



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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ZONING BOARD OF APPEALS MINUTES

Council Chambers, 2nd floor of City Hall, 93 Highland Avenue, Somerville MA
Wednesday, October 2, 2019
6:00 P.M.

Previously Opened Cases Continued to a Future Date

<u>23 Rush Street (ZBA 2019-82)</u>	
Applicant:	Electra Realty Corporation c/o Kevin Jackson
Property Owner:	Electra Realty Corporation c/o Kevin Jackson
Agent:	N/A
Legal Notice:	Applicant and Owner, Electra Realty Corporation c/o Kevin Jackson, seeks a special permit under SZO §4.5.3 to expand the nonconforming use (carpenters shop) and under §4.4.1 to alter the nonconforming structure by constructing two additional stories. A Variance under §5.5 and §8.5 is also required for exceeding the maximum floor area ratio (FAR). Parking relief under Article 9 is also required. RB Zone. Ward 1.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	Denial
ZBA Action:	Voted on September 18, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 16, 2019.

Previously Opened Cases to Request a Continuance

<u>21 Eastman Road (ZBA 2019-02)</u>	
Applicant:	F. Michael Byrnes
Property Owner:	F. Michael Byrnes
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant and Owner, F. Michael Byrnes, seeks a special permit under the slope protection ordinance (agenda item 207122 ordained by the City Council on November 20, 2018) to perform necessary site work on a lot with a slope greater than 25% to construct a two-family dwelling and a variance for building height under SZO §5.5 and §8.5. RA Zone. Ward 5.
Date(s) of Hearing(s):	9/18, 10/2
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.

<u>169 Tremont St: (ZBA 2019-17)</u>	
Applicant:	Santino Ferrante
Property Owner:	Tremont 2000, LLC
Agent:	N/A
Legal Notice:	Applicant. Santino Ferrante, and Owner, Tremont 2000, LLC), seek Special Permits under §4.4.1 of the SZO to enclose rear porches within the right side yard setback. RB zone. Ward 2.
Date(s) of Hearing(s):	4/3, 4/17, 5/1, 5/15, 6/5, 6/19, 7/17, 8/7, 8/21, 9/4, 9/18, 10/2
Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.

<u>74 Winslow Avenue: (ZBA 2019-11)</u>	
Applicant:	Jamie Maguire & Michael Hovanec
Property Owner:	Jamie Maguire & Michael Hovanec
Agent:	N/A
Legal Notice:	Applicants, Jamie Maguire & Michael Hovanec, seek special permits under §4.4.1 of the SZO to reconstruct a deck within the rear and right side yard setbacks. RA zone. Ward 6.
Date(s) of Hearing(s):	4/3, 4/17, 5/1, 5/15, 6/5, 6/19, 7/17, 8/7, 8/21, 9/4, 9/18, 10/2
Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.



14 Carlton Street (ZBA 2019-83)	
Applicant:	North America Development
Property Owner:	Louis M. Carcon & Yvrose Merzeus
Agent:	N/A
Legal Notice:	Applicant, North America Development, and Owners, Louis M. Carcon & Yvrose Merzeus, seek Special Permits under §4.4.1 of the SZO to significantly alter a non-conforming property by creating an upward extension of the non-conforming front and left side yard setbacks, and increasing the GFA by more than 25%. Parking relief under Article 9. RC zone. Ward 2.
Date(s) of Hearing(s):	9/4, 9/18, 10/2
Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.

87 Jaques Street (ZBA 2019-82)	
Applicant:	North America Development
Property Owner:	Nelia DaCova-Pissarra
Agent:	N/A
Legal Notice:	Applicant, North America Development, and Owner, Nelia DaCova-Pissarra, Trustee of the DaCova Family Trust, seek a special permit with site plan review under SZO §7.2 to construct a second principal structure on the lot and a special permit under SZO §9.13 for parking relief to add a third unit to the site. A Variance under SZO §5.5 and §8.5 is also required for a side yard setback violation. RB Zone. Ward 4.
Date(s) of Hearing(s):	9/18, 10/2
Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.

14 Farragut Avenue (ZBA 2019-81)	
Applicant:	14 Farragut Avenue, LLC
Property Owner:	14 Farragut Avenue, LLC
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant and Owner, 14 Farragut Avenue, LLC, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a two-story addition within the left side yard setback and greater than 25% of the existing gross floor area to add a third unit to the structure. A special permit for parking relief under SZO 9.13 is also being requested. RB Zone. Ward 7.
Date(s) of Hearing(s):	9/18, 10/2
Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.



