



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

ZONING BOARD OF APPEALS MINUTES

City Council Chambers, 2nd floor, 93 Highland Avenue, Somerville MA
Wednesday, August 21, 2019
6:00 P.M.
Danielle Evans and Josh Safdie Absent.

Previously Opened Cases Continued to a Future Date

<u>71 Bow Street (ZBA 2019-52)</u>	
Applicant:	Scott Zink
Property Owner:	Leins Family Realty Trust with Luis E. Leins, Trustee
Agent:	Peter Quinn
Legal Notice:	Applicant, Scott Zink, and Owner, Leins Family Realty Trust with Luis E. Leins, Trustee, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming structure, a Special Permit with Site Plan Review (SPSR) to construct a mixed-use building with 24 residential units and ground floor commercial space, Variances including height, number of stories, FAR, and parking relief under Article 9. NB zone. Ward 3.
Date(s) of Hearing(s):	8/7
Staff Recommendation:	SP and SPSR: Conditional approval V: Unable to recommend
ZBA Action:	Voted on August 7, 2019 to continue the application to September 4, 2019
Current Status:	Voted on August 7, 2019 to continue the application to September 4, 2019

124 Highland Avenue (ZBA 2018-93)	
Applicant:	Barros Properties, LLC
Property Owner:	Somerville Post 19 American Legion
Agent:	Sean T. O'Donovan, Esq.
Legal Notice:	Applicant, Barros Properties, LLC, and Owner, Somerville Post 19 American Legion, seeks Special Permits under §4.4.1 of the SZO to alter a non-conforming structure, parking relief under Article 9, a Special Permit with Site Plan Review (SPSR) to construct 19 residential units, Variances include lot area per dwelling unit, FAR. Existing building to be demolished. Somerville Post 19 to be relocated to rear of the building. NB zone. Ward 3.
Date(s) of Hearing(s):	8/7
Staff Recommendation:	SP and SPSR: Conditional approval V: Unable to recommend
ZBA Action:	Voted on August 7, 2019 to continue the application to September 4, 2019
Current Status:	Voted on August 7, 2019 to continue the application to September 4, 2019

11 Cedar Street (ZBA 2018-84):	
Applicant:	John D. Barry, Esq.,
Property Owner:	Cheryl A. Hurley and Carl A. Hurley
Agent:	N/A
Legal Notice:	Applicant, John D. Barry, Esq., and Owners, Cheryl A. Hurley and Carl A. Hurley, seek a special permit with site plan review under SZO §7.2 and §7.3 to erect a second principal structure on the lot and to have five dwelling units on the lot. The proposal is to demolish the existing garage structure and erect a new three-unit dwelling in the rear of the site. A special permit under SZO §4.4.1 to alter the existing nonconforming structure by constructing a rear deck and under SZO §9.13 for parking relief is also required. RB Zone. Ward 5.
Date(s) of Hearing(s):	6/19, 7/17, 8/7
Staff Recommendation:	Revisions recommended
ZBA Action:	Voted on August 7, 2019 to continue the application to September 4, 2019
Current Status:	Voted on August 7, 2019 to continue the application to September 4, 2019

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, 6/5, 6/19, 7/17, 8/7
Staff Recommendation:	See Staff Report Recommendation
ZBA Action:	Voted on August 7, 2019 to continue the application to September 4, 2019
Current Status:	Voted on August 7, 2019 to continue the application to September 4, 2019



Previously Opened Cases to Request a Continuance

50-54 Murdock Street (ZBA 2018-19-R1-4/19):	
Applicant:	Roberto Grieco
Property Owner:	Alida Elena Grieco, Trustee of the Fifty Murdock Investment Trust
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant, Roberto Grieco, and Owner, Alida Elena Grieco, Trustee of the Fifty Murdock Investment Trust, seek a revision to a previously approved special permit (ZBA 2018-19) under SZO §5.3.8 to make changes to the right side of the building. RB Zone. Ward 5.
Date(s) of Hearing(s):	6/5, 6/19, 7/17, 8/7, 8/21
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on August 21, 2019 to continue the application to September 4, 2019.
Current Status:	Voted on August 21, 2019 to continue the application to September 4, 2019.

27 Tufts Street (ZBA 2018-195):	
Applicant:	Pulin and Katai Wang
Property Owner:	Pulin and Katai Wang
Agent:	N/A
Legal Notice:	Applicants and Owners, Pulin and Katai Wang, seek a special permit under SZO §4.4.1 and §7.11.1.c to alter a nonconforming structure by constructing a large addition to the existing structure that will add three dwelling units making it a five-unit dwelling. Parking relief under Article 9 is also required. RC Zone. Ward 1.
Date(s) of Hearing(s):	6/19, 7/17, 8/7, 8/21
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on August 21, 2019 to continue the application to September 4, 2019.
Current Status:	Voted on August 21, 2019 to continue the application to September 4, 2019.

