



City of Somerville
ZONING BOARD OF APPEALS
City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

20 MAY 2026 MEETING MINUTES

This meeting was conducted via remote participation on Zoom.

NAME	TITLE	STATUS	LEFT
Susan Fontano	Chair	<i>Present</i>	
Anne Brockelman	Vice Chair	<i>Present</i>	
Olivia Mobayed	Member	<i>Present</i>	
Ann Fullerton	Member	<i>Present</i>	<i>left around 6:10pm</i>
Zachary Zaremba	Member	<i>Present</i>	
Brian Cook	Alt. Member	<i>Absent</i>	
Sisia Daglian	Alt. Member	<i>Present</i>	

City staff present: Kit Luster (Planning, Preservation, & Zoning); Madison Anthony (Planning, Preservation, & Zoning); Lexie Payne (Planning, Preservation, & Zoning); Kelly O’Laughlin (Planning, Preservation, & Zoning)

The meeting was called to order at 6:02pm and adjourned at 7:54pm.

Member Zaremba sat as Acting Clerk. Member Daglian sat as a voting member.

GENERAL BUSINESS: Meeting Minutes

Following a motion by Acting Clerk Zaremba, seconded by Vice Chair Brockelman, the Board voted unanimously (6-0) to approve the 1 April 2026 and 15 April 2026 meeting minutes.

Member Fullerton had a power outage and left the meeting around 6:10pm.

**PUBLIC HEARING: 92R Orchard Street
(ZP24-000078) (ZP25-000041) (ZP25-000042)**
(continued from 15 April 2026)

Following a motion by Acting Clerk Zaremba, seconded by Member Daglian, the Board voted unanimously (5-0) to continue the hearings for 92R Orchard Street to 17 June 2026.

RESULT:

CONTINUED

PUBLIC HEARING: 29a Windsor Road (ZP26-000007)

The applicant team explained that the proposed location is the only place that the requested heat pump will realistically fit. This will encroach on the side setback. The backyard space is very small, and to install it in the middle would be an offense to those nearby. The neighbors have a fence that is currently less than 2’ from the proposed location. This will be located at the back corner of the house, opposite the garage. The applicant team stated that it is not visible from the street.

Chair Fontano opened public testimony.

The Board clarified that 2' of space is required for this and 9" is available. The applicant team noted that other locations were considered, but the efficiency of the unit declines as the distance increases. This would be a small, but noticeable, financial impact. This would also then have to traverse the neighbors' window trim and would also impact others' backyards.

The Board asked for letters of support from abutters. Staff stated that no abutter comments were received.

The Board asked about other heating and cooling sources for the house. The applicant team stated that the house currently has a wood stove and baseboard electric heat. The proposal is for the third floor. The first floor is all electric and the second floor has a gas heat pump. Both of these are 4' and 7' from the location. The proposed location is the next more reasonable place.

The Board stated that the variance criteria should be discussed and asked the applicant to clarify those items. The Board could also continue this item in order to hear specifically from the abutter that would be most impacted.

Staff noted that the roof is pitched and this would not be an appropriate location.

The Board requested an image showing where the existing units are located and where the new unit is proposed. Also, documentation from the other condo unit owners agreeing to the proposed location.

Some Board members noted that the Somerville Zoning Ordinance (SZO) can be unnecessarily strict in terms of mechanical equipment. These can be hard to place on narrow lots, and it is not ideal to use up backyard space for a condenser. Other Board members expressed concern regarding potential noise and vibrations that could impact other nearby residents.

Following a motion by Acting Clerk Zaremba, seconded by Vice Chair Brockelman, the Board voted unanimously (5-0) to continue the hearing for 29a Windsor Road to 3 June 2026.

RESULT:

CONTINUED

PUBLIC HEARING: 24 Berkeley Street (ZP26-000037)

The applicant team explained that they live at 23 Avon Street and have an existing 1.5-story barn in the backyard. This is located approximately 1.6' from the rear lot line. It is a very old building that has likely existed since the house was built, around 1900. Recently, the property owner at 24 Berkeley Street, the lot directly behind the applicant's lot, began to construct a backyard cottage, pursuant to Section 3.1.12 of the SZO. The wall of the under-construction backyard cottage, parallel to the northerly edge of the barn at 23 Avon Street, is approximately 6.5' away. The applicant team stated that the SZO requires that a backyard cottage, which is an accessory building, must be at least 10' away from any other principal or accessory building. The backyard cottage is at least 10' away from the main house on the 23 Avon Street lot. The distance from the side setback of the cottage is 5'. The cottage is 24' wide, and so it measures 29' to the edge of the barn. There is an overlap of 1.7' from the barn to the rear lot line, plus the 5' setback from the rear lot line on the neighboring property, leading to the measurement of 6.6'. The applicant team noted that the measurements were taken originally from the forms of the new structure.

The applicant team explained that the barn on their property is regulated by the SZO as an accessory building of the backyard cottage type and not an accessory structure. For that reason, it should receive the building separation discussed in the ordinance from other principal and accessory buildings, on their own and abutting lots. Thus, the under-construction backyard cottage should respect the building separation distance, which is 10',

including on abutting lots. The applicant team stated that there is a 6.6' distance between the barn and the new backyard project at 24 Berkeley Streets which violates the building separation distance clause, because it is less than the 10' minimum.

The applicant team reviewed the response received from the Inspectional Services Department (ISD), which refers to the barn as an accessory structure. For this reason, ISD states that the 10' distance does not need to be respected. The applicant team stated that they do not believe this is correct. The Planning, Preservation, & Zoning Division (PPZ) appears to agree with ISD and stated that the 10' separation is not applicable to accessory structures, which include but are not limited to structures such as garages, chicken coops, pergolas, gazebos, and pools. The applicant team disagrees with that assertion.

