



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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POOJA PHALTANKAR, *ALT.*

**ZONING BOARD OF APPEALS MINUTES**

**City Hall, Aldermanic Chambers, 93 Highland Avenue, Somerville, MA**  
**Wednesday, March 7, 2018**  
**6:00 P.M.**

<b>18 Brook Street: (Case #ZBA 2017-43)</b>	
Applicant:	Waemen Lung and Waelim Lung
Property Owner:	Waemen Lung and Waelim Lung
Agent:	N/A
Legal Notice:	Applicants and Owners, Waemen Lung and Waelim Lung, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure within the required front, left, and right side yard setbacks and to increase the nonconforming floor area ratio (FAR) by converting the roof type from a gable style to a flat roof and making interior renovations. RB Zone. Ward 1.
Date(s) of Hearing(s):	10/18, 11/8, 11/29, 1/3, 1/31, 3/7
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on January 31, 2018 to continue the application to March 7, 2018.
Applicant submitted a written request to continue the application to March 21, 2018. Richard Rossetti made a motion to continue the application to March 21, 2018. Elaine Severino seconded the motion. The motion to continue the application to March 21, 2018 passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

**24-28 Mount Pleasant Street: (Case #ZBA 2017-11)**



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Applicant:	Warren A. Chaille, Trustee of the Chaille Trust
Property Owner:	Warren A. Chaille, Trustee of the Chaille Trust
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant/Owner, Warren A. Chaille, Trustee of the Chaille Trust, seeks a Special Permit under Section 7.3 of the Somerville Zoning Ordinance (SZO) to relocate, renovate, and construct an addition to the existing two-family dwelling to create a six-unit dwelling building. RB Zone. Ward 1.
Date(s) of Hearing(s):	6/7, 6/21, 7/12, 8/2, 8/16, 9/6, 10/4, 10/18, 11/8, 11/29, 1/3, 1/31, 3/7
Staff Recommendation:	None at this time.
ZBA Action:	Voted on January 31, 2018 to continue the application to March 7, 2018.
Applicant submitted a written request to continue the application to March 21, 2018. Richard Rossetti made a motion to continue the application to March 21, 2018. Elaine Severino seconded the motion. The motion to continue the application to March 21, 2018 passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

<b>45 Kent Street: (Case #ZBA 2017-90)</b>	
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):	10/18, 11/8, 11/29, 1/3, 1/31, 2/14, 3/7
Staff Recommendation:	None at this time.
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.
Applicant submitted a written request to continue the application to March 21, 2018. Richard Rossetti made a motion to continue the application to March 21, 2018. Elaine Severino seconded the motion. The motion to continue the application to March 21, 2018 passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

<b>51 McGrath Highway: (Case #ZBA 2017-46)</b>	
Applicant:	Life Storage Limited Partnership
Property Owner:	Sovran Acquisition Limited Partnership
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, Life Storage Limited Partnership, and Owner, Sovran Acquisition Limited Partnership, seek a Special Permit with Design Review (SPSR) under Section 7.11.12.4.c and Section 5.2 of the Somerville Zoning Ordinance (SZO) to construct a self-storage facility of 28,880 gross square feet. The Applicant and Owner also seek a Variance under Article 12 of the SZO for signage. 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
Staff Recommendation:	Recommends denial
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.



Applicant submitted a written request to continue the application to March 21, 2018. Richard Rossetti made a motion to continue the application to March 21, 2018. Elaine Severino seconded the motion. The motion to continue the application to March 21, 2018 passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.

