

City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143



Orsola Susan Fontano,
Chair
Danielle Evans,
Clerk
Elaine Severino
Josh Safdie
Anne Brockleman
Drew Kane, Alt.

CASE: ZBA2019-37-E1, 391-395 Somerville Ave

OWNER: Somerville Avenue Trust, LLC, 1 Naomi Dr,
Gloucester, MA 01930

DECISION: Approved on April 22, 2020

This decision summarizes the findings made by the Zoning Board of Appeals regarding the time extension application submitted for 391-395 Somerville Ave. The application was submitted on April 2, 2020 and deemed complete on April 15, 2020. The first public hearing was held on April 22, 2020. On April 22, 2020 the Zoning Board voted to approve the extension. This decision was filed with the City Clerk on May 5, 2020.

SUMMARY OF PROPOSAL

Somerville Avenue Trust, LLC requested an extension to their Special Permit with Site Plan Review (SPSR) and Special Permit (SP) previously granted on June 19, 2019. A one-year extension extends the SPSR to June 19, 2021.

RECORD OF PROCEEDINGS

On April 22, 2020 the ZBA held a public hearing. Present and sitting at the public hearing were Members Orsola Susan Fontano, Danielle Evans, Elaine Severino, Josh Safdie, Anne Brockelman, and Drew Kane.

Following public testimony and consideration of the statutory requirements to approve or deny an extension of previously granted permits, Danielle Evans moved to approve the 1-year extension. Elaine Severino seconded. The Board voted 6 to 0 and the motion passed.

Findings:

- The Board finds that the application was submitted to the Board prior to the special permit expiring.
- The Board finds that the applicant was diligent in pursuing completion of the project but has had trouble hiring a contractor, the civil work has taken an unanticipated and unusually long time, and has experienced delays in executing the Affordable Housing Implementation Plan.

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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Danielle Evans, *Clerk*
Elaine Severino
Josh Safdie
Anne Brockelman
Drew Kane, *Alt.*



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 _____