquarters.

6. The Owner of the Locus is Tracer Lane Trust II, owned and managed by Boston Properties.
7. The Petitioner proposes to construct, use and maintain a primary sign on the locus with illumination and a secondary sign.
8. The zoning relief requested is as follows:

VariANCES

- a. § 6.6798 states that signs in a Limited Commercial Zoning District shall be no larger than 5 feet by 20 feet (100 square feet), attached to or flush with to the building and non-illuminated. Here, the Petitioner proposes to construct, use and maintain a wall sign attached to or affixed to the decorative architectural feature of the building on the south wall with a sign area of 180 square feet (6 feet by 30 feet). The Petitioner is also proposing to illuminate the sign from 6 AM to midnight.
 - b. § 6.52 states that each business which abuts at least one exterior wall of the building may have one secondary wall sign provided that it does not exceed eighteen (18) square feet. Here, the Petitioner, as sole occupant of the building, proposes one wall sign on the west wall of the building attached to a canopy over the entrance. The secondary wall sign shall have an area of 22.25 square feet.
9. The variances requested are dimensional and the Board of Appeals has the power (M.G.L. c.40A §10 and 14) and authority to grant it.
 10. As to facts concerning the petition for variances, the Board takes note of the following:
 - a. The locus consists of 9.16 acres of land.
 - b. The building on the locus was originally constructed in 1980 as an office building.
 - c. The building has undergone recent renovations to create a new corporate office for Zoom Information, Inc. or "ZoomInfo". ZoomInfo shall occupy the entire office building as its single occupant.
 - d. The building is accessed by Tracer Lane which runs off of Trapelo Road. It provides access to three office buildings including the locus building.
 - e. The Zoning Ordinance permits a primary sign and a secondary sign for the occupant of the building. The locus is situated in a Limited Commercial Zoning District.
 - f. The shape of the lot is affected by Tracer Lane as it provides a turn around and access point on the south side of the locus. The locus shape is also affected by Route 128 as it provides the easterly boundary of the lot and the Town of Lexington boundary to the north.
 - g. The elevation at the base of the building is approximately 180 feet, whereas the elevation at the end of Tracer Lane is 185 feet, and Route 128 is 185 and 186 feet.

- h. Because of the varied elevations throughout the locus, the building elevation is lower than surroundings streets and highways.
- i. Access to the locus is provided off Trapelo Road and down to the northerly end of Tracer Lane.
- j. Soil conditions are significantly affected by large swaths of wetland areas. Only a limited portion of the locus lot is buildable due to the wetland areas.
- k. The locus is also affected by the large (250' wide) utility easement which travels through the locus. The westerly wall of the building runs parallel to the easement.

THEREFORE, THE ZONING BOARD OF APPEALS FOR THE CITY OF WALTHAM AFTER DUE DELIBERATION, ON A MOTION DULY MADE AND SECONDED, VOTED UNANIMOUSLY:

To grant the variances requested in Case No. 2018-45 and incorporates by reference the Findings of Fact and further cites as reasons the following:

The Board finds that there are circumstances especially affecting this locus which do not generally affect other lots in the Limited Commercial Zoning District in which it is located, in that:

The shape of the locus presents a unique circumstance. The eastern boundary of the locus lot is the westerly side line of Route 128 /Interstate 95 as one travels north on the highway. The southerly boundary line is affected by the circle or cul de sac of Tracer Lane. The northerly boundary is partially bounded by the Town of Lexington town line.

Soil Conditions: Wetlands comprise a significant portion of the 9.16 acre locus parcel. At various points on the locus wetlands cover the entire width of the locus from its westerly boundary to its easterly boundary at Route 128.

The topography of the locus also presents a unique circumstance. The elevation grade at the driveway as it comes off Tracer Lane is approximately 185 feet. The base building elevation is about 180 feet. The elevation dips and then rises up to Route 128 which has an elevation of 185 feet. The elevation northwest of the building dips down to 170 feet then the lot then proceeds to climb up to an elevation of 180 feet through the easement and power lines.

The building is situated lower than it surrounding streets and highway. The building is also situated on the east side of the locus, away from the "hill" or easement area to the northwest.

A literal enforcement of the Zoning Ordinance would involve a practical hardship to the Petitioner, in that:

The office use is an allowed use in the Limited Commercial Zoning District. A "primary sign" is permitted to each business establishment to announce or inform employees, visitors and vendors. Situating the sign adjacent to the Tracer Lane is also critical as it is the obvious location to identify the building. It shall be lighted or illuminated to insure its visibility to all as well.

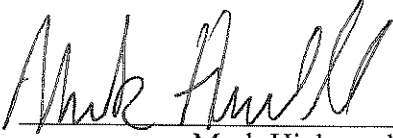
This Petition may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or the purpose of the Ordinance.

The requested variances affect the size and the lighting of the proposed signs. The primary sign area, 187.50 square feet (6.25 feet x 30 feet), is 87.50 square feet over that permitted sign area under the Ordinance. The locus lot is almost twice the size of the minimum lot size for the zone, is situated at the end of a long road, which creates an isolated and out of the way location. The primary size area is well below the maximum area permitted in a Commercial Zone (the width of the front of the building times 6 or 696 square feet). Furthermore, the proposed signage will not be a substantial detriment to the public good but a benefit to the public good. The sign shall announce the new corporate headquarters of ZoomInfo to travelers and brightly shown with LED lighting. More importantly the sign will assist visitors in locating the building from Trapelo Road and the entry driveway or Tracer Lane access road.

The sign shall be aesthetically designed yet functional for the purpose of identifying the ZoomInfo facility.

The granting of the variances is subject to the following conditions:

1. All necessary permits shall be issued and work commenced within one (1) year of the date of the filing of this decision with the City Clerk's office and work shall be completed within two (2) years of the filing of the decision with the City Clerk;
2. All construction and use of the premises shall be in substantial accordance with the plans introduced as evidence during the hearing entitled:
 - a) "Abutters Plan", by VHB, dated December 10, 2018;
 - b) "Main ID Sign-South", by McFarland Engineering, consisting of 3 sheets, dated January 11, 2019;
 - c) Sign Plan showing light fixtures, power and times, undated; and
 - d) "Canopy ID" plan, by Main line Graphics and Sign Design, undated.
3. The Main ID Sign-South may only be illuminated between the hours of 6 AM and midnight.


Mark Hickernell, Clerk

DATE: 8 February 2019