



CITY OF SOMERVILLE, MASSACHUSETTS  
ZONING BOARD OF APPEALS  
JOSEPH A. CURTATONE, MAYOR

**MEMBERS**

HERBERT F. FOSTER, JR., *CHAIRMAN*  
ORSOLA SUSAN FONTANO, *CLERK*  
RICHARD ROSSETTI  
T. F. SCOTT DARLING, III, ESQ.  
DANIELLE FILLIS  
ELAINE SEVERINO (ALT.)  
JOSH SAFDIE (ALT.)

**Case #: ZBA 2008-24**  
**Site: 44 Park Street**  
**Date of Decision: October 15, 2008**  
**Decision: *Petition withdrawn without Prejudice***  
**Date Filed with City Clerk: October 27, 2008**

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**ZBA DECISION**

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<b>Applicant Name:</b>	Park Street Housing Associates, LLC
<b>Applicant Address:</b>	201 Main Street, 2 <sup>nd</sup> Floor, Charlestown, MA 02129
<b>Property Owner Name:</b>	Park Street Housing Associates, LLC
<b>Property Owner Address:</b>	201 Main Street, 2 <sup>nd</sup> Floor, Charlestown, MA 02129
<b>Agent Name:</b>	Nicholas A. Iannuzzi, Jr., Esq.
<b>Agent Address:</b>	160 Gould Street, Suite 320, Needham, MA 02494

Legal Notice: Applicant & Owner: Park Street Housing Associates, LLC seek a Special Permit with Site Plan Review for 89 dwelling units, and variances for parking, minimum lot area per dwelling unit, and number of stories (4 proposed). RC zone. Ward 2.

<u>Zoning District/Ward:</u>	RC zone/Ward 2
<u>Zoning Approval Sought:</u>	Special Permit with Site Plan Review & 3 variances
<u>Date of Application:</u>	May 15, 2008
<u>Date(s) of Public Hearing:</u>	7/9, 7/23, 8/6, 8/20, 9/3 & 10/15/08
<u>Date of Decision:</u>	October 15, 2008
<u>Vote:</u>	5-0

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Appeal #ZBA 2008-24 was opened before the Zoning Board of Appeals at Somerville City Hall on July 9, 2008. 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 three (3) hearing(s) of deliberation, the Zoning Board of Appeals took a vote.

**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Scott Darling and Josh Safdie. Richard Rossetti made a motion to approve the request for the Applicant to withdraw the application without prejudice. Scott Darling seconded the motion. Wherefore the Zoning Board of Appeals voted **4-0** to **APPROVE** the request.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Acting Chairperson*  
Richard Rossetti, *Acting Clerk*  
T.F. Scott Darling, III, Esq.  
Josh Safdie (Alt.)

Attest, by the Zoning Board of Appeals 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 \_\_\_\_\_