**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
Staff Recommendation:	None at this time
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.
Applicant submitted a written request to continue the application to March 21, 2018. Richard Rossetti made a motion to continue the application to March 21, 2018. Elaine Severino seconded the motion. The motion to continue the application to March 21, 2018 passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

**111 Cedar Street (ZBA 2018-03)**

Applicant:	111 Cedar Street, LLC
Property Owner:	111 Cedar Street, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant/Owner, 111 Cedar Street, LLC, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure by constructing a three-story rear deck and stairs as well as finishing a portion of the basement. RB Zone. Ward 5.
Date(s) of Hearing(s):	2/14, 3/7
Staff Recommendation:	None at this time
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.
Applicant submitted a written request to continue the application to March 21, 2018. Richard Rossetti made a motion to continue the application to March 21, 2018. Elaine Severino seconded the motion. The motion to continue the application to March 21, 2018 passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

**44 Broadway (ZBA 2017-95)**

Applicant:	Lower Broadway Development, LLC
Property Owner:	Lower Broadway Development, LLC
Agent:	Sean T. O'Donnovan
Legal Notice:	Applicant & Owner, Lower Broadway Development, LLC, seeks a Variance under SZO §5.5 to demolish existing one-story commercial structures and replace them with a 6-story mixed-use building containing 8,696sf of retail/restaurant, 9,800sf office, and 27 residential dwelling units with structured parking under SZO §6.5. Zone TOD-55. Ward 1.
Date(s) of Hearing(s):	11/8, 11/29, 1/17, 1/31, 2/14, 3/7



Staff Recommendation:	Unable to recommend
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.
Applicant submitted a written request to continue the application to March 21, 2018. Richard Rossetti made a motion to continue the application to March 21, 2018. Elaine Severino seconded the motion. The motion to continue the application to March 21, 2018 passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

<b>374 Somerville Avenue (ZBA 2018-11)</b>	
Applicant:	374 Somerville Ave, LLC
Property Owner:	374 Somerville Ave, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, 374 Somerville Ave, LLC, seeks a Variance under SZO §6.1.22.G.5 and §5.5 to construct a rear addition to the existing structure that is proposed within a required setback abutting a residential zoning district line. CCD-55 zone. Ward 2.
Date(s) of Hearing(s):	2/14, 3/7
Staff Recommendation:	Unable to recommend
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.
Applicant submitted a written request to continue the application to March 21, 2018. Richard Rossetti made a motion to continue the application to March 21, 2018. Elaine Severino seconded the motion. The motion to continue the application to March 21, 2018 passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

<b>140 &amp; 150 Line Street (Case #: ZBA 2017-83)</b>	
Applicant:	Inman Square Properties, LLC
Property Owner:	Inman Square Properties, LLC
Agent:	Sean T. O'Donnovan
Legal Notice:	Applicant & Owner, Inman Square Properties, LLC, seeks a Special Permit with Site Plan Review under SZO §5.2 to remove the existing non-conforming asphalt surface parking lot and replace with 8 residential dwelling units in two structures under SZO §7.2, §7.3, §7.5, and §7.10. Parking relief is also required under §9.13. Zone RB. Ward 2.
Date(s) of Hearing(s):	1/17, 1/31, 2/14, 3/7
Staff Recommendation:	None at this time
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.
Applicant submitted a written request to continue the application to March 21, 2018. Richard Rossetti made a motion to continue the application to March 21, 2018. Elaine Severino seconded the motion. The motion to continue the application to April 4, 2018 passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

<b>130 Walnut Street: (Case #ZBA 2017-70)</b>	
Applicant:	David Einis
Property Owner:	Garrett Realty, LLC
Agent:	N/A



Legal Notice:	Applicant, David Einis, and Owner, Garrett Realty, LLC, seek Special Permits under §4.4.1 and §8.5 of the SZO for: the upward extension of the non-conforming right side yard setback by raising the rear portion of the existing structure to a height of 30' 10 ¼ inches; constructing dormers within the right side yard setback; increasing the FAR by more than 25% by adding a large addition to the rear of the structure; Special Permits under §7.11 to increase the number of units from two to three; Special Permits under §9.13 for parking relief. RB zone. Ward 4.
Date(s) of Hearing(s):	9/27, 10/4, 10/18, 11/8, 11/29, 12/13, 1/17, 1/31, 2/14, 3/7
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.
Applicant submitted a written request to withdraw the petition without prejudice. Richard Rossetti made a motion to withdraw the application without prejudice. Elaine Severino seconded the motion. The motion to withdraw the application without prejudice passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

