



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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*PLANNING DIVISION*

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**ZONING BOARD OF APPEALS MINUTES**

**Council Chambers, 2<sup>nd</sup> floor of City Hall, 93 Highland Avenue, Somerville MA**  
**Wednesday, September 18, 2019**

**6:00 P.M.**

Josh Safdie absent, Drew Kane voting in place of Josh Safdie

**Previously Opened Cases Continued to a Future Date**

<b>40 Columbus Avenue (ZBA 2018-147)</b>	
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.

<b>27 Tufts Street (ZBA 2018-195):</b>	
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, 9/4
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on September 4, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 4, 2019 to continue the application to October 2, 2019.

### **Previously Opened Cases to Request a Continuance**

<b>171 Cedar Street (ZBA 2018-191)</b>	
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, 9/4, 9/18
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.

<b>169 Tremont St: (ZBA 2019-17)</b>	
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, 9/4, 9/18
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.



<b>187 Central Street (ZBA 2019-29):</b>	
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, 9/4, 9/18
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.

<b>74 Winslow Avenue: (ZBA 2019-11)</b>	
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, 9/4, 9/18
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.

<b>14 Carlton Street (ZBA 2019-83)</b>	
Applicant:	North America Development
Property Owner:	Louis M. Carcon & Yvrose Merzeus
Agent:	N/A
Legal Notice:	Applicant, North America Development, and Owners, Louis M. Carcon & Yvrose Merzeus, seek Special Permits under §4.4.1 of the SZO to significantly alter a non-conforming property by creating an upward extension of the non-conforming front and left side yard setbacks, and increasing the GFA by more than 25%. Parking relief under Article 9. RC zone. Ward 2.
Date(s) of Hearing(s):	9/4, 9/18
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.



<b>346 Somerville Avenue (ZBA 2019-19)</b>	
Applicant:	346 Somerville Avenue, LLC
Property Owner:	Palmac Realty Corp
Agent:	Richard G. DiGirolamo, Esq.
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, 9/4, 9/18
Staff Recommendation:	Unable to recommend
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.

### **New Cases to be Opened and Requesting a Continuance**

<b>87 Jaques Street (ZBA 2019-82)</b>	
Applicant:	North America Development
Property Owner:	Nelia DaCova-Pissarra
Agent:	N/A
Legal Notice:	Applicant, North America Development, and Owner, Nelia DaCova-Pissarra, Trustee of the DaCova Family Trust, seek a special permit with site plan review under SZO §7.2 to construct a second principal structure on the lot and a special permit under SZO §9.13 for parking relief to add a third unit to the site. A Variance under SZO §5.5 and §8.5 is also required for a side yard setback violation. RB Zone. Ward 4.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.

<b>14 Farragut Avenue (ZBA 2019-81)</b>	
Applicant:	14 Farragut Avenue, LLC
Property Owner:	14 Farragut Avenue, LLC
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant and Owner, 14 Farragut Avenue, LLC, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing a two-story addition within the left side yard setback and greater than 25% of the existing gross floor area to add a third unit to the structure. A special permit for parking relief under SZO 9.13 is also being requested. RB Zone. Ward 7.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.



<b>12 Flint Avenue (ZBA 2019-60)</b>	
Applicant:	Derek Snare
Property Owner:	Fiorillo Melares
Agent:	N/A
Legal Notice:	Applicant, Derek Snare, and Owner, Fiorillo Melares, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming structure including an upward extension of non-conforming setbacks, 25% increase in GFA. Parking relief under Article 9 of the SZO. RB zone. Ward 1.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.

<b>8 Sycamore Street (ZBA 2019-61)</b>	
Applicant:	Creative Property Solutions, LLC
Property Owner:	Eight Sycamore Trust
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, Creative Property Solutions, LLC, and Owner, Eight Sycamore Trust, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming property including increasing the GFA by more than 25%. Parking relief under Article 9 for number of spaces and providing compact spaces. RC zone. Ward 4.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.

