



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

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**PLANNING BOARD MEMBERS**

KEVIN PRIOR, *CHAIRMAN*  
JOSEPH FAVALORO, *CLERK*  
DOROTHY A. KELLY GAY  
MICHAEL A. CAPUANO, ESQ.  
REBECCA LYN COOPER  
GERARD AMARAL, (ALT.)

**Case #: PB 2016-51**  
**Site: 118-124 College Avenue**  
**Date of Decision: June 22, 2017**  
**Decision: Petition Withdrawn Without Prejudice**  
**Date Filed with City Clerk: June 29, 2017**

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**PLANNING BOARD DECISION**

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|--------------------------------|-------------------------------------------|
| <b>Applicant Name:</b>         | Lacourt Realty, LLC, c/o Mouhab Rizkallah |
| <b>Applicant Address:</b>      | 30 College Avenue, Somerville, MA 02144   |
| <b>Property Owner Name:</b>    | Lacourt Realty, LLC, c/o Mouhab Rizkallah |
| <b>Property Owner Address:</b> | 30 College Avenue, Somerville, MA 02144   |
| <b>Agent Name:</b>             | N/A                                       |

Legal Notice: Lacourt Realty, LLC c/o Mouhab Rizkallah) seeks Design and Site Plan Review under Section 5.4 of the SZO for the purpose of merging 8 Kenwood Street, 14 Kenwood Street, 16 Kenwood Street, 18 Kenwood Street, 116 College Avenue and 118-124 College Avenue into one lot.

|                                   |                                |
|-----------------------------------|--------------------------------|
| <u>Zoning District/Ward:</u>      | RB zone/Ward 6                 |
| <u>Zoning Approval Sought:</u>    | §5.4                           |
| <u>Date of Application:</u>       | April 19, 2016                 |
| <u>Date(s) of Public Hearing:</u> | 4/20, 5/4, 5/18, 6/8 & 6/22/17 |
| <u>Date of Decision:</u>          | June 22, 2017                  |
| <u>Vote:</u>                      | 5-0                            |

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Appeal #PB 2016-51 was opened before the Planning Board at Somerville City Hall on April 20, 2017. 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.



**DECISION:**

Present and sitting were Members Kevin Prior, Joseph Favaloro, Michael Capuano, Dorothy Kelly Gay and Rebecca Lyn Cooper. Upon making the above findings, Kevin Prior made a motion to approve the request to Withdraw the Special Permit without Prejudice. Rebecca Lyn Cooper 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 Planning Board:



Kevin Prior, Chairman



Joseph Favaloro



Michael A. Capuano, Esq.



Dorothy A. Kelly Gay



Rebecca Lyn Cooper

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 \_\_\_\_\_

