



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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POOJA PHALTANKAR, (ALT.)

Case #: ZBA 2015-32-E1-10-2017
Site: 906-908 Broadway
Date of Decision: November 8, 2017
Decision: *Petition Approved*
Date Filed with City Clerk: November 22, 2017

ZBA DECISION

Applicant / Owner Name: Siyuan He
Applicant / Owner Address: 32 St James Ave, Somerville, MA 02144

Legal Notice: Applicant and Owner, Siyuan He, seeks a one-year extension under §5.3.10 to the Special Permits issued by the ZBA in 2015 to alter a non-conforming 2-family structure to add an approximately 2,000 square foot addition. RA zone. Ward 6.

Zoning District/Ward: RA zone / Ward 6
Zoning Approval Sought: §5.3.10
Date of Application: October 6, 2017
Date(s) of Public Hearing: November 8, 2017
Date of Decision: November 8, 2017
Vote: 5-0

Appeal # ZBA 2015-32-E1-10-2017 was opened before the Zoning Board of Appeals at Somerville City Hall on November 8, 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.



DESCRIPTION:

The Applicant seeks a one year extension of the Special Permits that were granted in 2015. Those approvals were for the alteration of this non-conforming structure to add approximately 2,164 square foot addition according to plans submitted on June 3, 2015 and September 3, 2015.

EVALUATION & FINDINGS FOR EXTENSION:

In SZO §5.3.10 good cause for an extension of a special permit shall be determined by the SPGA, and only upon a finding of demonstrated hardship (e.g. financing problems, labor strike, bad weather conditions, or act of God) and that there has been good faith effort to overcome the hardship and expedite progress.

Demonstration of Hardship

The Applicant advised the Board that the tenants at 906-908 Broadway still have time left on their lease, leaving the Applicant unable to begin working on the property until September, 2018.

The Board finds that the Applicant encountered issues that constitute hardship which prevented the commencement of construction under the permit.

Good Faith Effort to Overcome Hardship and Expedite Progress

The Board finds that it is preferable to allow for current tenants to finish out the remainder of their lease(s) rather than for the leases to be broken for the sake of beginning construction. Based on the above, the Board finds that the Applicant is making good faith efforts to overcome the demonstrated hardships.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino, and Pooja Phaltankar with Josh Safdie and Anne Brockelman absent. Upon making the above findings, Richard Rossetti made a motion to approve the request for a time extension until November 18, 2018. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Elaine Severino
Danielle Evans
Pooja Phaltankar

Attest, by the case City Planner: _____

Alexander C. 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 _____

