



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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Case #: ZBA 2018-78-E1-8/19
Site: 1154 Broadway
Date of Decision: September 4, 2019
Decision: *Approved with Conditions*
Date Filed with City Clerk: September 10, 2019

ZBA DECISION

Site: 1154 Broadway

Applicant / Owner Name: Anuj Pradhan, Trustee of the 1154 Broadway Realty Trust
Applicant / Owner Address: 8 Curtis Street, Somerville, MA 02144
Agent Name: Richard G. DiGirolamo, Esq.
Agent Address: 424 Broadway, Somerville, MA 02145
City Councilor: Katjana Ballantyne

Legal Notice: Applicant and Owner, Anuj Pradhan, Trustee of the 1154 Broadway Realty Trust, seeks a six-month extension of time under M.G.L Ch. 40A Sect. 10 of a previously approved variance (ZBA 2018-78) that was granted in October 2018 to construct a 75-room hotel. NB Zone. Ward 7.

<u>Zoning District/Ward:</u>	NB Zone. Ward 7.
<u>Zoning Approval Sought:</u>	M.G.L Ch. 40A Sect. 10
<u>Date of Application:</u>	August 1, 2019
<u>Date(s) of Public Hearing:</u>	September 4, 2019
<u>Date of Decision:</u>	September 4, 2019
<u>Vote:</u>	5-0

Case number ZBA 2018-78-E1-8/19 was opened before the Zoning Board of Appeals in the 3rd floor Community Room of the Visiting Nurse Association at 259 Lowell Street. 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. On September 4, 2019, the Zoning Board of Appeals took a vote.



I. PROJECT DESCRIPTION

The proposal is to extend the Variance by six-months.

II. FINDINGS FOR EXTENSION OF VARIANCE (M.G.L Ch. 40A Sect. 10)

Per M.G.L Ch. 40A Sect. 10, if the rights authorized by a variance are not exercised within one year of the date of grant of such variance such rights shall lapse; provided, however, that the permit granting authority in its discretion and upon written application by the grantee of such rights may extend the time for exercise of such rights for a period not to exceed six months; and provided, further, that the application for such extension is filed with such permit granting authority prior to the expiration of such one year period. If the permit granting authority does not grant such extension within thirty days of the date of application therefor, and upon the expiration of the original one year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this section.

Planning Staff received the application to extend the Variance on August 1, 2019, which is before the expiration date of October 24, 2019. Since the project was approved, the Applicant has been working with a lender on the underwriting of the loan to make funds available so that soil remediation can occur prior to the commencement of construction. The Board finds that the Applicant has made diligent efforts to work on building permit plans and obtain financing for this project. The Variance must be exercised by commencing construction by April 24, 2020.

III. DECISION

Present and sitting were, Susan Fontano, Danielle Evans, Josh Safdie, Anne Brockelman, and Elaine Severino. Upon making the above findings, Danielle Evans made a motion to approve the request for an extension. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **5-0** to **APPROVE** the request **WITH THE CONDITION** that:

The Applicant must remove trash/refuse that has collected on the site over the years and make aesthetic improvements until soil remediation begins and/or construction commences.

Attest, by the Zoning Board of Appeals:

Susan Fontano, *Chair*
Danielle Evans, *Clerk*
Anne Brockelman
Elaine Severino
Josh Safdie

Attest, by Planner:

Alexander Mello

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 _____

