



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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ZONING BOARD OF APPEALS MINUTES

Visiting Nurse Association, 3rd floor Community Room, 259 Lowell Street, Somerville MA
Wednesday, September 4, 2019
6:00 P.M.

Previously Opened Cases Continued to a Future Date

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.

Previously Opened Cases to Request a Continuance

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, 9/4
Staff Recommendation:	Revisions recommended
ZBA Action:	Voted on August 7, 2019 to continue the application to September 4, 2019
Current Status:	Voted on September 4, 2019 to continue the application to September 18, 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, 9/4
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 September 4, 2019 to continue the application to September 18, 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, 9/4
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 September 4, 2019 to continue the application to September 18, 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, 9/4
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 September 4, 2019 to continue the application to September 18, 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, 9/4
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 September 4, 2019 to continue the application to September 18, 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, 9/4
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 September 4, 2019 to continue the application to September 18, 2019.

New Cases to be Opened and Requesting a Continuance

18 Glendale Avenue (ZBA 2019-86)	
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 dormer within the left side yard setback. RB zone. Ward 7.
Date(s) of Hearing(s):	9/4
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 4, 2019 to continue the application to September 18, 2019.
Current Status:	Voted on September 4, 2019 to continue the application to September 18, 2019.

14 Carlton Street (ZBA 2019-83)	
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
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 4, 2019 to continue the application to September 18, 2019.
Current Status:	Voted on September 4, 2019 to continue the application to September 18, 2019.



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, 9/4
Staff Recommendation:	Conditional approval
ZBA Action:	Withdrawn without prejudice
Current Status:	Danielle Evans made a motion to accept the applicants request to withdraw without prejudice. Elaine Severino seconded the motion. The Board voted 5-0 to approve the request.

71 Bow Street (ZBA 2019-52)	
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, 9/4
Staff Recommendation:	SP and SPSR: Conditional approval V: Unable to recommend
ZBA Action:	Conditionally approved
Current Status:	<p>Attorney, Sean O'Donovan, introduced the proposal and Peter Quinn, architect, provided an overview of the project, which would be built to passive house standards. No public comment.</p> <p>Anne Brockelman: four story building with the fifth story stepped back. Wishes there was more pervious surface. Questioned asphalt under the building. (it is an error in the landscape drawing, fully intended to be permeable). Would like to add a condition that landscaping and site plan be updated to show pervious areas instead of asphalt.</p> <p>Danielle Evans: why is there no parking required for the commercial space (it is in the arts overlay district).</p> <p>Peter Quinn: in the proposed overhaul it would require zero parking.</p> <p>Sarah White: Recommend an added condition that all trash and recycling pick-up will be conducted privately.</p> <p>Anne Brockelman: update Z.1, added permeable paving would increase the % shown in this chart. (Peter Quinn, maybe add 5% with the changes).</p> <p>Susan: Added conditions 37 (asphalt), 38 (trash), and 39 (updated zoning data). How are we going to justify the variance findings.</p> <p>Danielle Evans: accepts the Staff findings. (contamination and Ever Source easement make development on the site challenging; believes it is the minimum necessary to grant the necessary relief; in harmony and not injurious to the neighborhood)</p> <p>Danielle Evans made a motion to approve variance height, number of stories, and FAR with the conditions added this evening. Elaine Severino seconded the motion. The Board voted unanimously 5-0.</p>



	Danielle Evans made a motion to approve special permit and special permit with site plan review with the conditions added this evening. Anne Brockelman seconded the motion. The Board voted unanimously 5-0.
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<u>50-54 Murdock Street (ZBA 2018-19-R1-4/19):</u>	
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, 9/4
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved
Current Status:	Atty. Adam Dash presented the changes to the project Architect Tanya Carriere of Khalsa Design further described the proposal. Meredith Porter of 104 Josephine Avenue asked about the height of the 3rd floor and why it was 83 feet. Tanya Carriere, architect, explained that it was height relative to sea level, not height above grade. Danielle Evans made a motion to conditionally approve the request. Elaine Severino seconded the motion. The Board voted 5-0 to approve the request.