8 Sycamore Street (ZBA 2019-61)	
Applicant:	Creative Property Solutions, LLC
Property Owner:	Eight Sycamore Trust
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, Creative Property Solutions, LLC, and Owner, Eight Sycamore Trust, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming property including increasing the GFA by more than 25%. Parking relief under Article 9 for number of spaces and providing compact spaces. RC zone. Ward 4.
Date(s) of Hearing(s):	9/18, 10/2
Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.

21 Laurel Street (ZBA 2019-91)	
Applicant:	Adam Panken
Property Owner:	Adam Panken
Agent:	N/A
Legal Notice:	Applicant and Owner, Adam Panken, seeks special permits under §4.4.1 of the SZO to alter a non-conforming property including constructing a left elevation dormer and altering the rear portion of the structure within the non-conforming rear yard setback. RB zone. Ward 2.
Date(s) of Hearing(s):	9/18, 10/2
Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.

48 Elm Street (ZBA 2019-79)	
Applicant:	Balany Real Estate Group, LLC
Property Owner:	Balany Real Estate Group, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicants and Owners, Balany Real Estate Group, LLC, seek special permits under §4.4.1 of the SZO to alter a non-conforming property by constructing dormers within the right side yard setback, and the upward extension of the non-conforming right side yard setback through the construction of a second story at the rear of the building. Parking relief under Article 9. RB zone. Ward 6.
Date(s) of Hearing(s):	9/4, 9/18, 10/2
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.



10 Oak Street (ZBA 2018-10-R1-6/19)	
Applicant:	10 Oak Street, LLC
Property Owner:	10 Oak Street, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicants and Owners, 10 Oak Street, LLC, under §5.3.8 of the SZO, seek revisions to a previously-granted special permit. RC zone. Ward 2.
Date(s) of Hearing(s):	9/4, 9/18, 10/2
Staff Recommendation:	Amend conditions as determined by ZBA.
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.

15 Bartlett Street (ZBA 2019-73)	
Applicant:	Sally & Margaret Klessens
Property Owner:	Margaret Klessens
Agent:	N/A
Legal Notice:	Applicants, Sally & Margaret Klessens, and Owner, Margaret Klessens, seek a Special Permit under §9.9.b of the SZO to create a handicapped parking space on a residential lot. RA zone. Ward 5.
Date(s) of Hearing(s):	9/18, 10/2
Staff Recommendation:	No recommendation
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.

2 Adrian Street (ZBA 2019-62)	
Applicant:	2 Adrian Holdings, LLC, with Mahmood Firouzbakht, Manager
Property Owner:	2 Adrian Holdings, LLC, with Mahmood Firouzbakht, Manager
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant & Owner, 2 Adrian Holdings, LLC, with Mahmood Firouzbakht, Manager, seeks special permits under §4.4.1 of the SZO to alter a non-conforming property by adding an addition with a dormer within the right side yard setback. Parking relief under Article 9 of the SZO. RB zone. Ward 2.
Date(s) of Hearing(s):	9/18, 10/2
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.



40 Columbus Avenue (ZBA 2018-147)	
Applicant:	Vincent Spadea
Property Owner:	Vincent Spadea
Agent:	Sean T. O'Donovan
Legal Notice:	Applicant and Owner, Vincent Spadea, seeks a special permit under SZO §7.11.2.b to convert an existing two-family dwelling into three-dwelling units, special permits under SZO §4.4.1 to alter the nonconforming lot area per dwelling unit requirement of the property and the nonconforming floor area ratio (FAR) requirement, and a special permit under SZO §9.13 for parking relief. RA Zone. Ward 3.
Date(s) of Hearing(s):	1/9, 1/23, 2/6, 2/20, 3/6, 3/20, 4/3, 4/17, 5/1, 5/15, 6/5, 6/19, 7/17, 8/7, 8/21, 10/2
Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 2, 2019 to continue the application to November 6, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to November 6, 2019.

