



City of Somerville

ZONING BOARD OF APPEALS

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

DECISION

2023 MAR -3 A 9:32

PROPERTY ADDRESS: 595 Broadway
CASE NUMBER: P&Z 223-014
OWNER/APPLICANT: Fidelis Bridge Loan Venture V REO, LLC
ADDRESS: 255 State Street, 7th Floor, Boston, MA 02109
DECISION: Approved (Permit Extension)
DATE OF VOTE: March 1, 2023
DECISION ISSUED: March 3, 2023

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the application for a permit extension submitted for 595 Broadway.

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.

RECORD OF PROCEEDINGS

On March 1, 2023 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, Vice-Chair Anne Brockelman, Clerk Katherine Garavaglia, Ann Fullerton, Zachary Zaremba, Alternate Brian Cook, and Alternate Sisia Daglian. The Applicant gave an overview of the requested permit extension for two special permits and background into previous permitting for this property. After a presentation from the Applicant, Chair Fontano opened up public testimony. No public testimony was provided. After public testimony was closed, the Board went into discussion with the Applicant and Staff. The Board asked questions around the noticing of the case, what hardship exists that created the need for another permit extension, when the Applicant plans to start construction, and if the Applicant can make sure the property is properly maintained. After responses by the Applicant and Staff, the Board moved to approve the request for a permit extension.

PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and incorporated are identified below.

Document	Pages	Prepared By	Date	Revision Date
595 Broadway Explanation of Delay	1	Fidelis Bridge Loan Venture V REO, LLC [255 State Street, 7 th Floor, Boston, MA 02109]	January 27, 2023	n/a
Previous Permit Extension Decision for 595 Broadway [P&Z 22-018]	4	City of Somerville Zoning Board of Appeals [93 Highland Ave, Somerville MA 02143]	Decision issued May 18, 2022	Decision recorded on July 22, 2022

Special Permit Decision for 595 Broadway [ZBA 2018- 94]	14	City of Somerville Zoning Board of Appeals [93 Highland Ave, Somerville MA 02143]	Decision issued October 3, 2018	Decision recorded on November 7, 2018
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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.

The Board finds that a demonstrated hardship exists preventing utilization of the rights authorized by the Special Permit due to the property being located in both the City of Somerville and City of Medford and the Applicant having to wait for proper documentation from the City of Medford to proceed with construction; this has conflicted with the timing of a previous permit extension duration from the City of Somerville.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Clerk Garavaglia moved to approve the requested extension of two previously approved Special Permits (ZBA 2018-94). Vice-Chair Brockelman seconded. The Board voted **5-0** to approve the permit extension request subject to the following conditions:

Permit Extension Validity

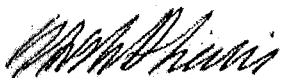
- This Decision must be recorded with the Middlesex South Registry of Deeds.

Public Record

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

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Anne Brockelman, *Vice-Chair*
Katherine Garavaglia, *Clerk*
Ann Fullerton
Zachary Zaremba



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 _____