



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

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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Case #: ZBA 2019-97
Site: 103 Washington Street
Date of Decision: December 11, 2019
Decision: *Withdrawal Without Prejudice*
Date Filed with City Clerk: December 17, 2019

ZBA DECISION

Applicant and Owner Name: Clover Leaf Capital Holdings
Applicant and Owner Address: 105 N. Washington Street, Boston, MA

Legal Notice: Applicant and Owner, Clover Leaf Capital Holdings, LLC, seek seeks a Special Permit under Section 7.11 to alter a nonconforming use (auto-body shop) and Section 4.4.1 to alter a nonconforming structure of the Somerville Zoning Ordinance (SZO) structure to a 3-story mixed-use building, containing a commercial space and 6 dwelling units, with a request for parking relief under Section 9.13. RC Zone. Ward 1.

Zoning District/Ward: RC Zone/Ward 1
Zoning Approval Sought: SP7.11, SP Section 4.4.1 Section 9.13
Date of Application: August 28, 2019
Date(s) of Public Hearing: October 16, 2019 and December 11, 2019
Date of Decision: December 11, 2019
Vote: 5-0

Appeal #ZBA 2019-97 was opened before the Zoning Board of Appeals at Somerville City Hall on October 16, 2019. 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 **December 11, 2019**, the Zoning Board of Appeals took a vote.

Adam Dash, agent, submitted a written request for withdrawal without prejudice on behalf of the applicant, signed on December 2, 2019.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Danielle Evans, Anne Brockelman, Elaine Severino, and Drew Kane. Josh Safdie was absent. Upon making the above findings, Danielle Evans made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **WITHDRAW THE REQUEST WITHOUT PREJUDICE**.

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Danielle Evans, *Clerk*
Anne Brockelman
Elaine Severino
Josh Safdie
Drew Kane, *Alternate*

Attest, by the Administrative Assistant:

Karen Reynolds

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 _____