<b>8-10 Appleton Street (ZBA 2017-120)</b>	
Applicant:	Trio Enterprises, LLC
Property Owner:	Trio Enterprises, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, Trio Enterprises, LLC, seeks a Special Permit under §4.4 to alter a nonconforming structure that had previously been damaged by a fire by modifying porches, windows, landings, and finishing a portion of the basement. RA Zone. Ward 6.
Date(s) of Hearing(s):	1/17, 1/31, 2/14, 3/7
Staff Recommendation:	None at this time
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.
Rich DiGirolamo (attorney) and Peter Quinn (architect) appeared and provided overview of project. Applicant has received building permit to rebuild house exactly as it was before the fire. Project will reduce number of bedrooms by 4 and will change from rental apartments to condos. Had community meeting about project and was generally well received. Quinn says new exterior will be improvement over what they can build by-right. No public comment provided. Fontano likes project. Severino concerned about long asphalt driveway. Quinn says it was a balance between long, narrow driveway and having a court in the back. Severino wants condition for first 10' to be permeable pavers rather than asphalt. Richard Rossetti made a motion to conditionally approve the special permit. Elaine Severino seconded the motion. Motion to conditionally approve the special permit passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

<b>118-124 College Avenue: (Case #ZBA 2017-88)</b>	
Applicant:	Lacourt Realty, LLC c/o Mouhab Rizkallah
Property Owner:	Lacourt Realty, LLC c/o Mouhab Rizkallah
Agent:	N/A
Legal Notice:	Owner, Lacourt Realty, LLC, c/o Mouhab Rizkallah, seeks a Special Permit with Site Plan Review under §7.3 of the SZO to increase the number of dwelling units from four to seven (including one affordable unit), §4.4.1 to extend existing non-conformities, and relief under Article 9 including special permits for parking on a separate lot and shared driveway access to parking. RB zone. Ward 4.
Date(s) of Hearing(s):	9/6, 9/27, 10/4, 10/18, 11/8, 11/29, 12/13, 1/17, 1/31, 2/14, 3/7
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.



Mouhab Rizkallah appeared and provided overview of project. Had community meeting on March 6, 2018 about project; parking is biggest concern. Want full waiver of parking, but condition saying that applicant intends to use existing easement to satisfy parking needs. Wants condition to require commercial and residential tenants to share parking. Fontano asked if plans are up-to-date and current; they don't have an engineer's stamp (reply -- applicant fine with including condition for engineer's stamp).

Meredith Porter (104 Josephine Ave) representing 113 College Ave; has concerns about affordable housing, green space, aesthetics. Concerned that landscaping plans provided weren't stamped despite condition #18 from earlier staff report requiring landscaping plans to be stamped by a landscaping architect. Concerned that landscaping plan is unattractive and aesthetics are unappealing. Concerned about general fairness of process, especially when concerns of residents are in conflict with developers. Fontano wished community meeting had been earlier than last night. Fontano asked about landscaping. Severino said the landscaping needs help to get better, but possible to improve; trusts that Rizkallah will improve landscaping. White said condition #20 requires hard materials and plantings to be reviewed by Staff. Fontano asked if Rizkallah would be fine with changing landscaping; Rizkallah replied yes. Safdie asked if Staff can include condition that landscaping shall be maintained according to the American Nurserymen Standards. Porter concerned that no addition of landscaping, and very supportive of condition for pavers for driveway. Safdie said new condition #17 includes review by Staff of pavers and landscaping; not sure when letter from applicant has replaced condition before, but trusts Staff.

