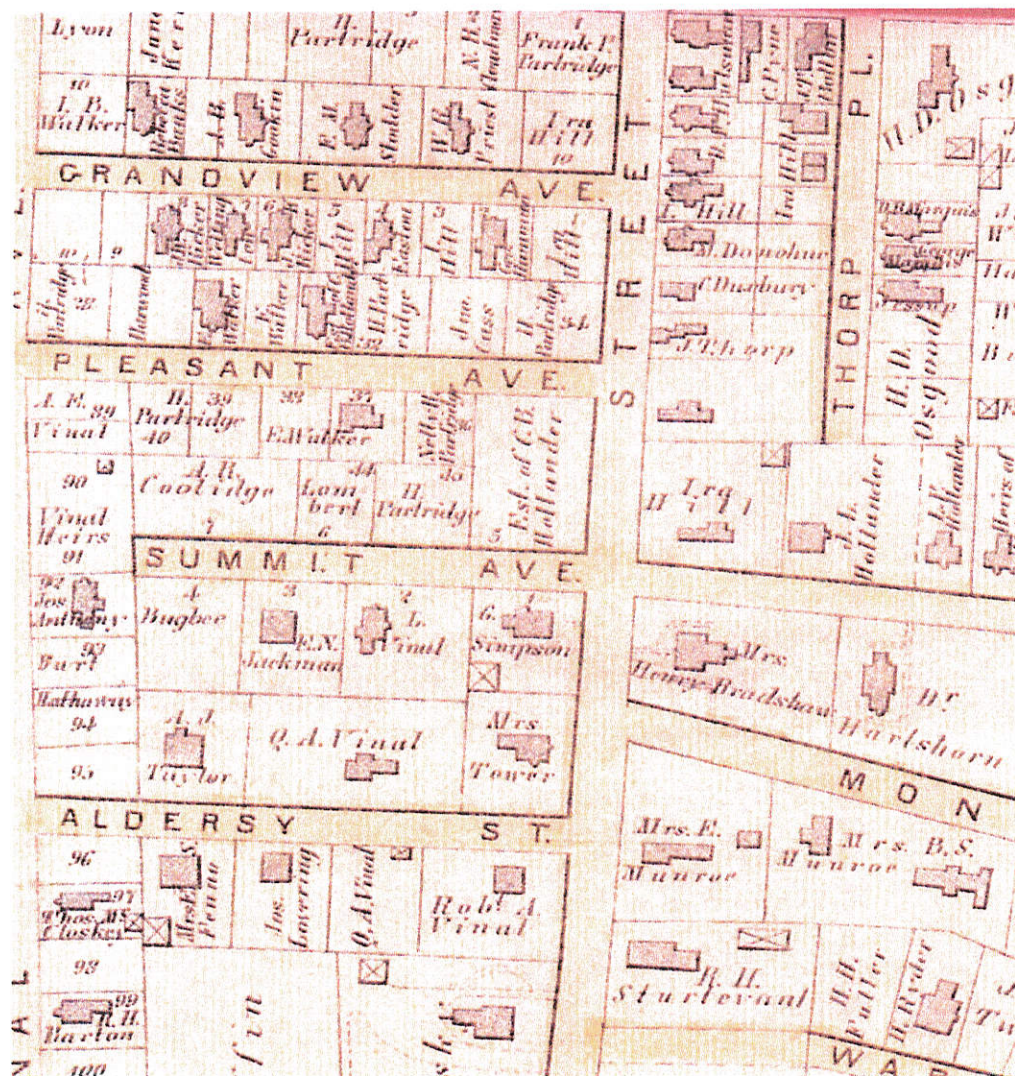


PROSPECT HILL AREA IN 1874



from: Hopkins, G. M. and Company, *Atlas of the City of Somerville, Massachusetts*.
Philadelphia, 1884.

Conclusion

In sum, the Board acted arbitrarily and capriciously in denying the special permit application, in disregard of the ordinance commands. The ordinance was neither designed nor intended to allow "decision by preference," but rather sets forth criteria which must be followed. Here, they were not. The Board's decision made no attempt to explain or justify its ruling, and its *post facto* submissions at the trial fail to provide a rational basis in actual, relevant fact.⁴⁵

