



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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DREW KANE, (*ALT.*)

Case #: ZBA 2016-81-R2-(09/19)
Site: 45 Cameron Avenue
Date of Decision: October 16, 2019
Decision: *Approved with Conditions*
Date Filed with City Clerk: October 24, 2019

ZONING BOARD OF APPEALS DECISION

Site: 45 Cameron Avenue

Applicant Name: Aroli Realty Trust / Menkiti Ifeanyi, Trustee
Applicant Address: 45 Cameron Avenue, Somerville, MA
Owner Name: Aroli Realty Trust / Menkiti Ifeanyi, Trustee
Owner Address: 45 Cameron Avenue, Somerville, MA

Legal Notice: Applicant and Owner, Aroli Realty Trust, seeks a revision to a previous approved special permit (ZBA 2018-81) under SZO §5.3.8 to amend condition #19 regarding the pavement material. RB Zone. Ward 7.

<u>Zoning District/Ward:</u>	RB Zone. Ward 7.
<u>Zoning Approval Sought:</u>	SZO §5.3.8
<u>Date of Application:</u>	September 4, 2019
<u>Date(s) of Public Hearing:</u>	October 16, 2019
<u>Date of Decision:</u>	October 16, 2019
<u>Vote:</u>	4-0

Case number ZBA 2016-81-R2-(09/19) was opened before the Zoning Board of Appeals in the Council Chambers of City Hall at 93 Highland Avenue. 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 October 16, 2019, the Zoning Board of Appeals took a vote.



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I. PROJECT DESCRIPTION

The Applicant seeks to revise condition #19, which states “parking areas shall be made of grasscrete” to say “parking areas shall be made of pervious pavers”.

II. FINDINGS FOR SPECIAL PERMIT (SZO §5.3.8):

Section 5.3: Procedures for Special Permits and Special Permits with Site Plan Review

Revisions that are not de minimis shall be subject to the full notice and hearing provisions of §5.3.2 of this Ordinance, but shall not be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised.

The findings made under the previous Special Permit approved by the ZBA in March of 2017 (ZBA 2016-81) and the Special Permit revision approved by the ZBA in October of 2018 (ZBA 2016-81-R1-8/18) are not applicable to this proposal.

During the final materials review performed by Planning Staff, the applicant proposed previous pavers on their materials board that was approved by Planning Staff and the Engineering Division.

III. DECISION

Present and sitting were, Susan Fontano, Danielle Evans, Anne Brockelman, and Elaine Severino. Upon making the above findings, Danielle Evans made a motion to approve the requested special permit. Elaine Severino seconded the motion. The Zoning Board of Appeals voted **4-0** to **APPROVE** the request **WITH CONDITIONS**. The following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	Approval is to strike condition #19 from the previous permit. This approval is based upon the following application materials and the plans submitted by the Applicant: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>September 4, 2019</td> <td>Initial application submitted to the City Clerk’s Office</td> </tr> </tbody> </table> Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.	Date (Stamp Date)	Submission	September 4, 2019	Initial application submitted to the City Clerk’s Office	BP/CO	ISD/Plng.	
Date (Stamp Date)	Submission							
September 4, 2019	Initial application submitted to the City Clerk’s Office							
2	All other conditions of approval from ZBA 2016-81 except for #19 and #25 remain in effect.							
Final Sign-Off								
3	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:

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

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 _____

