



City of Somerville  
**ZONING BOARD OF APPEALS**  
City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**17 MAY 2023 MEETING MINUTES**

This meeting was conducted via remote participation on GoToWebinar.

NAME	TITLE	STATUS	ARRIVED
Susan Fontano	Chair	<i>Present</i>	
Anne Brockelman	Vice Chair	<i>Present</i>	
Katherine Garavaglia	Clerk	<i>Absent</i>	
Ann Fullerton	Member	<i>Absent</i>	
Zachary Zaremba	Member	<i>Present</i>	
Brian Cook	Alt. Member	<i>Present</i>	
Sisia Daglian	Alt. Member	<i>Present</i>	

City staff present: Emily Hutchings (Planning, Preservation, & Zoning), Sarah White (Planning, Preservation, & Zoning), Wendy Szczehowicz (Planning, Preservation, & Zoning)

The meeting was called to order at 6:01pm and adjourned at 7:13pm.

**GENERAL BUSINESS: Meeting Minutes**

Following a motion by Vice Chair Brockelman, seconded by Member Cook, the Board voted unanimously (5-0) to approve the 15 February 2023 and 1 March 2023 meeting minutes.

**PUBLIC HEARING: 21 Francesca Ave (P&Z 23-001)**  
*(continued from 3 May 2023)*

The applicant team re-presented the request for an Administrative Appeal of the 16 December 2022 Building Official's determination that the Carriage House at the rear of 21 Francesca Ave is an outbuilding and not a Backyard Cottage. They reviewed the application process thus far and the definitions of Backyard Cottages, Carriage Houses, and outbuildings as part of the argument for the appeal. They also noted that an abutter submitted two written letters of support for the appeal, which they read aloud to the Board.

Chair Fontano noted that public comment was left open for this case.

Meredith Porter (104 Josephine Ave) - referenced the 45 Trull Street case heard at the 3 May 2023 meeting stating that he knows that the Board should only consider the definition of a building type and nothing else; however, he is sympathetic to the applicant's request. Mr. Porter believed that the building is a Backyard Cottage with pre-existing non-conformities and believed the height of the structure supports the argument for a Backyard Cottage.

Chair Fontano left public comment open.

Staff addressed the applicant team's comments and stated that the Board can only consider the definition and requirements of the building types. Staff also noted that the ZBA's determination on this building will not set a precedent for any other buildings in the city, as each property must be reviewed and considered independently. Staff further continued that the Board cannot consider future use, plans for the building, or the historic aspects of the building and clarified that the illustrations included in the Somerville Zoning Ordinance (SZO) cannot be used preferentially over the text of the SZO, which was a decision made by the City Solicitor. The applicant team refuted

Staff's comments regarding the historic aspects of the building, how this may not set a legal precedent, but it will set a practical precedent, and believed the SZO definition is vague and so they needed to rely on the photos in this case.

Kathy Martin (32 Hall Ave) - lives in the neighborhood and thinks it would be a shame for the building to be demolished; the structure is part of the neighborhood.

The Board and Staff reviewed accessory structures vs accessory buildings and whether the definition of an outbuilding excludes the possibility of a dwelling unit. The Board noted that there is an overlap in some uses between an accessory building and an accessory structure. Staff acknowledged the nonconformities in both the classification as an outbuilding and as a Backyard Cottage, which is why there is no Staff recommendation. Staff stated that if the ZBA voted in the affirmative, then the building classification would automatically change in ISD's classification records, and it would not affect any other buildings in the city.

The Board reiterated that each case is reviewed and considered on their own merit, and this case will not set a precedent for any future cases.

Chair Fontano closed public testimony.

Following a motion by Vice Chair Brockelman, seconded by Member Cook, the Board voted unanimously (5-0) to approve the Administrative Appeal that the building is a Backyard Cottage and overturning the Building Official's determination that the building is an accessory structure (outbuilding) on the basis of the character of the building more closely resembling an accessory building; the character of the building, as a whole, does not sufficiently match the definition of an accessory structure, the building dimensions are more appropriate to an accessory building (Backyard Cottage), and the retention of the building is preferable.

<b>RESULT:</b>
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<b>APPROVED</b>
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*NOTICE: These minutes constitute a summary of the votes and key discussions at this meeting. A recording of these proceedings can be accessed at any time by using the registration link at the top of the meeting agenda.*