18 Glendale Avenue (ZBA 2019-86)	
Applicant:	Ji Shi
Property Owner:	Ji Shi & Yan Zhao
Agent:	N/A
Legal Notice:	Applicant, Ji Shi, and Owners, Ji Shi & Yan Zhao, seek special permits under §4.4.1 of the SZO to alter a non-conforming property including adding a dormette within the left side yard setback, extending the left elevation roofline to cover the third floor rear porch, and to construct a right elevation dormer within the right side yard setback. RB zone. Ward 7.
Date(s) of Hearing(s):	9/4, 9/18 (re-advertisement), 10/2
Staff Recommendation:	Conditional approval.
ZBA Action:	Voted on October 2, 2019 to continue the application to November 6, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to November 6, 2019.

187 Central Street (ZBA 2019-29):	
Applicant:	Nora, LLC
Property Owner:	Nora, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, Nora, LLC, seeks a Special Permit with Site Plan Review (SPSR) under §7.3.3 of the SZO to increase the number of dwelling units from one to four where one of these units will be affordable. Parking relive under Article 9 of the SZO. RA zone. Ward 4.
Date(s) of Hearing(s):	6/5, 6/19, 7/17, 8/7, 8/21, 9/4, 9/18, 10/2
Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 2, 2019 to continue the application to November 6, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to November 6, 2019.



Previously Opened Cases to be Heard

<u>171 Cedar Street (ZBA 2018-191)</u>	
Applicant:	171 Cedar Street, LLC
Property Owner:	171 Cedar Street, LLC
Agent:	Sean T. O'Donovan
Legal Notice:	Applicant and Owner, 171 Cedar Street, LLC, seeks special permits under §4.4.1 of the SZO for alterations to a non-conforming property including increasing the gross floor area of more than 25%. Number of units to increase from two to five. Special Permit with Site Plan Review (SPSR). Parking relief under Article 9 of the SZO. BB zone. Ward 5.
Date(s) of Hearing(s):	2/20, 3/6, 3/20, 4/3, 4/17, 5/1, 5/15, 6/5, 6/19, 7/17, 8/7, 8/21, 9/4, 9/18, 10/2
Staff Recommendation:	None at this time.
ZBA Action:	Request to withdraw without prejudice accepted.
Current Status:	Request to withdraw. DE moves to approve seconded by AB. 5-0 vote to accept withdrawal.

<u>27 Tufts Street (ZBA 2018-195):</u>	
Applicant:	Pulin and Katai Wang
Property Owner:	Pulin and Katai Wang
Agent:	N/A
Legal Notice:	Applicants and Owners, Pulin and Katai Wang, seek a special permit under SZO §4.4.1 and §7.11.1.c to alter a nonconforming structure by constructing a large addition to the existing structure that will add three dwelling units making it a five-unit dwelling. Parking relief under Article 9 is also required. RC Zone. Ward 1.
Date(s) of Hearing(s):	6/19, 7/17, 8/7, 8/21, 9/4, 10/2
Staff Recommendation:	Conditional approval
ZBA Action:	Continued to November 6, 2019
Current Status:	Owen Thomas, Bloom Architecture, reiterates the project at the request of the chair, then details revisions. Project has been reduced in BR and bath count, shifted out of setbacks to conform with proposed code. The addition's ridge is no taller than the main house. Driveway has been extended off of tufts St, grass pavers and can accommodate more parking. There is a new curb cut off Glen St which can accommodate two cars, permeable pavers. Grass pavers along body of parking area. Parking spaces are side by side, not tandem and allow for larger rear yard, consolidates parking area. All new spots are grasscrete or permeable pavers. South side of building setback has been increased to 10', corresponding reduction in building size, less BR 168 Glen street – direct abutter speaks for herself, condo association, and neighbors. She reads a letter into the record; a copy is available on file and on the audio file about how the changes do not meet their requests. SF : seeks clarity on comments 168 glen made regarding parking spots. Abutter misunderstood the parking layout, sf corrects, with plans date 9.25 drawing A.001 SF: when was the last contact with applicant? Answer is 9.4.19 168 Glen: concerns about parking arrangement ES: wanted to note that the board did receive an email from GEI consultants – no issue with living space in the basement due to potential ground water. Sent Friday sept 27th DE reads GEI letter into record. Copy is available on file. ES: to staff : tandem spaces on glen a better plan than side by side? Too cumbersome to maneuver?



