



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

ZONING BOARD OF APPEALS MINUTES

Visiting Nurse Association, 259 Lowell Street, 3rd Floor, Community Room, Somerville, MA
Wednesday, June 21, 2017
6:00 P.M.

Previously Opened Cases that are Requesting a Continuance

17 Porter Street: (Case #ZBA 2016-90)	
Applicant:	Daniel & Amanda Casparriello
Property Owner:	Daniel & Amanda Casparriello
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owners, Daniel and Amanda Casparriello, seek a Special Permit under SZO § 4.4.1 to substantially alter an existing non-conforming structure by adding additions, decreasing the front yard setback, and increasing FAR, parking relief under SZO § 9.13, and a Variance for ground coverage. RB zone. Ward 5.
Date(s) of Hearing(s):	9/21, 10/5, 11/2, 11/16, 12/7/16, 1/18/17, 2/15, 3/15, 4/19, 5/3, 6/7, 6/21
Staff Recommendation:	None at this time.
ZBA Action:	Voted on June 7, 2017 to continue the application to June 21, 2017.

Applicant submitted a written request to continue the application to July 12, 2017. Richard Rossetti made a motion to continue the application to July 12, 2017. Anne Brockelman seconded. Motion to continue the application to July 12, 2017 passed 4-0.

13 Alpine Street: (Case #ZBA 2016-75)

Applicant:	2-13 Alpine St., LLC
Property Owner:	2-13 Alpine St., LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, 2-13 Alpine St. LLC, seeks Special Permits under §4.4.1 of the SZO to extending existing non-conformities, §7.11 to create more than three residential units, and Article 9 for parking relief. BB zone. Ward 5.
Date(s) of Hearing(s):	5/3, 6/7, 6/21
Staff Recommendation:	None at this time.
ZBA Action:	Voted on June 7, 2017 to continue the application to June 21, 2017.
Applicant submitted a written request to continue the application to July 12, 2017. Richard Rossetti made a motion to continue the application to July 12, 2017. Anne Brockelman seconded. Motion to continue the application to July 12, 2017 passed 4-0.	

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

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
Staff Recommendation:	None at this time.
ZBA Action:	Voted on June 7, 2017 to continue the application to June 21, 2017.
Applicant submitted a written request to continue the application to July 12, 2017. Richard Rossetti made a motion to continue the application to July 12, 2017. Anne Brockelman seconded. Motion to continue the application to July 12, 2017 passed 4-0.	

263 Washington Street: (Case #ZBA 2017-40)

Applicant:	261-263 Washington Somerville, LLC
Property Owner:	Michael E. & Constance O'Connor
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, 261-263 Washington Somerville, LLC, and Owners, Michael E. & Constance O'Connor, seek Special Permits under the SZO Section 4.4.1 to increase the height of the building from three stories to four, increase the FAR to 2.0 and add an addition in the rear. Parking relief is sought under Section 9.13 of the SZO. NB zone. Ward 2.
Date(s) of Hearing(s):	6/7, 6/21
Staff Recommendation:	None at this time.
ZBA Action:	Voted on June 7, 2017 to continue the application to June 21, 2017.

Applicant submitted a written request to continue the application to July 12, 2017. Richard Rossetti made a motion to continue the application to July 12, 2017. Anne Brockelman seconded. Motion to continue the application to July 12, 2017 passed 4-0.

41 Heath Street: (Case #ZBA 2017-32)

Applicant:	Olga Bassa
Property Owner:	Francisco P. & Joana M. Barbosa
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, Olga Bassa, and Owners, Francisco P. & Joana M. Barbosa, seek Special Permits under Section 4.4.1 of the SZO to extend existing non-conformities along the left side yard setback, increase the building height, upward extension of the existing, non-conforming left and right side yard setbacks, and increase the FAR. Relief under Section 7.11 is sought to increase the number of units from one to three. Parking relief is sought under Section 9.13 of the SZO. RB zone. Ward 4.
Date(s) of Hearing(s):	6/7, 6/21
Staff Recommendation:	None at this time.
ZBA Action:	Voted on June 7, 2017 to continue the application to June 21, 2017.
Applicant submitted a written request to continue the application to July 12, 2017. Richard Rossetti made a motion to continue the application to July 12, 2017. Anne Brockelman seconded. Motion to continue the application to July 12, 2017 passed 4-0.	

