



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

Aldermanic Chambers, City Hall, 93 Highland Avenue
Wednesday, December 12, 2018
6:00 P.M.

Elaine Severino absent.

Previously Continued to a Future Date

51 McGrath Highway (ZBA 2017-46)	
Applicant:	Life Storage Limited Partnership
Property Owner:	Sovran Acquisition Limited Partnership
Agent:	Richard G. Di Girolamo, Esq.
Legal Notice:	Applicant, Life Storage Limited Partnership, and Owner, Sovran Acquisition Limited Partnership, seek a Special Permit with Design Review (SPSR) under §7.11.12.4.c and §5.2 of the Somerville Zoning Ordinance (SZO) to construct a self-storage facility of 28,520 gross square feet. IA Zone. Ward 2.
Date(s) of Hearing(s):	7/12, 8/2, 8/16, 9/6, 9/27, 10/4, 10/18, 11/8, 11/29, 1/3, 1/17, 1/31, 2/14, 3/7, 3/21, 4/4, 4/18, 5/2, 6/6, 6/20, 7/18, 8/8, 9/5, 10/3, 11/7. 11/28, 12/12
Staff Recommendation:	Denial
ZBA Action:	Voted on November 7, 2018 to continue the application to January 9, 2019.
The Applicant submitted a written request to continue the application to January 9, 2019.	



Previously Opened Cases to Request a Continuance

312 R Beacon Street (aka 25 Harris Street, Cambridge, MA) (ZBA 2018-08)	
Applicant:	Robert Gillig and Christine Cuttitta
Property Owner:	Robert Gillig and Christine Cuttitta
Agent:	N/A
Legal Notice:	Applicants / Owners, Robert Gillig and Christine Cuttitta, seek a Special Permit pursuant to conditions of a previous ZBA Decision (ZBA 2005-53) and under SZO §7.11.a.c, §4.4.1, and §9.13 for parking relief to make alterations to a nonconforming structure by constructing an addition and establishing a sixth residential unit on the site. RC Zone. Ward 2.
Date(s) of Hearing(s):	2/14, 3/7, 3/21, 4/4, 5/2, 5/16, 6/6, 6/20, 7/18, 8/8, 8/22, 10/17, 10/24, 11/28, 12/12
Staff Recommendation:	None at this time
ZBA Action:	Voted on December 12, 2018 to continue the application to January 9, 2019.
The Applicant submitted a written request to continue the application to January 9, 2019.	

45 Kent Street (ZBA 2017-90)	
Applicant:	Angela Schifano
Property Owner:	Angela Schifano
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Owner and Applicant, Angela Schifano, seeks Special Permits under §7.11 of the SZO to increase the number of units from two to three; under §4.4.1 to increase the non-conforming left side yard setback, and for an upward extension of both the non-conforming rear and non-conforming left side yard setbacks by increasing the height of the building by approximately 10 feet; to increase the FAR and GFA by more than 25%; Parking relief under Article 9 of the SZO. RC zone. Ward 2.
Date(s) of Hearing(s):	8/22, 9/5, 9/17, 10/3, 10/17, 10/24, 11/7, 11/28, 12/12
Staff Recommendation:	None at this time
ZBA Action:	Voted on December 12, 2018 to continue the application to January 9, 2019.
The Applicant submitted a written request to continue the application to January 9, 2019.	

11 Fiske Avenue (ZBA 2018-109)	
Applicant:	Jason Santana, North American Development, LLC
Property Owner:	Genevieve M. Belew
Agent:	N/A
Legal Notice:	Applicant, Jason Santana, North American Development, LLC, and Owner, Genevieve M. Belew, seek special permits under §4.4.1 of the SZO to alter a non-conforming structure through the upward and linear extension of the non-conforming left side yard setback, increasing the GFA by more than 25%. Number of units to increase from one to two. Parking relief under Article 9 of the SZO. RB zone. Ward 5.
Date(s) of Hearing(s):	10/3, 11/7, 11/28, 12/12
Staff Recommendation:	Denial
ZBA Action:	Voted on December 12, 2018 to continue the application to January 9, 2019.
The Applicant submitted a written request to continue the application to January 9, 2019.	