<u>27 Tufts Street (ZBA 2018-195):</u>	
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:	Continued to September 18, 2019
Current Status:	Architect Owen Thomas described the project. Kerry Callahan – leaves at 28 Glen Street. Representing her condo association. Scale, design, off-street parking and environmental issues have not been sufficiently addressed for condo association. Owen Thomas addressed the abutter comments. Alex Mello explained to the Board and the audience how the discovery of contamination is reported and mitigated. Discussion ensued regarding short-term rentals. Meredith Porter – had concerns about groundwater contamination issues and the number of bedrooms. Josh Safdie explained how a project needs to get in the ground and what the critical path steps are with doing one of these projects. Owen Thomas then addressed the change in layout of the units from the last iteration of the proposal.



	<p>Anne Brockelman – had questions about bedroom count for the architect and abutter. Thinks the plans have improved since the last iteration. Sees incremental improvements but is more comfortable with one parking space per unit rather than the three parking spaces for the five units proposed. Is this too much building/mas for the site.</p> <p>Danielle Evans – Echoes AB comments. It’s too much for the site. In order to add the parking space, a curb cut was needed, therefore eliminating a public parking space on the street. This is not an improvement. Would rather see the spaces off of Tufts Street be tandem instead. Thinks 5 units for the site is too much. 4 would be tops.</p> <p>Drew Kane – thinks improvements are significant. There is room on site plan for tandem parking. Then they would have 4 spaces for 5 units. considering the site is near the Green Line Station, thinks this would be ok. This would take away yard space. Concerned about taking a unit away from the project.</p> <p>Josh Safdie – Not all set with project yet.</p> <p>Elaine Severino – Has same comments about curb cut being a wash. Seems to be a lot on the site. Thinks the design does not fit in the neighborhood. Thinks it looks thrown in. concerned about parking.</p> <p>Josh Safdie – asked if staff has given any thought to what the applicant could do on the site by-right.</p> <p>Alex Mello – could add an addition that conformed to setbacks and was not more than 25% of the GFA. Confirmed that it would be significantly less than what the applicant is proposing to do.</p> <p>Owen Thomas – 25% addition would not be feasible for the project. Understands there are varied opinions on parking.</p> <p>Susan Fontano asked if this was within a transit zone. (yes)</p> <p>Danielle Evans – tired of talking about what will or won’t be allowed in the proposed zoning since it’s been 7 years and it hasn’t been passed yet. Does think our current parking requirements are ridiculous. Emphasized that the board is in favor of providing parking that is reasonably needed but is not in favor of having all on-site parking.</p> <p>Josh Safdie – proposal adds a little more than 4,000GSF. Existing GSF is about 4500. He would vote “no” tonight.</p> <p>Susan Fontano explained the issues to the architect and applicant. They need to go back to the drawing board and re-think the project.</p> <p>Anne Brockelman – they should start off complying with all the setbacks. Constantly shaving setbacks back is a waste of everyone’s time. Provided other recommendations. Likes the contemporary architecture but the issue is scale for her. Not looking for traditional style.</p> <p>Josh Safdie – agreed with what Anne said. Objection is ration of units to parking spaces. Units are big. There are not many families that can do a unit with no car.</p> <p>Danielle Evans motion to continue to October 2. Elaine Severino second. The Board voted 5-0 in favor.</p>
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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, 9/4
Staff Recommendation:	Conditional approval
ZBA Action:	There was no discussion the Board continued the matter to September 18, 2019.
Current Status:	There was no discussion the Board continued the matter to September 18, 2019.



346 Somerville Avenue (ZBA 2019-19)	
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
Staff Recommendation:	Unable to recommend
ZBA Action:	There was no discussion the Board continued the matter to September 18, 2019.
Current Status:	There was no discussion the Board continued the matter to September 18, 2019.

