



City of Somerville

# ZONING BOARD OF APPEALS

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville, MA 02143

2022 MAY 18 P 3:02

## DECISION

CITY CLERK'S OFFICE  
SOMERVILLE, MA

**PROPERTY ADDRESS:** 263 Washington Street  
**CASE NUMBER:** P&Z 22-044  
**OWNER:** 263 Washington St LLC  
**OWNER ADDRESS:** 263 Washington Street, Somerville, MA 02143  
**DECISION:** Approved with Conditions (Major Amendment)  
**DECISION DATE:** May 4, 2022

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Plan Revision submitted for 263 Washington Street.

## LEGAL NOTICE

Philip Sima proposes a Major Amendment to a previously approved Special Permit (ZBA 2017-40).

## 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.

The Board discussed why the condition requiring any future occupants of the space to appear before the Board to seek approval for the use, parking, and build-out was originally imposed, and discussed the impact that removing the condition entirely may have on the Board's ability to consider the parking needs and requirements for specific uses proposed at this site in the future. The Board discussed whether, due to the particular circumstances of the request, to remove the condition entirely or to grant this specific use an exception from the condition.

## DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Acting Clerk Garavaglia moved to approve the Major Amendment to a previously approved Special Permit. Ms. 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.
2. Approval is limited to Juliet and Company, LLC and is not transferable to any successor in interest.

Prior to Building Permit

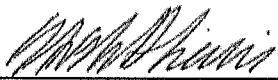
3. Physical copies of all submittal materials as permitted by the Review Boards must be submitted for the public record in accordance with the document format standards of the ISD/PB/ZBA Submittal Requirements.

Prior to Certificate of Occupancy

4. 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 \_\_\_\_\_