



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

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Case #: ZBA 2013-31
Site: 26-28 Willow Ave
Date of Decision: September 4, 2013
Decision: Petition Withdrawn without Prejudice
Date Filed with City Clerk: September 5, 2013

ZBA DECISION

Applicant & Owner Name: Fifth Street Development, LLC
Applicant & Owner Address: P.O. Box 927057, Neeham, MA 02492
Agent Name: Richard Di Girolamo, Esq
Agent Address: 424 Broadway, Somerville, MA 02145

Legal Notice: Applicant and Owner, Fifth Street Development LLC, seeks a Special Permit under SZO §4.4.1 to modify an existing nonconforming accessory structure by adding doors and windows and a Variance under SZO §5.5 to violate setback requirements and Special Permit with Site Plan Review under SZO §7.2 to convert this structure into a second principle structure. RA zone. Ward 6.

Zoning District/Ward: RA Zone / Ward 6
Zoning Approval Sought: Special Permit under SZO §4.4.1 and a Variance under SZO §5.5. Approval for a Special Permit with Site Plan Review under §7.2 is no longer part of this request
Date of Application: April 11, 2013
Date(s) of Public Hearing: 8/7, 9/4
Date of Decision: September 4, 2013
Vote: 5-0



Appeal #ZBA 2013-31 was opened before the Zoning Board of Appeals at Somerville City Hall on August 7, 2013. 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.

DECISION:

Present and sitting were Members Herbert Foster, Orsola Susan Fontano, Danielle Evans, Elaine Severino, and Brandy Brooks with Richard Rossetti absent. Susan Fontano made a motion to approve the request for withdraw of the application without prejudice. Brandy Brooks seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request to **WITHDRAW THE APPLICATION WITHOUT PREJUDICE**.

Attest, by the Zoning Board of Appeals:

Herbert Foster, *Chairman*
Orsola Susan Fontano, *Clerk*
Danielle Evans
Elaine Severino
Brandy Brooks (Alt.)

Attest, by the Administrative Assistant:

Lori Massa, Senior Planner

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 _____