<b>11R Dane (ZBA 2019-77)</b>	
Applicant:	7 Dane Street
Property Owner:	11 R Dane Street
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, 7 Dane Street, Somerville, MA 02143, and Owner, 11 R Dane Street, Somerville, MA 02143), seek special permits under §4.4.1 to substantially alter a non-conforming property including reducing the non-conforming landscaping area, increasing the GFA by more than 25%, further decrease the non-conforming pervious area, create an upward extension of the non-conforming left, right, and rear yard setbacks. Parking relief under Article 9 including shared drive. RC zone. Ward 2.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.



<b>7 Dane Street (ZBA 2019-78)</b>	
Applicant:	7 Dane Street
Property Owner:	7 Dane Street
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, 7 Dane Street, Somerville, MA 02143, seek special permits under §4.4.1 to substantially alter a non-conforming property including increasing the GFA by more than 25%, creating an upward extension of the non-conforming right, left, and rear yard setbacks. Increase the number of units from three to four. Parking relief under Article 9, including shared access drive. RC zone. Ward 2.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.

<b>21 Laurel ZBA 2019-91)</b>	
Applicant:	Adam Panken
Property Owner:	Adam Panken
Agent:	N/A
Legal Notice:	Applicant and Owner, Adam Panken, seeks special permits under §4.4.1 of the SZO to alter a non-conforming property including constructing a left elevation dormer and altering the rear portion of the structure within the non-conforming rear yard setback. RB zone. Ward 2.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.

<b>48 Elm Street (ZBA 2019-79)</b>	
Applicant:	Balany Real Estate Group, LLC
Property Owner:	Balany Real Estate Group, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicants and Owners, Balany Real Estate Group, LLC, seek special permits under §4.4.1 of the SZO to alter a non-conforming property by constructing dormers within the right side yard setback, and the upward extension of the non-conforming right side yard setback through the construction of a second story at the rear of the building. Parking relief under Article 9. RB zone. Ward 6.
Date(s) of Hearing(s):	9/4, 9/18
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.



<b>10 Oak Street (ZBA 2018-10-R1-6/19)</b>	
Applicant:	10 Oak Street, LLC
Property Owner:	10 Oak Street, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicants and Owners, 10 Oak Street, LLC, under §5.3.8 of the SZO, seek revisions to a previously-granted special permit. RC zone. Ward 2.
Date(s) of Hearing(s):	9/4, 9/18
Staff Recommendation:	Amend conditions as determined by ZBA.
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.

### **Previously Opened Cases to be Heard**

<b>24 Hanson Street (ZBA 2018-161)</b>	
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, 9/18
Staff Recommendation:	Conditional approval
ZBA Action:	Withdraw without prejudice accepted.
Current Status:	Applicant has requested to withdraw without prejudice ES motion to approve request. AB second. 5-0 vote to approve.

<b>11 Cedar Street (ZBA 2018-84):</b>	
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, 9/4, 9/18
Staff Recommendation:	Revisions recommended
ZBA Action:	Conditionally approved
Current Status:	Atty John Barry presented the case and the changes that were made since the last hearing. Norberto Leon, Architect presented the changes to the architectural plans.



	<p>DE asked as to why single-story garages were not shown on shadow study. Public had no comment.</p> <p>DK is satisfied AB appreciates the applicant responding to the ZBA's comments the last time they heard the case. Asked about the landscape area and pervious area in the zoning summary. Questions whether parking works.</p> <p>Atty stated that he researched whether there was an easement in the back yard and there is not. Worked out an agreement with the members of nearby condo association regarding parking and maneuverability.</p> <p>AB asked if we can approve official parking spots that do not, on paper appear to have enough maneuverability.</p> <p>Alex Mello stated that they would also need relief for the dimensions of the backup aisle.</p> <p>Alex Mello stated that a condition regarding an easement for the parking access could be added to the condition set.</p> <p>DE motion to approve with the added condition regarding an easement for parking turn radius access. ES second. 5-0 vote in favor to approve.</p>
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<b>16 Whipple Street (ZBA 2018-173):</b>	
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, 9/4, 9/18
Staff Recommendation:	See Staff Report Recommendation
ZBA Action:	Conditionally approved
Current Status:	David Feeney, Applicant/Owner, provided an overview of the updates to the proposal. SF: how do we ensure that this is built right? SW: that is ISDs responsibility. AB: the updated plans are suitable. DE motion to approve. AB second. 5-0 vote in favor to approve

