



City of Somerville

2021 APR 28 P 4: 25

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143
CITY CLERK'S OFFICE
SOMERVILLE, MA

DECISION

PROPERTY ADDRESS: 51 Central Street
CASE NUMBER: ZBA 2017-36-R1-02/21
OWNER: Blaine Strickland
OWNER ADDRESS: 51 Central Street, Somerville MA 02143
DECISION: Approved with Conditions
DECISION DATE: April 14, 2021

This decision summarizes the findings made by the Zoning Board of Appeals regarding the development review application submitted for 51 Central Street.

LEGAL NOTICE

Applicant, Fresh Start Contracting, proposes to modify the condition list of a previously issued Special Permit (ZBA 2017-36).

RECORD OF PROCEEDINGS

On April 14, 2021 the Zoning Board of Appeals held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Susan Fontano, Danielle Evans, Elaine Severino, and Anne Brockelman.

Applicant Fresh Start Contracting appeared and explained the reasoning for the request. Staff noted that the previous Special Permit was effectively closed out, but that this revision was being made to avoid the possibility of violating a permit condition.

FINDINGS

The original Special Permit was issued under the version of the Somerville Zoning Ordinance (SZO) that was in effect until December 12, 2019. The Special Permit revision requests were evaluated under the version of the SZO that was in effect until December 12, 2019, and the finding considerations from that previous version of the SZO apply. The SZO does not require any specific findings related to modifying a permit condition for a previously issued permit.

The Board finds that revising Condition #1 does not contradict any of the findings made previously by the Board when issuing the original Special Permit for this property.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Clerk Evans moved to approve the revision to the

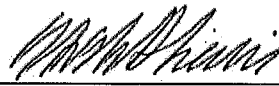
previously issued Special Permit with the conditions included in the staff memo. Ms. Brockelman seconded. The Board voted **4-0** to approve the Plan Revision, applying the following condition to supersede Condition #1 of the previous approval:

#	Condition	Timeframe for Compliance	Verified (Initial)	Notes						
1	Approval is for the renovation of a 3-unit structure. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Planning							
	<table border="1"> <thead> <tr> <th>Date (Stamp Date)</th> <th>Submission</th> </tr> </thead> <tbody> <tr> <td>April 13, 2017</td> <td>Initial application submitted to the City Clerk's Office</td> </tr> <tr> <td>May 15, 2017</td> <td>Modified plans submitted to OSPCD (-Cs- Cover Sheet, A0.00 Landscape Plan, A0.01 Gross Area Plans, A0.02 Net Areas And FAR, A0.03 Area Of Work, A1.01 Existing Floor Plans, A1.02 Existing Floor Plans, A1.03 Existing Elevations, A1.04 Existing Elevations, A2.01 New Floor Plans, A2.02 New Floor Plans, A2.03 New Elevations, A2.04 New Elevations, and A2.05 Building Section)</td> </tr> </tbody> </table>				Date (Stamp Date)	Submission	April 13, 2017	Initial application submitted to the City Clerk's Office	May 15, 2017	Modified plans submitted to OSPCD (-Cs- Cover Sheet, A0.00 Landscape Plan, A0.01 Gross Area Plans, A0.02 Net Areas And FAR, A0.03 Area Of Work, A1.01 Existing Floor Plans, A1.02 Existing Floor Plans, A1.03 Existing Elevations, A1.04 Existing Elevations, A2.01 New Floor Plans, A2.02 New Floor Plans, A2.03 New Elevations, A2.04 New Elevations, and A2.05 Building Section)
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Any changes to the approved plans and elevations that are not <i>de minimis</i> must receive SPGA approval.										

Attest, by the Zoning Board of Appeals:

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

Attest, by the Planning Director: _____



Sarah Lewis

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. 15.5.3.

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 _____