



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

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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DANIELLE EVANS
ELAINE SEVERINO (ALT.)
JOSH SAFDIE (ALT.)

Case #: ZBA #2010-28
Site: 162 Highland Avenue
Date of Decision: August 18, 2010
Decision: *Petition Withdrawn without Prejudice*
Date Filed with City Clerk: August 25, 2010

ZBA DECISION

Applicant Name:	Somerville Community Corporation
Applicant Address:	337 Somerville Avenue, 2 nd Floor, Somerville, MA 02143
Property Owner Name:	CASPAR
Property Owner Address:	315 Highland Avenue, Somerville, MA 02144
Agent Name:	N/A

Legal Notice: Applicant, Somerville Community Corporation and Owner, CASPAR, seek a Special Permit under SZO §7.11.1.c to establish a six unit dwelling within an existing structure and a Special Permit under SZO §4.4.1 to make alterations to the façade in the required side yard.

<u>Zoning District/Ward:</u>	RC zone/Ward 3
<u>Zoning Approval Sought:</u>	§7.11.1.c & §4.4.1
<u>Date of Application:</u>	June 1, 2010
<u>Date(s) of Public Hearing:</u>	7/14, 8/4 & 8/18/10
<u>Date of Decision:</u>	August 18, 2010
<u>Vote:</u>	5-0

Appeal #ZBA 2010-28 was opened before the Zoning Board of Appeals at Somerville City Hall on July 14, 2010. 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 hearings of deliberation, the Zoning Board of Appeals took a vote.



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DECISION:

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



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Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairman*
Richard Rossetti, *Acting Clerk*
Danielle Evans
T.F. Scott Darling, III, Esq.
Elaine Severino (Alt.)

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 _____



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