



City of Somerville  
**ZONING BOARD OF APPEALS**  
City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville, MA 02143

2023 NOV 29 P 1:10

### DECISION

**PROPERTY ADDRESS:** 31-33 Cross Street East  
**CASE NUMBER:** ZP23-000045  
**OWNER/APPLICANT:** The Somerville Community Corporation, Inc.  
**ADDRESS:** 337 Somerville Ave, Second Floor, Somerville, MA 02143  
**DECISION:** Approved with Conditions (Site Plan Approval)  
**DECISION DATE:** November 29, 2023

CITY CLERK'S OFFICE  
SOMERVILLE, MA

Pursuant to the Somerville Zoning Board of Appeals' Rules of Policy & Procedure, 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 Zoning Board of Appeals.

This decision summarizes the findings made by the Director of Planning, Preservation, & Zoning regarding the lot split application submitted for 31-33 Cross Street East.

### SUMMARY OF PROPOSAL

The Somerville Community Corporation, Inc. proposes to split one (1) lot into two (2) lots at 31-33 Cross Street East.

### RECORD OF PROCEEDINGS

On November 7, 2023, the Director of Planning, Preservation, & Zoning reviewed the submitted application materials.

### PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and incorporated are identified below.

Document Name	Pages	Prepared By	Date	Revision Date
Lot Split Plan of Land for 31-33 Cross Street East	1	Medford Engineering & Survey, 15 Hall Street, Medford, MA 02155	August 17, 2023	October 28, 2023
Land Title Survey for 31-33 Cross Street East	1	Medford Engineering & Survey, 15 Hall Street, Medford, MA 02155	August 17, 2023	October 28, 2023
Development Narrative for 31-33 Cross Street East	1	Adam Dash, Esq, 48 Grove Street, Somerville, MA 02144	October 12, 2023	n/a

### FINDINGS

In accordance with the Somerville Zoning Ordinance and the Zoning Board of Appeals' Rules of Policy & Procedure for Minor Site Plan Approvals, the Director of Planning, Preservation, & Zoning may approve or deny a Minor 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 this proposed lot split is consistent with the goals laid out in SomerVision 2040, the City's Comprehensive Master Plan, including supporting the production of new housing.

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

The Director finds that the proposed lot split is consistent with the intent of the Neighborhood Residence (NR) zoning district which is, in part "[t]o conserve already established areas of detached and semi-detached residential buildings."

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

The Director finds that the proposed lot split 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 Minor Site Plan Approval for a lot split on behalf of the Zoning Board of Appeals, subject to the following conditions:

### Perpetual

1. This Decision and endorsed Lot Consolidation Plan must be recorded with the Middlesex South Registry of Deeds.
2. A copy of the recorded Decision and Lot Consolidation Plan, stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation & Zoning Division for the public record.
3. Recording of this Decision and endorsed lot split plan of land is prohibited until the existing garage on existing parcel MBL 89-K-18 is demolished.



Sarah Lewis, Director of Planning, Preservation, & Zoning  
Office of Strategic Planning & Community Development

**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 \_\_\_\_\_