



City of Somerville

PLANNING, PRESERVATION & ZONING

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

TO: Kimberly Wells, City Clerk
FROM: Planning, Preservation & Zoning Division Staff
DATE: October 28, 2024
SUBJECT: Correction of Scrivener's Errors

2024 OCT 28 P 3:10

CITY CLERK'S OFFICE
SOMERVILLE, MA

Address: 16-20 Medford St

Permit #: ZP24-000090

Date of Decision: October 24, 2024

Date Filed with City Clerk: October 24, 2024

This decision regarding this property filed in the City Clerk's Office on the date referenced above contained the following scrivener's errors:

- On page 3, the Owner is listed as 10 Bedford Street, LLC. This is incorrect; the correct Owner is Somerville Living, LLC.

This memo serves as the correction of this scrivener's error.



City of Somerville

ZONING BOARD OF APPEALS

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

DECISION

PROPERTY ADDRESS: 16-20 Medford Street
CASE NUMBER: ZP24-000090
APPLICANT: Dmitry Vasilyev and Patrycja Missiuro
APPLICANT ADDRESS: 16 South St, Somerville, MA 02143
OWNER: 10 Bedford Street, LLC
OWNER ADDRESS: 749 Lowell St, Lynnfield, MA 01940
DECISION: Denied (Administrative Appeal)
DATE OF VOTE: October 16, 2024
DECISION ISSUED: October 24, 2024

2024 OCT 24 P 6:18
CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Administrative Appeal submitted for 16-20 Medford.

LEGAL NOTICE

Dmitry Vasilyev and Patrycja Missiuro seek an administrative appeal of the Building Official's issuance of a Building Permit, B24-000161, and the Building Official's subsequent denial of a Request for Enforcement to revoke that Building Permit.

RECORD OF PROCEEDINGS

On October 16, 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 Chair Susan Fontano, Vice-Chair Anne Brockelman, Ann Fullerton, and Alternate Brian Cook. The Appellants and their attorney provided an overview of their appeal, detailing each of their arguments on why they believed the development was not consistent with zoning requirements. The property owner (hereafter referred to as the "Defendant"), with their attorney and architect, provided summary counterarguments, reviewing the timing of the appeal and providing an overview the plans and their arguments for zoning compliance.

Following the Appellants' and Defendant's presentations, the Chair opened the floor for public testimony. Two members of the public spoke in support of the Administrative Appeal. The Chair paused the public testimony.

The Board then asked questions of staff members and the Appellants, asking about the timing of the administrative appeal and the Request for Enforcement. Staff members and the Appellants responded. The Board asked about the timing of the Site Plan Approval and Special Permits related to the development. Staff members and the Defendant responded. The Board then discussed the timing and reviewed the Appellants' arguments related to zoning compliance.

The Chair reopened the floor to public testimony, and one member of the public spoke again to voice concerns about the development. The Chair then closed the public testimony portion of the hearing.

The Board then discussed their questions regarding interpretation of the zoning ordinance. The Board then discussed if they believed the Building Official erred in any of their interpretations of the zoning ordinance. The Board agreed that the Building Official had not erred in zoning interpretations, although the Board noted that the Appellants had jurisdiction to appeal specifically related to timing.

Following the public testimony period and deliberations, and after reviewing the arguments and making findings, the Board voted against approving the Administrative Appeal.

FINDINGS

The Board reviewed all of the arguments provided by the Appellants, and agreed that the Building Official had not erred in his review.

The building setbacks are compliant with requirements, and the building components do not encroach into the required setbacks. This relates to the Appellants' Argument #1.

The rear setback is compliant as per ISD's determination. This relates to the Appellants' Argument #2.

The gross floor area (GFA) has been properly calculated, as per ISD's determination. This relates to the Appellants' Argument #3.

The lot coverage has been properly calculated, as per ISD's determination. This relates to the Appellants' Argument #5.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Vice-Chair Anne Brockelman moved to approve the Administrative Appeal of the Building Official's issuance of a Building Permit, B24-000161, and the Building Official's subsequent denial of a Request for Enforcement to revoke that Building Permit. Ann Fullerton seconded the motion. The Board voted **0-4** on the motion. **The motion failed and the Administrative Appeal was subsequently denied.**

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Anne Brockelman, *Vice-Chair*
Ann Fullerton
Brian Cook, *Alternate*

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.

FOR ADMINISTRATIVE APPEAL(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 _____