<b>34-38 Dane Street (ZBA 2017-31-R1-07/19)</b>	
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, 9/4, 9/18
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved





Current Status:	<p>Atty Adam Dash explained the roof deck proposal (he also briefly reviewed the original approval). The roof deck would be a revision to the original proposal.</p> <p>Public had no comment.</p> <p>DE motion to approve. ES second. 5-0 vote in favor to approve</p>
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<b>12 Aldersey Street (ZBA 2019-80)</b>	
Applicant:	Vladimir & Lara Jaugust
Property Owner:	Vladimir & Lara Jaugust
Agent:	Adam Dash, Esq.
Legal Notice:	Applicants and Owners, Vladimir & Lara Jaugust, seek special permits under §4.4.1 of the SZO to alter a non-conforming structure (4-family in an RA zone) including exterior modifications, increasing the GFA by more than 25%. Parking relief under Article 9 of the SZO. RA zone. Ward 3.
Date(s) of Hearing(s):	9/4, 9/18
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved
Current Status:	<p>Atty Adam Dash presented the changes to the project.</p> <p>Abutter, Julie Schneider at 14 Aldersey Street posed questions about the project, in particular thanked everyone for the changes. Requests a shadow study to address garage and addition. Wants the arborist listed in the conditions to look at the impact of the project on the abutting properties. Construction timing and length. How much larger is the addition?</p> <p>AB: likes the changes, thinks they are an improvement. If anything, the shadows will only be cast upon the structure itself. DE: concurs with her colleague</p> <p>SF: how long will construction take? Architect: 8-10 months</p> <p>DE motion to approve. ES second. 5-0 vote in favor to approve</p>



**New Cases to be Opened and Heard**

<b>21 Eastman Road (ZBA 2019-02)</b>	
Applicant:	F. Michael Byrnes
Property Owner:	F. Michael Byrnes
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant and Owner, F. Michael Byrnes, seeks a special permit under the slope protection ordinance (agenda item 207122 ordained by the City Council on November 20, 2018) to perform necessary site work on a lot with a slope greater than 25% to construct a two-family dwelling and a variance for building height under SZO §5.5 and §8.5. RA Zone. Ward 5.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	Conditional approval
ZBA Action:	Continued to October 2, 2019.
Current Status:	<p>Elaine Severino recused herself.</p> <p>Attorney Dash stated that he was concerned about going forward tonight as he was not expecting a minimum quorum. SF stated that they would listen to the presentation, take public comment but not vote tonight. Atty Dash agreed to go ahead and noted that he was doing so with the expectation there would be a full quorum at the next meeting and that Josh Safdie listens to the recording.</p> <p>Atty Dash explained the project including that it was originally by-right until the slope protection ordinance was brought forward which he felt was “dirty pool” and like the “old Somerville” when the laws would be changed because someone didn’t like a project. Atty. Dash explained the changes to the project since the ordinance was approved including grading, height, moving the retaining wall. Stated that the change to the project in terms moving the retaining wall forced the applicant to file for a variance for height which they otherwise wouldn’t have needed. Stated that overall the process with the neighbors is at an impasse and that they needed the board to do whatever the board would do to make their determination so that the case could then move beyond the ZBA point to whatever would happen next.</p> <p>Peter Quinn, architect, explained the architectural and site details of the project.</p> <p>Ward Councilor Mark Niedergang spoke in opposition to the project as ward councilor and as neighbor (29 Conwell Street). There were 3 neighborhood meetings, each attended by no less than 2 dozen neighbors attended each. Additional meetings between neighbors Believes the modest and reasonable goals of the neighbors have not been met by the developer. Stated that the developer recently made offers to three neighbors to fix their retaining walls; said that the developer waited until two days before the meeting to offer to fix the retaining walls. Councilor spoke to the special permits and variances, abutter concerns, and impacts on abutters. Also acknowledge the willingness of the developers to meet with neighbors , do some innovative things, and make some changes to the plans. But they have been unwilling to do the one thing that is the most impactful on the lot which is to reduce the size of the huge structure on the lot.</p> <p>The following people spoke against the project:</p> <p>Nancy Waring, direct abutter  Mary Riley, 19 Eastman Road  David Lions – attorney for Nancy Waring and Mary Riley</p>



