



City of Somerville

ZONING BOARD OF APPEALS

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

DECISION

2022 OCT 24 A 8:43

PROPERTY ADDRESS: 10 Oak St
CASE NUMBER: P&Z 21-132
OWNER: Fidelis Bridge Loan Venture V REO LLC
OWNER ADDRESS: 859 Willard Street, Suite 303, Quincy, MA 02169
DECISION: Approval of Request to Withdraw without Prejudice
DATE OF VOTE: October 12, 2022
DECISION ISSUED: October 13, 2022

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the request to extend a special permit submitted for 10 Oak St.

LEGAL NOTICE

Fidelis Bridge Loan Venture V REO LLC seeks an extension to a previously issued Special Permit (ZBA 2018-10) in the Urban Residential (UR) District.

RECORD OF PROCEEDINGS

On September 7, 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, Clerk Katherine Garavaglia, Anne Brockelman, and Ann Fullerton. Attorney Adam Dash and architect Peter Quinn provided a summary of the work that has been done under this permit since the original approval in 2018, and requested the longest possible extension to the permit. The Board took public comment: seven members of the public spoke in opposition to the proposal. Multiple public comments identified a lack of maintenance on the property (including snow removal and draining of the foundation) as a major concern. The Board asked the Applicant what maintenance has been performed on the property since receiving the permit in 2018, and directed Attorney Dash to bring his client to the next meeting to discuss their plan for maintaining the property and the timeline for acting on the special permit. The Board continued the public hearing.

On October 12, 2022, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Susan Fontano, Clerk Katherine Garavaglia, Anne Brockelman, and Ann Fullerton. Attorney Adam Dash, Applicant Michael Fassnacht, architect Peter Quinn, and general contractors Olga and Wilson Ban were present. The Board and Applicant discussed the maintenance that has been done on the property since the last meeting and since 2018. The Board took public comment: multiple members of the public and Ward 2 Councilor JT Scott spoke in opposition to the proposal. A majority of the Board members indicated that they were not in support of the extension and were not sure what information could be provided to make them

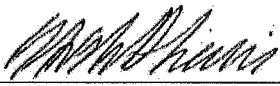
supportive of the request given the history of this project. Attorney Dash and Mr. Fassnacht requested to withdraw without prejudice.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Clerk Garavaglia moved to approve the Applicant's request to withdraw without prejudice. Anne Brockelman seconded. The Board voted **4-0** to approve the request to withdraw without prejudice.

Attest, by the Zoning Board of Appeals:

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



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 _____