



City of Somerville

ZONING BOARD OF APPEALS

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

TO: Zoning Board of Appeals
FROM: Planning, Preservation, & Zoning Staff
SUBJECT: 595 Broadway, P&Z 23-014
POSTED: February 13, 2023

RECOMMENDATION: Approve (Extension for Special Permits)

Staff memos are used to communicate background information, analysis, responses to public comments, review of statutory requirements and other information from Planning, Preservation, & Zoning Staff to the Review Board members.

This memo summarizes the request for an extension of the duration of the validity of a Special Permit previously granted for 595 Broadway (ZBA 2018-94). The application was deemed complete on January 31, 2023, and is scheduled for a public hearing on March 1, 2023. Any Staff recommended findings, conditions, and decisions in this memo are based on the information available to date prior to any public comment at the scheduled public hearing.

LEGAL NOTICE

Fidelis Bridge Loan Venture V REO LLC seeks to extend the validity of two (2) Special Permits (ZBA 2018-94) for one (1) year.

SUMMARY OF PROPOSAL

Applicant Fidelis Bridge Loan Venture V REO is requesting a one (1) year extension to the validity of previously granted Special Permits (ZBA 2018-94). The Applicant seeks another extension to extend the time to act pursuant to the Special Permits and move forward with the previously approved development of the property.

BACKGROUND

The Special Permits (ZBA 2018-94) were approved under the previous zoning ordinance. The previous approval consists of a Special Permit with Site Plan Review per SZO § 7.11.1c permitting the construction of new building with seven (7) dwelling units and a Special Permit per SZO § 9.13 for parking relief. The predecessor-in-interest of this property failed to commence construction in accordance with the previously granted Special Permits.

The Applicant purchased the property during the Covid-19 pandemic, during which certain statutory timelines relative to zoning approvals were tolled. In February of 2022, the Applicant applied for an extension of the validity of the Special Permits. On May 18, 2022 the ZBA granted a one (1) year extension of the Special Permits (2018-94), which

extended the permit validity till February 10, 2023. The Applicant is now applying for a second extension.

The property is located in both Somerville and Medford; therefore, entitlements for development is needed from both municipalities. At this time, the Applicant has received approval from the City of Medford but is awaiting property documentation from the City of Medford to move forward with construction.

ANALYSIS

Staff support the Applicant's request for another permit extension. The City of Medford review boards have made the proper approvals, but the decision has not yet to be signed or filed and gone through the appeal period necessary to be start construction. The Applicant is acting in good faith to go through the proper protocols to ensure the Special Permits that authorize development of the property remain valid.

CONSIDERATIONS & FINDINGS

In order to extend the duration of validity, the Zoning Board of Appeals is required by the Somerville Zoning Ordinance to make a finding that a demonstrated hardship has prevented utilization of the rights authorized by the Special Permit.

PERMIT CONDITIONS

Should the Board approve the requested extension of the duration of the validity of the Special Permit, Planning, Preservation & Zoning Staff recommends the following conditions:

Permit Extension Validity

- This Decision must be recorded with the Middlesex South Registry of Deeds.

Public Record

- A copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must submitted to the Planning, Preservation & Zoning Division for the public record.