Peter Riordan – rear abutter (14 Cedar Ave) stated that they were in a difficult position and went through a history of their involvement with this project.

Linda Butler – 15 Eastman Road

Johannes Weiss & wife – 11 Cedar Ave

Emily Holman – excited to see the property developed but not this plan

Giles Kotcher – 19 Cedar Ave

Ms. Curtis – lives on Cedar Ave.

Robert Tyler – 11 Eastman Rd

ZBA decided to wait until the next meeting to listen to the engineer.

Atty Dash briefly spoke to parking being provided, slope of the land and how the house would be built into the slope.

DE asked where the location of the retaining wall would have been under the by-right version of the project. Peter Quinn gave an explanation.

DE asked how the retaining wall did not count as a structure.

Hans Jensen explained the review process that they went through to determine this. SF asked HJ to provide his analysis of this for the next meeting.

DE asked how much fill (cubic yards) would be required to be put in. Peter Gamby the site engineer did not have the cut and fill numbers with him this evening. It's fairly close to being balanced. SF asked him to bring that information for the next meeting.

The ZBA then decided to have the engineer give an abbreviated presentation. The engineer briefly explained slope, runoff, retaining wall, stormwater retention systems, etc.

AB asked through what lens the ZBA was supposed to review the project. Alex explained that the slope protection ordinance required them to make findings just like other permitting.

Every section in elevation needed to be cut through, trees at exact heights. Spoke to additional views/perspectives that she wanted to see. AB asked additional questions about the proposal page-by-page.

DK – Anne pointed out a lot of comments that he had including neighborhood context as its not contextual with the neighborhood. Spoke to the height. Asked about trees cleared from the site.

Adam Siegal, development partner, responded to Drew's question about tree removal on the property. Stated that they were removed prior to when they thought they were getting a building permit for a by-right project. Were removed in order to assess soil/slope.

DE wants to see what additional trees will be removed for the project. Stated that the total caliper inches of trees left on the property is 287 caliper inches. DE stated that the actual trees themselves were not indicated on the landscaping plan.

SF asked about the tree protection ordinance. SW spoke briefly about the general parameters of the tree ordinance.

SF stated to the applicant that they need to prepare all of this additional information for the next meeting and to explain things in plain, everyday English. Noted that the neighbors weren't happy so the applicant needed to do more work.



	<p>DE stated that a heavy-handed approach was taken to clear-cutting the lot and that he over-extended for the sake of doing test pits. Commented on and asked questions about the current state of the site relative to compactness of soil and erosion control.</p> <p>Peter Quinn spoke to the color coding of the trees on the plan.</p> <p>AB asked about the materiality of the retaining wall.</p> <p>DE motion to continue to October 2, 2019. AB second. 4-0 in favor to continue</p>
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<b>124 Highland Avenue (ZBA 2018-93) (re-advertisement)</b>	
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 height, front yard setback. 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, 9/4 (re-advertisement), 9/18 (re-advertisement)
Staff Recommendation:	SP and SPSR: Conditional approval V: Unable to recommend
ZBA Action:	Conditionally approved
Current Status:	<p>Atty Sean O'Donovan provided an overview of the proposal. Steve Siragusa, traffic engineer from DCI, provided an update to the parking study based off of observations made in September during regular school hours and City Hall hours. Concludes that there is ample parking along Highland Ave and in the surrounding area.</p> <p>AB: changes to drawings? Sarah White: The changes were made to help clarify certain variations of the setbacks. Peter Quinn provided an overview of the updated drawings.</p> <p>Anton Tutter, questioned the purpose of the proposed curb cut. PQ: to allow a queuing area to enter the garage. AT: looks like maybe two-or three spots on Highland being lost. Sarah White: provided an overview of the curb cut approval process.</p> <p>DE meets the Variance criteria. Shadows will not be injurious to the neighborhood. The circumstances of the lot topo are unique to the site and not generally the zoning district. AB thinks that the Applicant statements are sufficient and concurs. Concurs with the Applicant's response to the second finding.</p> <p>ES: missed the Aug. 7th meeting but listened to the tape.</p> <p>DE: motion to approve Variances. ES: second. 5-0 vote in favor to approve DE: motion to approve special permit: ES second. 5-0 vote in favor to approve</p>