378-382 Highland Ave (ZBA 2018-121)	
Applicant:	Sohia's Greek Pantry Norht O/B/A Opa Greek Yeeros, Inc
Property Owner:	Christos Poutahidis Management, LLC
Agent:	Richard G. DiGirolamo
Legal Notice:	Applicant, Sohia's Greek Pantry Norht O/B/A Opa Greek Yeeros, Inc., and Owner, Christos Poutahidis Management, LLC, seeks a Special Permit under § 4.5 of the SZO to expand existing resaurant space into a vacant storefront and increase seating capacity. Parking relief under Article 9 of the SZO. NB zone. Ward 6.
Date(s) of Hearing(s):	10/17, 10/24, 11/7, 11/28, 12/12
Staff Recommendation:	None at this time
ZBA Action:	Voted on December 12, 2018 to continue the application to January 9, 2019.
The Applicant submitted a written request to continue the application to January 9, 2019.	

503-505 Medford Street (ZBA 2018-129)	
Applicant:	Sophia S. Thakali
Property Owner:	Broadway Investment
Agent:	N/A
Legal Notice:	Applicant, Sophia S. Thakali, and Property Owner, Broadway Investment, seek Special Permits under Article 7 of the SZO to increase the square footage of an existing restaurant by expanding into adjoining commercial space. Relief under Article 9 for parking. NB zone. Ward 5.
Date(s) of Hearing(s):	11/28, 12/12
Staff Recommendation:	None at this time
ZBA Action:	Voted on December 12, 2018 to continue the application to January 9, 2019.
The Applicant submitted a written request to continue the application to January 9, 2019.	

81-83 Alpine Street (ZBA 2018-141)	
Applicant:	Elan Sassoon
Property Owner:	Catherine A. DeStefano, Trustee of the Francis J. Bucca Family Trust
Agent:	N/A
Legal Notice:	Applicant, Elan Sassoon, and Owner, Catherine A. DeStefano, Trustee of the Francis J. Bucca Family Trust, seek special permits under §4.4.1 to alter a non-conforming property by increasing the GFA by more than 25%, extending the non-conforming front yard setback to the right and into the side yard. Parking relief under Article 9 of the SZO. RB zone. Ward 5.
Date(s) of Hearing(s):	11/28, 12/12
Staff Recommendation:	None at this time
ZBA Action:	Voted on December 12, 2018 to continue the application to January 9, 2019.
The Applicant submitted a written request to continue the application to January 9, 2019.	



61 Myrtle Street (ZBA 2018-140)	
Applicant:	Elan Sassoon
Property Owner:	Rupesh S. & Laxmi Lama
Agent:	N/A
Legal Notice:	Applicant, Elan Sassoon, and Owners, Rupesh S. & Laxmi Lama, seek special permits under §4.4.1 of the SZO to alter a non-conforming property by reducing the rear yard setback, increasing the GFA by more than 25%. Unit count will increase from two units to three units. Parking relief under Article 9 of the SZO. RB zone. Ward 1.
Date(s) of Hearing(s):	11/28, 12/12
Staff Recommendation:	None at this time
ZBA Action:	Voted on December 12, 2018 to continue the application to January 9, 2019.
The Applicant submitted a written request to continue the application to January 9, 2019.	

1252 Broadway (ZBA 2018-38)	
Applicant:	Eric J. Silva
Property Owner:	Eric J. Silva
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant & Owner, Eric J. Silva, sees Special Permits under §4.4.1 of the SZO to alter a non-conforming property by increasing the Gross Floor Area (GFA) by more than 25%, increase the number of dwelling units from three to 5, construct a dormer within the right side yard setback. Parking relief under Article 9 of the SZO. RC zone. Ward 7.
Date(s) of Hearing(s):	9/17, 10/3, 10/17, 10/24, 11/7, 11/28
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on December 12, 2018 to continue the application to January 9, 2019.
The Applicant submitted a written request to continue the application to January 9, 2019.	

New Cases to Request a Continuance

47 Sewall Street (ZBA 2018-154)	
Applicant:	Justina & Emelindo Ubaldo
Property Owner:	Justina & Emelindo Ubaldo
Agent:	N/A
Legal Notice:	Applicants 7 Owners, Justina & Emelindo Ubaldo, seek special permits under §4.4.1 of the SZO to construct a dormer within the side yard setback. RB zone. Ward 4.
Date(s) of Hearing(s):	12/12
Staff Recommendation:	None at this time.
ZBA Action:	Voted on December 12, 2018 to continue the application to January 23, 2019.
The Applicant submitted a written request to continue the application to January 23, 2019.	



9 Taylor Street (ZBA 2018-144)	
Applicant:	Walter Tauro
Property Owner:	Walter Tauro
Agent:	Richard G. DiGirolamo
Legal Notice:	Applicant and Owner, Walter Tauro, seeks Special Permits under §4.4.1 of the SZO to alter a non-conforming property by created an upward extension of the non-conforming right side yard setback. Parking relief under Article 9 of the SZO.
Date(s) of Hearing(s):	12/12
Staff Recommendation:	None at this time.
ZBA Action:	Voted on December 12, 2018 to continue the application to January 23, 2019.
The Applicant submitted a written request to continue the application to January 23, 2019.	

