



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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**Case #:** ZBA 2014-83-E2-08/17

**Date:** September 27, 2017

**Recommendation:** Conditional Approval

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**PLANNING STAFF REPORT**

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**Site:** 54-56A Elm Street

**Applicant & Owner Name:** 54 Elm, LLC

**Applicant & Owner Address:** 464 Common Street, Suite 322 Belmont, MA 02478

**Agent:** Richard Di Girolamo

**Agent Address:** 424 Broadway Somerville, MA 02145

**Alderman:** Mark Niedergang

Legal Notice: Applicant & Owner, 54 Elm, LLC, seeks a time extension of a Special Permit under SZO §5.3.10 for Case No. ZBA 2014-83, approved on February 4, 2015, which was granted to alter and expand the nonconforming structure by rebuilding the existing storefront with a second floor to add an additional dwelling unit on-site. Parking relief was also required. RB zone. Ward 5.

Dates of Public Hearing: Zoning Board of Appeals – September 27, 2017

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**I. PROJECT DESCRIPTION**

1. **Subject Property:** The subject property is a 5,134 square foot lot at the corner of Elm and Mossland Street. The existing property is a 2-family home with a storefront addition on the front corner building. The Lucky Market convenient store occupied the storefront for many years.

The project received a six month time extension back in April to extend the validity of the permit to August 4, 2017. The prior extension was granted on the basis of the following hardships, difficulty hiring a general contractor and subcontractors, a death in the Applicant's family, unexpected medical emergencies of the general contractor whom was eventually selected, and a massive construction project occurring on Elm Street in front of the site.

2. Proposal: The proposal was to add an additional dwelling unit to the site by renovating the existing storefront with a second story residential unit. There will be 850 square feet of commercial space available with a 1,300 square foot residential unit. The existing garage on site, facing Mossland, will be demolished and replaced with a carport for one vehicle.

## **II. EVALUATION & FINDINGS FOR EXTENSION**

In SZO §5.3.10 good cause for an extension of a special permit shall be determined by the SPGA, and only upon a finding of demonstrated hardship (e.g. financing problems, labor strike, bad weather conditions, or act of God) and that there has been good faith effort to overcome the hardship and expedite progress.

### Demonstration of Hardship

The Applicant has submitted a letter (attached) explaining that the previous contractor turned down the job and a new contractor, New Wave Construction, has had to start the building permit process over from the beginning. Additionally, the Fire Prevention Bureau requested a sprinkler system.

Planning Staff finds that the Applicant encountered issues that constitute hardship which prevented the commencement of construction under the permit.

### Good Faith Effort to Overcome Hardship and Expedite Progress

Despite the setbacks that the Applicant has experienced, the Applicant and new contractor have been working with a fire prevention company to design a sprinkler system for the existing and new portions of the project.

Based on the above, Planning Staff finds that the Applicant is making good faith efforts to overcome the demonstrated hardships and the permitting for the construction will need to happen in an expeditious manner in order for the approval to remain valid.

## **III. RECOMMENDATION**

Planning Staff recommends that the Board grant the extension of the special permit until February 4, 2018, which is one year beyond the expiration date of the original special permit.