



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

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

PLANNING BOARD MEMBERS

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JOSEPH FAVALORO, *CLERK*
DOROTHY A. KELLY GAY
MICHAEL A. CAPUANO, ESQ.
REBECCA LYN COOPER
GERARD AMARAL, (ALT.)

Case #: PB 2015-11
Site: 197 Washington Street
Date of Decision: October 22, 2015
Decision: Petition Withdrawn Without Prejudice
Date Filed with City Clerk: October 29, 2015

PLANNING BOARD DECISION

Applicant Name:	Nu Café Somerville, LLC
Applicant Address:	377 Bunker Hill Street #1, Charlestown, MA 02129
Property Owner Name:	197 Washington Street, LLC
Property Owner Address:	11 Beacon Street, Suite 1120, Boston, MA 02108
Agent Name:	Adam Dash, Esq.
Agent Address:	48 Grove Street, Suite 304, Somerville, MA 02144

<u>Legal Notice:</u>	Applicant, Nu Café Somerville, LLC & 197 Washington Street LLC, and Owner, 197 Washington Street LLC, seek a Special Permit with Site Plan Review to establish the Eating and Drinking Use (SZO §7.13.D) of approx. 3,760, a Special Permit for reduction in parking spaces (§9.17.2.A) and a revision to the original approval, Case PB 2014-01, that permitted the construction of two mixed use buildings of approx 46,305 nsf and approx 38,040 nsf under §6.1.22.D.1 and §6.1.22.D.2. The uses included small and medium retail of approx 6,000 sf, 65 residential units per SZO §7.13.B, §7.13.C, & §7.13.E. The approval also included a reduction in the number of parking spaces SZO 9.13.F and 9.17.2.A and a shared driveway and access and shared parking per SZO §9.17.2.B.
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<u>Zoning District/Ward:</u>	CCD 55 zone/Ward 3
<u>Zoning Approval Sought:</u>	§7.13.D, §9.17.2.A, §6.1.22.d.1, §6.1.22.D.2, §7.13.b, §7.13.c, §7.13.E, §9.13.F, §9.17.A & §9.17.2.B
<u>Date of Application:</u>	September 17, 2015



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<u>Date(s) of Public Hearing:</u>	October 22, 2015
<u>Date of Decision:</u>	October 22, 2015
<u>Vote:</u>	5-0

Appeal #PB 2015-11 was opened before the Planning Board at the Visiting Nurse Association on October 22, 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, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Planning Board took a vote.

DECISION:

Present and sitting were Members Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay, Rebecca Lyn Cooper and Gerard Amaral with Kevin Prior absent. Upon making the above findings, Michael Capuano made a motion to approve the request to withdraw the application without prejudice. Joseph Favaloro seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request to **WITHDRAW THE APPLICATION WITHOUT PREJUDICE**.



Attest, by the Planning Board:



Kevin Prior, Chairman



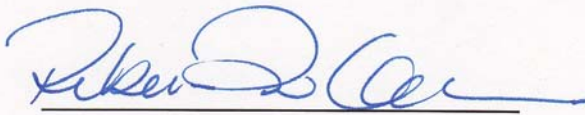
Joseph Favaloro



Michael A. Capuano, Esq.



Dorothy A. Kelly Gay



Rebecca Lyn Cooper



Gerard Amaral

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 _____

