



City of Somerville

ZONING BORD OF APPEALS

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

DECISION FEB 20 P 6:15

PROPERTY ADDRESS: 59 Linden Avenue
CASE NUMBER: ZP25-000001
APPLICANT: Fan Wang
APPLICANT ADDRESS: 59R Linden Avenue, Somerville, MA 02143
OWNER: Fan Wang
OWNER ADDRESS: 59R Linden Avenue, Somerville, MA 02143
DECISION: **Approved With Conditions** (Major Amendment)
DATE OF VOTE: February 19, 2025
DECISION ISSUED: February 20, 2025

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Major Amendment submitted for 59 Linden Avenue.

LEGAL NOTICE

Fan Wang seeks a Major Amendment to a previously issued Special Permit (ZBA 2019-96) under SZO §4.4.1 to alter a non-conforming structure.

RECORD OF PROCEEDINGS

On February 19, 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 Chair Susan Fontano, Vice Chair Anne Brockelman, Acting Clerk Brian Cook, Ann Fullerton, Zac Zaremba, and Alternate Sisia Daglian. The Applicant provided a history of the project and the requested Major Amendment. The Chair opened the hearing to public testimony; an abutting property owner spoke in favor of the project. The Board and the Applicant discussed the reasons for the changes to the project and discussed possible mitigation. The Board moved to approve the Major Amendment.

PLANS & DOCUMENTS

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

Document	Pages	Prepared By	Date	Revision Date
Narrative for Special Permit Amendment	12	Fan Wang	February 3, 2025	N/A
Site Plan – 59 Linden Avenue	1	Scott M. Cerrato, PLS	November 21, 2022	N/A

SPECIAL PERMIT FINDINGS

The Board made the same findings as in the original decision (ZBA 2019-96).

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Vice Chair Anne Brockelman moved to approve the Major Amendment to a previously issued Special Permit under SZO §4.4.1 to alter a non-conforming structure. Ann Fullerton seconded. The Board **voted unanimously (5-0)** to approve the Major Amendment, retaining all the conditions of approval from the original decision (ZBA 2019-96) and adding the following:

Permit Validity

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. A written narrative or descriptive checklist identifying the completion or compliance with permit conditions must be provided to the Inspectional Services Department at least ten (10) working days in advance of a request for a final inspection.

Public Record

3. One (1) digital copy of all required application materials reflecting any physical changes required by the Board, if applicable, must be submitted to the Planning, Preservation & Zoning Division for the public record. Materials must be submitted in accordance with the document format standards of relevant Submittal Requirements.
4. A 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 Fontana, *Chair*
Anne Brockelman, *Vice-Chair*
Ann Fullerton
Zac Zaremba
Sisia Daglian, *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 _____