<b>15 Bartlett (ZBA 2019-73)</b>	
Applicant:	Sally & Margaret Klessens
Property Owner:	Margaret Klessens
Agent:	N/A
Legal Notice:	Applicants, Sally & Margaret Klessens, and Owner, Margaret Klessens, seek a Special Permit under §9.9.b of the SZO to create a handicapped parking space on a residential lot. RA zone. Ward 5.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	No recommendation
ZBA Action:	Continued to October 2, 2019
Current Status:	<p>Sally Klessens, Applicant, provided an overview of the request.</p> <p>Karen Grenier and Kerry Weinstein, 13 Bartlett, has concerns that it directly abuts their property and house doesn't think there is enough room. There is already a drainage issue. Parking is limited is limited in the neighborhood and this would take away a public spot on the street.</p> <p>SF: Confused, asked Staff to clarify.  SW: provided an overview of the request, there is a lot of misinformation in the proposal.  Sally Klessens: thinks there is plenty of space for a car there. Others in the neighborhood are not using their driveways.</p> <p>AB: not clear what is being asked, we just have a plot plan that does not show any proposal.</p> <p>SF: the right side of the house is not wide enough. We need exact measurements and location of where the proposed driveway is.</p> <p>SW: the proposal needs to be documented.</p> <p>Sally Klessens: requested a continuance.</p> <p>DE motion to continue to October 2, 2019. ES second. 5-0 in favor to continue</p>

<b>75 Irving Street (ZBA 2019-76)</b>	
Applicant:	Erik L. Nygren & Ksenia R. Samokhvalova
Property Owner:	Erik L. Nygren & Ksenia R. Samokhvalova
Agent:	N/A
Legal Notice:	Applicants & Owners, Erik L. Nygren & Ksenia R. Samokhvalova, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming property including constructing a dormer on the left elevation roof. RA zone. Ward 6.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved
Current Status:	<p>Chris Royer, architect, provided an overview of the proposal.</p> <p>No public comment. No board comment.</p> <p>DE motion. ES second. 5-0 vote in favor to approve</p>



<b>5 Lexington Avenue (ZBA 2019-94)</b>	
Applicant:	Fan Wang & Marc Wagner
Property Owner:	Fan Wang & Marc Wagner
Agent:	N/A
Legal Notice:	Applicants & Owners, Fan Wang & Marc Wagner, seek special permits under §4.4.1 of the SZO to alter a non-conforming property including constructing left elevation dormer. RA zone. Ward 5.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved
Current Status:	Alex Van Praagh, provided an overview of the proposal. No public comment. No board comment. DE motion. ES second. 5-0 vote in favor to approve

<b>10-12 Carver Street (ZBA 2019-89)</b>	
Applicant:	Kathleen Jurow
Property Owner:	Kathleen Jurow
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant & Owner, Kathleen Jurow, seeks special permits under §4.4.1 of the SZO to alter a non-conforming property by the upward extension of the non-conforming left side yard setback, alterations to the non-conforming rear yard setback, change in roofline and the enlargement of a dormer within the non-conforming right side yard setback. Parking relief under Article 9. RB zone. Ward 5.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved
Current Status:	Atty Adam Dash, provided an overview of the proposal. ES: Does the little garage belong to the subject property? DK: no driveway with the property? Why the landscape plan? Sarah White: due to the nature of the overall project we asked for it. SF: we have letters of support DE motion. ES second. 5-0 vote in favor to approve

