



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

ZONING BOARD OF APPEALS MINUTES

Council Chambers, City Hall, 93 Highland Avenue
Wednesday, May 15, 2019
6:00 P.M.

Drew Kane is the Alternate voting in lieu of Danielle Evans who was absent.

Previously Opened Cases Continued to a Future Date

16 Whipple Street (ZBA 2018-173):	
Applicant:	David Feeney
Property Owner:	David Feeney
Agent:	N/A
Legal Notice:	Applicant and Owner, David Feeney, seeks a Special Permit under §4.4.1 to construct a dormer within the left side yard setback. RC zone. Ward 6.
Date(s) of Hearing(s):	4/3, 4/17, 5/1, 5/15
Staff Recommendation:	See Staff Report Recommendation
ZBA Action:	Voted on May 1, 2019 to continue to the application to June 19, 2019.
Minutes:	Continued to June 19, 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
Staff Recommendation:	None at this time
ZBA Action:	Voted on May 1, 2019 to continue the application to June 19, 2019.
Minutes:	Continued to June 19, 2019.

48 Cameron Street (ZBA 2019-30)	
Applicant:	Joanna London
Property Owner:	Joanna London
Agent:	N/A
Legal Notice:	Applicant / Owner, Joanna London, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a rear addition above an existing one-story portion of the structure and dormers on both sides of the roof. RB Zone. Ward 7.
Date(s) of Hearing(s):	5/1, 5/15
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on May 1, 2019 to continue the application to June 5, 2019.
Minutes:	Continued to June 5, 2019.

Previously Opened Cases to Request a Continuance

171 Cedar Street (ZBA 2018-191)	
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
Staff Recommendation:	None at this time.
ZBA Action:	Voted on May 15, 2019 to continue to June 5, 2019.
Minutes:	No Discussion.



24 Hanson Street (ZBA 2018-161)	
Applicant:	BruceDharma, LLC
Property Owner:	BruceDharma, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, BruceDharma, LLC, seeks a special permit with site plan review under SZO §7.2 to construct a second principal structure on the lot (a single family dwelling) and a special permit under SZO §9.13 for parking relief. RB Zone. Ward 2.
Date(s) of Hearing(s):	1/9, 2/6, 2/20, 3/6, 3/20, 4/3, 4/17, 5/1, 5/15
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on May 15, 2019 to continue the application to June 5, 2019.
Minutes:	No Discussion.

346 Somerville Avenue (ZBA 2019-19):	
Applicant:	346 Somerville Avenue, LLC
Property Owner:	Palmac Realty Corp
Agent:	N/A
Legal Notice:	Applicant, 346 Somerville Avenue, LLC, and Owner, Palmac Realty Corp, seek Variances, Special Permits and Special Permit with Site Plan Review (SPSR) to construct a 100-unit residential structure with inclusionary housing. Among the zoning relief triggers are building height, lot area per dwelling unit, parking, inclusionary housing, FAR. SZO sections and articles including §4.4.1, §8.5, §7.11, §5.5. CCD55 zone. Ward 2.
Date(s) of Hearing(s):	3/6, 3/20, 4/3, 4/17, 5/1, 5/15
Staff Recommendation:	None at this time.
ZBA Action:	Voted on May 15, 2019 to continue the application to June 5, 2019.
Minutes:	No Discussion.

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, 1/9, 1/23, 2/6, 2/20, 3/6, 3/20, 4/3, 4/17, 5/1, 5/15
Staff Recommendation:	Recommendation forthcoming.
ZBA Action:	Voted on May 15, 2019 to continue the application to June 5, 2019.
Minutes:	No Discussion.



241 Summer Street (ZBA 2019-18)	
Applicant:	Gary J. Lopresti
Property Owner:	MaryAnn Rapoza
Agent:	N/A
Legal Notice:	Applicant, Gary J. Lopresti, and Owner, MaryAnn Rapoza, see Special Permits under §4.4.1 of the SZO to enclose a first floor rear porch within the left and rear yard setbacks. RB zone. Ward 5.
Date(s) of Hearing(s):	4/3, 4/17, 5/, 5/15
Staff Recommendation:	None at this time.
ZBA Action:	Voted on May 15, 2019 to continue the application to June 5, 2019.
Minutes:	No Discussion.

169 Tremont St: (ZBA 2019-17)	
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
Staff Recommendation:	None at this time.
ZBA Action:	Voted on May 15, 2019 to continue the application to June 5, 2019.
Minutes:	No Discussion.

74 Winslow Avenue: (ZBA 2019-11)	
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
Staff Recommendation:	None at this time.
ZBA Action:	Voted on May 15, 2019 to continue the application to June 5, 2019.
Minutes:	No Discussion.