28 Otis Street (ZBA 2018-145)	
Applicant:	Gina D. Tauro & Jonathan M. Nascimento
Property Owner:	Gina D. Tauro & Jonathan M. Nascimento
Agent:	Richard G. DiGirolamo
Legal Notice:	Applicants and Owners, Gina D. Tauro & Jonathan M. Nascimento, seek to alter a non-conforming property under §4.4.1 of the SZO. Parking relief under Article 9 of the SZO. RB zone. Ward 1.
Date(s) of Hearing(s):	12/12
Staff Recommendation:	None at this time.
ZBA Action:	Voted on December 12, 2018 to continue the application to January 23, 2019.
The Applicant submitted a written request to continue the application to January 23, 2019.	

124 Heath Street (ZBA 2018-148)	
Applicant:	Emerald 75, LLC
Property Owner:	Emerald 75, LLC
Agent:	Sean T. O'Donovan
Legal Notice:	Applicant and Owner, Emerald 75, LLC seeks a Special Permit with Site Plan Review (SPSR) under §4.4.1 of the SZO to alter a non-conforming property by removing an existing 4-bay garage and constructing a two-unit residential building within the left, right, and rear yard setbacks. Increase the number of dwelling units from one to three. Parking relief under Article 9 of the SZO. RB zone. Ward 4.
Date(s) of Hearing(s):	12/12
Staff Recommendation:	None at this time.
ZBA Action:	Voted on December 12, 2018 to continue the application to January 23, 2019.
The Applicant submitted a written request to continue the application to January 23, 2019.	



15 Lake Street (ZBA 2018-152)	
Applicant:	Elan Sassoon
Property Owner:	Carlos & Virginia Bettencourt
Agent:	N/A
Legal Notice:	Applicant, Elan Sassoon, and Owners, Carlos & Virginia Bettencourt, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming structure by increasing the Gross Floor Area (GFA) by more than 25%, construct dormers within the right side yard setback. Variance under §5.5 and §8.5 of the SZO to create a new non-conformity with respect to the rear yard setback. Parking relief under Article 9 of the SZO. RC zone. Ward 2.
Date(s) of Hearing(s):	12/12
Staff Recommendation:	None at this time.
ZBA Action:	Voted on December 12, 2018 to continue the application to January 9, 2019.
The Applicant submitted a written request to continue the application to January 9, 2019.	

527-529 Mystic Valley Parkway (ZBA 2018-163)	
Applicant:	He Zheng
Property Owner:	Jim Lin
Agent:	N/A
Legal Notice:	Applicant, He Zheng, and Owner, Jim Lin, seek a Variance under §5.5 of the SZO to create a new non-conformity by increasing the FAR from .69 to .94 by finishing the basement and adding a dormer. Parking relief under Article 9 of the SZO. RA zone. Ward 7.
Date(s) of Hearing(s):	12/12
Staff Recommendation:	None at this time.
ZBA Action:	Voted on December 12, 2018 to continue the application to January 23, 2019.
The Applicant submitted a written request to continue the application to January 23, 2019.	



Previously Opened Cases to be Heard

38-40 Windsor Road (ZBA 2018-133)	
Applicant:	Dalfior Development, Inc.
Property Owner:	38-40 Windsor Road, LLC
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant, Dalfior Development, Inc., and Owner, 38-40 Windsor Road, LLC, seek special permits under §4.4.1 of the SZO to increase the non-conforming FAR, increase the non-conforming rear yard setback, extend a dormer within the right side yard setback, open porches within the front yard setback. RA zone. Ward 6.
Date(s) of Hearing(s):	11/28, 12/12
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on December 12, 2018 to approve the application with conditions.
<p>The Applicant provided an overview of the project.</p> <p>Meredith Porter (11 Josephine Avenue) states the FAR noted in the Staff Report contains an error. The table in the plans also implies their data remains “unchanged” when read from existing to proposed. Sarah White has already updated the Board with a correct Staff Report as well as posted the correct version online.</p> <p>Danielle Evans is curious as to why they did not open the second level porch.</p> <p>Sarah White stated that was a preexisting condition; however it would have been great to have the second porch open as well. They were satisfied with the first floor open as it is in line with SomerVision.</p> <p>Richard Rossetti made the motion to approve the request for special permit. Seconded by Josh Safdie. Motion approved 4-0.</p>	