<b>2 Adrian Street (ZBA 2019-62)</b>	
Applicant:	2 Adrian Holdings, LLC, with Mahmood Firouzbakht, Manager
Property Owner:	2 Adrian Holdings, LLC, with Mahmood Firouzbakht, Manager
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant & Owner, 2 Adrian Holdings, LLC, with Mahmood Firouzbakht, Manager, seeks special permits under §4.4.1 of the SZO to alter a non-conforming property by adding an addition with a dormer within the right side yard setback. Parking relief under Article 9 of the SZO. RB zone. Ward 2.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on September 18, 2019 to continue the application to October 2, 2019.
Current Status:	Voted on September 18, 2019 to continue the application to October 2, 2019.



<b>18 Glendale ( ZBA 2019-86) (re-advertisement)</b>	
Applicant:	Ji Shi
Property Owner:	Ji Shi & Yan Zhao
Agent:	N/A
Legal Notice:	Applicant, Ji Shi, and Owners, Ji Shi & Yan Zhao, seek special permits under §4.4.1 of the SZO to alter a non-conforming property including adding a dormette within the left side yard setback, extending the left elevation roofline to cover the third floor rear porch, and to construct a right elevation dormer within the right side yard setback. RB zone. Ward 7.
Date(s) of Hearing(s):	9/4, 9/18 (re-advertisement)
Staff Recommendation:	Conditional approval.
ZBA Action:	Continued to October 2, 2019
Current Status:	<p>Councilor Ballantyne was permitted to speak in order to leave to attend another meeting. Councilor Ballantyne stated that, in the case of 18 Glendale, she felt that it was important that a neighborhood meeting be held with the neighbors and applicant about this project before it is voted on by the ZBA. Chair Fontano thanked the councilor and noted her comments for when the case was taken up later in the meeting.</p> <p>Ji Shi, Applicant, provided an overview of the proposal. Has taken the AirBnB listings off-line and has spoken to neighbors.</p> <p>Melissa DuBois, owns 16 Glendale Ave, no communication prior to the meeting. Has concerns because the prior owner installed a driveway that caused settling and then foundation issues to 18 Glendale Ave and wants to make sure that construction activity doesn't cause any structural issues to 16 Glendale Ave. Would like more information and communication. Would like an evaluation from a structural engineer.</p> <p>SF: Councilor Ballantyne would like to have a neighborhood meeting. Thinks we should continue to let the Councilor hold the meeting.</p> <p>SF: short-term rentals? Ji Shi: have been stopped. Plans to renovate the two units starting with unit 2 then unit 1.</p> <p>AB: mentioned some items that could enhance the drawings.</p> <p>DE motion to continue to 10/2. ES second. 5-0 in favor to continue</p>

<b>23 Ash Avenue (ZBA 2019-87)</b>	
Applicant:	Kneeland Construction
Property Owner:	Pietro Coco
Agent:	N/A
Legal Notice:	Applicant, Kneeland Construction, and Owner, Pietro Coco, seek a special permit under SZO §4.4.1 to alter a nonconforming structure by enclosing a rear second story deck and constructing dormers. RA Zone. Ward 4.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	Conditional approval



ZBA Action:	Conditionally approved
Current Status:	<p>Carl Dumas provided an overview of the proposal. The public had no comment.</p> <p>AB stated that only the staff report refers to the dimensions involved in the property. Alex Mello handed out copies.</p> <p>DE motion. ES second. 5-0 vote in favor to approve</p>

<b><u>111 Cedar Street (ZBA 2019-88)</u></b>	
Applicant:	111 Cedar Street, LLC
Property Owner:	111 Cedar Street, LLC
Agent:	N/A
Legal Notice:	Applicant and Owner, 111 Cedar Street, LLC, seeks a special permit under SZO §9.13.c to allow a driveway to straddle the lot line to serve as a parking space. RB Zone. Ward 5.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved
Current Status:	<p>Atty Anne Vigorito explained the nature of the revision request and that they were back just for parking. Public had no comment SF stated that she was fine with the proposal and that the easement was her main question and that was resolved. DK asked if there was already a curb cut. Answer is yes. AB asked why there was relief needed. Atty Vigorito explained the reason for the parking relief. DK asked what the driveway surface would be. Answer: grass pavers</p> <p>DE motion. ES second. 5-0 vote in favor to approve</p>

