



City of Somerville

ZONING BOARD OF APPEALS

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

DECISION 2025 FEB -6 A 11: 03

PROPERTY ADDRESS: 493 Medford Street
CASE NUMBER: ZP24-000116
OWNER: Charles Conway
OWNER ADDRESS: 493 Medford Street, Somerville, MA 02144
APPLICANT: Same as above
APPLICANT ADDRESS: Same as above
DECISION: Approved with Conditions (Hardship Variance)
DATE OF VOTE: February 5, 2025
DECISION ISSUED: February 6, 2025

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Hardship Variance application submitted for 493 Medford Street.

LEGAL NOTICE

Charles Conway seeks zoning relief to install mechanical equipment in a frontage area, which requires a Hardship Variance.

RECORD OF PROCEEDINGS

On February 6, 2025, 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, Zachary Zaremba, Alternate Brian Cook, and Alternate Sisia Daglian. The applicant presented to the Board why they are seeking a variance to place heat pumps in a frontage area on their property. After the testimony by the applicant, Chair Fontano opened the public comment portion of the public hearing where one member of the public spoke in support of the Hardship Variance. After Chair closed that portion of the public hearing the Board asked the applicant questions about the property including what type of dwelling unit the building was, how many units will be installed, and existing conditions of the property. After a brief discussion with the applicant, the Board discussed how the application meets the Hardship Variance criteria and moved to approve the Hardship Variance.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
493 Medford Street Hardship Variance Narrative	2	Charles Conway, 493 Medford Street, Somerville, MA 02144	November 26, 2024	n/a

493 Medford Street Photos	3	Charles Conway, 493 Medford Street, Somerville, MA 02144	November 26, 2024	n/a
493 Medford Street Sketch of Plan of Land	2	Unknown	May 26, 1887	n/a

HARDSHIP VARIANCE FINDINGS

In accordance with M.G.L. 40A and the Somerville Zoning Ordinance, the Board may grant a hardship variance only upon finding all of the following for each hardship variance:

Hardship Variance Considerations

1. Special circumstances exist relating to the soil conditions, shape, or topography of a parcel of land or the unusual character of an existing structure but not affecting generally the Neighborhood Residence zoning district in which the land or structure is located;

The Board finds that special circumstances do exist relating to the building's placement on a corner lot with narrow rear and non-frontage sides that provide essential egress for the building which leaves only the Norwood Street frontage has a viable place to install the heat pumps.

2. Literal enforcement of the provision of this Ordinance for the district where the subject land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant Charles Conway, due to said special circumstances; and

The Board finds that literal enforcement of the provisions of the zoning ordinance for the district where the subject land is located would involve substantial hardship to the petitioner due to prohibiting the applicant from realizing the financial savings of more modern, efficient heating and cooling and contributing to Somerville's stated sustainability and energy goals.

3. Desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Neighborhood Residence district in this Ordinance or the Ordinance in general.

The Board finds that desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Neighborhood Residence district of the zoning ordinance because the proposed location already contains utility meters, gas vents, and electrical wires. The fenced off area minimized the potential noise from the new equipment. Therefore, granting the requested hardship variance would not harm the public interest or undermine the intent and purpose of the Neighborhood Residence district.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Member Cook moved to approve the **Hardship Variance** to install mechanical equipment in a frontage area with the conditions included in the staff memo. Member Fullerton 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. 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*
Ann Fullerton
Zachary Zaremba
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.

Signed _____ City Clerk Date _____

RECEIVED
 MAY 10 2024
 CITY CLERK
 493 MEDFORD STREET
 MEDFORD, MA 02155