



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: 391-395 Somerville Avenue, P&Z 23-039
POSTED: July 7, 2023

RECOMMENDATION: Approve with Conditions (Extension for Special Permit with Site Plan Review (SPSR))

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 with Site Plan Review (SPSR) previously granted for 391-395 Somerville Avenue and provides related analysis or feedback as necessary. The application was deemed complete on June 21, 2023, and is scheduled for a public hearing on July 19, 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

Isaias and Victor Martins seek to extend the validity of a previously approved Special Permit with Site Plan Review (ZBA 2019-37) in the Mid-Rise 4 (MR4) district for a period of one (1) year.

SUMMARY OF PROPOSAL

Isaias and Victor Martins, representing Somerville Avenue Trust, LLC, are requesting a one (1)-year extension to the validity of a previously granted Special Permit with Site Plan Review (ZBA 2019-37). Granting this extension would extend the validity of the permit from October 23, 2023, to October 23, 2024. The original SPSR approval allowed an increase in the number of residential units on the site from seven (7) to ten (10) through the construction of a new three-family structure on the lot.

BACKGROUND & ANALYSIS

The Special Permit with Site Plan Approval (SPSR), case # ZBA 2019-37, was approved under the previous zoning ordinance. The project includes maintaining the existing mixed-use structure and constructing a new three-family structure facing the Church Street portion of the lot. The project includes one (1) inclusionary unit.

The original project approval was granted on June 19, 2019. The project previously received a one (1)-year extension to the SPSR, extending its validity to June 19, 2022. The Covid-19 State of Emergency in Massachusetts involved a 462-day tolling period; under the State of Emergency, this amount of time was added to the validity of each permit that was valid at the beginning of the period. With the previous extension and the tolling period, the SPSR is currently due to expire on October 23, 2023.

The Applicants request the extension due to family health issues impacting progress on the project.

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 with Site Plan Review (ZBA 2019-37), Planning, Preservation & Zoning Staff recommends the following conditions:

Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. All other conditions of decision ZBA 2019-37 for 391-395 Somerville Avenue remain valid.

Public Record

3. A digital 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.