



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

GEORGE J. PROAKIS
EXECUTIVE DIRECTOR

PLANNING DIVISION STAFF

SARAH LEWIS, *DIRECTOR OF PLANNING*
DAN BARTMAN, *SENIOR PLANNER*
SARAH WHITE, *PLANNER/PRESERVATION PLANNER*
ALEX MELLO, *PLANNER*

Case #: ZBA 2019-66
Date: August 21, 2019
Recommendation: Conditional approval

PLANNING STAFF MEMO

Site: 25 Ivaloo Street

Applicant Name: Tuesday Thomas & Can Keskin
Applicant Address: 12 Murdock Street, Cambridge, MA 02139
Owner Name: same as above
Owner Address: same as above
Ward Councilor: J.T. Scott

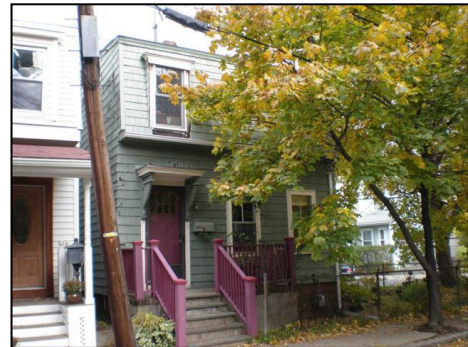
Legal Notice: (re-advertised) Applicants and Owners, Tuesday Thomas & Can Keskin seek a Special Permit under §5.3.10 of the SZO to extend a previously-issued special permit (ZBA 2016-145) by one year from the original special permit expiration date. RB zone. Ward 2.

Dates of Public Hearing: July 17, 2019

Top image: front elevation

Middle image: right & rear elevations

Bottom image: portion of lot post-demolition



I. DESCRIPTION

A. Special Permit Life & Extension

Pursuant to M.G.L. Chapter 40A, Section 5.3.10 of the SZO allows for the Special Permit Granting Authority (in this case, the ZBA) to extend the life of a special permit by up to one year from the original expiration date. In order to do so, the ZBA must make a determination of good cause. To determine good cause, the ZBA must find that the Applicant has demonstrated a hardship in exercising the special permit rights. Examples of hardship include financing problems, labor strike, bad weather conditions, or act of God. The ZBA must also find that the Applicant has demonstrated a good faith effort to overcome the hardship to expedite the process of exercising the special permit.

B. Demonstration of Hardship & Good Faith Effort

On March 1, 2017, the Applicants received special permits with conditions from the ZBA (case # ZBA 2016-145) to build a new, single-family residential structure after razing an existing building. In the intervening two-plus years, the Applicants were successfully able to raze the previous structure. However, when the time came for the Applicants to dig and pour the foundation of the new building, they encountered significant geotechnical issues and ancillary problems.

When digging the new foundation, the Applicants first encountered six (6) feet of peat. Beneath this peat layer was two-plus (2+) feet of blue clay. After getting through these topographical challenges but before the foundation could be poured or the foundation hole filled, rainwater pooled in the foundation hole, flooded a neighbor's basement and destroyed their foundation twice.

After resolving myriad issues, when the Applicants recently applied for their building permits this past spring, they discovered that their previously-granted special permits had expired.

In the case of 25 Ivaloo Street, their original special permits expired on March 1, 2019. The Applicants are requesting to extend the expiration of the special permits to March 1, 2020.

The original decision and originally-approved plans are provided.

C. Findings

It is Staff's position that the soil conditions found at 25 Ivaloo are extreme and rare: six (6) feet of peat followed by two (2) feet of blue clay are not conditions commonly encountered in the City. We typically encounter geotechnical problems relative to high water tables, not the conditions discovered at 25 Ivaloo.

Now that the immediate problems on this site and on the neighboring property have been mitigated, the Applicants are ready to undertake construction.

II. RECOMMENDATION

Staff recommends that the ZBA **APPROVE** the Applicants' request to extend their special permits expiration dates to March 1, 2020. The original plans and conditions would continue to apply.