



City of Somerville

ZONING BOARD OF APPEALS

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

DECISION

PROPERTY ADDRESS: 120-132 Middlesex Avenue
CASE NUMBER: P&Z 21-146
OWNER: Grande Spaulding, LLC
OWNER ADDRESS: 27 Pleasant St,
North Reading, MA 01864
DECISION: Approved (Extension to Hardship Variance)
DECISION DATE: November 17, 2021

This decision summarizes the findings made by the Zoning Board of Appeals regarding the validity of a previously approved Hardship Variance submitted for 120-132 Middlesex Avenue.

LEGAL NOTICE

DWCH Assembly Row, LLC seeks to extend the validity of a previously approved Hardship Variance.

RECORD OF PROCEEDINGS

On November 3, 2021, 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, Clerk Josh Safdie, Elaine Severino, and Katherine Garavaglia. The Applicant provided a brief overview outlining that the previously approved Hardship Variance is valid for two (2) years, however, Hardship Variances are approved for one (1) year pursuant to SZO Article 15.3.h.ii. The Board opened public testimony and did not receive any comments. Elaine Severino questioned the necessity of seeking an extension to the Applicant. The Applicant responded that from a technical perspective, they wanted to ensure that the previously approved Hardship Variance is valid by seeking an extension pursuant to SZO Article 15.2.3.h.i. The Board Members agreed with the Applicant that it is best to be safe with procedural requirements and supported the Applicant's request.

FINDINGS

The Board found that the applicant's narrative requesting the extension to MP#2020-0003 and answered all inquiries that the Board had regarding the application.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Clerk Josh Safdie moved to approve to extend the validity of a previously approved Hardship Variance.

Elaine Severino seconded. The Board voted **4-0** to approve the request, subject to the following conditions:

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chair*
Josh Safdie, *Clerk*
Elaine Severino
Katherine Garavaglia, *Alternate*



Sarah Lewis, Director of Planning & Zoning
Office of Strategic Planning & Community Development

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.

Signed _____ City Clerk Date _____