



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

GEORGE J. PROAKIS
EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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

Case #: ZBA 2018-165
Site: 123 Packard Avenue
Date of Decision: January 23, 2019.
Decision: *Petition Withdrawn Without Prejudice*
Date Filed with City Clerk: February 4, 2019

ZBA DECISION

Site: 123 Packard Avenue
Applicant / Owner Name: Kappa Charge of the Theta Delta Chi Fraternity through their attorney,
Richard L. Walsh, III, Clerk of Corporation.
Agent Address: 6310 Post Road, North Kingston, RI 02852
Alderman: Lance Davis

Legal Notice: Applicant, Kappa Charge of the Theta Delta Chi Fraternity, through their attorney, Richard L. Walsh III, Clerk of Corporation, seeks an Administrative Appeal per SZO §3.1.9, §3.2, and §3.2.3 of revoked by Tufts University, the fraternity has no affiliation with said University and, therefore, is operating without any established permitted use under the SZO §7.11.3.b. UN zone, Ward 6.

<u>Zoning District/Ward:</u>	UN Zone. Ward 6.
<u>Zoning Approval Sought:</u>	SZO §3.1.9, §3.2, and §3.2.3
<u>Date of Application:</u>	October 30, 2018
<u>Date(s) of Public Hearing:</u>	1/9, 1/23, 2/6
<u>Date of Decision:</u>	January 23, 2019
<u>Vote:</u>	5-0

Appeal #**ZBA 2018-165** was opened before the Zoning Board of Appeals in the Aldermanic Chambers at Somerville City Hall. 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. On February 2, 2019, the Zoning Board of Appeals to withdraw the Administrative Appeal.



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DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Anne Brockelman, Elaine Severino, Danielle Evans and Josh Safdie. The Applicant/Owner appeared at the meeting and requested to have the petition withdrawn without prejudice. Danielle Evans made a motion to approve the request to withdraw the petition without prejudice. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request to **WITHDRAW THE APPLICATION WITHOUT PREJUDICE**.



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Danielle Evans, *Clerk*
Richard Rossetti
Josh Safdie
Anne Brockelman (Alt.)

Attest, by Administrative Assistant: _____
Monique Baldwin

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 _____

