



**CITY OF SOMERVILLE, MASSACHUSETTS**  
***MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT***  
**JOSEPH A. CURTATONE**  
**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

***ZONING BOARD OF APPEALS MEMBERS***

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RICHARD ROSSETTI, CLERK  
DANIELLE EVANS  
ELAINE SEVERINO  
JOSH SAFDIE  
ANNE BROCKELMAN, (ALT.)  
POOJA PHALTANKAR, (ALT.)

**Case #: ZBA 2016-102**  
**Site: 45 Lexington Avenue**  
**Date of Decision: February 1, 2017**  
**Decision: *Petition Withdrawn Without Prejudice***  
**Date Filed with City Clerk: February 14, 2017**

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**ZBA DECISION**

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|--------------------------------|--|
| <b>Applicant Name:</b>         | 45 Lexington Development, LLC            |
| <b>Applicant Address:</b>      | 17 Willowdale Road, Winchester, MA 01890 |
| <b>Property Owner Name:</b>    | 45 Lexington Development, LLC            |
| <b>Property Owner Address:</b> | 17 Willowdale Road, Winchester, MA 01890 |
| <b>Agent Name:</b>             | Richard G. DiGirolamo, Esq.              |
| <b>Agent Address:</b>          | 424 Broadway, Somerville, MA 02145       |

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|----------------------|---|
| <u>Legal Notice:</u> | Applicant/Owner, 45 Lexington Development LLC, seeks a Special Permit under SZO §4.4.1 to approve a renovation of a non-conforming 2-1/2 story two-family residential building with an expansion to finish the basement add a first floor addition with second floor roof deck and §9.5 for parking relief. |
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| <u>Zoning District/Ward:</u>      | RA zone/Ward 5   |
| <u>Zoning Approval Sought:</u>    | §4.4.1 & §9.5    |
| <u>Date of Application:</u>       | August 22, 2016  |
| <u>Date(s) of Public Hearing:</u> | 11/2/16 – 2/1/17 |
| <u>Date of Decision:</u>          | February 1, 2017 |
| <u>Vote:</u>                      | 4-0              |

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Appeal #ZBA 2016-102 was opened before the Zoning Board of Appeals at the Visiting Nurse Association on November 2, 2016. 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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
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**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Elaine Severino and Josh Safdie with Richard Rossetti, Anne Brockelman and Pooja Phaltankar absent. Upon making the above findings, Danielle Evans made a motion to approve the request to Withdraw the Special Permit without Prejudice. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request to **WITHDRAW THE APPLICATION WITHOUT PREJUDICE**.



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Danielle Evans  
Elaine Severino  
Josh Safdie

Attest, by the Administrative Assistant: \_\_\_\_\_

Dawn M. Pereira

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 \_\_\_\_\_

