



City of Somerville

ZONING BOARD OF APPEALS

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

DECISION

2024 APR 18 A 11:37

PROPERTY ADDRESS: 483 Broadway
CASE NUMBER: ZP23-000053
OWNER: John G. Wood, Trustee
OWNER ADDRESS: 1035 Saratoga Street, East Boston, MA 02128
APPLICANT: Tavis Babbitt, Babbitt Design
APPLICANT ADDRESS: 85 McGuerty Road, Eastham, MA 02642
DECISION: Approved with Conditions (Hardship Variance Time Extension)
DATE OF VOTE: April 17, 2024
DECISION ISSUED: April 18, 2024

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the 6-month time extension for a Hardship Variance for minimum number of stories submitted for 483 Broadway.

LEGAL NOTICE

Tavis Babbitt seeks to extend the validity of a previously-issued Hardship Variance for minimum number of stories (P&Z 23-016) in the Mid-Rise 4 (MR-4) zoning district for a period of six (6) months.

RECORD OF PROCEEDINGS

On April 17, 2024, 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 Susan Fontano (Chair), Anne Brockelman (Vice-Chair), Katherin Garavaglia (*Clerk*), Brian Cook (*Alternate*), Sisia Daglian (*Alternate*), and Zac Zaremba. Ann Fullerton was absent.

Tavis Babbitt of Babbitt Design briefly explained the proposal for the site. Mr. Babbitt noted that an extension of the previously-granted Hardship Variance was needed in order for the Applicant team to complete additional work on the proposal, request additional Hardship Variances, and be heard by the Planning Board at a future date.

Public comment was taken. The one member of the public who spoke asked questions about the nature of the variances and the types of businesses that would occupy the building in the future.

The Board had no deliberations.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
Hardship Variance Extension Request Narrative	1	Atty. Jonathan Silverstein	11/14/2023	
Recorded HV Decision (P&Z 23-016)	4	---	10/25/2023	
Land Title Survey	1	Ashkar Engineering & Surveying	7/26/2022	

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Chair Fontano moved to approve the 6-month time extension to the previously-approved Hardship Variance for minimum number of stories, subject to the original conditions attached to the approval of P&Z 23-016. Vice-Chair Brockelman seconded. Brian Cook abstained. The Board voted **5-0** to approve the time extension, subject to the original conditions attached to the approval of P&Z 23-016 on May 3, 2023.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
 Anne Brockelman, *Vice-Chair*
 Katherine Garavaglia, *Clerk*
 Ann Fullerton
 Zachary Zaremba
 Brian Cook, *Alternate*
 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 _____