Alderman Lance Davis (356 Highland Ave) tried to clear up confusion – letter from Rizkallah was about more properties than 118-124 College; only thing before board is parking relief for 118-124 College, and landscaping on 118 is still serious issue. Ald. Davis wants improved landscaping like required of earlier condition #18 as a condition for parking relief; current landscaping plan is very minimal, doesn't show increased landscaping. Wants board to consider including condition about material sustainability perspectives. Fontano asked why this issue wasn't discussed at the neighborhood meeting last night. Ald. Davis said they had tried to discuss it at meeting, but had received incorrect information. Ald. Davis wants more meaningful landscaping condition than currently exists. Ald. Davis wants to make sure that only issue before board is parking relief; other lots that Rizkallah owns aren't relevant. Ald. Davis wants language for condition to reference 8, 14, and 16 Kenwood when discussing what spots are being used for parking relief.

Fontano wants case to be hashed out before it comes before the Board again. Wants neighborhood, alderman involved in discussions. Richard Rossetti made a motion to continue the application to March 21, 2018. Elaine Severino seconded the motion. The motion to continue the application to March 21, 2018 passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.

**3 Royce Place (ZBA 2017-74)**

Applicant:	Black Wolf Special Opportunity II, LLC
Property Owner:	Black Wolf Special Opportunity II, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, Black Wolf Special Opportunity II, LLC, seeks a Special Permit under SZO §4.4.1 to alter an existing three-family structure and convert it into a two-family structure and a Special Permit with Site Plan Review (SPSR) under SZO §7.2 and a Variance under §5.5 and §8.5 to construct a single dwelling unit in a second principle structure on the lot within the required front yard setback. RB Zone. Ward 1.
Date(s) of Hearing(s):	11/8, 11/29, 12/13, 1/3, 1/31, 2/14, 3/7
Staff Recommendation:	SP: Conditional approval V: Unable to recommend
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.





Rich DiGirolam (attorney) and Tanya Carriere (architect) appeared and provided overview of project. Project would increase size of units but not number. Variance for front yard setback is to satisfy concerns of rear yard abutters that building was too close to them; neighborhood was in favor of moving building forward. Current house is closer to front lot line than new structure would be. No public comment provided. Safdie confused about importance of foundation wall connecting two structures (reply – can remove it now, but was meant to let Board consider two structures as one building). Severino asked if applicant is okay with condition #9 for windows above porch (reply – yes, windows are fine). Richard Rossetti made a motion to approve the variance. Elaine Severino seconded the motion. Motion to approve the variance passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent. Richard Rossetti made a motion to conditionally approve the special permit. Elaine Severino seconded the motion. Motion to conditionally approve the special permit passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.

**314 Highland Avenue (ZBA 2017-111)**

Applicant:	Pet Stop Plus
Property Owner:	C T & M, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, Pet Stop Plus, and Owner, C T & M, LLC, seek approval from the ZBA pursuant to a prior Decision (Case # ZBA 2013-23) and a Variance under SZO §5.5 and §12.3 to install a signage awning for the veterinarian. RC Zone. Ward 6.
Date(s) of Hearing(s):	1/17, 1/31, 2/14, 3/7
Staff Recommendation:	SP: Conditional approval V: Conditional approval
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.
Ann Vigorito (attorney) and Frank Guinta appeared and showed the color scheme of the awning. Richard Rossetti made a motion to conditionally approve the variance. Elaine Severino seconded the motion. Motion to conditionally approve the variance passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent. Richard Rossetti made a motion to conditionally approve the special permit. Elaine Severino seconded the motion. Motion to conditionally approve the special permit passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

**200 North Street (ZBA 2017-125)**

Applicant:	LaCourt Foundation LLC, c/o Mouhab Rizkallah
Property Owner:	LaCourt Foundation LLC, c/o Mouhab Rizkallah
Agent:	N/A
Legal Notice:	Applicant / Owner, LaCourt Foundation LLC, c/o Mouhab Rizkallah, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure by constructing a second floor addition and reconfiguring the floor plans of the four existing dwelling units as well as a Special Permit under SZO §9.13 for parking relief. RA Zone. Ward 7.
Date(s) of Hearing(s):	2/14, 3/7
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.