51 Boston Street: (Case #ZBA 2017-39)

Applicant:	Ji Shi
Property Owner:	Ji Shi
Agent:	N/A
Legal Notice:	Applicant and Owner, Ji Shi, seeks Special Permits to increase the non-conforming FAR, add a bedroom and bathroom to the attic and finish the basement. Parking relief is sought under Section 9.13 of the SZO.
Date(s) of Hearing(s):	6/7, 6/21
Staff Recommendation:	None at this time.
ZBA Action:	Voted on June 7, 2017 to continue the application to June 21, 2017.
Applicant submitted a written request to continue the application to August 2, 2017. Richard Rossetti made a motion to continue the application to August 2, 2017. Anne Brockelman seconded. Motion to continue the application to August 2, 2017 passed 5-0.	

Previously Opened Cases to be Heard

31 Porter Street: (Case #ZBA 2016-119)

Applicant:	31 Porter Street, LLC
Property Owner:	31 Porter Street, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, 31 Porter Street, LLC, seeks Special Permits under SZO §7.3 to increase the maximum number of dwelling units per lot from three to eight, Special Permit to extend existing non-conformities under §4.4.1 and parking relief under §9.13 of the SZO. RB zone. Ward 3.

Date(s) of Hearing(s):	11/16, 12/7/16, 1/18/17, 2/15, 3/15, 4/19, 5/3, 6/7, 6/21
Staff Recommendation:	None at this time.
ZBA Action:	Voted on June 7, 2017 to continue the application to June 21, 2017.
Applicant submitted a request to withdraw the application without prejudice. Richard Rossetti made a motion to approve the applicant's request to withdraw without prejudice. Anne Brockelman seconded. Motion passed 5-0.	

85-87 Gilman Street: (Case #ZBA 2017-26)	
Applicant:	James Balan
Property Owner:	Xiaomin Song
Agent:	N/A
Legal Notice:	Applicant, James Balan, and Owner, Xiaomin Song, seek a Special Permit under SZO §4.4.1 to perform alterations within the required front and left side yard setbacks of a nonconforming structure by adding a third story to the two-family dwelling. RB zone. Ward 1.
Date(s) of Hearing(s):	5/17, 6/7, 6/21
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on June 7, 2017 to continue the application to June 21, 2017.
Applicant explained proposal to board. Fontano: asked if parapet would be kept. Severino: asked if it was still going to be zunils (reply – yes, applicant explained door arrangement across the front). Brockelman: asked if the siding would be matched (applicant stated that the entire house would be resided).	
Richard Rossetti made a motion to conditionally approve the application. Elaine Severino seconded. Motion to conditionally approve the application passed 5-0.	

34 & 38 Dane Street: (Case #ZBA 2017-31)	
Applicant:	Paulo Dasilva & Cassia Silva
Property Owner:	Paulo Dasilva & Cassia Silva
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant/Owner, Paulo Dasilva and Cassia Silva, seek a Special Permit under Sections 7.11.1.c, 4.4.1, and 9.13 of the Somerville Zoning Ordinance (SZO) to renovate an existing nonconforming two-family dwelling, construct a new three-family dwelling, and parking relief to establish a total of five dwelling units on the site. RC Zone. Ward 3.
Date(s) of Hearing(s):	6/7, 6/21
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on June 7, 2017 to continue the application to June 21, 2017.
Adam Dash explained project proposal. Project engineer explained that the mature trees next to the train tracks will be retained.	
Anne Brockelman: asked about percent of pervious area for the project. Josh Safdie: asked for accessibility narrative and noted that the drawings were inconsistent as to whether there is a step or not along one of the front entrances. Safdie: asked for distances between the garage and curb. Safdie: was uncomfortable with the front-of-house garage.	
Board revised conditions: no parking from garage entrance to property line and no overhanging of vehicle onto sidewalk. Richard Rossetti made a motion to conditionally approve the special permit. Seconded by Elaine Severino. Motion passed 5-0.	