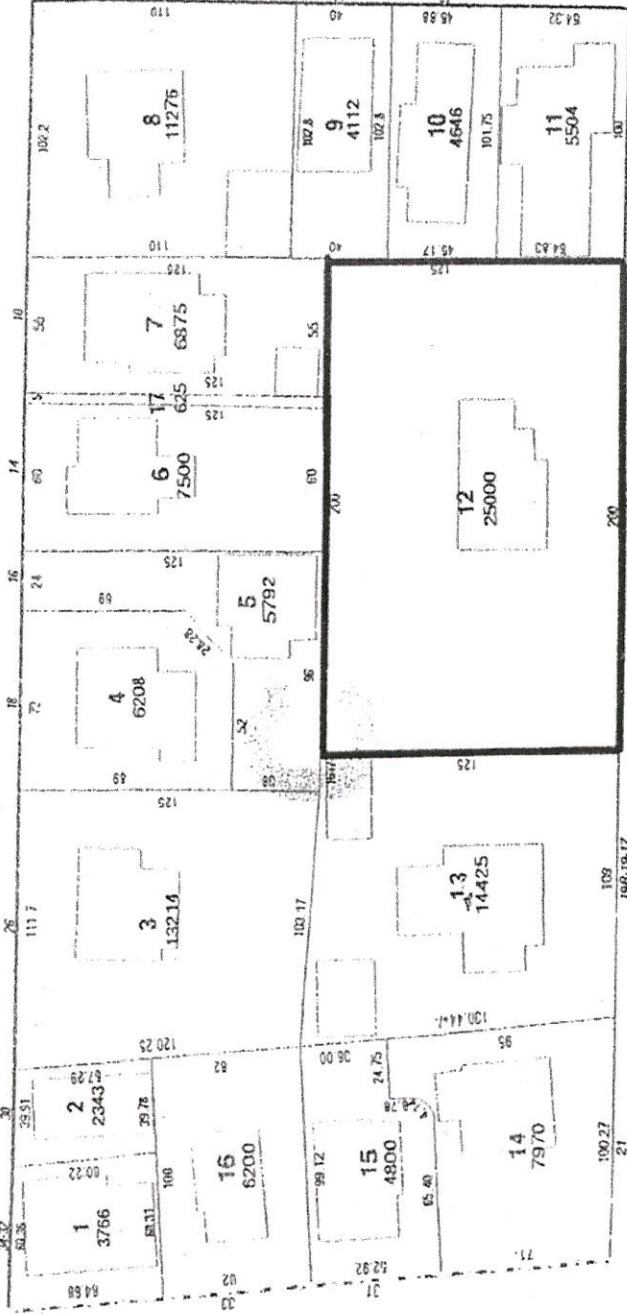
Because Historic Preservation Commission review and approval has not occurred, and the result of that process may be a re-design (see Ex. 9), it is premature to order the special permit issued. See *Wendy's Old Fashioned Hamburgers*, 454 Mass. at 387-389. Instead, this matter is REMANDED to the Board to await Historic Preservation Commission review and, if a re-design occurs as a result of that review, the Board's new decision based on that re-design. In the meantime, this court retains jurisdiction over the case, including over any appeals which may be taken (or other actions brought) from or relating to the Board's further proceedings pursuant to this Order. No one currently a party to this litigation and aggrieved by the Board's new decision needs to initiate in this court a new lawsuit appealing the Board's new decision, but any such aggrieved party shall, within twenty (20) days of the filing of a revised decision with the Town Clerk: (a) file with the court (and serve on all parties) a proper motion for leave to amend the pleadings to assert a right to judicial review of the new decision, with the form of the proposed amendment annexed, and (2) file with the Town Clerk written notice of having filed the motion to amend, accompanied by true copies of the moving papers.

⁴⁵ Contrast *Britton v. Zoning Board of Appeals of Gloucester*, 59 Mass. App. Ct. 68, 70 & n. 3 (2003), where, as previously noted, the Board explained in detail the adverse visual and other effects of the project whose permit it denied.

