



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

**15 MAY 2024 MEETING MINUTES**

This meeting was conducted via remote participation on Zoom.

NAME	TITLE	STATUS	ARRIVED
Susan Fontano	Chair	<i>Present</i>	
Anne Brockelman	Vice-Chair	<i>Absent</i>	
Katherine Garavaglia	Clerk	<i>Absent</i>	
Ann Fullerton	Member	<i>Present</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)

The meeting was called to order at 6:04pm and adjourned at 6:50pm.

*Members Cook and Daglian sat as a voting members for this meeting.*

**GENERAL BUSINESS: Meeting Minutes**

Following a motion Acting Clerk Fullerton, seconded by Member Cook, the Board voted unanimously (5-0) to approve the 3 April 2024 and 17 April 2024 meeting minutes.

**PUBLIC HEARING: 2-3 Union Square (ZP24-000009)**  
*(continued from 17 April 2024)*

Following a motion Acting Clerk Fullerton, seconded by Member Daglian, the Board voted unanimously (5-0) to continue 2-3 Union Square (ZP24-000009) to 5 June 2024.

**RESULT:**

**CONTINUED**

**PUBLIC HEARING: 97 Orchard Street (ZP24-000031)**

The applicant team stated that the proposal is to relieve the hardship suffered for over three years, both financially, and personally due to the unique size of the property. The request is that the Board grant this Hardship Variance in order to complete the driveway. This project has been approved on all subjects by all departments. The final survey showed that there is necessary space on the right side of the property, where the driveway would be installed. The one issue is that the combined side setbacks are slightly smaller than expected. There is approximately 6" on the left side of the property, where it was initially thought there was approximately 2' of space. The request is for a variance from the developmental standards of 12' for the combined side setbacks. Abutters to the right and left have expressed support for the project.

Chair Fontano opened public testimony.

Brian Shimkin (95 Orchard Street) – the Historic Commission previously granted approval for the driveway in the space between 95 and 97 Orchard Street. This proposal is for a variance between 97 and 99 Orchard Street. He stated that he has no objections with this proposal, as it does not deal with his property.

Staff stated that the Hardship Variance for the sum of side setbacks, which keeps the driveway in the same place as it was previously proposed, between 95 and 97 Orchard Street.

The applicant team read three letters of support into the record, two from the owners of 99 Orchard Street, and one from the owner of 96 Orchard Street.

Chair Fontano left public testimony open at this time.

The applicant team explained that the owner of the property travels for approximately two weeks at a time but keeps this as a primary property. There are six curb cuts on this property's side of the road. There is approximately 40' between each driveway.

The Board asked about the response to criterion 3 in the Staff Memo. Staff explained that criterion 3 is one of three criteria that all need to be met for a Hardship Variance to be granted. The intent of the Zoning Ordinance in this context is to place certain requirements for driveways that limit negative pedestrian/vehicle interactions. Staff believes that this case does not meet the requirements of the Zoning Ordinance and would therefore derogate from the intent of the Ordinance, regarding the requirement for the sum of side setbacks for a driveway.

Regarding criterion 3, the Board noted that Zoning allows for any single-family home to have one parking spot, which is all that is being requested in this case. The special circumstances under hardship criterion 1, which is the 18" requirement could be considered, and whether or not the frontage of the land is unique enough to be considered a hardship qualifier.

The Board discussed criterion 2. It was noted that the owners have to pay for special parking to be able to live their lives, as they are away frequently enough that they cannot take advantage of street parking during those absences. This is a financial hardship.

Regarding criterion 1, The Board discussed that the hardship is that the size of the frontage for this lot is not in kind with the majority of the street. The applicant team agreed that the frontage of this property is only 36', where the average house is 45'-50'.

Chair Fontano closed public testimony at this time.

Following a motion by Acting Clerk Fullerton, seconded by Member Zarembo, the Board voted unanimously (5-0) in the case of 97 Orchard Street (ZP24-000031) to approve the Hardship Variance requested, noting the conditions and criteria discussed in the Board's review of the case.

<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. To review a full recording, please contact the Planning, Preservation & Zoning Division at [zoningboard@somervillema.gov](mailto:zoningboard@somervillema.gov)*