Mouhab Rizkallah (applicant and owner) provided update of project since last meeting. Provided window wells for basement bedrooms. Safdie appreciates receiving dimensional table from Rizkallah; asked about whether pavers were pervious or not. Safdie wants to add condition of 18-30' paver apron being constructed of pervious pavers. Meredith Porter concerned about affordable housing and statement that project will not have impact on availability of affordable housing. Wants Board to require one of four units to be affordable. Board closed public comment for project. Rossetti satisfied with corrections since last meeting. Safdie is sympathetic to concerns about affordable housing, but uncomfortable with imposing inclusionary housing condition on this project. Fontnao agrees with Safdie. Alex Mello said project does not trigger affordable housing requirement because it has too few units. Richard Rossetti made a motion to conditionally approve the special permit. Elaine Severino seconded the motion. Motion to conditionally approve the special permit passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.

**54 Prescott Street (ZBA 2017-118)**

Applicant:	54 Prescott Street, LLC
Property Owner:	54 Prescott Street, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, 54 Prescott Street, LLC, seeks Special Permits under Section 7.11 of the SZO to increase the number of units from one to two, under Section 4.4.1 of the SZO to increase existing non-conformities, including increasing the FAR by more than 25%, and Article 9 of the SZO for parking relief. RA zone. Ward 3.
Date(s) of Hearing(s):	2/14, 3/7
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.
Rich DiGirolamo (attorney) and Tanya Carriere (architect) appeared and provided overview of project. Alex Hasen (57 Prescott) is supportive of design. Rose Marie Trio (56 Prescott) is agreeable with project. Fontano thinks project looks good. Richard Rossetti made a motion to conditionally approve the special permit. Elaine Severino seconded the motion. Motion to conditionally approve the special permit passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

**84 Franklin Street (ZBA 2017-50) (re-advertisement)**

Applicant:	84 Franklin LLC
Property Owner:	84 Franklin LLC
Agent:	Sean T. O'Donnovan, Esq.
Legal Notice:	Applicant and Owner, 84 Franklin LLC, seeks a Special Permit with Site Plan Review (SPSR) under §7.1 to erect a second principal structure on the same lot, §7.11 of the SZO to increase the number of units from two to three, §4.4.1 to extend existing non-conformities, including increasing the FAR by more than 25%, and Article 9 for parking relief. RB zone. Ward 1.
Date(s) of Hearing(s):	1/31, 2/14, 3/7
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.





Sean O'Donnovan (attorney) and Peter Quinn (architect) appeared and presented update on project since last hearing. Rose Krueger (82 Franklin) appeared and replied to why Applicant's offer to her for easement does not satisfy her – she is open to attached or smaller structure, but not current plan; also wants fence in back, not just flower bed; still considering pursuing adverse position. Fontano asked about fenceline; Quinn and Chris Poli (applicant) showed existing fenceline on landscape plan. Fontano asked if applicant is okay with keeping fence, applicant said willing to keep a fence in backyard, but wants to replace chainlink. Fontano asked if Krueger was satisfied with applicant's agreement; Krueger wants to keep chainlink fence because of concern about plant roots. Fontano asked who fencing/landscaping people might be; O'Donnovan suggested that applicant leave chainlink fence and add second fence on applicant's side. Severino said compromise with fences sounds fine. Fontano asked Quinn about landscaping and why landscaping companies don't chose evergreens for landscaping. Rossetti asked about fence in front (reply – its coming down). Safdie supports compromise with fences. Asked about why second separate structure and the shadows of the structure putting abutter's garden in full shade; wants to see some evidence of applicant and abutter having negotiated to make project feasible for applicant but also address some of abutter's concerns. Quinn addressed shadow study (said shadows shouldn't affect growing in garden) and having 1 vs. 2 structures (neighborhood is mostly single structures and so trying to emulate that with project; seems unfeasible for Quinn to attach new structure to existing). Safdie asked clarification about shadow study and garden. Safdie is uneasy about approving something with an adverse possession claim pending – thinks could result in difficult situation if abutter is successful in court claim. White explained that applicant would have to come back with new proposal if court claim was successful. Safdie asked what would happen if adverse possession claim was successful after house was built and sold (White said house would be built "at risk" and board would deal with what happened to house when that issue arose). O'Donnovan thinks board should not consider adverse possession claim when deciding whether to approve special permit, and thinks Krueger's complaints are not enough to deny project – thinks applicant has designed a good project for a family with kids. Rossetti asked about whether Board had discussed size of building at last meeting, seems like its a new issue. Safdie said making decision based on threat of adverse possession isn't good, and neither is approving project with the future threat of adverse possession claim being successful. O'Donnovan said if adverse possession claim was successful and project was built it would be something for the courts to deal with. Fontano said project will be improvement to neighborhood and is ready to vote. Safdie wants to continue it. Rossetti didn't like the position the board is put in by the adverse position claim; thinks the project should be judged without paying attention to court claim. Richard Rossetti made a motion to continue the application to March 21, 2018. Elaine Severino seconded the motion. The motion to continue the application to March 21, 2018 passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.

