



City of Somerville

# ZONING BOARD OF APPEALS

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

## DECISION

2023 JUL 21 A 10:39

**PROPERTY ADDRESS:** 36 Radcliffe Road, Somerville, MA 02145  
**CASE NUMBER:** P&Z 23-024  
**OWNER:** Eva Wang  
**OWNER ADDRESS:** 421 Highland Ave, Somerville, MA 02144  
**APPLICANT:** Lidia Szydlowska  
**APPLICANT ADDRESS:** 501 Cabot Street, Suite 8C, Beverly, MA 01915  
**DECISION:** Approved with Conditions (Special Permit)  
**DATE OF VOTE:** July 19, 2023  
**DECISION ISSUED:** July 21, 2023

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Special Permit application submitted for 36 Radcliffe Road.

## LEGAL NOTICE

Lidia Szydlowska proposes modifications to a Detached Triple Decker in the Urban Residence district, which requires a Special Permit.

## RECORD OF PROCEEDINGS

On July 19, 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, Zachary Zaremba, and Alternate Sisia Daglian. After a presentation by the Applicant, Chair Fontano opened the public testimony section of the hearing. No testimony was provided by the public. After the closing of the public testimony section of the hearing, the Board did not go into discussion regarding this application and voted to approve the Special Permit.

## PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
36 Radcliffe Rd Narrative	1	Lidia Szydlowska, 501 Cabot Street, Suite 8C, Beverly, MA 01915	May 4, 2023	n/a
36 Radcliffe Rd Permit Set	8	Pionarch, LLC, 501 Cabot Street, Suite 8C, Beverly, MA 01915 & Berdi Consulting, 25 Wayland Hills Road, Wayland, MA, 01778	April 8, 2022	n/a
36 Radcliffe Rd Plan of Land	1	Merrimack Engineering Services, 66 Park Street, Andover, MA, 01810	July 6, 2021	n/a

36 Radcliffe Rd Neighborhood Meeting Report	2	Pionarch, LLC, 501 Cabot Street, Suite 8C, Beverly, MA 01915	April 18, 2023	n/a
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## SPECIAL PERMIT FINDINGS

In accordance with the Somerville Zoning Ordinance, the Board may approve or deny a special permit 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 Board finds that this project supports the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including the following:

- Celebrate the unique character of our neighborhoods and the strength of our community as expressed in our history, cultures and vibrant civic engagement.

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

The Board finds that the proposal meets the intent of the UR zoning district which is, in part, "[T]o create, maintain, and enhance areas appropriate for multi-unit residential buildings."

3. *The extent and nature of the proposed alteration.*

The Board finds the alteration will remain within the existing building footprint and will not increase or create any additional nonconformities.

4. *The ability of conforming alterations to meet the demonstrated need of the Applicant.*

The Board finds that the conforming rear porch meets the demonstrated need of the Applicant. The Applicant is undergoing several updates to the existing Detached Triple Decker, which includes this proposal.

5. *Consistency of the proposed alterations with the evolution of neighboring structures.*

The Board finds the subject property is located in close proximity to the Neighborhood Residence (NR) district, where a Detached Triple Decker is a permitted building type. Additionally, several other properties zoned UR are located directly adjacent or across the street from this site, which also have Detached Triple Decker building types and rear projecting porches.

6. *Establishment of permeable lot surface, to the maximum extent possible.*

The Applicant is not proposing modifications to any lot surface with this application; therefore, the Board finds that this consideration is not applicable.

7. *Conformance to design guidelines applicable to the district where the property is located.*

The Board finds that this proposal meets applicable design guidelines for the Urban Residence district described in SZO Section 3.2.14.a.iii.

## DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Clerk Garavaglia moved to approve the Special Permit to allow for modifications to a Detached Triple Decker in the Urban Residence district with the conditions included in the staff memo. Vice-Chair Brockelman seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

### Perpetual

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

### Prior to Building Permit

2. Digital copies of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.
3. 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*  
Zachary Zaremba  
Sisia Daglian, *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 \_\_\_\_\_