



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR  
PLANNING DIVISION

**TO:** Zoning Board of Appeals  
**FROM:** Planning Staff  
**DATE:** June 4, 2015  
**RE:** 77-83 North Street Updated Conditions

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At the Zoning Board of Appeals hearing on May 20, 2015 the Board discussed placing a condition on the time extension approval to ensure that the building is substantially demolished soon. The Board discussed the unsatisfactory maintenance of the building as is addressed in the letter from the Inspectional Services Division to the owner dated May 7, 2015, the potential harm that the building could cause to a pedestrian, and the negative impact on quality of life of the neighborhood with the presence of scaffolding and spot lighting onsite for over a year. The Applicants are required a portion of the building to retain its nonconforming status.

At the hearing there was some discussion regarding if the demolition of the structure would constitute commencement of construction under the special permit, which would avoid lapse of a special permit. In consultation with the City Solicitor's office, Staff have found that courts have generally held that demolition, even if followed by preliminary excavation, is not sufficient to constitute the start of construction under a special permit. Therefore, if the owners of 77-83 North Street substantially demolished the building they would still be required to start construction of the project by the date allowed by the time extension approval.

Planning Staff recommends that the Board grant the extension of the conditional special permit, with all original conditions and the added conditions below, until March 6, 2016.

#	Condition	Timeframe for Compliance	Verified (initial)	Notes
1	Approval is for the time extension until March 6, 2016 to construct two residential units in a semidetached townhouse with 4 parking spaces. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/PIng.	
	<table border="1"><thead><tr><th>Date (Stamp Date)</th><th>Submission</th></tr></thead><tbody><tr><td>Jul 23, 2012</td><td>Initial application submitted to the City Clerk's Office</td></tr></tbody></table>			
Date (Stamp Date)	Submission			
Jul 23, 2012	Initial application submitted to the City Clerk's Office			
	Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.			

2	The Applicant/Owner shall substantially demolish the structure, keeping only the portion of the building required by ISD to retain its nonconforming status, within 90 days of the recordation of the ZBA decision of the time extension approval with the City Clerk's office, or the time extension approval of the Special Permit shall lapse.	Within 90 days of recording decision	ISD/PIng.	
3	If construction has not commenced by December 1, 2015 the Applicant/Owner shall fill the site level to grade, plant it with grass, and maintain it.	Dec 1, 2015	ISD/PIng.	