



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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Case #: ZBA 2016-129-R2-10/19
Site: 17-25 Murdock Street
Date of Decision: November 20, 2019
Decision: Petition Approved with Conditions
Date Filed with City Clerk: November 26, 2019

ZBA DECISION

Applicant and Owner Name: Cedar Murdock Partners, LLC
Applicant and Owner Address: 6 Spice Street, Suite 10, Charlestown, MA 02129
Agent Name: Adam Dash, Esq.
Agent Address: 48 Grove Street, Suite 304, Somerville, MA 02144

Legal Notice: Applicant and Owner, Cedar Murdock Partners, LLC, seeks a revision to their previously approved special permit with site plan review under SZO §5.3.8 in order to change the height of the foundations for buildings 3, 4, and 5 due to ground water levels and for other miscellaneous site related changes. RB zone. Ward 5.

Zoning District/Ward: RB/Ward 5
Zoning Approval Sought: SP §5.3.8
Date of Application: July 16, 2019
Date(s) of Public Hearing: November 6, 2019; November 20, 2019
Date of Decision: November 20, 2019
Vote: 5-0

Appeal # ZBA 2016-129-R2-10/19 was opened before the Zoning Board of Appeals at Somerville City Hall on November 6, 2019. 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. On November 20, 2019, the Zoning Board of Appeals took a vote.

DESCRIPTION: The subject property was approved in January 2017 to demolish the four existing nonconforming industrial buildings and construct twenty-two residential units in five buildings totaling approximately 37,162 square feet of net floor area. Buildings 1 and 2 will each contain two two-bedroom units, Buildings 3 and 4 will each contain four two-bedroom units, and Building 5 will contain seven two-bedroom row house units and three three-bedroom units. Site amenities include a pedestrian plaza, covered bicycle sheds, a common pavilion, a pedestrian green, rainwater gardens, underground parking, a private pedestrian alley (open for emergency vehicles), and numerous plantings.

FINDINGS FOR SPECIAL PERMIT (SZO §5.3.8):

Section 5.3: Procedures for Special Permits and Special Permits with Site Plan Review

Revisions that are not de minimis shall be subject to the full notice and hearing provisions of §5.3.2 of this Ordinance, but shall not be subject to review by additional boards, departments, city agencies or commissions except as requested by the SPGA or upon the recommendation of the Planning Director. Applicable findings shall be made in accordance with the type of permit(s) being revised.

The findings made under the previous Special Permit with Site Plan Review approved by the ZBA in January of 2017 (ZBA 2016-129) and the Special Permit with Site Plan Review revision approved by the ZBA in March of 2019 (ZBA 2016-129-R1-2/19) are not applicable to this proposal.

The Board finds that the revisions to the height will continue to conform to the 40-foot height maximum of the RB zoning district.

DECISION:

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Elaine Severino, Josh Safdie, and Drew Kane, and Anne Brockelman. Upon making the above findings, Josh Safdie made a motion to approve the request for a Special Permit. 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:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes				
1	Approval is to strike condition #19 from the previous permit. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/ Plng.					
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>October 3, 2019</td><td>Initial application submitted to the City Clerk's Office</td></tr></table>				Date (Stamp Date)	Submission	October 3, 2019	Initial application submitted to the City Clerk's Office
	Date (Stamp Date)				Submission			
October 3, 2019	Initial application submitted to the City Clerk's Office							
Any changes to the approved site plan or elevations/use that are not <i>de minimis</i> must receive SPGA approval.								

2	All other conditions of approval from ZBA 2016-129 and ZBA 2016-129-R1-2/19 remain in effect.	Perpetual	Plng.	
Final Sign-Off				
3	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Danielle Evans, *Clerk*
Anne Brockelman
Elaine Severino
Josh Safdie
Drew Kane, *Alternate*

Attest, by the Planner: _____

Melissa A. Woods

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 _____