



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

MICHAEL F. GLAVIN
EXECUTIVE DIRECTOR

PLANNING DIVISION

STAFF

GEORGE PROAKIS, *DIRECTOR OF PLANNING*
SARAH LEWIS, *SENIOR PLANNER*
SARAH WHITE, *CITY PLANNER / PRESERVATION PLANNER*
ALEX MELLO, *PLANNER*
DAWN PEREIRA, *ADMINISTRATIVE ASSISTANT*

MEMBERS

ORSOLA SUSAN FONTANO, *CHAIR*
RICHARD ROSSETTI, *CLERK*
DANIELLE EVANS
ELAINE SEVERINO
JOSH SAFDIE
ANNE BROCKELMAN, *ALT.*
POOJA PHALTANKAR, *ALT.*

ZONING BOARD OF APPEALS MINUTES

Aldermanic Chambers, 2nd Floor City Hall, 93 Highland Avenue, Somerville, MA
Wednesday, August 16, 2017
6:00 P.M.

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, 7/12, 8/2, 8/16
Staff Recommendation:	None at this time.
ZBA Action:	Voted on August 2, 2017 to continue the application to August 16, 2017.
Applicant submitted a written request to continue the application to September 6, 2017. Danielle Evans made a motion to continue the application to September 6, 2017. Elaine Severino seconded the motion. The motion to continue the application to September 6, 2017 was voted on and approved 4-0 with Richard Rossetti and Josh Safdie absent.	



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, 7/12, 8/2, 8/16
Staff Recommendation:	None at this time.
ZBA Action:	Voted on August 2, 2017 to continue the application to August 16, 2017.
Applicant submitted a written request to continue the application to September 6, 2017. Danielle Evans made a motion to continue the application to September 6, 2017. Elaine Severino seconded the motion. The motion to continue the application to September 6, 2017 was voted on and approved 4-0 with Richard Rossetti and Josh Safdie absent.	

51 McGrath Highway: (Case #ZBA 2017-46)	
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
Staff Recommendation:	Recommends Denial
ZBA Action:	Voted on August 2, 2017 to continue the application to August 16, 2017.
Applicant submitted a written request to continue the application to September 6, 2017. Danielle Evans made a motion to continue the application to September 6, 2017. Elaine Severino seconded the motion. The motion to continue the application to September 6, 2017 was voted on and approved 4-0 with Richard Rossetti and Josh Safdie absent.	

21 Henderson Street: (Case #ZBA 2017-66)	
Applicant:	Nick Aalerud, Trustee of the Hepplewhite Realty Trust
Property Owner:	Nick Aalerud, Trustee of the Hepplewhite Realty Trust
Agent:	N/A
Legal Notice:	Applicant and Owner, Nick Aalerud being the Trustee of the Hepplewhite Realty Trust, seeks a Special Permit under §4.4.1 of the Somerville Zoning Ordinance (SZO) to construct a dormer on the rear of the structure within the required rear yard setback of the nonconforming structure. RB zone. Ward 5.
Date(s) of Hearing(s):	8/2, 8/16
Staff Recommendation:	None at this time.
ZBA Action:	Voted on August 2, 2017 to continue the application to August 16, 2017.



Applicant submitted a written request to continue the application to September 6, 2017. Danielle Evans made a motion to continue the application to September 6, 2017. Elaine Severino seconded the motion. The motion to continue the application to September 6, 2017 was voted on and approved 4-0 with Richard Rossetti and Josh Safdie absent.

88 Irving Street: (Case #ZBA 2017-56)

Applicant:	88 Irving, LLC
Property Owner:	88 Irving, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, 88 Irving, LLC, seeks a Special Permit under §4.4.1 of the Somerville Zoning Ordinance (SZO) to construct an addition to the structure to add a dwelling unit and a Special Permit under §9.13 for parking relief. RA zone. Ward 6.
Date(s) of Hearing(s):	8/2, 8/16
Staff Recommendation:	None at this time.
ZBA Action:	Voted on August 2, 2017 to continue the application to August 16, 2017.
Applicant submitted a written request to continue the application to September 6, 2017. Danielle Evans made a motion to continue the application to September 6, 2017. Elaine Severino seconded the motion. The motion to continue the application to September 6, 2017 was voted on and approved 4-0 with Richard Rossetti and Josh Safdie absent.	

