



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

PLANNING DIVISION

***PLANNING BOARD MEMBERS***

KEVIN PRIOR, *CHAIRMAN*  
ELIZABETH MORONEY, *CLERK*  
JOSEPH FAVALORO  
JAMES KIRYLO  
MICHAEL A. CAPUANO, ESQ.  
DANA LEWINTER (ALT.)

**Case #: PB 2010-01**  
**Site: 29 Mystic Avenue**  
**Date of Decision: April 1, 2010**  
**Decision: *Withdrawn without Prejudice***  
**Date Filed with City Clerk: April 6, 2010**

---

**PLANNING BOARD DECISION**

---

<b>Applicant Name:</b>	Mauricio Quiroga
<b>Applicant Address:</b>	844 Elm Street, Manchester, NH 03101
<b>Property Owner Name:</b>	29 Mystic Avenue Realty Trust, c/o Michele & Maddalena Abruzzese
<b>Property Owner Address:</b>	7 Driftwood Lane, Lynnfield, MA 01940
<b>Agent Name:</b>	N/A

Legal Notice: Applicant, Mauricio Quiroga, Boston Home & Barstool, & Owner, 29 Mystic Avenue Realty Trust, Michele and Maddalena Abruzzese, seek a Special Permit under SZO §4.4.1 to construct a 845± sf addition to the nonconforming structure for a by-right retail use, a Special Permit under SZO § 9.13.d for parking on a separate lot, and a Special Permit for signage (§6.4.14.C). ASMD zone. Ward 1.

<u>Zoning District/Ward:</u>	ASMD zone/Ward 1
<u>Zoning Approval Sought:</u>	§4.4.1, §9.13.d & §6.4.14.c
<u>Date of Application:</u>	February 9, 2010
<u>Date(s) of Public Hearing:</u>	3/4, 3/18 & 4/1/10
<u>Date of Decision:</u>	April 1, 2010
<u>Vote:</u>	5-0

---

Appeal #PB 2010-01 was opened before the Planning Board at Somerville City Hall on March 4, 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 hearing of deliberation, the Planning Board took a vote.



**CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143**  
**(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722**  
**[www.somervillema.gov](http://www.somervillema.gov)**



**DECISION:**

Present and sitting were Members Elizabeth Moroney, Joseph Favaloro, James Kirylo, Michael Capuano and Dana LeWinter. Upon making the above findings, Elizabeth Moroney made a motion to approve the request for a special permit. Michael Capuano seconded the motion. Wherefore the Planning Board voted **5-0** to **APPROVE** the request to **WITHDRAW THE APPLICATION WITHOUT PREJUDICE**.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

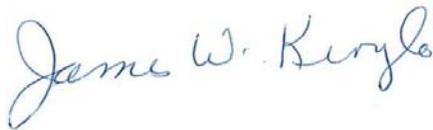
[www.somervillema.gov](http://www.somervillema.gov)



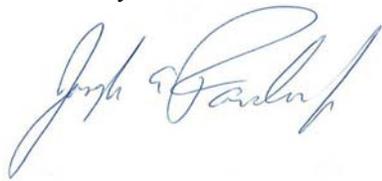
Attest, by the Planning Board:



Elizabeth Moroney



James Kirlyo



Joseph Favaloro



Dana LeWinter

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.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

[www.somervillema.gov](http://www.somervillema.gov)



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 \_\_\_\_\_



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722

[www.somervillema.gov](http://www.somervillema.gov)