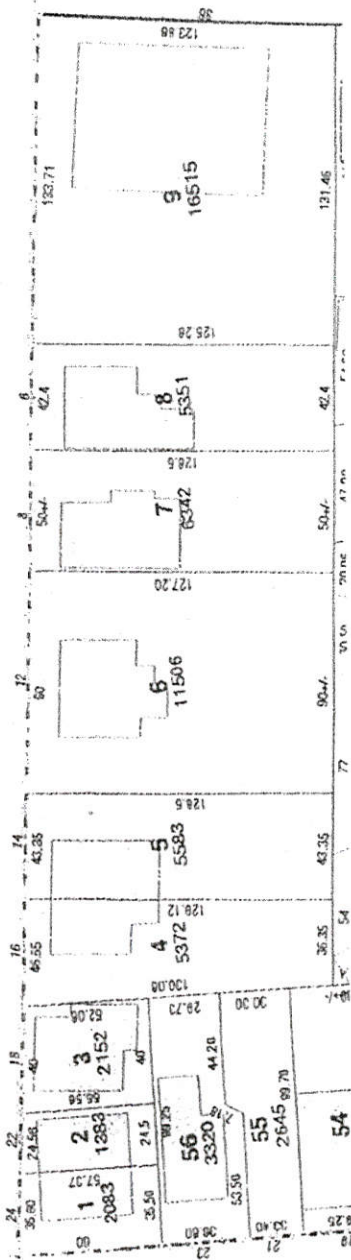
9-11 Aldersey Street Plot Plan



SUMMIT AVE



ALDERSEY ST

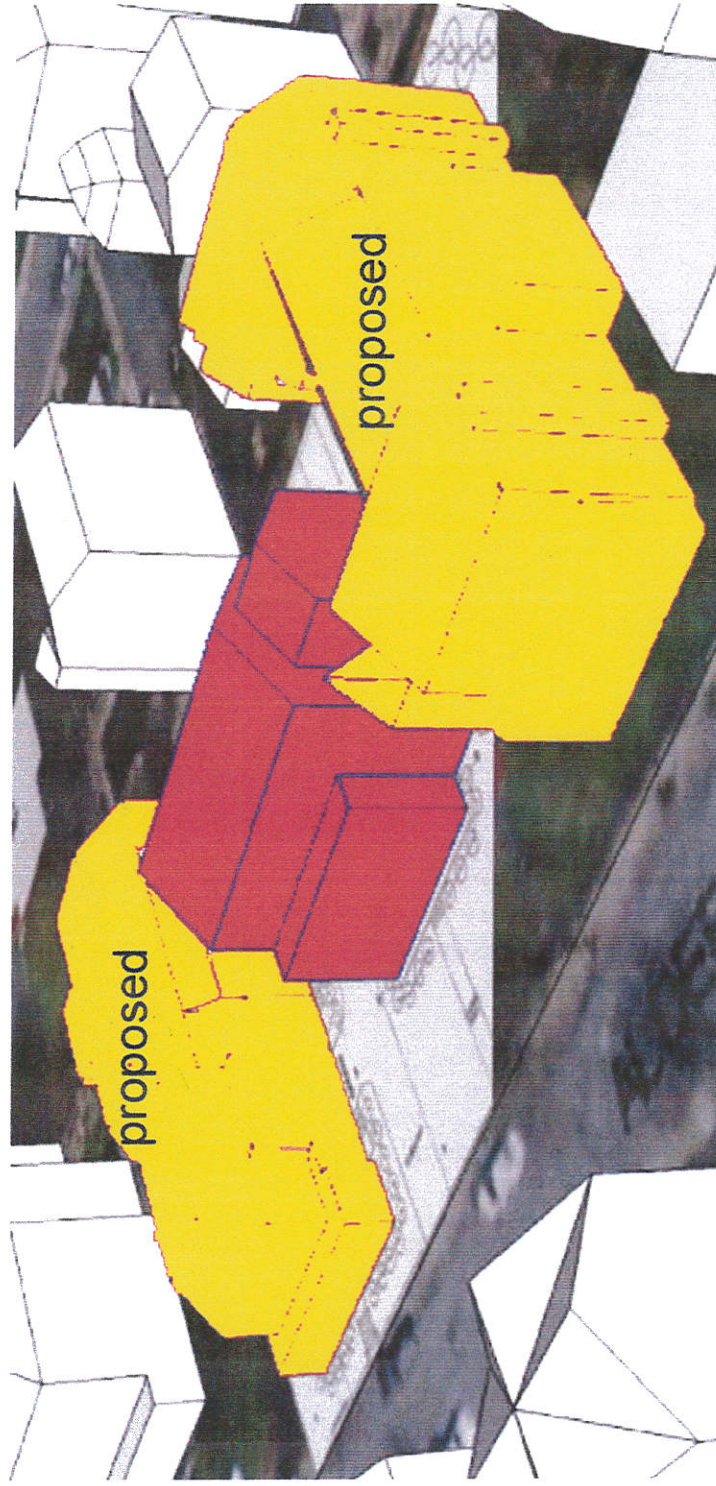


Building Footprints Surrounding and Including the Proposed Buildings at 9-11 Aldersey Street