38 Oliver Street: (Case #ZBA 2017-41)

Applicant:	Mark J. Ahern & Polly Chin-Ahern
Property Owner:	Mark J. Ahern & Polly Chin-Ahern
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicants and Owners, Mark J. Ahern & Polly Chin-Ahern seek Special Permits under §4.4.1 of the SZO to renovate a non-conforming 4-unit residential structure. RB zone. Ward 1.
Date(s) of Hearing(s):	7/12, 8/2, 8/16
Staff Recommendation:	Conditional Approval
ZBA Action:	Voted on August 2, 2017 to continue the application to August 16, 2017.
Applicant submitted a written request to continue the application to September 6, 2017. Danielle Evans made a motion to continue the application to September 6, 2017. Elaine Severino seconded the motion. The motion to continue the application to September 6, 2017 was voted on and approved 4-0 with Richard Rossetti and Josh Safdie absent.	

195 School Street: (Case #ZBA 2017-67)

Applicant:	195 School Real Estate Trust
Property Owner:	195 School Real Estate Trust
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, 195 School Real Estate Trust, seeks Special Permits under §4.4.1 of the SZO to renovate a 3-family dwelling. RA zone. Ward 4.
Date(s) of Hearing(s):	8/16
Staff Recommendation:	None at this time.
ZBA Action:	---



Applicant submitted a written request to continue the application to September 6, 2017. Anne Brockelman made a motion to continue the application to September 6, 2017. Elaine Severino seconded the motion. The motion to continue the application to September 6, 2017 was voted on and approved 4-0 with Richard Rossetti and Josh Safdie absent.

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, 7/12, 8/2, 8/16
Staff Recommendation:	Special Permit – Recommends conditional approval Variance – Unable to recommend approval
ZBA Action:	Voted on August 2, 2017 to continue the application to August 16, 2017.
Brockelman said accessibility narrative and better drawings are missing. Proakis said need to consult with legal department on continuance and project expiration – advise against denial due to 2 year moratorium. Board needs continuance form from applicant. Danielle Evans made a motion to continue the application to September 6, 2017. Elaine Severino seconded the motion. The motion to continue the application to September 6, 2017 was voted on and approved 4-0 with Richard Rossetti and Josh Safdie absent.	

21 Lake Street: (Case #ZBA 2017-69)

Applicant:	Yeongcheon Baek
Property Owner:	Yeongcheon Baek
Agent:	N/A
Legal Notice:	Applicant and Owner, Yeongcheon Baek, seeks a Special Permit under §4.4.1 of the Somerville Zoning Ordinance (SZO) to construct an addition on the right of the structure within the required right side yard setback of the nonconforming structure. RC zone. Ward 2.
Date(s) of Hearing(s):	8/2, 8/16
Staff Recommendation:	None at this time.
ZBA Action:	Voted on August 2, 2017 to continue the application to August 16, 2017.
Applicant appeared and gave overview of project. Severino asked question about existing landscaping plan – 50sf area is actually cement, as is front (reply – cement to be replaced). Brockelman asked is garage accessible? How do you get in? is there an easement? (reply – yes). Brockelman asked why does staff support project? (reply – neighbor support and site improvements). Record of 4.4.1 addition 1’ setback is tight. Fontano agrees with Brockelman. Phaltankar is not comfortable with plan, agrees with Brockelman and Fontano. Evans said if not legal addition project has no protections under statute. Severino is not happy with landscaping proposal – wants cement removed. Brockelman has issues with rear access – how to actually build – how close can we go/want. Fontano asked about redesign options? How wide is largest part? (reply – ~11’). Evans asked can we shrink width? What setbacks can we have? More comfortable with ‘L’ shaped addition (reply – is it a legal addition?). Brockelman said architect needs to check fire rating of wall and adjacent windows. Danielle Evans made a motion to continue the application to September 6, 2017. Elaine Severino seconded the motion. The motion to continue the application to September 6, 2017 was voted on and approved 4-0 with Richard Rossetti and Josh Safdie absent.	



