



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

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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JOSH SAFDIE
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DREW KANE (ALT.)

Case #: ZBA 2019-44
Site: 106 Bromfield Road
Date of Decision: June 19, 2019
Decision: *Petition Withdrawn Without Prejudice*
Date Filed with City Clerk: June 28, 2019

ZBA DECISION

Site: 106 Bromfield Road
Applicant Name: Cristian Dos Santos
Owner Name: David L. Jennings III
Applicant Address: 91 Menotomy Road Arlington, MA
Owner Address: 54 Sargent Road Brookline, MA
City Councilor: Lance Davis

Legal Notice: Applicant, Cristian dos Santos, and owner, David L. Jennings, III, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming property. Alterations may include rear egress stairs and changes to a non-conforming rear deck.

<u>Zoning District/Ward:</u>	RA Zone. Ward 6
<u>Zoning Approval Sought:</u>	SZO §4.4.1
<u>Date of Application:</u>	April 23, 2019
<u>Date(s) of Public Hearing:</u>	June 5, 2019 and June 19, 2019
<u>Date of Decision:</u>	June 19, 2019
<u>Vote:</u>	5-0

Appeal #ZBA 2019-44 was opened before the Zoning Board of Appeals in the Visiting Nurse Association, 3rd Floor Community Room, 259 Lowell Street, Somerville, MA. 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 June 20, 2019, the Zoning Board of Appeals took a vote.



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DECISION:

Present and sitting were Members Orsola Susan Fontano, Anne Brockelman, Josh Safdie, Elaine Severino, Danielle Evans and Drew Kane. The Applicant/Owner submitted a written request to have the petition withdrawn without prejudice.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*
Elaine Severino
Josh Safdie
Anne Brockelman
Drew Kane (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 _____

