



City of Somerville

PLANNING BOARD

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

DECISION

2024 OCT 18 A 9:44

PROPERTY ADDRESS: 74 Middlesex Avenue
CASE NUMBER: ZP24-000087
OWNER: 74M Property Owner LLC
OWNER ADDRESS: One Federal Street, Suite 1804, Boston, MA 02110
APPLICANT: Goulston & Storrs PC
APPLICANT ADDRESS: 400 Atlantic Avenue, Boston, MA 02110
DECISION: Withdrawal
DATE OF VOTE: October 17, 2024
DECISION ISSUED: October 18, 2024

CITY CLERK'S OFFICE
SOMERVILLE, MA

This decision summarizes the findings made by the Planning Board (the "Board") regarding the Special Permit application submitted for 74 Middlesex Avenue.

LEGAL NOTICE

Goulston & Storrs PC seeks to revise the condition language of case #MPSP 2020-0001 (also previously referenced as DRA #2020-0162) in the Assembly Square Mixed-use District (ASMD), which requires an amendment to the Special Permit.

RECORD OF PROCEEDINGS

On September 19, 2024, the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Amelia Aboff, Jahan Habib, Michael McNeeley, and Luc Schuster. The Board continued the public hearing.

On October 17, 2024, the hearing resumed. Sitting and present at the hearing were Board Members Chair Michael Capuano, Amelia Aboff, Michael McNeeley, and Luc Schuster. The Applicant submitted a written request to leave to withdraw without prejudice.

DECISION

Chair Capuano moved to grant the applicant's request to withdraw their application. Vice Chair Aboff seconded. The Board voted **4-0** to grant leave to withdraw without prejudice.

Attest, by the Planning Board:

Michael Capuano, *Chair*
Amelia Aboff, *Vice-Chair*
Jahan Habib, *Clerk*
Michael McNeley
Luc Schuster, *Alternate*

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 _____