



City of Somerville

# ZONING BOARD OF APPEALS

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**DECISION** 2026 MAR 25 P 4: 16

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<b>PROPERTY ADDRESS:</b>	<b>17 Hudson Street</b>	CITY CLERK'S OFFICE SOMERVILLE, MA
<b>CASE NUMBER:</b>	ZP25-000094	
<b>OWNER:</b>	Hudson Somerville, LLC	
<b>OWNER ADDRESS:</b>	60 Union Ave, Suite 1, Sudbury, MA 01776	
<b>APPLICANT:</b>	Denise Provost	
<b>APPLICANT ADDRESS:</b>	20 Albion Street, Somerville, MA 02143	
<b>DECISION:</b>	Denied (Administrative Appeal)	
<b>DATE OF VOTE:</b>	March 4, 2026	
<b>DECISION ISSUED:</b>	March 17, 2026	
<b>CORRECTED ISSUED:</b>	March 25, 2026	

This decision corrects a clerical error in the decision issued on March 17, 2026. The Zoning Board of Appeals Chair's signature was added in accordance with the Middlesex South Registry of Deeds.

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the Administrative Appeal application submitted for 17 Hudson Street.

## LEGAL NOTICE

Denise Provost seeks an Administrative Appeal of the Building Official's issuance of Building Permits B25-000078, B25-000079, and B25- 000081.

## RECORD OF PROCEEDINGS

On February 4, 2026, 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, Acting Clerk Ann Fullerton, Olivia Mobayed, Zachary Zaremba, and Alternate Sisia Daglian. The appellant's Attorney, William White gave a presentation explaining the appeal. The Property Owner's Attorney, Anne Vigorito, provided testimony . Following these presentations, the Chair opened public comment. Members of the public spoke in relation to the appeal. Members of the public made comments in regard to the affordability of these units, the validity of the lot split, and the intent of the City Council.

The Board then discussed the appeal. Member Zac Zaremba mentioned that the discussion of the Zoning Board must be to determine if the Building Official issued these decisions in error, and other questions and discussions related to the policy and intent of City Council is not under the purview of the ZBA.

The Board asked the applicant's attorney which section of 40A they are raising issue to. The attorney's narrative references Section 7. The Board asked questions regarding the term "merged for zoning compliance". City Staff explained that this term is not applicable or relevant in this scenario.

Board Members Ann Fullerton and Anne Brockelman asked questions of Inspectional Services Division Zoning Review Planner, Matt Sarcione, and the Property Owner's Architect, Evan Stellman regarding the story height compliance and difference of accessory structure and accessory building regarding the backyard cottage.

The Board asked Director of Planning, Preservation, and Zoning, Dan Bartman, questions related to the policy and affordable dwelling unit provisions in the Somerville Zoning Ordinance. Director Bartman explained that lot split plans do not need to show what will be proposed for development following a lot split, and that lot splits are a minor Site Plan Approval, which are an administrative zoning permit and cannot be denied if the proposal meets zoning compliance. Following discussion and deliberation, The Board continued the public hearing to March 4, 2026.

On March 4, 2026, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Susan Fontano, Vice-Chair Anne Brockelman, Acting Clerk Brian Cook, Olivia Mobayed, and Alternate Sisia Daglian. Member Brian Cook was absent from the hearing on February 4, 2026, but submitted an affidavit confirming review of the evidence, and was able to participate in the decision. The Applicant's Attorney, William White, gave a brief presentation. Denise Provost, the Applicant, gave her testimony detailing the impacts of the development on her property. The Chair opened the public comment portion of the hearing. Members of the public spoke in relation to this application. Comments were raised in regard to the lot split, the development authorized by the building permits, and the appropriateness of the development in the neighborhood. The Chair closed the public comment portion of the hearing.

The Board then discussed the appeal. Members of the Board had questions for City Staff about construction regulations, by-right development, and the compliance of the development in question.

After reviewing the facts of the approved construction plans and hearing expert testimony from Planning, Preservation, and Zoning Division and Inspectional Services Department staff, the Board found that the permitted structures and lot split meet the requirements of the Somerville Ordinance and are zoning compliant.

After deliberation and discussion, the Board made a motion to approve the Administrative Appeal. The motion failed, and the appeal was denied.

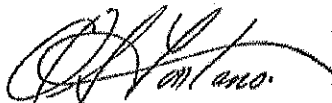
## **FINDINGS**

The Board upholds the decision of the Building Official and finds no error in the issuance of Building Permits B25-000078, B25-000079, and B25-000081.

### DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Zac Zaremba moved to approve the Administrative Appeal of the Building Official's issuance of Building Permits B25-000078, B25-000079, and B25-000081. Anne Brockelman seconded. The Board voted **0-5** on the motion. The motion failed and the Administrative Appeal was subsequently denied.

Attest, by the Zoning Board of Appeals:



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Orsola Susan Fontano, *Chair*

Anne Brockelman, *Vice-Chair*  
Olivia Mobayed  
Zachary 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 \_\_\_\_\_