New Cases to be Opened and Heard

1133B Broadway (ZBA 2019-66)	
Applicant:	Kenneth F. Gray, III
Property Owner:	Shree Ganesh Realty Trust
Agent:	N/A
Legal Notice:	Applicant, Kenneth F. Gray, III, and Owners, Shree Ganesh Realty Trust, seek special permits under §4.4.1 of the SZO to alter a non-conforming property by establishing a comedy venue. Parking relief under Article 9 of the SZO. NB zone. Ward 7.
Date(s) of Hearing(s):	9/4
Staff Recommendation:	Conditional approval
ZBA Action:	Withdrawn without prejudice
Current Status:	Danielle Evans made a motion to accept the applicants request to withdraw without prejudice. Elaine Severino seconded the motion. The Board voted 5-0 to approve the request.

269 Washington Street (ZBA 2019-84)	
Applicant:	JTSRE Holdings, LLC
Property Owner:	J.T. Scott
Agent:	Kebert Joseph
Legal Notice:	Applicant, JTSRE Holdings, LLC, and Owner, J.T. Scott, seek special permits under §4.4.1 to legalize a unit, construct a deck and stairs within the rear yard setback. Parking relief under Article 9 of the SZO. NB zone. Ward 2.
Date(s) of Hearing(s):	9/4
Staff Recommendation:	Conditional approval
ZBA Action:	Approved



Current Status:	<p>Sarah White: Since the legal advertising of this case it was determined that the deck rebuild is by-right.</p> <p>J.T Scott provided the Board with an overview of the proposal to rebuild after a house fire. Only change to the exterior is a spiral staircase from the 3rd floor existing deck to the 2nd floor existing deck.</p> <p>Public comment:</p> <p>Alex Fried, Lake St, in support of the proposal.</p> <p>Thumbs up from the audience for the record.</p> <p>Elaine Severino: Right of way? (JT mentioned that it is still intact and could be used for passage if needed).</p> <p>Danielle Evans: Can you have a parking spot on a right of way? (Sarah, it's a weird nonconforming condition that is allowed to continue to exist). Should we be granting additional parking relief? (Not necessary).</p> <p>Danielle Evans made a motion to conditionally approve the request. Elaine Severino seconded the motion. The Board voted 5-0 to approve the request.</p>
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27-29 Cedar Street (ZBA 2019-90)	
Applicant:	Charles Spellman
Property Owner:	Charles Spellman
Agent:	N/A
Legal Notice:	Applicant and Owner, Charles Spellman, seeks a special permit under SZO §4.4.1 to alter a nonconforming structure by constructing two shed dormers. RB Zone. Ward 5.
Date(s) of Hearing(s):	9/4
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved
Current Status:	<p>Architect Adam Glassman presented the project.</p> <p>No public gave comment</p> <p>Danielle Evans made a motion to conditionally approve the request. Elaine Severino seconded the motion. The Board voted 5-0 to approve the request.</p>

12 Aldersey Street (ZBA 2019-80)	
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
Staff Recommendation:	Conditional approval
ZBA Action:	Continued to September 18, 2019
Current Status:	<p>Danielle Evans: since the publication of the legal advertisement it has been determined that a special permit for parking relief is not necessary.</p> <p>Attorney Adam Dash provided an overview of the proposal. He would rather receive parking relief. The Historic Preservation Commission granted a certificate of appropriateness.</p> <p>Public comment:</p>



