



City of Somerville

ZONING BOARD OF APPEALS

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

DECISION

2023 AUG -2 P 4: 29

PROPERTY ADDRESS: 120-132 Middlesex Avenue
CASE NUMBER: P&Z 23-059
OWNER/APPLICANT: DWCH Assembly Row, LLC
OWNER ADDRESS: 301 Howard Street, Suite 2100
San Francisco, CA 94105
DECISION: Approved with Conditions (Extension to Hardship Variance)
DATE OF VOTE: July 19, 2023
DECISION ISSUED: August 2, 2023

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals regarding the validity of a previously approved Hardship Variance submitted for 120-132 Middlesex Avenue.

LEGAL NOTICE

DWCH Assembly Row, LLC seeks to extend the validity of a previously approved Hardship Variance (P&Z 22-056) in the Assembly Square Mixed-Use (ASMD) district.

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 Zarembo, Alternate Brian Cook, and Alternate Sisia Daglian. The Applicant team reviewed the request and related application processes that are currently underway. Chair Fontano opened the floor for public testimony, but no one indicated a desire to speak. Following the close of the public testimony portion of the hearing, the Board discussed the application and moved to vote on the matter.

FINDINGS

The Board found that the Applicant's request to extend the validity of Hardship Variance P&Z 22-056 for a period of six (6) months is reasonable and appropriate.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Clerk Garavaglia moved to approve the extension of the validity of a previously approved Hardship Variance (P&Z 22-056) for 120-132 Middlesex Avenue for a period of six (6) months, with the conditions included in the Staff Memo for the


subject property dated July 12, 2023. Zaremba seconded. The Board voted **5-0** to approve the request, subject to the following conditions:

Prior to Building Permit

1. This Decision must be recorded with the Middlesex South Registry of Deeds. Public Record
2. 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.

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 & 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 _____