



City of Somerville

PLANNING BOARD

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

DECISION

2022 APR 27 A 10:18

PROPERTY ADDRESS: 34 Third Avenue

CASE NUMBER: P&Z 22-022

OWNER: Massachusetts Bay Transportation Authority

OWNER ADDRESS: 10 Park Plaza, Boston, MA

DECISION: Approved with Conditions

DECISION DATE: March 21, 2022

CITY CLERK'S OFFICE
SOMERVILLE, MA

Pursuant to the Somerville Planning Board's Rules of Procedure & Policy, land platting involving only a lot split, lot merger, or lot line adjustment as defined by the Somerville Zoning Ordinance, requires only Minor Site Plan Approval, with the Director of Planning, Preservation & Zoning serving as the decision-making authority in-lieu of the Planning Board / Zoning Board of Appeals.

This decision summarizes the findings made by the Director of Planning, Preservation & Zoning regarding the application submitted for a lot merger at 34 Third Avenue.

SUMMARY OF PROPOSAL

MBTA proposes to merge four (4) lots at 34 Third Ave into one (1) lot.

RECORD OF PROCEEDINGS

On March 18, 2022, the Director of Planning, Preservation & Zoning reviewed the submitted application materials.

FINDINGS

In accordance with the Somerville Zoning Ordinance and the Planning Board's Rules of Procedure and Policies for minor site plan approvals, the Director of Planning, Preservation & Zoning may approve or deny a site plan approval upon making findings considering, at least, each of the following:

1. *The comprehensive plan and existing policy plans and standards established by the City.*

The Director finds that the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan are not applicable to the scope of this project:

2. *The intent of the zoning district where the property is located.*

The Director finds that the proposed ground story façade modification is consistent with the intent of the CI district which is, in part, "[t]o maintain already existing areas

appropriate for moderate- and large-scale, low-rise and midrise buildings and community- and region-serving commercial uses that do not readily assimilate into other zoning districts."

3. *Mitigation proposed to alleviate any impacts attributable to the proposed development.*

The Director finds that the proposed lot merger does not cause any impacts deserving of mitigation.

DECISION

Following review of the submitted application materials and the statutorily required considerations, the Director of Planning, Preservation & Zoning **APPROVED** the Site Plan Approval authorizing a lot merger on behalf of the Board, subject to the following conditions:

Prior to Construction Permitting:

1. This Decision and endorsed plat of land must be recorded with the Middlesex South Registry of Deeds.



Sarah Lewis, Director of Planning, Preservation & Zoning,
Office of Strategic Planning & Community Development,
on behalf of the Somerville Planning Board.
Approved per section 10.1 and 15.3 of the Somerville Zoning Ordinance.
Case number P&Z 22-022

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. 15.5.3.

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.

FOR SITE PLAN APPROVAL(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 _____