



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

ORSOLA SUSAN FONTANO, CHAIRMAN
RICHARD ROSSETTI, CLERK
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE
ANNE BROCKELMAN, (ALT.)
POOJA PHALTANKAR, (ALT.)

Case #: ZBA 2015-78-E1-9/2017
Site: 35 Moreland Street
Date of Decision: October 18, 2017
Decision: Petition Approved
Date Filed with City Clerk: November 1, 2017

ZBA DECISION

Applicant / Owner Name:	Kevin Slattery & Marie Mullarkey
Applicant / Owner Address:	35 Moreland Street, Somerville, MA 02143
Agent Name:	Richard G. Di Girolamo
Agent Address:	424 Broadway, Somerville, MA 02145

Legal Notice: Applicants and Owners, Kevin Slattery and Marie Mullarkey, seek a one-year extension to the Special Permits issued by the ZBA in 2015 to demolish an existing single-family and construct a 3-family residence. RB zone.

<u>Zoning District/Ward:</u>	RB zone / Ward 4
<u>Zoning Approval Sought:</u>	§5.3.10
<u>Date of Application:</u>	September 12, 2017
<u>Date(s) of Public Hearing:</u>	October 18, 2017
<u>Date of Decision:</u>	October 18, 2017
<u>Vote:</u>	5-0

Appeal #ZBA 2015-78-E1-9/2017 was opened before the Zoning Board of Appeals at Somerville City Hall on October 18, 2017. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722
www.somervillema.gov

DESCRIPTION:

The proposal was to demolish an existing single-family structure (right) and replace it with a new, 3-family building. Five parking spaces and two bicycle spaces are proposed for the replacement building.

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, due to a change in family circumstances, they have been denied financing. Since the ZBA approvals of November 4, 2015, the Applicant and his wife have welcomed a baby into their family. In order to care for their child, the Applicant's wife left her employment. With the loss of this income stream, the Applicant no longer qualified for traditional financing for the approved project. The Applicant states that he has secured an investor/friend to cover the cost of construction of the approved 3-family structure. The Applicant further states that he has reached out to contractors to obtain quotes for the 3-family construction project.

The Board 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 appears to have been working to put another financing and construction plan together in order to build the approved 3-family.

Based on the above, the Board finds that the Applicant is making good faith efforts to overcome the demonstrated hardships.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Pooja Phaltankar, Elaine Severino, Danielle Evans, Josh Safdie, and Anne Brockelman with Richard Rossetti absent. Upon making the above findings, Danielle Evans made a motion to approve the request for a time extension until November 4, 2018. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Elaine Severino
Josh Safdie
Danielle Evans
Pooja Phaltankar

Attest, by the case City Planner: _____

Alexander C. Mello

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

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. 3.2.10.

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.

Signed _____ City Clerk Date _____