12 Quincy Street (ZBA 2018-90)	
Applicant:	Jennifer Park, Eric Shea, and Tatum Smigliski
Property Owner:	Jennifer Park, Eric Shea, and Tatum Smigliski
Agent:	N/A
Legal Notice:	Applicants and Owners, Jennifer Park, Eric Shea, and Tatum Smigliski, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by adding two decks off of the existing rear stairs. RB Zone. Ward 2.
Date(s) of Hearing(s):	8/8, 8/22, 9/5, 10/3, 10/17, 10/24, 11/7, 11/28, 12/12
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on December 12, 2018 to approve the application with conditions.
<p>The Applicant provided an overview of the project. They initially proposed two decks on the rear and are now proposing to modify the existing deck to increase the width on side of the building. The Applicant has also spoken with neighbors on the proposed plans, and hasn't gotten much feedback.</p> <p>Lucy Holstedt (15School St) states she is to the rear of this property. This building was renovated from a single family to 3 units 14 years ago. The back was already extended then and the proposed porches would add more to that, as this is an extension from original. Extending the existing porch four feet more would be excessive. They are already deep enough.</p> <p>Danielle Evans notes that all of the setbacks are within the requirements and the side neighbor is okay with it. Susan Fontano has empathy for the Lucy, but it doesn't go beyond that. The damage was done 14 years ago.</p> <p>Danielle Evans also states it's 22 feet away from the rear property line. The proposed changes are not substantially detrimental. It's a fair compromise. She supports this project.</p> <p>Richard Rossetti states Alderman Scott passed on a letter that he supports the approval of this project. Richard rosette makes a motion to approve the request. He specifies the new plans dated November 28, 2018.</p>	



144 Highland Avenue (ZBA 2018-97)	
Applicant:	Matthew McCarthy and Gregory McCarthy
Property Owner:	Matthew McCarthy and Gregory McCarthy
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicants and Owners, Matthew McCarthy and Gregory McCarthy, seek a Special Permit per SZO §4.4.1 and §7.11.1.C to construct an addition greater than 25% of the existing gross floor area to a nonconforming structure in order to establish a fifth dwelling unit on the site. A Special Permit per SZO 9.13 is also being sought for parking relief. RC Zone. Ward 3.
Date(s) of Hearing(s):	9/5, 9/17, 10/3, 10/17, 10/24, 11/7, 11/28, 12/12
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on December 12, 2018 to approve the application with conditions.
<p>The Applicant provided an overview of the project. Anne Brockelman would like to see if they can make the walkway into an apron. Peter Quinn states it's possible. Alex Mello required them to make that space pervious; however, they can amend that condition (condition number 9) so that the desired outcome of the apron is clear. The Applicant is to submit a landscape plan for approval.</p> <p>Richard Rossetti made the motion to approve the request for special permit with conditions. Seconded by Josh Safdie. Motion approved 4-0.</p>	

24 Dane Avenue (ZBA 2018-75)	
Applicant:	24 Dane Ave., LLC
Property Owner:	24 Dane Ave., LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, 24 Dane Ave., LLC, seeks Special Permits under §4.4.1 of the SZO to alter a non-conforming structure by extending the non-conforming left and right side yard setbacks, increasing the GFA by more than 25%. Unit count to increase from one to three. Parking relief under Article 9.RB zone. Ward 2.
Date(s) of Hearing(s):	7/18, 8/8, 8/22, 9/5, 9/17, 10/3, 10/17, 10/24, 11/7, 11/28, 12/12
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on December 12, 2018 to continue the application to January 9, 2019.
<p>The Applicant stated they had every intention to be heard tonight, however they have received comments from the Alderman they would like to address first. The Applicant requested a continuance to January 9, 2019.</p>	



28 Chestnut Street (ZBA 2018-100)	
Applicant:	Lawrence Realty 28 Chestnut LLC
Property Owner:	Lawrence Realty 28 Chestnut LLC
Agent:	Adam Dash, Esq.
Legal Notice:	Owner/Applicant Lawrence Realty 28 Chestnut LLC, seeks a Special Permit with Site Plan Review under SZO §5.2 to change a warehousing use to an office/R&D use of more than 10,000sf and a Variance under §5.5 for 16 parking spaces. IA zone. Ward 2.
Date(s) of Hearing(s):	9/17, 10/3, 10/17, 10/24, 11/7, 11/28, 12/12
Staff Recommendation:	V: Unable to recommend SPSR: Conditional approval
ZBA Action:	Voted on December 12, 2018 to approve the application with conditions.
<p>Adam Dash provided an overview of the project.</p> <p>Danielle Evans thanks the Applicant for completing the thorough study. She is comfortable with the buffer of 20% in regard to parking. Josh Safdie is also pleased with this.</p> <p>Anne Brockelman has listened to the recording and completed the affidavit and is able to vote during this case.</p> <p>For the record—Alderman Scott defers to the group of residents.</p> <p>Richard Rossetti made the motion to approve the applicants request for a Variance. Seconded by Josh Safdie. Motion approved 4-0.</p> <p>Richard Rossetti made the motion to approve the applicants request for a Special Permit with Site Plan Review. Seconded by Josh Safdie. Motion approved 4-0.</p>	