75 Washington Street: (Case #ZBA 2017-27)	
Applicant:	Somerville 75 Washington St, LLC
Property Owner:	Somerville 75 Washington St, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant/Owner, Somerville 75 Washington St. LLC, seeks a Special Permit under Section 4.4.1 of the Somerville Zoning Ordinance (SZO) to alter a nonconforming structure (auto-body shop) to a 3-story mixed-use building with a request for parking relief under Section 9.13. RC Zone. Ward 1.
Date(s) of Hearing(s):	7/12, 8/2
Staff Recommendation:	None at this time.
ZBA Action:	Voted on July 12, 2017 to continue the application to August 16, 2017.
Anne Brockelman made a motion to continue the application to September 6, 2017. Elaine Severino seconded the motion. The motion to continue the application to September 6, 2017 was voted on and approved 4-0 with Richard Rossetti and Josh Safdie absent.	

131 Orchard Street: (Case #ZBA 2017-48)	
Applicant:	Mouhab Rizkallah
Property Owner:	LaCourt Enterprises
Agent:	N/A
Legal Notice:	Owner, LaCourt Enterprises, and Applicant, Mouhab Rizkallah, Manager of LaCourt Enterprises, seeks a Special Permit under §4.4.1 of the Somerville Zoning Ordinance (SZO) to alter a nonconforming structure by decreasing the requirement for lot area per dwelling unit and increasing the floor area ratio (FAR), a Special Permit under §9.13 for parking relief, and a Special Permit with Site Plan Review under §7.3 to add an additional four units in the basement of the existing 24 unit apartment building. RB Zone. Ward 6.
Date(s) of Hearing(s):	8/2, 8/16
Staff Recommendation:	None at this time.
ZBA Action:	Voted on August 2, 2017 to continue the application to August 16, 2017.
Previous tenant of 21 Cherry is against any new project. Brockelman likes cosmetic improvements, how did 2 nd affordable unit get out of basement? (reply – negotiations). Severino was concerned about bins – 27 vs 28 rectifull; AC units in affordable units? Severino asked whether rental or condo (reply – rental). Phaltankar said minimum is additional sf established by state department – too small, 650sf vs 940sf. Evans asked how big are market rates? Addition in line with sizes? Danielle Evans made a motion to conditionally approve the application. Elaine Severino seconded the motion. The motion to conditionally approve the application was voted on and approved 4-0 with Richard Rossetti and Josh Safdie absent.	

343, 345, 359 & 351 Summer Street: (Case #ZBA 2017-81)	
Applicant:	Mary Gray
Property Owner:	351 Summer LLC
Agent:	N/A
Legal Notice:	Applicant Mary Gray seeks an Administrative Appeal per SZO §3.1.9, 3.2, and 3.2.3 and MGL c. 40A §8 from a decision by the Inspectional Services Department to issue a building permit (B16-001971) for construction of a structure at 343-351 Summer Street per ZBA Decision 2011-54. The property owner is 351 Summer LLC. CBD and RA Zones. Ward 6.



Date(s) of Hearing(s):	8/16
Staff Recommendation:	Recommendation forthcoming
ZBA Action:	---
<p>Attorney Philip Cahalin provided an overview of Applicant's points of appeal: 1) lot lines and split zone; 2) curb cuts; 3) deed restriction; 4) parking standards/configuration. George Proakis provided an overview of the staff report and history of the site; 1) zoning distance lines are not setbacks; 2) more conforming; 3) deed filed; 4) relief granted. Gavin Cockfield submitted a memo; agrees with staff report; points should have been appealed with the SP within 20 days; elaborated on why he doesn't agree with the Applicant on points #1, 2, 3 and 4. Karina Wilkerson was concerned with environmental contamination of the site. Severino supports to uphold ISD decision to grant the building permit. Fontano agrees with Severino. Evans was dissenting vote of original decision but not for any reasons presented tonight; agrees with staff to uphold ISD decision to grant the building permit. Danielle Evans made a motion to deny the application and to uphold the ISD decision. Elaine Severino seconded the motion. The motion to deny the application and to uphold the ISD decision was voted on and approved 5-0 with Richard Rossetti and Josh Safdie absent.</p>	

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:
www.somervillema.gov/planningandzoning/reports