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, 6/5, 6/19, 7/17, 8/7, 8/21
Staff Recommendation:	None at this time.
ZBA Action:	Voted on August 21, 2019 to continue the application to September 4, 2019.
Current Status:	Voted on August 21, 2019 to continue the application to September 4, 2019.



346 Somerville Avenue (ZBA 2019-19)	
Applicant:	346 Somerville Avenue, LLC
Property Owner:	Palmac Realty Corp
Agent:	N/A
Legal Notice:	Applicant, 346 Somerville Ave., LLC, and Owner, Palmac Realty Corp proposes a project that requires zoning relief from two boards: the Planning Board and the ZBA. All special permitting for this project falls under the purview of the Planning Board. The ZBA is the only board that can grant variances. The Applicant seeks variances from the ZBA including lot area per dwelling unit, height, and number of stories. CCD-55. Ward 2.
Date(s) of Hearing(s):	3/6, 3/20, 4/3, 4/17, 5/1, 5/15, 6/5, 6/19, 7/17, 8/7, 8/21
Staff Recommendation:	None at this time.
ZBA Action:	Voted on August 21, 2019 to continue the application to September 4, 2019.
Current Status:	Voted on August 21, 2019 to continue the application to September 4, 2019.

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, 6/5, 6/19, 7/17, 8/7, 8/21
Staff Recommendation:	None at this time.
ZBA Action:	Voted on August 21, 2019 to continue the application to September 4, 2019.
Current Status:	Voted on August 21, 2019 to continue the application to September 4, 2019.

187 Central Street (ZBA 2019-29):	
Applicant:	Nora, LLC
Property Owner:	Nora, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, Nora, LLC, seeks a Special Permit with Site Plan Review (SPSR) under §7.3.3 of the SZO to increase the number of dwelling units from one to four where one of these units will be affordable. Parking relive under Article 9 of the SZO. RA zone. Ward 4.
Date(s) of Hearing(s):	6/5, 6/19, 7/17, 8/7, 8/21
Staff Recommendation:	None at this time.
ZBA Action:	Voted on August 21, 2019 to continue the application to September 4, 2019.
Current Status:	Voted on August 21, 2019 to continue the application to September 4, 2019.



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, 6/5, 6/19, 7/17, 8/7, 8/21
Staff Recommendation:	None at this time.
ZBA Action:	Voted on August 21, 2019 to continue the application to September 4, 2019.
Current Status:	Voted on August 21, 2019 to continue the application to September 4, 2019.

117 Summer Street (ZBA 2019-65)	
Applicant:	Riverside Community Care
Property Owner:	Riverside Community Care
Agent:	N/A
Legal Notice:	Applicant and Owner, Riverside Community Care, seeks a Special Permit under §4.4.1 of the SZO to increase the non-conforming FAR and a Variance for parking relief. RA and RB zones. Ward 3.
Date(s) of Hearing(s):	7/17, 8/7, 8/21
Staff Recommendation:	Variance: Unable to recommend. Special Permit: Conditional approval
ZBA Action:	Voted on August 21, 2019 to continue the application to September 4, 2019.
Current Status:	Voted on August 21, 2019 to continue the application to September 4, 2019.

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, 6/5, 6/19, 8/7, 8/21
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on August 21, 2019 to continue the application to September 18, 2019.
Current Status:	Voted on August 21, 2019 to continue the application to September 18, 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, 6/5, 6/19, 7/17, 8/7, 8/21
Staff Recommendation:	None at this time.
ZBA Action:	Voted on August 21, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on August 21, 2019 to continue the application to October 2, 2019.

New Cases to be Opened and Requesting a Continuance

Previously Opened Cases to be Heard

365 Somerville Avenue (ZBA 2019-50):	
Applicant:	Nikhilsh Rao Goruknati
Property Owner:	Riggins Holdings, LLC
Agent:	N/A
Legal Notice:	Applicant, Nikhilsh Rao Goruknati, and Property Owner, Riggins Holdings, LLC, seek special permits to convert from a café use to dentist office. Parking relief under Article 9. Ward 2.
Date(s) of Hearing(s):	6/19, 7/17, 8/7, 8/21
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on August 21, 2019 to continue the application to September 4, 2019.
Current Status:	Susan Fontano: We anticipate a withdrawal without prejudice since the case was inadvertently advertised but Staff has yet to receive a signed written request. Anne Brockelman made a motion to continue the case to 9/4. Elaine Severino second the motion. The Board voted 4-0.

