



City of Somerville

PLANNING BOARD

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

DECISION

PROPERTY ADDRESS: 45 Mystic Ave
CASE NUMBER: P&Z 22-029
OWNER: Robert Boudreau
OWNER ADDRESS: 45 Mystic Ave, Somerville, MA 02145
APPLICANT: Mystic 45 Development LLC
APPLICANT ADDRESS: 599 E Broadway, Boston, MA 02127
DECISION: **Allow Withdrawal Without Prejudice**
DATE OF VOTE: January 16, 2025
DECISION ISSUED: January 23, 2025

CITY CLERK'S OFFICE
SOMERVILLE, MA

2025 JAN 23 P 12:26

This decision summarizes the decision made by the Planning Board (the "Board") regarding the Master Plan Special Permit application submitted for 45 Mystic Ave.

LEGAL NOTICE

Mystic 45 Development LLC proposes a Master Plan for a Lab Building and a Pocket Plaza in the Assembly Square Mixed-Use District (ASMD), which requires a Special Permit.

CITY CLERK'S OFFICE
SOMERVILLE, MA

2025 JAN 23 P 12:25

RECORD OF PROCEEDINGS

On September 7, 2023, the Planning Board held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. The Board opened the hearing and continued the hearing without presentation or discussion.

On October 19, 2023, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice-Chair Amelia Aboff, members Jahan Habib and Michael McNeley, and alternates Debbie Howitt Easton and Luc Schuster. The Board discussed timing for a complete presentation and Staff review with the Applicant and Staff. The Board continued the public hearing.

On December 7, 2023, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice-Chair Amelia Aboff, members Jahan Habib and Michael McNeley, and alternates Debbie Howitt Easton and Luc Schuster. The Applicant team provided a presentation on the development application, reviewing the proposed 10-story commercial lab building and a pocket park civic space. The Applicant team reviewed the proposed commercial program, mobility management program, and sustainability elements of the proposed development. The Board reviewed the proposal and noted staff concerns about consistency with the Neighborhood Plan. The Chair opened the floor to public comment, and one member of the public provided feedback on the proposal. The Board continued the public hearing.

On June 20, 2024, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice-Chair Amelia Aboff, members Jahan Habib and Michael McNeley, and alternate Debbie Howitt Easton. The Applicant team provided an update on their proposal, which had been revised to seven (7) stories without civic space. The Applicant team described the goals of the project and how they had applied for and received a Hardship Variance from the Zoning Board of Appeals for relief from the requirements to provide civic space. The Chair opened the floor to public comment, and two members of the public provided feedback on the proposal. The Board then discussed the project and concerns with Staff and the Applicant, and continued the public hearing.

On January 16, 2025, the Board resumed the public hearing. Present and sitting at the public hearing were Board Members Chair Michael Capuano, Vice-Chair Amelia Aboff, members Jahan Habib and Michael McNeley, and alternate and Luc Schuster. The Applicant submitted a request to withdraw the Master Plan Special Permit application without prejudice. The Planning Board subsequently approved the request.

DECISION

Following consideration of the withdrawal request, Chair Michael Capuano moved to **allow** the Applicant's request to **withdraw without prejudice** the Master Plan Special Permit application for 45 Mystic Ave (P&Z 22-029). Vice-Chair Amelia Aboff seconded. The Board voted **5-0** to approve the permit.

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 (OR WITHDRAWAL OF SUCH APPLICATION)

_____ 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 _____