<b><u>50 Inner Belt Road (ZBA 2019-93)</u></b>	
Applicant:	Commodore Builders
Property Owner:	Penna Realty Associates, LLC
Agent:	N/A
Legal Notice:	Applicant, Commodore Builders, and Owner, Penna Realty Associates, LLC, seeks a Variance under SZO §5.5 and §10.7 to construct an eight foot tall fence. IA Zone. Ward 1.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved
Current Status:	<p>Nicholas Hoffman provided an overview of the proposal.</p> <p>Alex Mello explained that a fence can be taller than 6 feet by-right if it's internal to the property. SF stated that she is taking into consideration that the property is in InnerBelt Road and that it is tastefully designed; it goes back to the wrought iron fence days. ES thought it was a bit of overkill as there is not much activity in Innerbelt. She doesn't have a problem with the higher fence long the train tracks but that along the street front it</p>





	<p>was overkill to go higher than 6 feet.</p> <p>SF stated that there was more development going on there and there was more traffic going through.</p> <p>DK asked if 8 feet was standard for a data center.</p> <p>AM stated he is not familiar with such things around data centers.</p> <p>Applicant stated that the data center is one that deals with healthcare information. Stated that there is a 9-foot barbed wire fence across the street. Though an 8-foot fence would keep people out and they have had a problem chasing trespassers off their property. 8 foot fence is made to show that it is a secure facility.</p> <p>DK thinks 8 foot fence with spikes on the top seems extreme.</p> <p>Applicant states that the greenery that is still there will remain.</p> <p>SF asked about the fencing on 3rd Avenue and to whom it belonged.</p> <p>Alex Mello stated that there was not expected to be much foot traffic down this part of Innerbelt Road.</p> <p>ES thinks 6 feet is reasonable</p> <p>AB asked if the fence was on 3 sides.</p> <p>Meredith Porter commented on the fence height.</p> <p>AB thinks they should approve 7 feet. Not comfortable with making the City appear defensive and unlivable.</p> <p>The board agreed that they would be willing to approve a 7-foot fence.</p> <p>DE addressed add conditions:</p> <p>Future fences can never be solid, must remain see-through. Can be no taller than 7 feet.</p> <p>Corners of the fence shall be cut back. The applicant shall work with staff to achieve this.</p> <p>DE motion. ES second. 5-0 vote in favor to approve</p>
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<b>23 Rush Street (ZBA 2019-82)</b>	
Applicant:	Electra Realty Corporation c/o Kevin Jackson
Property Owner:	Electra Realty Corporation c/o Kevin Jackson
Agent:	N/A
Legal Notice:	Applicant and Owner, Electra Realty Corporation c/o Kevin Jackson, seeks a special permit under SZO §4.5.3 to expand the nonconforming use (carpenters shop) and under §4.4.1 to alter the nonconforming structure by constructing two additional stories. A Variance under §5.5 and §8.5 is also required for exceeding the maximum floor area ratio (FAR). Parking relief under Article 9 is also required. RB Zone. Ward 1.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	Denial
ZBA Action:	Continued to October 16, 2019
Current Status:	<p>Kevin Jackson, owner, provided an overview of the project and history of the site.</p> <p>Architect Eric Parkes provided an overview of the plans.</p> <p>Colin Christopherson, 17 Rush Street, the neighborhood did not want this to go forward. Would prefer a residential option. Noted parking problems on the street and lack of loading zone and trash areas for project. Thinks parking study needs to be done. Stated there was a neighborhood meeting and that the Councilor at the meeting said that there would be another one.</p> <p>Alex Mello stated that Councilor McLaughlin did not tell him whether or not he supported the project and that Councilor McLaughlin informed him that he would have held another neighborhood meeting has the proposal changed to residential. However, when he learned that the project was not going to be converted to residential but would remain as proposed, he didn't think that there was any value in holding another meeting about the same project.</p>



