



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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EXECUTIVE DIRECTOR

PLANNING DIVISION

ZONING BOARD OF APPEALS MEMBERS

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ELAINE SEVERINO
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ANNE BROCKELMAN, (ALT.)
POOJA PHALTANKAR, (ALT.)

Case #: ZBA 2018-47
Site: 54-56A Elm St
Date of Decision: June 6, 2018
Decision: *Petition Withdrawn Without Prejudice*
Date Filed with City Clerk: June 13, 2018

ZBA DECISION

Applicant Name: Melting Pot, Inc.
Applicant Address: 56A Elm Street, Somerville, MA 02144
Owner Name: 54 Elm, LLC
Owner Address: 464 Common Street, Suite 322, Belmont, MA 02478
Agent Name: Richard G. DiGirolamo
Agent Address: 424 Broadway, Somerville, MA 02145
Alderman: Mark Niedergang

Legal Notice: Applicant, Melting Pot, Inc., and Owner, 54 Elm, LLC., seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure, §4.5.1 and §7.11 to change from one nonconforming use (previously approved retail space) to another nonconforming use (18-seat coffee shop), and §9.13 for parking relief. RB Zone. Ward 5.

<u>Zoning District/Ward:</u>	RB zone. Ward 5
<u>Zoning Approval Sought:</u>	SZO §4.4.1, §4.5.1, §7.11, and §9.13
<u>Date of Application:</u>	March 29, 2018
<u>Date(s) of Public Hearing:</u>	5/2/18, 5/16/18, 6/6/18
<u>Date of Decision:</u>	June 6, 2018
<u>Vote:</u>	5-0

Appeal #ZBA 2018-47 was opened before the Zoning Board of Appeals in the Visiting Nurse Association, 3rd floor Community Room, 259 Lowell Street, Somerville, MA. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



DECISION:

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Elaine Severino, Anne Brockelman, and Danielle Evans. The Applicant/Owner submitted a written request to have the petition withdrawn without prejudice. Richard Rossetti made a motion to approve the request to withdraw the petition without prejudice. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request to **WITHDRAW THE APPLICATION WITHOUT PREJUDICE**.



Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*
Richard Rossetti, *Clerk*
Elaine Severino
Danielle Evans
Anne Brockelman (Alt.)

Attest, by City Planner: _____
Alexander Mello

Copies of this decision are filed in the Somerville City Clerk's office.
Copies of all plans referred to in this decision and a detailed record of the
SPGA proceedings are filed in the Somerville Planning Dept.

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. 3.2.10.

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.

Signed _____ City Clerk Date _____