28 Fitchburg Street (ZBA 2018-99)	
Applicant:	Sherman and Goldman Realty Trust
Property Owner:	Sherman and Goldman Realty Trust
Agent:	Adam Dash, Esq.
Legal Notice:	Owner/Applicant Sherman and Goldman Realty Trust, seeks a Special Permit with Site Plan Review under SZO §5.2 to change a warehousing use to an office/R&D use of more than 10,000sf and a Variance under §5.5 for 16 parking spaces. IA zone. Ward 2.
Date(s) of Hearing(s):	9/17, 10/3, 10/17, 10/24, 11/7, 11/28, 12/12
Staff Recommendation:	V: Unable to recommend SPSR: Conditional approval
ZBA Action:	Voted on December 12, 2018 to approve the application with conditions.
<p>Adam Dash provided an overview of the project.</p> <p>Richard Rossetti made the motion to approve the applicants request for a variance. Seconded by Josh Safdie. Motion approved 4-0.</p> <p>Richard Rossetti made the motion to approve the applicants request for a Special Permit with Site Plan Review. Seconded by Josh Safdie. Motion approved 4-0.</p>	



50-54 Murdock Street (ZBA 2018-19)	
Applicant:	Roberto Grieco
Property Owner:	Alida Elena Grieco, Trustee of the Fifty Murdock Investment Trust
Agent:	Richard G. DiGirolamo
Legal Notice:	Applicant, Roberto Grieco, and Owner, Alida Elena Grieco, Trustee of the Fifty Murdock Investment Trust, seek a special permit with site plan review per SZO §7.3 to construct a new ten-unit residential building and a special permit per SZO §9.13 for parking relief. RB Zone. Ward 5.
Date(s) of Hearing(s):	11/28, 12/12
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on December 12, 2018 to approve the application with conditions.
<p>The Applicant provided an overview of the project.</p> <p>Alex Mello states he was made aware of the email from Mr. McCarthy at MassDOT. Alex Mello is in support of Adam’s suggestion to rework this and add a 35th condition so the Applicant can work with the MBTA regarding egress.</p> <p>Joe Colella (46 Murdock St) was not able to attend the meeting. He is concerned that Murdock Street has a dangerous parking situation. It doesn’t have sidewalks. There’s lots of construction. The leniency on parking is of concern.</p> <p>Adam Dash states they are addressing 15 parking spaces for 10 units which is more than enough. He feels it meets the demands. The sidewalk won’t be official as they will create a permeable walkway—but it will properly act like one.</p> <p>Joe Colella appreciates concessions that have been made.</p> <p>Josh Safdie states a legal notification wasn’t made to the MBTA. Alex Mello states it isn’t in our system as a parcel, therefore they weren’t notified as a technicality however they’ve been working with the city engineer since last year regarding this proposal and they’ve had the plan set. McCarthy raised the issue at the end of the day yesterday. The Staff will work with the Applicant and MassDOT to create language they both can agree with to be provided as a condition.</p> <p>Josh Safdie suggests, if there will be an ADA ramp, to put restrictions on the slope of the driveway. They might want to check on that moving forward.</p> <p>Richard Rossetti made the motion to approve the applicants request for a Special Permit with Site Plan Review. Seconded by Josh Safdie. Motion approved 4-0.</p>	



68 Dimick Street (ZBA 2018-151)	
Applicant:	David Shepherd
Property Owner:	David Shepherd
Agent:	N/A
Legal Notice:	Applicant/Owner, David Shepherd, seeks a special permit per SZO §4.4.1 to alter a nonconforming structure to reconstruct an existing rear deck to include egress stairs. RB Zone. Ward 2.
Date(s) of Hearing(s):	11/28, 12/12
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on December 12, 2018 to continue the application to January 9, 2019.
The Applicant submitted a written request to continue the application to January 9, 2019.	