292 Beacon Street: (Case #ZBA 2007-11-R3-3/2017)	
Applicant:	Kenn Spera
Property Owner:	Kenn Spera
Agent:	N/A
Legal Notice:	Applicant/Owner, Kenn Spera, seeks a Revision to a special permit (ZBA 2007-11, ZBA 2007-11R0508, and ZBA 2007-50) under SZO §5.3.8 to alter the footprint and a Variance under SZO §5.5 and SZO §8.5 to alter the height of the previously approved rear structure to build and approximately 4,850 square foot mixed use building with four residential units and one commercial unit. RC zone. Ward 2.
Date(s) of Hearing(s):	5/17, 6/7, 6/21
Staff Recommendation:	Special Permit – Recommends conditional approval Variance – Unable to recommend approval
ZBA Action:	Voted on June 7, 2017 to continue the application to June 21, 2017.
Applicant submitted a written request to continue the application to July 12, 2017. Richard Rossetti made a motion to continue the application to July 12, 2017. Pooja Phaltankar seconded. Motion to continue the application to July 12, 2017 passed 5-0.	

22 Linden Avenue: (Case #ZBA 2017-33)	
Applicant:	Domicile, LLC
Property Owner:	Domicile, LLC
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant and Owner, Domicile, LLC, seeks Special Permits under Section 4.4.1 of the SZO to increase the FAR and raise the building height by 2.5 feet, thereby creating an upward extension of the non-conforming rear and right setbacks. Parking relief is sought under Section 9.13 of the SZO. RB zone. Ward 5.
Date(s) of Hearing(s):	6/7, 6/21
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on June 7, 2017 to continue the application to June 21, 2017.
<p>Adam Dash provided an overview of updates to the site plan. Tanya Carrier: new tree, berm, and shrubbery. Denise Price (owner) saw columns she liked in Cambridge. Dash: willing to work with staff on preferred columns.</p> <p>Severino: happy with project. Safdie: do spaces need to be 38' long? Could back straight out. Move forward for more landscaping. Planner White: good idea, will prevent tandem parking. Dash: would add more cars on the street. Rossetti: would like to see it shortened. Fontano: no more restrictions and respect the neighbors. Severino: more landscaping; at 40% from 33% but leaving the same greenery area as before.</p> <p>Board revised conditions: add berm as a condition; revised landscaped area to bring spaces forward. Richard Rossetti made a motion to conditionally approve the application. Elaine Severino seconded. Motion to conditionally approve the application passed 5-0.</p>	

New Cases to be Opened and Heard

27 Belmont Street: (Case ZBA #2017-51)	
Applicant:	Allison Ellis
Property Owner:	Allison Ellis
Agent:	N/A

Legal Notice:	Applicant and Owner, Allison Ellis, seeks a Variance under Section 5.5 and 9.8.d of the Somerville Zoning Ordinance (SZO) to locate/legalize a parking space within the front yard of the property. RB Zone. Ward 3.
Date(s) of Hearing(s):	6/21
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	---
<p>Ald. McWatters: supports the variance and provided an overview of the request. Applicant: explained that she wanted to legalize a second parking space in front of her house.</p> <p>Josh Safdie: conflicted on granting variance; stated that the black car's parking situation is different from the silver car which has a curb cut and is grandfathered (existed as a parking space already). Danielle Evans: was not comfortable with this variance running in perpetuity. Anne Brockelman: doesn't think that they should approve the variance just because they feel sorry for her. Richard Rossetti: thinks they should allow her to keep the illegal spot because it has been there so long.</p> <p>Richard Rossetti made a motion to continue the application to July 12, 2017. Seconded by Elaine Severino. Motion to continue application passed 5-0.</p>	

33 Walnut Street: (Case #ZBA 2017-44)	
Applicant:	Kevin Kee
Property Owner:	Kevin Kee
Agent:	Andrea Morton
Legal Notice:	Applicant / Owner Name, Kevin Kee, seeks a Special Permit under Section 4.4.1 of the Somerville Zoning Ordinance (SZO) to alter a nonconforming structure by constructing a three-story open deck off the rear of the structure. RA Zone. Ward 3.
Date(s) of Hearing(s):	6/21
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	---
<p>Architect explained project; add 3 rear 7-foot decks.</p> <p>Susan Fontano: noted that all decks are accessed from inside the house.</p> <p>Abutter from 37 Walnut: concerned about loss of light and view of Boston from bedroom window.</p> <p>Elaine Severino: commented that the backyard was a mess and that there was no real landscaping; noted that there was a chain-link fence that was hanging over the driveway; noted there was someone parking in the front yard.</p> <p>Kevin Kee: explained he had planted honeysuckle and ivy.</p> <p>Danielle Evans: stated that the previously enclosed porches should be opened up (they are only storage for 3 seasons) instead of creeping back further onto the lot. Anne Brockelman: asked for clarification as to how the first level deck will be extended. Fontano: asked for clarification on location of doors on each floor in relation to new decks. Richard Rossetti: said that since the abutting neighbor is not so much opposed to the more limited view but to the loss of sunlight, then he is not as opposed to the proposal. Evans: stated that she thought it was both issues (sun and view) that the neighbor was concerned about.</p> <p>Richard Rossetti made a motion to conditionally approve the special permit. Seconded by Elaine Severino. Motion passed 5-0.</p>	