	<p>Julie Schneider, 14 Aldersey Street, the new addition looks like it doubles the existing house. Will feel squished. The gentle sloping is quite steep. Not sure what will happen with erosion.</p> <p>Adam Dash addressed the concerns raised by the abutter, trying to preserve trees and build an as-of-right garage.</p> <p>Myra Jaugust, would like to have a bigger space for her family to live and would like to have her own room.</p> <p>Josh Safdie: Will the applicant live in the addition in the rear.</p> <p>Laura Jaugust, currently live in the 3rd floor but would move down to the first floor unit as added upon to.</p> <p>Danielle Evans : garage setback. Sarah White: the garage is not connected to the house.</p> <p>Danielle Evans : would like to see a landscaping plan.</p> <p>Drew Kane: drawings do not show the adjacent houses. Was the rear abutter consulted? Laura Jaugust: yes, they did not have a problem). Would also like to see a landscape plan.</p> <p>Meredith Porter: questioned the Staff's opinion regarding the impact on affordable housing.</p> <p>Sarah White: it is a clerical and copy and paste error. The existing structure is four market rate units and the proposal will not change that. There are no affordability requirements triggered by the proposal.</p> <p>Drew Kane : rental or sale units?</p> <p>Laura Jaugust: intent is to always have long term rentals)</p> <p>Josh Safdie : Doesn't think that this is a modest project.</p> <p>Susan Fontano: neighborhood meeting?</p> <p>Dash: not requested by Councilor Ewen-Campen.</p> <p>Anne Brockelman: consider pushing the garage back as a courtesy. Wants to see an thorough landscape plan with existing trees surveyed.</p> <p>Matt Franchetti, architect, could look at reducing the size by inches.</p> <p>Josh Safdie : could decrease the size of the addition.</p> <p>Sarah White: consider decreasing the size of the addition.</p> <p>Josh Safdie : do any other board members share the concerns from the neighbor.</p> <p>Drew Kane and Danielle Evans: agree with josh, it could get smaller to respect the neighbor's concerns. The driveway is rather large and could be reduced.</p> <p>Sarah White: recommend addressing the Board concerns and coming back. SW stated that all changes needed to be submitted to her and without issue no later than Noon on Monday, September 9, 2019.</p> <p>Adam Dash requested a continuance to September 18, 2019.</p> <p>Danielle Evans moved to continue the case to September 18, 2019. Seconded by AB. 5-0</p>
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48 Elm Street (ZBA 2019-79)	
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
Staff Recommendation:	Conditional approval
ZBA Action:	There was no discussion the Board continued the matter to September 18, 2019.
Current Status:	There was no discussion the Board continued the matter to September 18, 2019.



117 Summer Street (ZBA 2019-65) (re-advertisement)	
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 Article 9 of the SZO for parking relief. RA and RB zones. Ward 3.
Date(s) of Hearing(s):	7/17, 8/7, 8/21, 9/4 (re-advertisement)
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved
Current Status:	<p>Adam Dash provided an explanation of the project.</p> <p>Public comment</p> <p>David Hart, 65 Avon St. abutter, concerned about parking.</p> <p>Adam Dash: adding two spaces to make a total of 29.</p> <p>Susan Fontano: where are people parking?</p> <p>Adam Dash: it is a medical office and there is a lot of turnover.</p> <p>Danielle Evans: want to make the two spaces on Avon St. available for long-shift employees.</p> <p>Sarah White: use is protected by the Dover Amendment. Board has restrictions on what they can regulate under the Dover Amendment. The total request for relief is from three parking spaces. They require five additional spaces and they added two. If they are denied for these spaces, they cannot use the property, which would violate the law.</p> <p>Adam Dash: trying to preserve the community garden.</p> <p>Lauren Mahew, 109 Summer St, lives a few doors down. Concerned about parking in the area. Very little access to public transportation. 20-22 minute walk to porter st.</p> <p>106 Summer St. resident, area has seen a lot of development recently. Has a real concern about parking in the neighborhood. Confused about what the third phase of construction is.</p> <p>Adam Dash: medical office staff will work during the day then leave by the time residents in the area generally come home.</p> <p>Danielle Evans: would have been helpful on more information on the organization to help understand if three spaces of relief is reasonable.</p> <p>Scott Boch, CEO of Riverside Community Care, outpatient therapy, day programs for kids, in-home therapy, early intervention center, domestic violence counseling, etc...</p> <p>Danielle Evans: how many people coming to seek services, maximum 70 people working at the site and various times where there are 0 patients and some times where 50 patients.</p> <p>Wants to remove containers on the site.</p> <p>Larry Beals, engineer, not sure if there is depth to park tandem where the containers are.</p> <p>Drew Kane: thinks we should grant them relief.</p> <p>Josh Safdie: speak to accessibility requirements.</p> <p>Larry Beals: no real change to the parking and haven't looked at accessibility requirements.</p> <p>Josh Safdie: would require two spaces, one of which needs to be van accessible. Given the population served, the minimum should be provided, and then efforts should be made to cater to the population. Would want an updated site plan showing accessibility requirements are met. The required access aisle would change the relief that is requested.</p> <p>Susan Fontano: what is the pleasure of the board? Do we want them to go back to the drawing board?</p> <p>Sarah White: parking is based on calculation of square footage. It could be conditioned that they provide a specific aisle width, which could reduce parking spaces and increase the relief needed.</p> <p>Adam Dash: Riverside is going to be homeless soon, requests that the Board consider a condition that grants three spaces of relief and will modify the site plan according to meet accessibility requirements with no fewer than 29 spaces.</p> <p>Josh Safdie: Have they exhausted their options enough to understand other ways to add</p>