	<p>Sarah White has architect and applicant explain – SF said Alex Mello said it ws unusual to have two options, at the pleasure of the board</p> <p>Applicant indicates that the side by side was presented – staff had concerns about maneuverability due to site constraints (Tree). Desire of applicant is to have side by side to make more usable space</p> <p>SF asks clarity of curb cut size, it is 8 feet. 3x3 pit? Applicant did not measure.</p> <p>DK: has a concern about maneuverability, even if pulled all the way out. Does the turning radius work? How big is the tree pit? Damage to the root system? Distance of left car to the property line? Close. Tight maneuvering is no different than a tandem spot</p> <p>DK asks about tree replacement- removal of a healthy mature tree – not likely.</p> <p>AB: how hard to make new cut or widen? Staff said it can be challenging depending on constraints</p> <p>ES knowing the challenge to get a curb cut, can we get going? Staff clarifies that ZBA should worry about the merits of the zoning, not the CC</p> <p>Dk asks if the cut can be angled : answer is yes but could be challenging</p> <p>JS seems to agree the cut is going to be challenging, need more information before making his choice. Doesn’t support the notion of parking in the proposed location due to lack of feasibility.</p> <p>DE does not think this project works on this site, too big, too many units, parking is an issue. Does not like the bay projection, what real benefit does this bring- can’t support</p> <p>AB: does see the efforts made by the applicant to reduce the size of the project. Doesn’t feel too big, but the parking situation is an issue. Curb cut hasn’t come up before, can’t support because of parking issues</p> <p>ES is concerned with the parking situation</p> <p>SF is not too happy about the issue with the project, especially the parking. Talks about making sure applicant has connected with the elected officials and the neighbors have to keep the lines of communication open.</p> <p>AB speaks to what the clarity what the comments are from the board.</p> <p>DK thinks applicant should readdress the curb cut issue and the site plan, reducing the size of the structure</p> <p>ES: get the ward 1 councilor involved</p> <p>DE motions to continue to November 6t seconded by AB. Vote 5-0 to continue.</p>
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11R Dane (ZBA 2019-77)	
Applicant:	7 Dane Street
Property Owner:	11 R Dane Street
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, 7 Dane Street, Somerville, MA 02143, and Owner, 11 R Dane Street, Somerville, MA 02143), seek special permits under §4.4.1 to substantially alter a non-conforming property including reducing the non-conforming landscaping area, increasing the GFA by more than 25%, further decrease the non-conforming pervious area, create an upward extension of the non-conforming left, right, and rear yard setbacks. Parking relief under Article 9 including shared drive. RC zone. Ward 2.
Date(s) of Hearing(s):	9/18, 10/2
Staff Recommendation:	None at this time.
ZBA Action:	Conditionally approved
Current Status:	Tanya Carriere from Khalsa Design goes over the programming and design of the proposal Ward 2 Councilor JT Scott: confirms the meeting and direct abutters. Reasonable accommodations have been made for the ROW. Some comments about adding a bit more green space, some concern from abutters about the parking becoming angled parking. Neighbors were in favor. SF closes public portion for 11r Dane



	<p>ES green space, is that the two parking spaces in the front? Are they permeable? Yes. Green space on the left side of 11r, is that it? Yes. Limited space for anything.</p> <p>AB: curious about the blank metal panel walls – faceted? No. fish scale indents</p> <p>SF how does it weather? What is the materiality? – Wont rust or peel. Some questions about how it will look in some decades</p> <p>AB does it wrap over the parapet? No, 4 inch cap</p> <p>DK is there a reason why the upper stories are not flush, from the overhang? – needed to keep porch within the footprint. Designed to be townhouse style with two entries.</p> <p>DE seeks clarity on the location of the project; the drive is common to 11r and 7r. Where is the permeability and LS decrease coming from? Some small bump outs reduce some LS – the change of parking to permeable pavers makes the ratio go to around 30%. Placing permanent planters on site. Is comfortable with project.</p> <p>SW site is constrained for in the ground plantings, planters might work out ok</p> <p>JS hard to not look at both properties at once. Hard to see how to get more LS on the site because it is so tight. More opportunity to upgrade 7 Dane</p> <p>Condition 19 added to have permanent planters on 11r Dane</p> <p>DE motions to approve seconded by AB. The Board 5-0 to approve.</p>
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<u>7 Dane Street (ZBA 2019-78)</u>	
Applicant:	7 Dane Street
Property Owner:	7 Dane Street
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, 7 Dane Street, Somerville, MA 02143, seek special permits under §4.4.1 to substantially alter a non-conforming property including increasing the GFA by more than 25%, creating an upward extension of the non-conforming right, left, and rear yard setbacks. Increase the number of units from three to four. Parking relief under Article 9, including shared access drive. RC zone. Ward 2.
Date(s) of Hearing(s):	9/18, 10/2
Staff Recommendation:	None at this time.
ZBA Action:	Conditionally approved
Current Status:	<p>SF: how does the new parking plan measure up with the revised landscape plan? Some adjustments must be made, tree is kept, some landscaping is lost, perhaps 100sf, site remains compliant. Can more green space be added or tweaked? The answer is YES</p> <p>JS has a wonderment about the width of the driveway and if the entire southern face of the building could have a green buffer between the house and the pavers – seems viable</p> <p>JS – no pedestrian route from the parking space to the house – pass through space 4 may not be viable. Some discussion about parking aisle width and parking size – allowed under 9.13</p> <p>Public portion closed, open to the board</p> <p>AB – can the site be rendered with more context –for future reference</p> <p>ES – when backing out of these parking spaces – enough space to actually back out with adjacent cars</p> <p>SF seeking clarity from ward 2 councilor about keeping the angled parking</p> <p>JT Scott: the existing parking is angled, abutters desires the same</p> <p>DE motions to approve seconded by AB. The Board 5-0 to approve. Added condition that plans will be updated to show angled parking, increased landscaping and the pedestrian walk way.</p>