150 Hudson Street (ZBA 2018-71)	
Applicant:	Michael Santangelo
Property Owner:	Michael Santangelo
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, Michael Santangelo, seeks a Special Permit with Site Plan Review (SPSR) to build a second principle structure on the same lot. Proposal includes increasing the number of dwelling units from two to three, remove existing garage structure and renovate existing residential dwelling. RC & RB zones. Ward 5.
Date(s) of Hearing(s):	7/18, 8/8, 8/22, 9/5, 9/17, 10/3, 10/17, 10/24, 11/7, 11/28, 12/12
Staff Recommendation:	None at this time.
ZBA Action:	Voted on December 12, 2018 to approve the Applicant's request to withdraw without prejudice.
The Applicant submitted a written request to withdraw the application without prejudice.	



New Cases to be Opened and Heard

654 Mystic Avenue (ZBA 2018-167)	
Applicant:	Linda Pingiaro and James DeMichelle, Trustees of 48-50 Ash Avenue Condominium
Property Owner:	654 Mystic, LLC
Agent:	Philip H Cahalin
Legal Notice:	Applicant, Linda Pingiaro and James DeMichelle, individually and as Trustee of 48-50 Ash Avenue Condominium, seek an Administrative Appeal per SZO §3.1.9, §3.2, and §3.2.3 of building permit No. B18-000680 issued by the Inspectional Services Department (ISD). The property for which the building permit was issued is owned by 654 Mystic, LLC. BB zone. Ward 4.
Date(s) of Hearing(s):	12/12
Staff Recommendation:	Recommendation fourthcoming.
ZBA Action:	Voted on December 12, 2018 to continue the application to January 9, 2019.
<p>Philip Cahalin presents an overview of his appeal.</p> <p>Sarah White stated views and property values are not protected and are not factors in the determinations of approvals.</p> <p>Sarah White goes further to explain subdivisions and lot splits: You can do a subdivision or series of lot splits. You can divide one lot into two; however it does not preclude you from dividing that lot into more lots. The lots are buildable lots that were created in this case. The BB Zone allows for this. One of the things important is in the BB Zone there are no lot lines. You can build right up to the property lines. Each structure can touch the other structure. So what we have here, are three individual structures on three separate lot lines that touch because of the non-setback requirement. These are legally constructed structures containing townhouse units.</p> <p>Staff also notes this is not in fact a 6 unit dwelling. This is a 3 unit dwelling that touches because of the setback requirements. This is by-right in BB zone two townhouse units are allowed. It is also worth noting there is nothing in zoning that prevents someone bringing in fill to create the grade of the slope. You can build a retaining wall, to change your grade. The retaining wall is not a structure so you are allowed to do that.</p> <p>To respond to the Applicant not knowing how the dimensions were calculated, the builder has to build to the dimensions provided. The builder has not provided enough contention- series of four illustrations that show calculations with letter annotation next to them. You can see the result of the average grade in each part of property according to this plan. The garage is a basement level—however this does not make it another story.</p> <p>Hans Jensen states the basement is not considered a story unless the ceiling is 5ft or more above average finished grade.</p> <p>Anne Brockelman asks if the Staff can provide the original to see the exact language of the appeal. Sarah White is to provide this.</p> <p>Linda Pingiaro states her concern has been working with Jessie Clingan. She has requested through the engineering department a copy of the sewer lines. At this point, they are waiting—filing a second board order that they come down and map the sewer system. She states there is a manhole cover in the backyard that it's possible the sewer line is running from backyard is running through 654 Mystic. Can the Board help us get this executed in some way?</p> <p>Sarah White states this is not in the Board's purview. She suggests working with her Alderman and engineering.</p> <p>Danielle Evans adds there's no one person that has a specific right to a specific view. Regulatory Boards have to determine things like whether or not if a building permit was correctly issued. The law does not let someone make that decision about a view. Regulatory bodies cannot base decisions on someone's property values.</p> <p>Sarah White states that she is on vacation, therefore anything they plan to submit should be given to her no later than Friday at 12:30.</p> <p>Susan Fontano states the Board needs some time to look this over. Richard Rossetti made the motion to continue to January 9, 2019. Seconded by Josh Safdie. Motion approved 4-0.</p>	



118-124 College Avenue (ZBA 2018-166)	
Applicant:	Havurat Shalom Community Seminary, Inc
Property Owner:	Lacourt Realty, LLC
Agent:	Meredith Porter
Legal Notice:	Applicant, Havurat Shalom Community Seminary, Inc., through their representative, Meredith Porter, seeks an Administrative Appeal per SZO §3.1.9, §3.2, and §3.2.3 of building permit No. B18-001184 issued by the Inspectional Services Department (ISD). The property for which the building permit was issued is owned by LaCourt Realty, LLC. RB zone. Ward 6.
Date(s) of Hearing(s):	12/12
Staff Recommendation:	Recommendation fourthcoming.
ZBA Action:	Voted on December 12, 2018 to continue to January 23, 2019.
The Applicant requested a continuance to January 23, 2019.	

