



City of Somerville

ZONING BOARD OF APPEALS

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

DECISION

PROPERTY ADDRESS: 36 & 38 Nashua Street
CASE NUMBER: P&Z 22-163
APPLICANT: Paul DiMasi
APPLICANT ADDRESS: 9006 Spring Lake Dr, Austin, TX 78750
OWNERS: Paul DiMasi (owner of 36 Nashua Street)
Geraldine Cooney (owner of 38 Nashua Street)
OWNER ADDRESSES: 9006 Spring Lake Dr, Austin, TX 78750 (Paul DiMasi)
38 Nashua St, Somerville, MA 02145 (Geraldine Cooney)
DECISION: Approved with Conditions
DECISION DATE: May 1, 2023

2023 MAY -1 P 1:44
CITY CLERK'S OFFICE
SOMERVILLE, MA

Pursuant the Somerville Planning Board's Rules of Procedure & Policy, land platting involving only a lot split, lot merger, or lot line adjustment, as defined by the Somerville Zoning Ordinance, requires only Minor Site Plan Approval, with the Director of Planning, Preservation & Zoning serving as the decision-making authority in-lieu of the Zoning Board of Appeals ("The Board").

This decision summarizes the findings made by the Director of Planning, Preservation & Zoning regarding the application submitted to merge certain parcels and adjust the lot lines at 36 and 38 Nashua Street.

SUMMARY OF PROPOSAL

Paul DiMasi proposes to adjust the lot lines at 36 and 38 Nashua Street and to merge the vacant lot (Lots 104 and 105) with 36 Nashua Street (Lot 100).

RECORD OF PROCEEDINGS

On May 1, 2023, the Director of Planning, Preservation & Zoning reviewed the submitted application materials.

PLANS & DOCUMENTS

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

Document Name	Pages	Prepared By	Date	Revision Date
Lot Merger Plan of Land 36 & 38 Nashua Street Somerville, Mass. (Middlesex County)	1	Medford Engineering & Survey Angelo B. Veneziano Associates 18 Hall Street, Medford, MA 02155	April 6, 2023	N/A

FINDINGS

In accordance with the Somerville Zoning Ordinance and the Board's Rules of Procedure and Policies for minor site plan approvals, the Director of Planning, Preservation & Zoning may approve or deny a site plan approval upon making findings considering, at least, each of the following:

1. *The comprehensive plan and existing policy plans and standards established by the City.*

The Director finds that the proposal is compatible with the values of SomerVision 2040, the City's Comprehensive Master Plan, including ensuring the diversity of Somerville's housing stock

2. *The intent of the zoning district where the property is located.*

The Director finds that the proposed lot merger is consistent with the intent of the Neighborhood Residence (NR) zoning district which is, in part "[t]o conserve already established areas of detached and semi-detached residential buildings."

3. *Mitigation proposed to alleviate any impacts attributable to the proposed development.*

The Director finds that the proposed lot line adjustments and lot merger do not cause any impacts deserving of mitigation.

DECISION

Following review of the submitted application materials and the statutorily required considerations, the Director of Planning, Preservation & Zoning **APPROVED** the Site Plan Approval authorizing lot line adjustments and lot merger on behalf of the Board, subject to the following conditions:

Prior to Construction Permitting:

1. This Decision and endorsed Lot Merger Plan must be recorded with the Middlesex South Registry of Deeds.
2. A copy of the recorded Decision and Lot Merger Plan, stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.



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 _____