240 Elm Street: (Case #ZBA 2016-143-R1-0517)	
Applicant:	Sage Naturals, Inc.
Property Owner:	Davis Square Realty Ventures Nominee Trust
Agent:	Sean T. O'Donovan, Esq.
Legal Notice:	Applicant, Sage Naturals, Inc., and Owner, Davis Square Realty Ventures Nominee Trust, seek a revision to a Special Permit under SZO §5.3.8 to allow for entry via an Elm Street entrance to the previously approved Medical Marijuana Facility in the basement of the building. CBD Zone and Medical Marijuana Overlay District. Ward 6.
Date(s) of Hearing(s):	6/21
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	---
<p>Sean O'Donovan: explained reason for requesting change to door location. Architect explained in detail why they were changing door locations (safety issue due to location of vault).</p> <p>Pooja Phaltankar: was concerned that the ZBA was revisiting the entrance location since it was such a big deal several months ago when they were first reviewing the project. Anne Brockelman: said it was clear in the public process that the public preferred a side entrance. Richard Rossetti stated he thought that last time this case came up the public was concerned with security cameras pointing at their houses and having two medical marijuana locations in Davis.</p> <p>Danielle Evans: thought it was curious that Ald. Davis didn't weigh in. Staff Alex Mello: stated that he had reached out to Ald. Davis and that Davis's concerns were that the handicapped entrance be primary not secondary and about traffic pattern impacts. Mello said that DCI though there would be no impacts from this entrance change.</p> <p>Phaltankar: she just wanted to confirm that in prior hearings the public had been clear that the previous plan with the entrance off the main drag of Davis Square was preferred. Josh Safdie: brought up concerns about how this new entrance arrangement did not seem to comply with ADA requirements; it was more burdensome for people with disabilities. He advised the applicant that he could likely be exposing himself to an ADA complaint. Applicant: responded to Safdie that they will station a dispensary agent in an area of the building to assist people in wheelchairs; there would be access to wheelchairs in the facility. Safdie: stated that the Applicant's suggestion of protocols should be memorialized so that it is known should there be an ADA complaint.</p> <p>Fontano: reiterated the need to memorialize what they are going to do to help less abled people. Richard Rossetti made a motion to conditionally approve the special permit. Seconded by Elaine Severino. Motion passed 5-0.</p>	

132 Perkins Street: (Case #ZBA 2017-42)	
Applicant:	132 Perkins, LLC
Property Owner:	132 Perkins, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, 132 Perkins, LLC seeks Special Permits under §4.4.1 of the SZO to make exterior changes to an existing 6-unit residential property, including adding an addition with will increase the FAR by more than 25%. RB zone. Ward 1.
Date(s) of Hearing(s):	6/21
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	---

Anne Vigorito: provided an overview of the project. Dan Anderson: provided an overview of the architecture.

Michael O'Driscoll (124 Perkins St): wants to see what the new proposal will look like; he likes it.

Elaine Severino: condos? (applicant's reply – yes). Chain link fence? (reply – removed with stockade fence, and removed fence on corner). Susan Fontano: any fence needs Historical Preservation Commission review. Josh Safdie: reduction in hardscape; too much parking. Staff Sarah White: staff recommends only 6 parking spaces. Fontano: wants applicant to work with staff on spaces to remove.

Board revised conditions to include: push spaces forward; remove 3 oddball spaces and add landscaping on sides. Richard Rossetti made a motion to conditionally approve the special permit. Seconded by Elaine Severino. Motion passed 5-0.

Other Business:

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>