42 Henderson Street (ZBA 2018-189)	
Applicant:	Gary J. Lopresti
Property Owner:	MaryAnn Rapoza
Agent:	Richard DiGiralomo
Legal Notice:	Applicant and Owner, XYZ32MP, Inc., seeks Special Permits under §4.4.1 for alterations to a non-conforming property including adding a dormer and deck within the left side yard setback, increasing the non-conforming FAR through renovations. Parking relief under Article 9 of the SZO. RB zone. Ward 5.
Date(s) of Hearing(s):	4/3, 4/17, 5/1, 5/15
Staff Recommendation:	None at this time.
ZBA Action:	Voted on May 15, 2019 to continue the application to June 5, 2019.
Minutes:	No Discussion.

47 Oliver Street (ZBA 2018-194)	
Applicant:	North America Development
Property Owner:	Selma P. Damasceno
Agent:	N/A
Legal Notice:	Applicant, North America Development, and Owner, Selma P. Damasceno, seek special permits under §4.4.1 of the SZO to alter a non-conforming property including increasing the Gross Floor Area (GFA) by more than 25%, upward and linear extension of the non-conforming left side yard setback through the construction of a large rear addition. Number of units to increase from two to three. Parking relief under Article 9 of the SZO. RB zone. Ward 1.
Date(s) of Hearing(s):	2/20, 3/6, 3/20, 4/3, 4/17, 5/1, 5/15
Staff Recommendation:	No recommendation at this time.
ZBA Action:	Voted on May 15, 2019 to continue the application to June 5, 2019.
Minutes:	No Discussion.

Previously Opened Cases to be Heard

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, 1/23, 2/6, 2/20, 3/6, 3/20, 4/3, 4/17, 5/1, 5/15
Staff Recommendation:	Deny administrative appeal and uphold ISD decision.
ZBA Action:	Voted on May 15, 2019 to continue the application to June 19, 2019
Minutes:	Susan asked why another continuance is being requested. Meredith Porter cited disagreement with the Staff Report and scheduling issues. He thinks he will be ready by June 19, 2019.



14 Cutler Street (ZBA 2018-180)	
Applicant:	Margaret O'Meara
Property Owner:	Margaret O'Meara
Agent:	N/A
Legal Notice:	Applicant and Owner, Margaret O'Meara, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a rear deck within the required right side yard setback. RB Zone. Ward 5.
Date(s) of Hearing(s):	4/3, 4/17, 5/1, 5/15
Staff Recommendation:	None at this time.
ZBA Action:	Voted on May 15, 2019 to continue to June 19, 2019
Minutes:	<p>The Applicant provided an overview of the project. The landscape plan was the only change made.</p> <p>Susan Fontano: I do not have a problem with the extension of the deck. It's not in the view of the public way.</p> <p>Elaine Severino: The landscaping plan looks good. Is concerned about extension of the deck. Asked about the bay windows and the door. Would like to understand what use the deck extension could have as it's not that wide. What happens to the bay windows?</p> <p>The Applicant: I would not like to change the windows and that they do not protrude very far. The deck furniture arrangement is not set in stone.</p> <p>Josh Safdie: Is the sofa and chairs being shown on the plan on the second floor?</p> <p>Applicant: They are on the first floor.</p> <p>Further discussion was had about the placement of the furniture on the deck. Susan Fontano stated that the placing of the furniture on the deck is irrelevant to the matter they were discussing.</p> <p>Josh Safdie: The drawing is strange because it's a landscaping plan that shows the deck a floor above. There are no dimensions or labels of any kind, no indication of what would be planted. The ZBA has sent Applicants back for further work due to lack of detail like this. Josh Safdie doesn't know what he is looking at on the landscape plan and they need to know.</p> <p>Alex Mello: We can provide the Applicant with examples of good landscaping plans.</p> <p>Elaine Severino: Does the fence belong to you? You could plant something to cover it up.</p> <p>Susan Fontano advised the Applicant as to what to show on the landscaping plan.</p> <p>Josh Safdie made a motion to continue the request for special permit. Seconded by Elaine Severino. Motion approved 5-0.</p>

80 Powder House Boulevard (ZBA 2018-82-R1-2/19)	
Applicant:	David J. Giller
Property Owner:	David J. Giller
Agent:	Adam Dash, Esq.