11 Rossmore Street (ZBA 2019-41)	
Applicant:	The Rossmore LLC
Property Owner:	The Rossmore LLC
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant / Owner, The Rossmore LLC, seeks a special permit with site plan review under SZO §7.2 to erect a second principal structure on the lot. The proposal is to demolish the existing structure and build a new single family dwelling and a two-family dwelling. A special permit under SZO §9.13 for parking relief is also required. RB Zone. Ward 2.
Date(s) of Hearing(s):	7/17, 8/21
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on July 17, 2019 to continue the application to August 21, 2019.



Current Status:	<p>Atty Dash explained the project and Peter Quinn explained the landscaping and architectural components.</p> <p>Drew Kane asked whether stepping stones were an ADA issue. Peter Quinn explained that 1 and 2 family houses are exempt from these issues.</p> <p>Anne Brockelman made a motion to conditionally approve the case. Elaine Severino seconded the motion. The Board voted 4-0 in favor..</p>
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42 Henderson Street (ZBA 2018-189)	
Applicant:	XYZ32MP, Inc
Property Owner:	XYZ32MP, Inc
Agent:	Richard G. DiGirolamo, Esq.
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, 6/5, 6/19, 7/17, 8/21
Staff Recommendation:	Conditional approval.
ZBA Action:	Voted on July 17, 2019 to continue the application to August 21, 2019.
Current Status:	<p>Atty DiGirolamo provided an overview of the proposal and the updates to the plan. Alan Jeweleson provided an overview of the landscape plan and the updated architecture.</p> <p>Drew Kane: will the fence be solid of white picket (solid)</p> <p>Anne Brockelman made a motion to conditionally approve the case. Elaine Severino seconded the motion. The Board voted 4-0 in favor..</p>

65 Bailey Road (ZBA 2019-27):	
Applicant:	Jose F. and Ligia L. Couto
Property Owner:	Jose F. and Ligia L. Couto
Agent:	N/A
Legal Notice:	Applicants and Owners, Jose F. and Ligia L. Couto, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming structure by constructing a dormer within the left side yard setback. Parking relief under Article 9. RA zone. Ward 4.
Date(s) of Hearing(s):	6/5, 6/19, 7/17, 8/7, 8/21
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on July 17, 2019 to continue the application to August 21, 2019.
Current Status:	<p>Joe Couto provided an overview of the plan updates since the last meeting.</p> <p>Drew Kane, thinks that the changes are adequate.</p> <p>Anne Brockelman made a motion to conditionally approve the case. Elaine Severino seconded the motion. The Board voted 4-0 in favor..</p>



137 Summer Street (ZBA 2019-40):	
Applicant:	137 Summer Street, LLC
Property Owner:	137 Summer Street, LLC
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant and Owner, 137 Summer Street, LLC, seeks special permits under §4.4.1 of the SZO to alter a non-conforming structure by increasing the GFA by more than 25% and constructing a 3-story addition within the left side yard setback. Parking relief under Article 9 of the SZO. Number of units will increase from two to three. RB zone. Ward 3.
Date(s) of Hearing(s):	6/5, 6/19, 7/17, 8/7, 8/21
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on July 17, 2019 to continue the application to August 21, 2019.
Current Status:	Atty Dash provided an overview of the proposal and the updates since the August 7th meeting. Doug Stefanov, architect, provided a detailed overview of update made to the plan. Sarah White: directed the Board to page 3 of the Staff Report that presents the different options. Elaine Severino was not present for the August 7th meeting but did listen to a recording of the meeting. Elaine Severino: likes option 2 Susan Fontano: likes option 2 Drew Kane: likes options 2, but too many dormers, still prefers it over option 1 Anne Brockelman: was hoping to see the flat part removed completely. Will go with option 2. If it were the front elevation it would be a larger issue. Susan Fontano: You can only see the flat portion from a certain angle. Anne Brockelman made a motion to conditionally approve the 2nd option presented to the Board this evening and incorporating a new condition that the Applicant provide Staff with a plan set that incorporates option 2 into a comprehensive plan set. Elaine Severino seconded the motion. The Board voted 4-0 in favor..

New Cases to be Opened and Heard

34-38 Dane Street (ZBA 2017-31-R1-07/19)	
Applicant:	Paulo DaSilva and Cassia Silva
Property Owner:	Paulo DaSilva and Cassia Silva
Agent:	N/A
Legal Notice:	Applicants and Owner, Paulo DaSilva and Cassia Silva, seeks a special permit under SZO §5.3.8 to revise a previously approved special permit (ZBA 2017-31) to construct a roof deck on the rear of the proposed three family dwelling. RC Zone. Ward 3.
Date(s) of Hearing(s):	8/21
Staff Recommendation:	Conditional approval
ZBA Action:	--
Current Status:	There was no discussion and the Board continued this case to the September 4, 2019 hearing.