	<p>spaces?</p> <p>Sarah White: yes, they will not gain spaces through striping, moving the gazebo, or altering the retaining wall in the front, etc...</p> <p>Susan Fontano: what is the pleasure of the applicant.</p> <p>Scott Boch, the Community Center needs to move and will do anything to not continue. The Board took a five minute recess. The meeting resumed.</p> <p>Attorney Dash: meeting accessibility requirements would result in three lost spaces and increase relief to six spaces. Requesting six spaces of relief and will meet accessibility requirements. Will add spaces elsewhere onsite to accommodate spaces elsewhere.</p> <p>Danielle Evans made a motion to approve the request for 6 spaces of relief, tandem spaces, added condition #13 that they will remove the trailer on Avon Street side and two tandem spaces add, #14 that they will submit a revised plan to be reviewed and approved by ISD in conformance with applicable accessibility requirements. Elaine Severino seconded the motion. The Board voted 5-0 to approve the request.</p>
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<u>124 Highland Avenue (ZBA 2018-93) (re-advertisement)</u>	
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)
Staff Recommendation:	SP and SPSR: Conditional approval V: Unable to recommend
ZBA Action:	Continued to September 18, 2019
Current Status:	<p>Sean O'Donovan provided an overview of the proposal and Peter Quinn provided an overview of the proposed architecture.</p> <p>Anne Brockelman: clarification on left side yard setback between parking retaining wall and occupied building space.</p> <p>Sarah White: Staff will fix.</p> <p>Steve Siragusa, DCI, provided an overview of a parking study requested by the ZBA. Parking demand of similarly sized projects was 0.5 spaces per unit.</p> <p>Danielle Evans: commented the times of the collecting of parking spaces during the last two weekends of August. Would like to see the counts done again in September.</p> <p>Sean OD: does not believe there will be a strong demand for parking.</p> <p>Public Comment:</p> <p>Anton Tutter, 47 Oxford St, two main concerns. Disappointed that they are rental units. Trull Lane is a very narrow two-lane road. Would like to see some type of traffic calming measures taken to make that street more safe.</p> <p>Scott Ballard, Trull Lane resident, advocate for additional housing in the City. Keeping post 19 in the community is a huge benefit.</p> <p>Lauren Easton, 129 Highland Ave, Highland Ave is atypical with respect to demand during peak hours.</p> <p>Mark Killoran, about 4-5 cars for the members that come and go sporadically.</p> <p>Board is content with what they see.</p> <p>Susan Fontano: will update the parking study with new times.</p> <p>Danielle Evans: provide a shadow study.</p> <p>Danielle Evans: motion to continue to September 18. ES: second. The board 5-0 to continue the case to September 18, 2019.</p>



17 Thorndike Street (ZBA 2019-67)	
Applicant:	Jake Steward
Property Owner:	Kirsten Chervinsky
Agent:	N/A
Legal Notice:	Applicant, Jake Steward, and Owner, Kirsten Chervinsky, seek special permits under §4.4.1 of the SZO to enclose a portion of a first story existing porch within the right side yard setback. RB zone. Ward 7.
Date(s) of Hearing(s):	9/4
Staff Recommendation:	Additional information required
ZBA Action:	Conditionally approved
Current Status:	Will Bech, architect, provided an overview of the proposal to enclose a porch. Anne Brockelman: only seeing proposed elevations tonight. Will Bech, provided an overview of the proposed elevation. Anne Brockelman: add a condition that the record set include a proposed elevation. Danielle Evans made a motion to approve the request with added condition #11 (see above). Elaine Severino seconded the motion. The Board voted 5-0 to approve the request.

