

APPLICATION AMENDMENT

Property: 339 Somerville Avenue, Unit 2, a/k/a 335-341 Somerville Avenue
Applicant: Union Square Ventures LLC
Agent: Adam Dash, Esq.
Zoning District: MR5/FAB (now), CCD-55/NB (before)
Case: CZC20-000061

This is an amendment to the Application for Relief filed by Applicant regarding the above-referenced Property on October 29, 2020 to revise prior approvals by the Planning Board and the Zoning Board of Appeals by deleting condition #1 from both the Planning Board decisions in case numbers PB 2016-09, 2016-09-R1-0317, and from the Zoning Board of Appeals decisions in case numbers 2016-116, 2016-116-R1-0317, as they may have been amended or revised, which would remove the various square footage use caps for the Bow Market commercial condominium complex.

The intent of the proposed amendment is to unburden Condominium #2 of the interpretation of the decision that Condition #1 of the decision applies to Unit #2. The intent is not to alter the zoning as it pertains to Condominium Unit #4, a/k/a Bow Market. The applicant, therefore, hereby amends said Application for Relief by seeking to have said condition #1 in said Planning Board and Zoning Board of Appeals decisions apply only to Unit 4 of the 337 Somerville Avenue Condominium, a/k/a 341 Somerville Avenue, a/k/a 1 Bow Market Way (“Unit 4”).

Rather than delete condition #1 in its entirety, the Applicant now wishes to revise the proposed amendment to have Condition #1 apply only to Unit 4, which is the majority of the rear portion of the 337 Somerville Avenue Condominium known as Bow Market, and not to the other three units of the 337 Somerville Avenue Condominium, which includes Applicant’s Unit 2.

This revised amendment retains the original intent of condition #1 in said decisions, while removing any ambiguity as to whether that condition was intended to apply to the other three units in the four unit commercial 337 Somerville Avenue Condominium.

Condition #1 was put in place specifically to address the uses in Unit 4, a/k/a Bow Market, and as such, the use flexibility and use square footage caps enumerated therein were intended to apply only to said Unit 4. Although the decisions clearly differentiate the zoning relief sought and granted, in the actual wording of Condition #1 the decisions did not explicitly limit the application of Condition #1 to Unit 4. This revision of the proposed Amendment to the Application For Relief will clarify that point by explicitly removing the application of Condition #1 from Units 1, 2 and 3 of the 337 Somerville Avenue Condominium, but leaving them in place as originally intended for Unit 4, a/k/a Bow Market.

As such, the Applicant seeks to amend condition #1 of said decision to read:

“Uses **in Unit 4 of the 337 Somerville Avenue Condominium, a/k/a 341 Somerville Avenue, a/k/a 1 Bow Market Way**, are limited as follows..... (proposed changes bolded) ...etc...etc...”