**New Cases to be Opened and Heard**

<b>31 Irvington Road (ZBA 2018-12)</b>	
Applicant:	Ronald K. Taylor & Stacey D. Purviance
Property Owner:	Ronald K. Taylor & Stacey D. Purviance
Agent:	N/A
Legal Notice:	Applicant/Owners, Ronald K. Taylor & Stacey D. Purviance, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by adding a dormer providing head height in the stair and a bathroom to the existing 3rd floor. RA zone. Ward 7.
Date(s) of Hearing(s):	3/7
Staff Recommendation:	Conditional approval
ZBA Action:	--



Ron Taylor (applicant and owner) and John Kuipers (architect) appeared and provided overview of project. Dormer width is less than 50% of roof ridge length. No public comment provided. Severino asked if there was a door connected the dormer (reply – no, large window over stairway). Fontano said windows should be same size (reply – two windows are smaller for privacy). Severino says large window over stairway doesn't appear to fit visually because of other smaller windows (reply – large window over stairway is to bring light in, smaller windows in bathroom are for privacy). Safdie says view from front of house looks good. Richard Rossetti made a motion to conditionally approve the special permit. Elaine Severino seconded the motion. Motion to conditionally approve the special permit passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.

**160 Highland Avenue (ZBA 2018-15)**

Applicant:	160 Highland Realty Trust, John P. Murphy Trustee
Property Owner:	160 Highland Realty Trust, John P. Murphy Trustee
Agent:	N/A
Legal Notice:	Applicant and Owner, 160 Highland Realty Trust, John P. Murphy Trustee, seeks a Special Permit under SZO §7.11.1.c to establish a fifth residential unit on the site by converting an existing storage space into a studio apartment and a Special Permit under SZO §9.13 for parking relief. RC Zone. Ward 3.
Date(s) of Hearing(s):	3/7
Staff Recommendation:	Conditional approval
ZBA Action:	--
John Murphy (applicant and owner) appeared and provided overview of project. No public comment was provided. Severino asked if unit is windowless (reply – currently yes, but adding window to provide egress and will have indoor lighting). Richard Rossetti made a motion to conditionally approve the special permit. Elaine Severino seconded the motion. Motion to conditionally approve the special permit passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

**105-107 Washington Street (ZBA 2017-91) (re-advertisement)**

Applicant:	105 Washington 5 LLC
Property Owner:	105 Washington 5 LLC
Agent:	N/A
Legal Notice:	Applicant and Owner, 105 Washington 5 LLC, seeks Special Permits with Site Plan Review (SPSR) to construct a 7-unit residential structure in the RC zone, Special Permits under Section 4.4.1 of the SZO to extend existing non-conforming setbacks, and special permit and/or variance for parking under Article 9 of the SZO, variances for height and number of stories. RC zone. Ward 1.
Date(s) of Hearing(s):	2/14, 3/7
Staff Recommendation:	SP: Conditional approval V: Unable to recommend
ZBA Action:	Voted on February 14, 2018 to continue the application to March 7, 2018.