New Cases to be Opened and Requesting a Continuance

<u>57 Trull Street (ZBA 2019-85)</u>	
Applicant:	Timothy Buntel and Cynthia Graber
Property Owner:	Timothy Buntel and Cynthia Graber
Agent:	N/A
Legal Notice:	Applicants and Owners, Timothy Buntel and Cynthia Graber, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a single story addition that is greater than 25% of the existing structures gross floor area. RB Zone. Ward 5.
Date(s) of Hearing(s):	10/2
Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.

<u>12 Flint Avenue (ZBA 2019-60) (re-advertisement)</u>	
Applicant:	Derek Snare
Property Owner:	Fiorillo Melares
Agent:	N/A
Legal Notice:	Applicant, Derick Snare, and Owner, Fiorillo Melades, seek special permits under §4.4.1 of the SZO to alter a non-conforming property. Special permits including but not limited to the upward and linear extension of a non-conforming left side yard setback, constructing rear decks within the right side yard setback. RB zone. Ward 1.
Date(s) of Hearing(s):	9/18, 10/2 (re-advertisement)
Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.

<u>85 Munroe Street (ZBA 2019-45)</u>	
Applicant:	John Murray
Property Owner:	Raymond & Mary Snow
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, John Murray, and Owners, Raymond & Mary Snow, seek special permits to alter a non-conforming three-family structure. Special permits including but not limited to the upward extension of the non-conforming left side yard setback and the construction of a front dormer within the front and right side yard setbacks. RA zone. Ward 2.
Date(s) of Hearing(s):	10/2
Staff Recommendation:	None at this time
ZBA Action:	Voted on October 2, 2019 to continue the application to October 16, 2019.
Current Status:	Voted on October 2, 2019 to continue the application to October 16, 2019.



New Cases to be Opened and Heard

385 Broadway (ZBA 2019-102)	
Applicant:	Deep Cuts Deli LLC
Property Owner:	Somerville Square LLC
Agent:	N/A
Legal Notice:	Applicant, Deep Cuts Deli LLC, and Owner, Somerville Square LLC, seek a special permit with design review under SZO §7.11.10.1.1.a to establish a restaurant and under §7.11.10.1.2.a to conduct a portion of the restaurant operations outdoors. A special permit for parking relief under §9.13 is also being sought. RC Zone. Ward 4.
Date(s) of Hearing(s):	10/2
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved
Current Status:	SF: what does the two story garage service? It is private. No Public comment. DK: what are the proposed hours for the outside seating area –close around 8?9?some conversations about hours of outdoor operations in other breweries SF seems inclined to leave hours up to the liquor commission SF when I look at page A4 – what am I looking at? Storage, not part of scope. Curious about what the patio will look like? How many tables and chairs – on plan A1 , about 6 tables The applicant approaches the chair to show some pictures. JS: one comment on the site plan – shows there are stairs leading from the dining room – ramp could be installed – condition added to update plans to show such. DE motions to approve seconded by AB. The Board 5-0 to approve. Added condition that a ramp be added to lead to the patio.