7 Montgomery Avenue (ZBA2015-98-1(10/18))	
Applicant:	Charles Zammuto & James Langley
Property Owner:	Charles Zammuto & James Langley
Agent:	N/A
Legal Notice:	Applicant/Owner, Charles Zammuto & James Langley, seek a Revision to a Special Permit under SZO §5.3.8 to approve dimensional changes during construction that vary from the original approval of a new 2-story 3-bedroom single-family home. RB zone. Ward 1.
Date(s) of Hearing(s):	12/12
Staff Recommendation:	Unable to recommend.
ZBA Action:	Voted on December 12, 2018 to approve the application with conditions. (See notes below)



Charles Zammuto provided an overview of the project.

Susan Fontano asks the Applicant when they were aware of these issues of the grade. The Applicant stated he did not think the changes were an issue. The windows he changed (from 16'' to 32'') on his own because stated he "thought it would have looked better" than what had been previously approved.

Meredith Porter (11 Josephine Avenue) stated there is a substantial difference in the appearance of the constructed house compared to the plan set that was approved. The Board approved one thing and going against those plans violates the entire process of reviewing the designs. He cannot find the justification. It should have been brought back for review if there were changes to be made.

Sarah Lewis stated no elevations are usually noted on a survey plan unless it's specifically requested. Seeing the discrepancy was concerning. The foundation could have been approved with a similar level with adjacent houses. The Staff would have preferred the front of the house to meet approval, and have the back of the house be changed from the original plans. The Staff is unable to recommend due to the fact that the Applicant did not go through the necessary changes approved. Sarah Lewis offers the idea that the porch floor could be lowered and the columniation would at least make the design more palatable. She states her preference would be to try and go back to the original plans to mitigate the situation.

Anne Brockelman identifies the grade in the back is 2 ft.

The Applicant states the lot is narrow- They had Floyd Richardson, from ISD, saw what they were up against. If he had known it would have been an issue he would have brought it forward to the Staff. Hans Jensen: Generally I'm not involved to make sure the foundation is on the right spot. It is possible that Floyd gave this the okay, however I wasn't made aware of this until late July or August.

Anne Brockelman agrees with Sarah Lewis in regard to trying to achieve the closet they can to the original plans, but she thinks it's going to be too difficult to lower the front porch. She suggests bring the lattice across to hide the stair and only having two columns as "the column in the middle of the window looks really bad".

The Applicant states he had five building inspectors out at the house who all agreed that his changes would have been de minimis. Sarah Lewis clarifies that Inspectional Services does not ensure the Planning and Zoning Board's wishes and approvals are upheld. After hearing Anne Brockelman's suggestion, Sarah Lewis is not opposed to the lattice with plantings. It was noted the adjacent properties have porch heights of 4.5 while the Applicant's is 5.5 ft. currently.

Rick Rossetti states in his opinion, there was no way these changes were de minimis. He is not opposed to the lattice and plantings. Susan Fontano states it's unfortunate because in the winter time you lose the plantings and it requires a lot of maintenance. It's too bad this is one of the only options.

Anne Brockelman adds, sometimes two feet or 18 inches can be de minimis, but in this case the changes that were made change the pedestrians experience and how it speaks to the neighborhood. In this case, the Applicant is impacting everyone. Rick Rossetti asks how it's possible to build something that doesn't look like the plans.

Hans Jensen explains he tries to make it out to do site visits however, due to workload and lack of manpower it's not always possible. These discoveries are only found out at the very end when they file a Certificate of Occupancy. Hans Jensen states he tries to insert himself as early as possible however, once he signs off on the project, he does not revisit unless it's a larger project with more impact on the neighborhood experience. Sarah Lewis hopes that once the ISD Director position is filled, we can have a better plan between ISD and Planning. She goes further to explain the process: Violations start with warning ticket and later are made into fines. Hans Jensen notes there a list of conditions that are legally binding such as the approved drawing set listed in Condition number 1.

The Board requests to condition changing the four columns, extending the lettuce to camouflage the stairs (making sure it's quality lattice) while leaving the door and windows where they are.

Richard Rossetti made the motion to approved the request and add one condition for ten total. Seconded by Anne Brockelman. Motion approved 4-0.



