



City of Somerville

ZONING BOARD OF APPEALS

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

2022 MAY 18 P 3:02

DECISION

PROPERTY ADDRESS: 292-294 Beacon Street
CASE NUMBER: P&Z 22-047
OWNER: Kenneth Spera
OWNER ADDRESS: PO BOX 189 Still River MA 01467
DECISION: Approved with Conditions (Extension for Hardship Variance)
DECISION DATE: May 4, 2022

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Extension to a Hardship Variance submitted for 292-294 Beacon Street.

LEGAL NOTICE

Kenneth Spera requests an extension to a previously approved Variance (ZBA 2018-118).

RECORD OF PROCEEDINGS

On May 4, 2022, 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, Anne Brockelman, Ann Fullerton, and Alternate Katherine Garavaglia. Attorney Rich Mucci, representing the Applicant, appeared to explain that the original decision was appealed by an abutter. The case was finally resolved in July 2020 during the height of COVID, so construction was delayed.

The original approval was under the previous zoning ordinance and included a Special Permit under SZO §7.11.1.c and §9.13 (which does not expire until June 2023) as well as a Variance under §5.5 and §8.5 to construct a new four-story wood framed structure with five dwelling units and underground parking. The Board was supportive of the Applicant's request for this extension of 6-months extending the validity of the permit from June 15, 2022, to December 15, 2022.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Acting Clerk Garavaglia moved to approve the extension to the Hardship Variance to ZBA 2018-118. Anne Brockelman seconded. The Board voted **4-0** to approve the permit, subject to the following conditions:

Perpetual

1. A copy of the Recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted for the public record.

Prior to Building Permit

2. Physical copies of all submittal materials as permitted by the Review Boards must be submitted for the public record in accordance with the document format standards of the ISD/PB/ZBA Submittal Requirements.

Prior to Certificate of Occupancy

3. This Decision must be recorded with the Middlesex County Registry of Deeds prior to applying for a Certificate of Occupancy.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Anne Brockelman
Ann Fullerton
Katherine Garavaglia, *Alternate*



Sarah Lewis, Director of Planning, Preservation, & 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 _____