- Existing Buildings
- Proposed Buildings



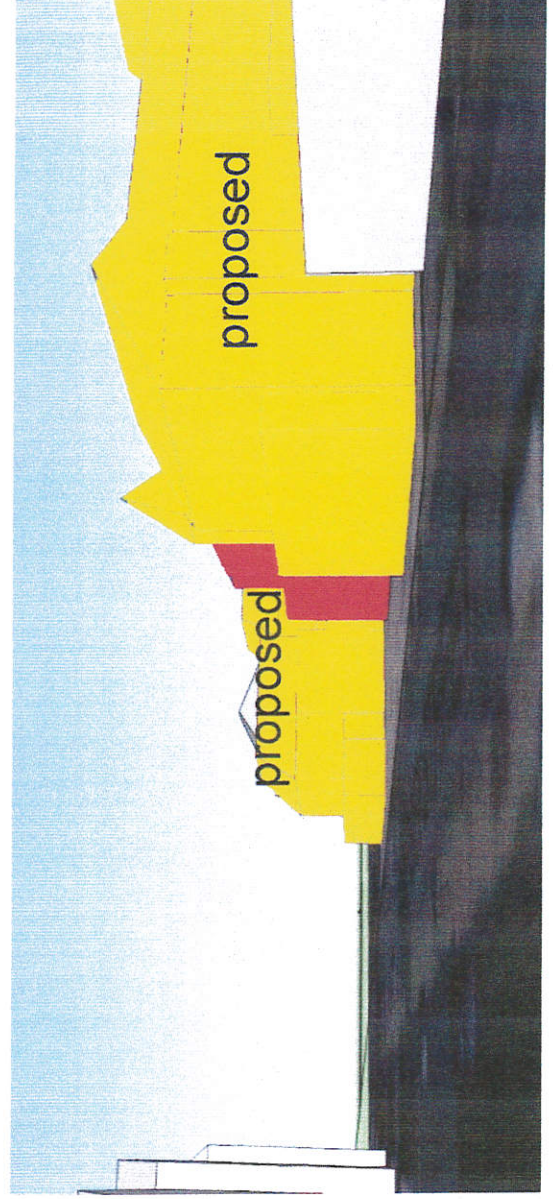
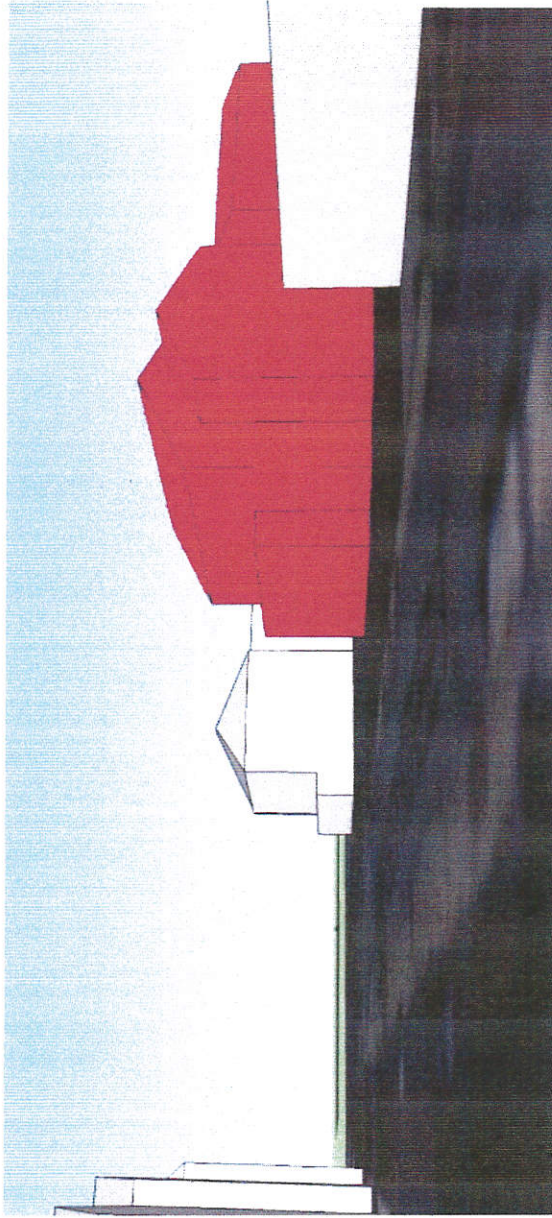
THREE DIMENSIONAL RENDERING OF BIRDS-EYE VIEW OF
9-11 ALDERSEY AND PROPOSED DEVELOPMENT



Note: Dimensions are approximate.

This drawing does not account for
topographic changes that are
present on this lot.