Legal Notice:	Applicant and Owner, David J. Giller, seeks a Special Permit under §4.4.1 of the SZO to increase the non-conforming FAR from 1.04 to 1.23 by finishing the basement. Applicant/Owner also seeks a Revision to a Special Permit under §5.3.8 of the SZO as follows: revise Condition 10 of the prior ZBA decision restricting the property to two parking spaces as the Applicant wants to add a third parking space, so there would be two side-by-side spaces and one tandem space. RA zone. Ward 7.
Date(s) of Hearing(s):	3/20, 4/3, 4/17, 5/1, 5/15
Staff Recommendation:	Increase nonconforming FAR: Conditional approval Revision to SP: Denial
ZBA Action:	Voted on May 15, 2019 to approve the basement FAR and deny the revision to special permit.
Minutes:	<p>Adam Dash provided an overview of the changes to the project and alternative site plans. Changes include:</p> <ol style="list-style-type: none"> 1. Retaining the eyebrow windows on the basement windows and removed the basement exit on the left side 2. Reducing the height of the fence 3. Relocating trash enclosure and a/c units. 4. Showing tandem parking spaces and side-by-side parking spaces, which the later would require a widened curb cut. 5. Recommended changes to some conditions. <p>Sarah White: Extended curb cuts required three departments to sign off (Highway, Engineering, and Planning/Zoning). Planning/Zoning is not supportive of widening the curb cut that would remove about 6 feet of useable on-street parking areas and the proximity to the intersection was a concern.</p> <p>Hans Jensen provided an overview of the three-prong curb cut review process. All three departments must sign off.</p> <p>David Giller, Applicant/Owner, proposed to widen curb cut to 18 feet and was denied. He is now proposing to remove a portion and add some more that only increases the width by one foot.</p> <p>Hans Jensen: Staff is still not supportive of any change to the curb cut configuration.</p> <p>Susan Fontano: Have other departments approved the revised curb cut?</p> <p>Adam Dash: Yes, only Engineering.. The side-by-side configuration is optimal and preferred by the direct abutter.</p> <p>Sarah White, a 12-foot curb cut would not be feasible for two 9-foot wide parking spaces because cars will have to drive over the curb.</p> <p>Drew Kane: I prefer the tandem spaces.</p> <p>Anne Brockelman: I could go either way. I recall that the Board wanted side-by-side in favor of more green space, but didn't realize that Staff would deny that. I would suggest the tandem layout.</p> <p>Elaine Severino: Either way the landscaping is just shifting from one area to the next. I don't believe there is enough space to do side-by-side.</p> <p>Josh Safdie: What is under the deck? It's a deck at ground level. The tandem spaces do not allow for the trash storage doors to open without hitting the parked cars.</p> <p>The Board is comfortable with the tandem parking scheme (Scheme B). Josh Safdie made a motion to approve the basement FAR and deny the request to change the previous conditions. Scheme B dated May 6, 2019. Elaine Severino seconded. Motion approved 5-0.</p>
56-58 Upland Road (ZBA 2019-32)	
Applicant:	Brian Salerno
Property Owner:	Brian Salerno



Agent:	N/A
Legal Notice:	Applicant and Owner, Brian Salerno, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a dormer, finishing the basement, and altering the porches. RB Zone. Ward 7.
Date(s) of Hearing(s):	5/1, 5/15
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on May 15, 2019 to conditionally approve the request for special permit.
Minutes:	<p>The Applicant's architect, Dan Anderson of AndersonPorter Design provided an overview of the updates to the project.</p> <p>Susan Fontano confirmed with Alex Mello that as a Planner he is satisfied with the updated plans.</p> <p>Elaine Severino: Is the picket fence was being replaced?</p> <p>The Applicant: The fence is being removed and that the landscaping will be brought up to the public sidewalk. Applicant also provided information about the landscaping to be installed.</p> <p>Anne Brockelman noted that the window wells are missing in the updated plans.</p> <p>The Applicant stated that there is a problem with high ground water and due to that, at this point in the process, they are not planning on finishing the basement.</p> <p>Anne Brockelman noted that a condition (number 15) should be added that shows an updated basement plan. It should be updated to show that there will be no window wells to exit from the basement as it will not be finished.</p> <p>Josh Safdie made motion to approve the request for special permit. Elaine Severino seconded. Motion approved 5-0.</p>

10-12 Ward Street (ZBA 2017-122-E-12/18)	
Applicant:	Block Properties, LLC
Property Owner:	14 Ward Street, LLC
Agent:	N/A
Legal Notice:	Applicant, Block Properties, LLC, and owner, 14 Ward Street, LLC, seek a revision to a special permit under §5.3.8 of the SZO. Proposed changes include window arrangement.
Date(s) of Hearing(s):	5/1, 5/15
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on May 15, 2019 to continue the application to June 19, 2019.