Applicant/Owner, Dave Weinstock provided an overview of the proposal. Small retail on the first floor with 7 residential units above. Improved landscape and rooftop gardening options. Mixture of 1, 2, and 3 bedroom units. No public testimony was provided. Safdie asked staff to talk about findings relative to variance (reply – White said staff almost never recommends variance; up to Board to determine if project meets all 3 criteria needed to receive variance, especially criteria B). Rossetti says criteria B is irritating because its so difficult to meet; tends to disregard that criteria. Safdie wants to be consistent between 103 Washington and this project – both are very similar, don't want to grant variance for one but not other. White said okay for board to change mind and grant variance for one but not both. Fontano asked about affordable housing criteria (White said project does partial payment-in-lieu, not full unit). Fontano asked about parking requirements under zoning; Staff said if new zoning passes project would not be required to provide any parking; applicant said they are providing one parking space per unit. Safdie asked if new zoning is passed whether this project would be by-right (Staff reply yes). Richard Rossetti made a motion to conditionally approve the special permit and variance. Elaine Severino seconded the motion. Motion to conditionally approve the special permit and variance passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.

<b>28 Rush Street (ZBA 2018-17)</b>	
Applicant:	Mariano Tavares and Leonor Tavares
Property Owner:	Mariano Tavares and Leonor Tavares
Agent:	N/A
Legal Notice:	Applicants and Owners, Mariano Tavares and Leonor Tavares, seek special permits under §4.4.1 of the SZO to build a rear deck within setbacks. RB zone. Ward 1.
Date(s) of Hearing(s):	3/7
Staff Recommendation:	Conditional approval
ZBA Action:	--
Applicants appeared; Sarah White presented overview of project for applicants because of language barrier. Fontano asked where shed is, White answered question. Safdie asked about staff recommendations (reply – staff recommends conditional approval). Safdie thinks drawings not professionally done, but it's a small project; wants to condition deck to be 8'x14'. Changing condition #1 to correct size of deck. Richard Rossetti made a motion to conditionally approve the special permit. Elaine Severino seconded the motion. Motion to conditionally approve the special permit passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

<b>6 Cutter Street (ZBA 2018-02)</b>	
Applicant:	6 Cutter Street, LLC
Property Owner:	6 Cutter Street, LLC
Agent:	N/A
Legal Notice:	Applicant and Owner, 6 Cutter Street, LLC, seeks special permits under §4.4.1 of the SZO to increase the non-conforming FAR by finishing the basement. RB zone. Ward 1.
Date(s) of Hearing(s):	3/7
Staff Recommendation:	Conditional approval
ZBA Action:	--
Rich DiGiralamo (attorney) and Slava Menn (representative for applicant) appeared and provided overview of project. Fontano asked if giving first floor more room (reply – yes). Severino asked about window wells in basement (reply – works with building code). Asked about driveway – 10' wide? (reply – yes, meets minimum 8'). Richard Rossetti made a motion to conditionally approve the special permit. Elaine Severino seconded the motion. Motion to conditionally approve the special permit passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.	

**Other Business:**

- Approval of minutes from the following ZBA meetings:



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
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- January 17, 2018
- January 31, 2018
- February 14, 2018

Richard Rossetti made a motion to approve minutes from January 17, 2018; January 31, 2018; and February 14, 2018 as written. Elaine Severino seconded the motion. Motion to approve minutes passed 4-0 with Danielle Evans, Anne Brockelman, and Pooja Phaltankar absent.

- Discussion of alternative packet delivery methods to ZBA members

Packets can be emailed, delivered on Fridays, a mixture – up to the board members. Severino likes having paper plans and reports. Rossetti willing to pick up reports from City Hall on Thursdays. Fontano likes having paper reports and plans, but getting them on Mondays would be fine.

*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.*

*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>