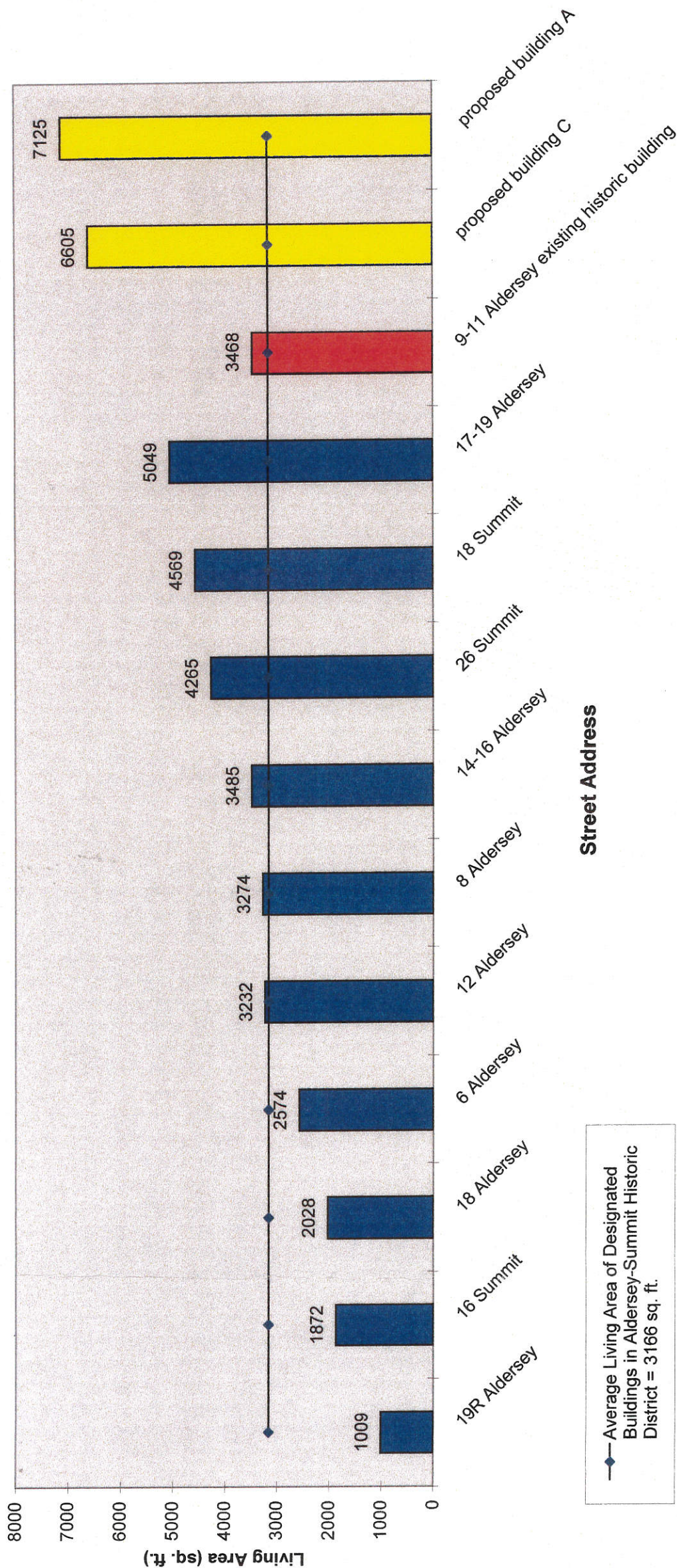
THREE DIMENSIONAL RENDERING OF STREET VIEW
OF 9-11 ALDERSEY WITH AND WITHOUT PROPOSED DEVELOPMENT



Note: Dimensions are approximate.

This drawing does not account for
topographic changes that are
present on this lot.

Size of Designated Buildings in Aldersey-Summit Historic District
Compared to Proposed Development at 9 Aldersey
(in sq. ft of living area)



LOCAL HISTORIC DISTRICTS IN THE PROSPECT HILL AREA



- Aldersey-Summit Local Historic District
- Pleasant Avenue Local Historic District
- Single-building Local Historic Districts in Prospect Hill
- Single-building Local Historic Districts in Central Hill
- Locations of additional Local Historic District properties
- Listed in National Register of Historic Places

Note: Local Historic Districts in Somerville may contain one or more buildings on one or more plots of land. For the purpose of illustration, this map, highlights only the designated buildings. In fact, for each of these buildings, the entire lot is designated.