



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

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POOJA PHALTANKAR, (ALT.)

**Case #: ZBA 2007-11-R3-3/2017**  
**Site: 292 Beacon Street**  
**Date of Decision: September 6, 2017**  
**Decision: Petition Denied**  
**Date Filed with City Clerk: September 20, 2017**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Kenn Spera
<b>Applicant Address:</b>	P.O. Box 189, Still River, MA 01467
<b>Property Owner Name:</b>	Kenn Spera
<b>Property Owner Address:</b>	P.O. Box 189, Still River, MA 01467
<b>Agent Name:</b>	N/A

**Legal Notice:** Applicant/Owner, Kenn Spera, seeks a Revision to a special permit (ZBA 2007-11, ZBA 2007-11R0508, and ZBA 2007-50) under SZO §5.3.8 to alter the footprint and a Variance under SZO §5.5 and SZO §8.5 to alter the height of the previously approved rear structure to build and approximately 4,850 square foot mixed use building with four residential units and one commercial unit.

<b><u>Zoning District/Ward:</u></b>	RC zone/Ward 2
<b><u>Zoning Approval Sought:</u></b>	Revision to Special Permit & §5.3.8, §5.5, §8.5
<b><u>Date of Application:</u></b>	March 30, 2017
<b><u>Date(s) of Public Hearing:</u></b>	5/17, 6/7, 6/21, 7/12, 8/2, 8/16 & 9/6/17
<b><u>Date of Decision:</u></b>	September 6, 2017
<b><u>Vote:</u></b>	4-0

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Appeal #ZBA 2007-11-R3-0317 was opened before the Zoning Board of Appeals at the Somerville High School Auditorium on May 17, 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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**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Josh Safdie, and Pooja Phaltankar with Danielle Evans and Anne Brockelman absent. Upon making the above findings, Richard Rossetti made a motion to deny the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **DENY** the request.



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Richard Rossetti, *Clerk*  
Elaine Severino  
Josh Safdie  
Pooja Phaltankar (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 \_\_\_\_\_