63 Franklin Street (ZBA 2019-68)	
Applicant:	Hudson Santana of North America Development, LLC
Property Owner:	Sonam Dorjee & Karma Sichoe
Agent:	N/A
Legal Notice:	Applicant, Hudson Santana of North America Development, LLC, and Owner, Sonam Dorjee & Karma Sichoe, seek special permits under §4.4.1 of the SZO to significantly alter a non-conforming property by creating an upward extension of a non-conforming front yard setback, increase the GFA by more than 25%. Parking relief under Article 9 of the SZO. Unit count to increase from 1 to 2. RB zone. Ward 1.
Date(s) of Hearing(s):	9/4
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved
Current Status:	Dan Anderson, architect, and Jason Santana, applicant, provided an overview of the proposal. Susan Fontano: Neighborhood meeting? Jason Santana: one neighbor showed up, concerns about construction parking. No public comment Elaine Severino: no landscape plan. Anne Brockelman: unclear what is existing vs. proposed. Would like to see when the changes are to the footprint. Dan Anderson: clarified the proposal. Josh Safdie: could more green space be reclaimed? Josh Safdie: recommend a condition added that the amount of driveway area be reduced to allow more green space while still allowing two cars. Danielle Evans made a motion to approve with the added condition that the applicant submit an updated landscape plan to be reviewed and approved by Staff showing less driveway area and more green space while still allowing two cars and to also amend condition #9 so that only North America Development's contact information is provided. Elaine Severino seconded the motion. The Board voted 5-0 to approve the request.



31 Woodbine Street (ZBA 2019-85)	
Applicant:	Fly Together Fitness
Property Owner:	Rail and Glass, LLC
Agent:	N/A
Legal Notice:	Applicant, Fly Together Fitness, and Owner, Rail and Glass, LLC, seek a special permit under SZO §7.11.6.3.a to establish a commercial exercise facility in one of the storefronts of the newly constructed building. A special permit for parking relief under SZO §9.13 is also being sought. RC Zone. Ward 5.
Date(s) of Hearing(s):	9/4
Staff Recommendation:	Conditional approval
ZBA Action:	Conditionally approved
Current Status:	Applicant, Angela Guo of Fly Together Fitness, provided an overview of the proposal. Most people would get there by foot or bike would arrive, two to twelve students at a time. Neighbors at 12 woodbine had concerns about parking. Alex Mello stated that parking relief under 9.13 was not required. Because math. And zoning. The applicant indicated that they would update their website with instructions for where and how to park and etc. Anne Brockelman thought that the signage was too small. Susan Fontano was curious about the hours of operation. Angela Guo: 6am-10pm were open hours, but not always doing stuff. Hours may change based on student wishes and things. Intention is for the space to be open 7 days a week. Danielle Evans made a motion to approve the request. Elaine Severino seconded the motion. The Board voted 5-0 to approve the request.

1154 Broadway (ZBA 2018-78-E1-8/19)	
Applicant:	Anuj Pradhan, Trustee of the 1154 Broadway Realty Trust
Property Owner:	Anuj Pradhan, Trustee of the 1154 Broadway Realty Trust
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, Anuj Pradhan, Trustee of the 1154 Broadway Realty Trust, seeks a six-month extension of time under M.G.L Ch. 40A Sect. 10 of a previously approved variance (ZBA 2018-78) that was granted in October 2018 to construct a 75-room hotel. NB Zone. Ward 7.
Date(s) of Hearing(s):	9/4
Staff Recommendation:	Conditional approval
ZBA Action:	Approved
Current Status:	Atty Anne Vigorito presented the case for the 6-month variance extension. No public gave comment. Danielle Evans made a motion to approve the request. Elaine Severino seconded the motion. The Board voted 5-0 to approve the request.



10 Oak Street (ZBA 2018-10-R1-6/19)	
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
Staff Recommendation:	Amend conditions as determined by ZBA.
ZBA Action:	--
Current Status:	Will be heard.

Other Business:

Approval of minutes from: August 21, 2019, Danielle Evans made a motion to approve the minutes. Elaine Severino seconded the motion. The Board voted 5-0 to approve the request.

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.