219-221 Elm St, a/k/a 387-391 Summer St and 217 Elm St, a/k/a 376 Summer St (ZBA 2019-99)	
Applicant:	Painted Burro, Inc.
Property Owner:	Laverty Family Trust
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant, Painted Burro, Inc., and Owner, Laverty Family Trust, seeks a Variance under SZO §5.5 and Article 9 for parking relief to expand the number of seats in the restaurant from 110 to 142. CBD Zone. Ward 6..
Date(s) of Hearing(s):	10/2
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved
Current Status:	No public comment.. No board comments DE motions to approve seconded by AB. The Board 5-0 to approve.



350 Mystic Avenue (ZBA 2019-103)	
Applicant:	Craig Corporation
Property Owner:	Craig Corporation
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, Craig Corporation, proposed a mixed-use residential building and seeks a Special Permit with Design Review (SPD), variances under §5.5, §9.5, & §4.4.1 for rear yard setback, special permit for parking under Article 9 of the SZO, and a Special Permit with Site Plan Review (SPSR) to increase the number of dwelling units under §7.11.1c. BB zone. Ward 1
Date(s) of Hearing(s):	10/2
Staff Recommendation:	V: Unable to recommend SP and SPSR: Conditional approval
ZBA Action:	Conditionally approved
Current Status:	87 Wheatland Street abutter speaks: Curious about rentals, going to be condos. Concerned about condition of site. Concerned about parking issues. SF: did you call about the parking issues? No – expected phase II to continue asap. Concerned about 7 spots. He was going to get a new fence. mad about changes to the plan – applicant addresses Rich D – no change to plan beyond de minimis, no fence replacement indicated in conditions. SF it is time to get the project going, any complaints should be 311 'ed etc. Sarah white suggests a new condition: owner applicant needs to do foundation check of abutting structures before and after. Ruth Dias – member of the fellowship church speaks. Glad to hear about all the parking, glad to have it cleaned up. Meredith Porter – Brings up typo of .9 vs .975. adds that it would be preferable to provide more additional units, though not required. Linda – grateful that a new building will be built. Concerned about parking Public portion closed ES who has access to the roof deck? All tenants? Linda N said will be accessible to all residents of phase 1 and II of the structure. The entrance from mystic, are the spaces for the commercial use or mixed? There are a certain number of spaces at grade which are allocated to the commercial spots, not sure which ones, yet. The exit is onto mystic DK: if the project was originally approved, why are we talking? We have to treat this as a new application as all the approvals have lapsed DE motions: additional condition number 55 that a new fence be installed along rear property line and Wheatland side. ES second. The Board voted 5-0 to approve SPD, SPSR and V.

346 Somerville Avenue (ZBA 2019-19) (re-advertisement)	
Applicant:	346 Somerville Ave., LLC
Property Owner:	Palmac Realty Corp
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, 346 Somerville Ave., LLC, and Owner, Palmac Realty Corp propose a mixed-use structure with 94 residential units, ground floor commercial. A publicly-accessible park is proposed at the rear of the lot. The NB portion of the property requires the following relief from the ZBA: Special Permit with Site Plan Review (SPSR), variances including but not limited to FAR, height, lot area per dwelling unit, number of stories, and any and all other dimensionals that might be needed. Special Permit for parking relief under Article 9. The CCD-55 portion of the project needs relief from the ZBA for the following: variances including but not limited to landscaping, FAR, height, ground coverage, lot area per dwelling unit, number of stories, and all other dimensionals that might be needed. All



