



City of Somerville
ZONING BOARD OF APPEALS
City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

DECISION

PROPERTY ADDRESS: 101 South Street
CASE NUMBER: P&Z 21-120
OWNER: 101 South Street Owner LLC
OWNER ADDRESS: 10 Post Office Square, Boston, MA 02109
DECISION: Approved (Plan Revision)
DECISION DATE: September 22, 2021

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the major amendment submitted for 101 South Street.

LEGAL NOTICE

101 South Street Owner LLC is proposing Major Amendments to previously issued permits (ZBA 2019-43 and ZBA 2018-21-E1-2/19) for 101 South Street/2 Earle Street.

RECORD OF PROCEEDINGS

On September 22, 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 Chair Susan Fontano, Clerk Josh Safdie, Elaine Severino, Anne Brockelman, and Alternate Katherine Garavaglia.

Kevin Griffin of the Applicant team explained their revision to the previously issued variances for Floor Area Ratio (FAR) and for parking. The approved building is under construction. The Applicant has incorporated this building into a Master Planned Development which necessitates changing the lot line slightly to facilitate the construction of the new thoroughfares and civic space abutting the property.

FINDINGS

The Board found that the applicant's narrative requesting the proposed revisions to ZBA 2019-43 and ZBA 2018-21-E1-2/19 answered all questions that the Board had regarding the application.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Clerk Safdie moved to approve the plan revision for both permits. Ms. Severino seconded. The Board voted **5-0** to approve the revision. All previously approved conditions are still applicable.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Josh Safdie, *Clerk*

Elaine Severino
Anne Brockelman
Katherine Garavaglia, *Alternate*



Sarah Lewis, Director of Planning & Zoning
Office of Strategic Planning & Community Development

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.

FOR SITE PLAN APPROVAL(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 _____