Minutes:	<p>Sean O'Donovan, Agent, provided an overview of the project. Milton Yu, Peter Quinn Architects, provided an overview of the changes to the proposal.</p> <p>Josh Safdie: The changes in representation are difficult to review.</p> <p><u>Public Comment:</u></p> <p>Meredith Porter: generally supports the proposed changes. The historic panels are left out of certain pages. There is also a typo in the staff report.</p> <p>Sarah White: Historic panels can be located anywhere at HPC Staff discretion.</p> <p>Anne Brockleman: A2.4, square windows in the approved have a protruded upside L effect.</p> <p>Drew Kane: Shadows are not consistent at all. Front stairs are also misrepresentation. These plans need to be redone.</p> <p>Anne Brockelman: Generally the changes are an improvement but the three-dimensional elements should not disappear. The L doesn't have to go back in but there should be relief between the glazing and the façade.</p> <p>Sarah White: We need new plans that notes all the changes in the same view and scale.</p> <p>Josh Safdie: Show both in SketchUp models. They should be the same style as the approved. A1.3, proposed basement floor plan, the two van spaces are the further away from the elevator. They should be the closet to the elevator, and will have to work out column spacing.</p> <p>Drew Kane: Ground floor elevation height and soften the appearance of the concrete wall along the sidewalk.</p> <p>Josh Safdie made motion to continue the application to June 19, 2019. Elaine Severino seconded. Motion approved 5-0.</p>
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711-713 Broadway (ZBA 2019-10)	
Applicant:	Keith Schubert
Property Owner:	Ed Pignone
Agent:	N/A
Legal Notice:	Applicant, Keith Schubert, and Owner, Ed Pignone, seek Special Permits under Article 4 of the SZO to expand the GFA of the existing restaurant space, increase the seating and dining area. Parking relief under Article 9 of the SZO. NB zone. Ward 5.
Date(s) of Hearing(s):	5/1, 5/15
Staff Recommendation:	Recommendation pending
ZBA Action:	Voted on May 15, 2019 to conditionally approve the request for special permit.



Minutes:	<p>The Applicant provided an overview of the project.</p> <p><u>Public Comment:</u> Meredith Porter, appreciates the development.</p> <p>Sarah White provided an overview of the parking relief.</p> <p>Josh Safdie: Are you working with an architect? As an architect, he sees lots of accessibility issues that could be addressed.</p> <p>Josh Safdie made a motion to conditionally approve the request for special permit. Elaine Severino second. Motion approved 5-0.</p>
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New Cases to be Opened and Heard

<u>39 Tennyson Street (ZBA 2018-149)</u>	
Applicant:	Derick Snare
Property Owner:	Eddie and Dulce Giron
Agent:	N/A
Legal Notice:	Applicant, Derick Snare, and Owner, Eddie and Dulce Giron, seek a special permit under SZO §4.4.1 to alter a nonconforming structure to alter the roof with a rear gable and dormers and constructing decks in the right side yard. RB Zone. Ward 4.
Date(s) of Hearing(s):	5/15
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on May 15, 2019 to continue the application to June 19, 2019.
Minutes:	<p>The Applicant provided an overview of the project.</p> <p>Drew Kane: The rear egress stairs has too long of a run and could be better designed. Susan Fontano agrees as does Josh Safdie. Drew Kane would like to see a revision to the stairs. Anne Brockelman is on-the-fence but does think the aesthetics are unfortunate. Further discussion among board members ensued.</p> <p>Susan Fontano: The proposal for the rear stairs needs another look.</p> <p>Alex Mello: Staff has a good understanding of what the ZBA was looking for and will work with the Applicant to work on alternatives.</p> <p>Josh Safdie noted that on Sheet 7 there was space for a first floor plan. Josh Safdie stated that it would help to include that plan so that the ZBA could better understand the relationship between that area and the deck.</p> <p>Josh Safdie made a motion to continue the application to June 19, 2019. Elaine Severino second. Motion approved 5-0.</p>