	special permitting in the CCD-55 zone is the purview of the Planning Board. CCD-55 & NB zones. Ward 2.
Date(s) of Hearing(s):	3/6, 3/20, 4/3, 4/17, 5/1, 5/15, 6/5, 6/19, 7/17, 8/7, 8/21, 9/4, 9/18, 10/2 (re-advertisement)
Staff Recommendation:	V: Unable to recommend SP and SPSR: Conditional approval
ZBA Action:	Continued to October 16, 2019
Current Status:	<p>DK recuses himself as he was involved in the neighborhood plan</p> <p>3 Olive Square gets up – supports the project in general. A robust community process has ensued. The park is the feature that the Lake Street residents are very excited about. Excited that no parking generates no cars. Think it will do just fine without parking</p> <p>Alex Freedom from 4 lake street – in in favor of the project – extensive public process to get feedback. Every category of win for SomerVision. Mid-block crossing was left out, but seems as though it will be added. Great process, wonderful, very happy</p> <p>Ward 2 counselor JT Scott: the neighborhood fully supports the variances needed for height etc to get the park. Is in support of the project, talks about how robust the process has been. Developers have been very engaged and think it's a great opportunity to approve a building which is truly TOD – choices being made are driven by the neighborhood.</p> <p>Public portion is remaining open – large project</p> <p>AB – seeks clarity what the ZBA has purview over – Sarah white explains in superlative fashion.</p> <p>AB asks what the PB timeline – continued to a later date due to lack of quorum. Seeks clarity on loading – can trucks totally fit into the structure, straddle the sidewalk? What is the snow storage on the ROW? Being left as ROW</p> <p>SF – seeks clarity on the park tweak – where to make the park bigger? Maybe remove the sunken garden apts</p> <p>Elon Sassoon, owner, spoke with the abutter Hawkins set project about making a more integrated park.</p> <p>ES: seeks clarity on the inner material of the circle – decomposed granite for infiltration. Would like to see some items for kids in the park – the community will decide.</p> <p>JS: no comments at the moment</p> <p>AB – trying to understand grade change at the park – how does it work, where is the slope, how dynamic are the transitions. LSA describes the park design ideas, but iterates that it could change entirely again.- the many large trees must remain</p> <p>ES: does everyone in the building have access to the roof deck? Yes- common deck for everyone</p> <p>SF – preamble to the case being continued based on member comments. Has concerns about no parking at all – wants to know about how the city will enforce rules which seem easy on paper?</p> <p>DE – were the people to the west of the site included? They may be in shadow, though that may change. Rich D said that shadows never came up – very large attendance at the meetings</p> <p>ES: has concerns about deliveries and move ins/out. How will this work? Not sure yet</p> <p>JS: it is tough to see the scale difference between the existing and proposed? How does it sync up with the union square plan? It always happens when it is the first structure</p> <p>Rich D – group is commencing project at 300 Somerville Ave</p> <p>JT Scott: commercial service does normally happen during peak times – the moving trucks will also be much smaller because the units are significantly smaller. There is opportunity for significant stormwater mitigation on site. There is chance to have resident pick up area which may work as delivery overflow areas. Replace meters with active pickup/drop off areas. Appreciates SF comments about enforcement.</p> <p>SF agrees</p> <p>JT Scott – response about shade. Reiterates the huge amount of public process – yes shade is going to be a condition.</p> <p>AB; how does the massing of this building fit into union square at build out – does not</p>



	<p>think the 6th floor is not going to have much impact on the street plus we get a park. The parks may be in the back and stack density on the front</p> <p>SF: the project will be continued for the board to digest.</p> <p>Elon Sassoon – disagrees with condition 46 – no commission approval means the project dies</p> <p>SF: thinks that the creep of projects like this is taking away the choice with people. Does not like the idea of no parking. She likes the freedom of choice of parking vs no parking. Choice is the key. Think that if you pay your taxes you should get to park.</p> <p>DE: has spoken out about this before in hoods with single family homes etc. she feels like this building is different</p> <p>SF: can visitor passes be given? – no.</p> <p>SF if this is going to be a premier structure we need to have regulations to make it work.</p> <p>SF- if projects that are by right under the new code would be subject to no parking allowed</p> <p>Legal opinion tied to parking requirements? Who and what are the regulations?</p> <p>SF: no one making city decisions lives in the city, very upset. Who is making these decisions? We have to pay attention to the details surrounding these regulations. Would like the legal opinion on paper to read for herself. Dan Bartman will supply information.</p> <p>JS would like the languages before the meeting – SW will relay information to Dan</p> <p>DE would like to know why is the traffic commission the one which makes this call? – They are the enforcing body. What roll does Traffic and Parking have in this?</p> <p>ES: some people she spoke with regarding no parking said: I wouldn't life there. There is a tradeoff. No parking, get a park.</p> <p>3 Olive square: there were topics at meetings that a no permit policy would be interesting, but it was not brought up at the community meeting.</p> <p>DE makes motion to continue to the 16th. Seconded JS. The Board voted 5-0 to continue.</p>
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Other Business:

There was no other business discussed.

NOTICE: While reasonable efforts have been made to assure the accuracy of the data provided in these minutes, do not rely on this information as the complete and accurate portrayal of the events in the meeting without first checking with the Planning Division staff. If any discrepancies exist, the decisions filed by the Board serve as the relevant record for each case. The Planning Division also maintains audio recordings of most Board meetings that are available upon request.