74 Moreland Street (ZBA 2018-128)	
Applicant:	74 Moreland Street, LLC
Property Owner:	Vittorio Gensale and Marco Gensale
Agent:	Richard G. DiGirolamo
Legal Notice:	Applicant, 74 Moreland Street, LLC, and Owners, Vittorio Gensale and Marco Gensale, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by constructing dormers on both sides of the roof and finishing a portion of the basement. RA Zone. Ward 4.
Date(s) of Hearing(s):	12/12
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on December 12, 2018 to continue to January 9, 2019.
<p>The applicant provided an overview of the project.</p> <p>Danielle Evans would like the construction to stop at five during the week days and for Staff to condition that.</p> <p>Josh Safdie states they are maxing out what they can do. Josh would like to see a landscape and site plans that brings those into compliance. There's a ton of asphalt on this site. He would like to see their thoughts regarding landscape.</p> <p>Richard Rossetti made the motion to continue the application to January 9th. Josh Safdie seconded. Motion approved 4-0.</p>	

57 Prescott Street (ZBA 2018-150)	
Applicant:	Alexander Asen and Yael Asen
Property Owner:	Alexander Asen and Yael Asen
Agent:	Peter Quinn
Legal Notice:	Applicants / Owners, Alexander Asen and Yael Asen, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by constructing an addition that is greater than 25% of the existing gross floor area (GFA) to add a second dwelling unit and a Special Permit under SZO §9.13 for parking relief. RA Zone. Ward 3.
Date(s) of Hearing(s):	12/12
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on December 12, 2018 to approve the application with conditions.
<p>The Applicant provided an overview of the project.</p> <p>Richard Rossetti made the motion to approve the request for Special Permit. Motion approved 4-0.</p>	



109-111 Prospect Street (ZBA 2018-139)	
Applicant:	109-111 Prospect Street Somerville, LLC
Property Owner:	109-111 Prospect Street Somerville, LLC
Agent:	Richard G. DiGirolamo
Legal Notice:	Applicants & Owners, 109-111 Prospect Street Somerville, LLC, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming property including, but not limited to right and left side yard setbacks; Special Permit under Article 9 for parking relief. Variances under §5.5 and §8.5 of the SZO for height, number of stories and lot area per dwelling unit; Special Permit with Site Plan Review (SPSR) to construct a 15-unit residential structure with inclusionary housing included under Article 13 of the SZO. RC zone. Ward 2.
Date(s) of Hearing(s):	12/12
Staff Recommendation:	SPSR: Conditional approval Variance: Unable to Recommend
ZBA Action:	Voted on December 12, 2018 to continue to January 9, 2019.
The Applicant requested a continuance to January 9, 2019.	

15 Mossland Street (ZBA 2018-124)	
Applicant:	Mike Tokatlyan, Manager of 15 Mossland Street, LLC
Property Owner:	Umberto A. and Charity A. Rossetti
Agent:	Richard G. DiGirolamo
Legal Notice:	Applicant, Mike Tokatlyan, Manager of 15 Mossland Street, LLC, and Owners, Umberto A. and Charity A. Rossetti, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming property by creating an upward extension of the non-conforming left side yard setback. Parking relief under Article 9 of the SZO. RB zone. Ward 5.
Date(s) of Hearing(s):	12/12
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on December 12, 2018 to approve the application with conditions.
<p>**Anne Brockelman recused herself.</p> <p>The Applicant provided an overview of the project.</p> <p>Danielle Evans requests to have a set time for construction during the weekday to 5p, asking Sarah White to amend the condition as it states 4pm.</p> <p>Richard Rossetti made the motion to approve the request for Special Permit. Motion approved 4-0.</p>	



43-45 Oak Street (ZBA 2016-89-R1-11/14)	
Applicant:	We Close the Deal, LLC
Property Owner:	We Close the Deal, LLC
Agent:	Richard G. DiGirolamo
Legal Notice:	Applicants and Owners, We Close the Deal, LLC, seek a special permit under §5.3.1 of the SZO to revise a condition of the original special permit that required utilities to be buried underground. The Applicant requests to install the utilities above ground. RB zone. Ward 4.
Date(s) of Hearing(s):	12/12
Staff Recommendation:	Approval
ZBA Action:	Voted on December 12, 2018 to approve the application with conditions.
The Applicant provided an overview of the project.	
Richard Rossetti made the motion to approve the request for Special Permit. Motion approved 4-0.	

Other Business:

Plans and reports are available at the City of Somerville website at the following link:
<https://www.somervillema.gov/departments/ospcd/planning-and-zoning/reports-and-decisions>

