



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

PLANNING BOARD MEMBERS

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MICHAEL A. CAPUANO, ESQ.
REBECCA LYN COOPER
GERARD AMARAL, (ALT.)

Case #: PB 2014-34
Site: Assembly Row Block 5
Date of Decision: May 7, 2015
Decision: Petition Withdrawn Without Prejudice
Date Filed with City Clerk: May 13, 2015

PLANNING BOARD DECISION

Applicant Name:	SRI Assembly Row B5, LLC
Applicant Address:	1626 East Jefferson Street, Rockville, MD 20852
Property Owner Name:	SRI Assembly Row B5, LLC
Property Owner Address:	1626 East Jefferson Street, Rockville, MD 20852
Agent Name:	Robert A. Fishman, Esq.
Agent Address:	155 Seaport Blvd, Boston, MA 02210
<u>Description:</u>	The Applicant and Owner seek a waiver (S.Z.O. §6.4.12 & 16.5.5) from the Planning Board's right of first refusal or option to purchase the inclusionary units under §13.3.5.
<u>Zoning District/Ward:</u>	Assembly Square Mixed Use District (ASMD); Planned Unit Development Overlay District - A (PUD-A) / Ward 1
<u>Zoning Approval Sought:</u>	§6.4.12, §16.5.5
<u>Date of Application:</u>	November 21, 2015
<u>Date(s) of Public Hearing:</u>	2/5, 2/19, 3/5, 3/19, 4/2, 4/16 & 5/7/15
<u>Date of Decision:</u>	May 7, 2015
<u>Vote:</u>	5-0

Appeal #PB 2014-34 was opened before the Planning Board at Somerville City Hall on February 5, 2015. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A,



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sec. 11 and the Somerville Zoning Ordinance. The Board separated the request for a waiver of the right of the SPGA to purchase the affordable units from the rest of the application. They approved the SPSR-A and waivers for the number of loading docks, submission of a landscape and screening plan and compliance with the proposed zoning ordinance on February 5, 2015 and continued the waiver related to the right to purchase the affordable units until the next meeting. The Applicant then requested to continue the case for each meeting until they submitted a request to withdraw the waiver request for the May 7 hearing.

DECISION:

Present and sitting were Members Kevin Prior, Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay and Rebecca Lyn Cooper. Upon making the above findings, Joseph Favaloro made a motion to approve the request to Withdraw the Request for a Waiver Without Prejudice. Michael Capuano seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request to **WITHDRAW WITHOUT PREJUDICE** the waiver related to the SPGA's right to purchase the affordable units.



Attest, by the Planning Board:



Kevin Prior, Chairman



Joseph Favaloro



Michael A. Capuano, Esq.


Dorothy A. Kelly Gay

Rebecca Lyn Cooper

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 _____