Bob Caruso – wants to support the project on the basis of its use. Not interested in the form or details of the building but is supportive of the artist space.  
 Joseph Engle – 13 Rush Street. Against the project. Not enough parking spaces now.  
 Teresa Arcy (unknown address) – against the project. States that the applicant doesn't clean up his property and that the applicant is a bad neighbor.  
 Brian Trulio – 14 Webster Street. Enthusiastically supports project. Thinks it's exactly the kind of development he would welcome in his neighborhood. Good place for craftspeople to live and work. Artists being pushed out. Don't need more luxury condos with people who don't interact with the neighborhood and participate in neighborhood events.  
 DK – conceptually he supports ideas like this. Not prepared to make a decision tonight. Has concerns regarding the neighborhood meeting.  
 AB – agrees with Drew regarding the concept about the building. Wants to better understand. Asked about ISD violations regarding a motorcycle repair shop.  
 Kevin Jackson explained the history of the motorcycles at the property.  
 AB not ready to act on this tonight. Asked questions about the 0 lot line and FAR relief. Asked about setbacks and FAR.  
 AM explained the dimensionals for this zone.  
 AB stated that as excited as she is about the overall concept, the plans don't make it seem like a serious proposal. The plans are not understandable. Plans don't match elevations. Not yet fleshed out as a serious set of drawings. Where is the expression of hood space. They have a lot of work ahead with the neighbors.  
 DK also stated that proper shadow studies need to be done.  
 SF and DK think another neighborhood meeting is necessary.  
 ES agrees with colleagues  
 DE echoes AB's comments. Not ready for vote, issues with neighbors, don't think they should spend anymore time on this tonight.  
 AB Can't have a zero lot line project and not draw your neighbors in.  
 DK echoed AB  
 DE motion to continue to October 16. ES second. 5-0 in favor to continue

<b><u>471 Somerville Ave (ZBA 2019-74)</u></b>	
Applicant:	471 Somerville Ave, LLC
Property Owner:	471 Somerville Ave, LLC
Agent:	N/A
Legal Notice:	Applicant and Owner, 471 Somerville Ave, LLC, seeks a special permit under SZO §7.11.1.c and parking relief under Article 9 to construct a four story mixed use building with five residential units and ground floor retail space. BA Zone. Ward 2.
Date(s) of Hearing(s):	9/18
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved
Current Status:	Scott Zink, applicant provided an overview of the proposal. Stated that there were 2 neighborhood meetings hosted by Councilor JT Scott. Zink stated that he went out to the neighbors first to see what they wanted on the site. Stated that residential was preferred and that parking was a concern. Peter Quinn, architect presented the plans. Residential and small commercial shop space on the ground floor. Shop entry on the corner. Residential entry on side street. Able to fit 6 spaces on site. Jack Saade has a similar parcel a block away. Is supportive of the project and defers to ZBA vote. Thinks it's a nice addition to the neighborhood. Peter Quinn clarified that there is a need for a special permit for parking and for the number of units.



	<p>ES asked about landscaping.  AB asked if the existing building is being removed. Asked about neighborhood support.  Peter Quinn summarized the meetings.  AB asked about the stepback on the top floor and PQ stated that that is dictated by zoning.  AB asked about front overhang. Asked about the building across Loring.  DK asked about the bedroom count per unit and the average sf of each. Has no design questions.  DE has no questions.  DK stated that from now on he wants to get a sign-in list from applicants for all neighborhood meetings.  DE motion. ES second. 5-0 vote in favor to approve</p>
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**Other Business:**

- **Review of Open Meeting Law complaint filed by Irving Fischer with the City Clerk on September 11, 2019.**
  - Sarah White provided an overview of the request. ZBA approved request for legal Department to respond to OML complaint. DE motion ES second to allow the City Solicitor to act on behalf of the ZBA in response. 5-0 vote in favor to approve.

*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.*