515 Somerville Avenue (ZBA 2018-122-R1-7/19) (re-advertisement)	
Applicant:	YEM Somerville Ave LLC
Property Owner:	DEVB LLC
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant, YEM Somerville Ave LLC, and Owner, DEVB LLC, seek a revision under SZO §5.3.8 to a previously approved (ZBA 2018-122) Special Permit with Site Plan Review and Variance to construct a hotel. Revisions include changes to the parking layout, floor plans, site plan, and architecture. The Applicant also seeks a six-month time extension of the Variance under M.G.L Ch. 40A Sect. 10 to extend the time for exercising such rights. BA and RB Zones. Ward 2.
Date(s) of Hearing(s):	8/7, 8/21 (re-advertisement)
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on August 7, 2019 to continue the application to August 21, 2019.
Current Status:	<p>Anne Brockelman disclosed her filing of a disclosure form with the City Solicitor's office and that she can be fair and objective in her role with the ZBA in this matter. The disclosure noted that the architecture firm for which she works occasionally does work with the engineering firm working for the applicant on this project.</p> <p>Atty Adam Dash explained the reasons for requesting the 6-month extension to the variance. Atty Dash continued to explain the changes made to the project since the original approvals. Applicant, Jordan Warshaw, explained the changes to the project.</p> <p>Drew Kane asked why some of the plantings had been removed in the plaza area of the site. Jordan Warshaw discussed the reasons driving the landscaping changes – largely the restaurant that will be going into part of the space.</p> <p>Elaine Severino echoed Mr. Kane's comments about always being in favor of more green space and noted her thoughts on Blue Bike stations.</p> <p>Jordan Warshaw and Atty Dash explained the challenges of siting Blue Bike stations due to their requirement to have a series of 8 bikes in one set for charging along with the need for solar access for said charging.</p> <p>Anne Brockelman made a motion to conditionally approve the revision. Elaine Severino seconded the motion. The Board voted 4-0 in favor.</p> <p>Anne Brockelman made a motion to grant a six-month time extension of the Variance. Elaine Severino seconded the motion. The Board voted 4-0 in favor.</p>



25 Ivaloo Street (ZBA 2019-66) (re-advertisement)	
Applicant:	Tuesday Thomas & Can Keskin
Property Owner:	Tuesday Thomas & Can Keskin
Agent:	N/A
Legal Notice:	Applicants and Owners, Tuesday Thomas & Can Keskin seek a Special Permit under §5.3.10 of the SZO to extend a previously-issued special permit (ZBA 2016-145) by one year from the original special permit expiration date. RB zone. Ward 2.
Date(s) of Hearing(s):	7/17, 8/7, 8/21 (re-advertisement)
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on August 7, 2019 to continue the application to August 21, 2019.
Current Status:	<p>Atty DiGirolamo provided an overview of the proposal and the history of construction activities that presented a hardship to the applicant.</p> <p>Susan Fontano: asked about the dates of the prior approval and the extension.</p> <p>Public comment:</p> <p>Donna Foley Hodges; direct abutter at 27 Ivaloo Street. She has experienced much hardship during the construction activities. Has concerns about the length of time it has taken to construct the project. Fears another year or two of construction. Wants to make sure work is completed in a timely manner and in a way that respects all of the neighbors.</p> <p>Susan Fontano: asked Staff how long the permit will be good for.</p> <p>Sarah White: they have to start construction before it expires but we cannot force them to start and finish a project within a certain amount of time. They have to make consistent efforts throughout the construction process.</p> <p>Ms. Foley Hodges: can construction occur in the winter?</p> <p>Atty DiGirolamo: there will be a new contractor and he is ready to go as soon as the granting of the extension is validated. The building can be closed in before winter and interior work can continue throughout the winter.</p> <p>Eleanor Howe, 26 Ivaloo Street, echoes the previous speaker. Would like to see something that requires the construction process respect the neighborhood better than the previous process.</p> <p>Sarah White: The Inspectional Services Department is responsible to enforce a clean and safe construction site.</p> <p>Susan Fontano: what reassurances do we have?</p> <p>Claudia Murrow, lives nearby, questioned if you can request an extension on a special permit after it expired.</p> <p>Sarah White: Yes, MGL Ch 40A is clear that you must request an extension on variance before it expires but is unclear on special permits. City has maintained that one can request an extension on a special permit even after it has expired that is retroactive to the year beyond the date it was originally set to expire.</p> <p>Anne Brockelman made a motion to a time extension of the Special Permit. Elaine Severino seconded the motion. The Board voted 4-0 in favor.</p>

Other Business:

Approval of minutes from: August 7, 2019 - Anne Brockelman made a motion to 8/7/19 minutes. Elaine Severino seconded the motion. The Board voted 4-0 in favor.

The meeting adjourned at 7:25 PM.

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.

