



City of Somerville

ZONING BOARD OF APPEALS

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

DECISION

2023 MAR 16 A 10:09

PROPERTY ADDRESS: 485 Mystic Valley Pkwy (AKA 2 Capen Ct) / Mystic
Waterworks Phase II
CASE NUMBER: P&Z 23-025
OWNER/APPLICANT: Somerville Housing Authority
OWNER ADDRESS: 30 Memorial Road, Somerville, MA 02145
DECISION: Insubstantial Change
DATE OF VOTE: March 15, 2023
DECISION ISSUED: March 16, 2023

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Comprehensive Permit changes submitted for Mystic Waterworks, Phase II (485 Mystic Valley Pkwy, AKA 2 Capen Ct).

RECORD OF PROCEEDINGS

On February 28, 2023, the Somerville Housing Authority submitted an application to revise aspects of the previously issued Comprehensive Permit.

On March 15, 2023, the Zoning Board of Appeals held a public meeting and reviewed the proposed revisions. Present and sitting at the public meeting were Board Members Chair Susan Fontano, Vice-Chair Anne Brockelman, Clerk Katherine Garavaglia, Ann Fullerton, Zachary Zaremba, and Alternate Brian Cook. Russell Tanner and Atty. Peter Freeman represented the Applicant. They, as well as architects Frank Valdes and Jessica Welsh from DiMella Shaffer, and provided an overview of the modifications the Applicant is proposing, including the following:

1. Reduction of the building footprint and basement area.
2. Change the third story terrace to residential units.
3. Change in location and number of handicap-accessible parking spaces.
4. Change to the subsidy program.

The Board asked some questions about the building entrances in relation to the accessible parking spaces, and expressed no concerns.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
Notice of Project Change – Insubstantial Change: Change	4	Freeman Law Group LLC pfreeman@freemanlawgroup.com Tel. (508) 362-4700	February 21, 2023	n/a


In Subsidy Program and Final Design Plans		Mobile (781) 854-2430 86 Willow St, #6 Yarmouth Port, MA 02675		
Plan: Mystic Water Works Modular	7	DiMella Shaffer Associates, Inc. 617.426.5004 www.dimellashaffer.com 24 Farnsworth St Boston, MA 02210	September 9, 2023	n/a

DECISION

Following review of the submitted plans and discussion of the statutorily required considerations, Clerk Garavaglia moved to determine that the proposed changes are **INSUBSTANTIAL**. Vice-Chair Brockelman seconded. The Board voted **5-0** to approve the changes.

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 COMPREHENSIVE PERMIT(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.

Signed _____ City Clerk Date _____