96 Wheatland Street (ZBA 2018-175):	
Applicant:	Xia Li
Property Owner:	Xia Li
Agent:	N/A
Legal Notice:	Applicant / Owner, Xia Li, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure to construct a rear addition. RB Zone. Ward 4.
Date(s) of Hearing(s):	5/15
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on May 15, 2019 to continue the application to June 19, 2019.
Minutes:	<p>The Applicant provided an overview of the project.</p> <p><u>Public Comment:</u> Meredith Porter: What is the actual landscaping percentage?</p> <p>Elaine Severino asked about the polymer honeycomb “pavers”. The Applicant went on to explain the product.</p> <p>Alex Mello suggested that grass be planted between the honeycombs except where tire paths would be created filling the combs with pea stone.</p> <p>Anne Brockelman: The landscaping plan needs to be more specific when it is updated.</p> <p>Josh Safdie: Is the rear egress stair existing? The Applicant: Yes.</p> <p>Josh Safdie: No existing or proposed elevation is shown. The first floor porch would have been opened and wants to see it opened. He understands the idea of shaving back part of the bay on the first floor but thinks that the bay should be eliminated at the first floor level only. Josh Safdie stated that there would be 1400sf of pervious paving for two parking spaces. He suggests granting relief for providing tandem spaces or granting relief for providing just one parking space so that the rest can be opened up to landscaping.</p> <p>Drew Kane agrees with Josh Safdie on all his points above.</p> <p>Anne Brockelman supports saving backyards as much as possible.</p> <p>Elaine Severino thinks they would be better off with a larger back yard.</p> <p>Josh Safdie: If it is hard to park on the street, the residents of the building will figure out a way to make the tandem situation work.</p> <p>Alex Mello: We will re-advertise for parking relief.</p> <p>The Applicant will come back with the requested changes.</p> <p>Josh Safdie made a motion to continue the application to June 19, 2019. Elaine Severino second. Motion approved 5-0.</p>



312 R Beacon Street (aka 25 Harris Street, Cambridge, MA) (ZBA 2019-31):	
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):	5/15
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on May 15, 2019 to conditionally approve the request for special permit.
Minutes:	<p>The Applicant provided an overview of the project.</p> <p>Alex Mello: Most of the impacts of the design are affecting Cambridge, as most of the project is in Cambridge. It is hardly visible from Somerville.</p> <p>Elaine Severino: The whole front yard will be all cars.</p> <p>Drew Kane: Whose parking requirements does the applicant need to comply by, Cambridge or Somerville?</p> <p>Alex Mello: The Applicant would need to comply with both. For Somerville, the front yard setback is the municipal boundary. This is the RC Zone. In this district this is okay, the reason we don't oppose it is because it's only visible from Cambridge.</p> <p>Josh Safdie made a motion to conditionally approve the request for special permit. Elaine Severino second. Motion approved 5-0.</p>

90 Morrison Avenue (ZBA 2019-35):	
Applicant:	Cindy Siyuan He
Property Owner:	Siyuan He Trustee of 90 Morrison Realty Trust
Agent:	N/A
Legal Notice:	Applicant, Cindy Siyuan He, and Owner, Siyuan He Trustee of 90 Morrison Realty Trust, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure to construct a dormer on the left side of the roof. RA Zone. Ward 6.
Date(s) of Hearing(s):	5/15
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on May 15, 2019 to continue the application to June 5, 2019.
Minutes:	<p>The Applicant was not present. The ZBA opened the case.</p> <p>Josh Safdie made a motion to continue the application to June 5, 2019. Elaine Severino second. Motion approved 5-0.</p>



<u>101 South Street (formerly 2 Earle Street A.K.A. MBL 97-B-26 sub-lot of 153 South Street) (ZBA 2019-43):</u>	
Applicant:	RECP V Boynton Yards Owner LLC
Property Owner:	RECP V Boynton Yards Owner LLC
Agent:	N/A
Legal Notice:	Applicant & Owner, RECP V Boynton Yards Owner LLC, seek a Variance under SZO §5.5 to increase the building height to a 9-story commercial building and increase the FAR to 270,000sf of office/R&D uses, 13,500sf of arts-related uses, and 9,800sf of retail. Zone TOD-135. Ward 2.
Date(s) of Hearing(s):	5/15
Staff Recommendation:	Unable to recommend
ZBA Action:	Voted on May 15, 2019 to conditionally approve the request for a variance.
Minutes:	<p>The Applicant provided an overview of the project. An attorney for a potential lender spoke to explain the reasons they felt the variance was necessary.</p> <p>The ZBA, Staff and Applicant team discussed multiple aspects of the project.</p> <p>Anne Brockelman: Why are you here? Why are you requesting a 9th floor?</p> <p>The Applicant: We need to offset costs so we are requesting a 9th floor. The Staff seemed supportive of adding a 9th floor.</p> <p>Alex Mello: The previous variance was for parking. The 8th story was permitted. The bonus will get them a 9th story.</p> <p>Josh Safdie made a motion to approve variance for height made. Seconded by Elaine Severino. Motion approved 5-0.</p> <p>Josh Safdie made a motion to approve variance for FAR. Seconded by Elaine Severino. Motion approved 5-0.</p>

Other Business:

Meeting minute approval:

- April 3, 2019 - *Approved*
- April 17, 2019 - *Approved*

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.