The applicant team also explained that PPZ classified the barn as an outbuilding, as defined in the Zoning Ordinance. The definition for an outbuilding in the SZO states that an outbuilding may be up to 12' in height. Section 2.3.1.A establishes that there are three categories for structures: a principal building, an accessory building, or an accessory structure. The rear building is not a principal building, so it must be either an accessory building or an accessory structure. A decision must be made based on the standards that define those two things. The applicant team stated that the barn satisfies every dimensional standard that defines a backyard cottage, such as the floor plate, the stories, the story height, the roof type, the number of dwelling units, and the defined typical uses, such as vehicular parking. It conforms to the front setback, and it does not conform to the rear setback, which is a minimum of 3', or the side setback. From the light of an outbuilding accessory structure, the barn fails that category's defining dimensional standards. It is more than 12' high, and more than a single-story. The applicant team noted that it does not fit within the framework for an accessory structure.

The applicant team continued by stated that accessory structures are not defined explicitly in the ordinance, even though accessory buildings are. An accessory structure has to fall under one of the following types: pergolas, gazebos, composters, and outbuildings. As the outbuilding definition is a catch-all, the structure should have to fit the dimensional standards for it. The definition of an accessory building in the SZO is a building or structure designed, used, or occupied in relation to the principal uses of a given lot. The applicant team stated that the barn fits the defining standards of a backyard cottage. The barn is used for vehicular parking and a home gym. This fits very well into the definition for a backyard cottage. The barn at 23 Avon Street has a second floor with drywall, vinyl windows, and molded baseboards. Even per ISD's own interpretation of the ordinance, the barn at 23 Avon Street would not be classified as an accessory structure.

Per the PPZ staff memo, the applicant team explained that B17-001896 was a permit that was pulled for a prior renovation on the first floor of the 23 Avon Street main house on the lot. The plans for that permit included the garage building, even though there was no work done on the garage. The listing of this building as a garage is not relevant. The permit is from 2017, prior to the current zoning code regime was enforced in 2019. The SZO in 2017 did not define accessory structures, accessory buildings, or backyard cottages. A word on a permit application should not have any bearing on how this structure is classified. Even if it is considered a garage, the term garage is not defined in the Somerville Zoning Ordinance. A typical definition for a garage might be an enclosed building used for vehicular storage. This is also a definition for the typical use of an accessory building/backyard cottage, as defined in the current SZO. The current zoning seems to contemplate that garages are accessory buildings. The classification of a structure is determined by what the SZO says, not by past permits.

The applicant team explained that there was a very similar hearing before the Board on 17 May 2023, by the owner of 21 Francesca Avenue. In that application there was a carriage house/barn and ISD had classified it as an outbuilding accessory structure. That applicant made an Administrative Appeal stating that the structure was a backyard cottage; the same request as being made in the current application. The minutes from that meeting stated that the structure was..."resembling an accessory building. The character of the building as a whole does not sufficiently match the definition of an accessory structure." Any existing building might present some nonconformities for the building type for which it is currently classified. ISD must classify any building, including nonconforming ones, to the closest applicable building type category that applies to the on-the-ground conditions. PPZ did not make a recommendation for or against to the Board in that particular case.

The applicant team explained that the Building Commissioner determined that the building separation provision in the SZO was preempted by the building code. The applicant team stated that this is incorrect, as this is an accessory building, and the building code states that a backyard cottage accessory building cannot be built too close to another principal or accessory building, including on abutting lots. The building code does not preempt the Somerville Zoning Ordinance. The SZO states that if another governing standard is less restrictive than the zoning code, the zoning code governs. The SZO unambiguously requires a 10' building separation distance from buildings on abutting lots. If the barn on 23 Avon Street is considered to be an accessory building, the next door structure clearly violates the 10' building separation. The applicant team stated that the Building Permit is invalid based on these facts.

Chair Fontano opened public comment testimony.

The owners of 24 Berkeley Street addressed the Board. They stated that they worked for months with both Zoning and ISD staff to go through the permitting process. Many of these questions were addressed early on with staff and the permits were issued in December 2025. Currently on the site there is a full building. The foundation was certified and the information was submitted to the City for its records and approval. The building has been inspected at multiple points and found to be in compliance according to both ISD and Zoning. They explained that they were not notified as owners of the property until recently that the Building Permits were being appealed. They are not prepared to speak to the debate over the neighbor's accessory structure versus accessory building, as that was not the source of the original appeal. They noted that both PPZ and ISD classified this as an accessory structure throughout the permitting process, and they accepted that classification in good faith. A continuance may be needed in order to form a complete counter debate.

Seeing no additional public comments, Chair Fontano left the public testimony open at this time.

The Board noted that the applicant team's package is quite thorough. The Board asked about the 10.1' measurement that the appellant mentioned. The owners of 24 Berkeley Street explained that this measurement is between the primary structure and cottage on their lot. ISD did not require 10' from neighboring structures and so this is not shown on the plan.

Staff stated that it appears additional information was included in the applicant team's package and this should be reviewed by ISD and the owner of 24 Berkeley Street. Any zoning compliance questions should be addressed to ISD for a future discussion.

The Board asked if the owners of 23 Avon Street would be able to categorize their barn as a backyard cottage for the purposes of using it as a residence, noting how close it is to the primary structure at 21 Avon Street. This is a question for ISD. The Board also asked for other criteria regarding why the barn could be considered an accessory building, as there does not seem to be information presented other than the height of the structure. It would likely require a different permitting process outside of this to consider this as a different type of structure.

There was discussion regarding timing for a continuance in terms of existing deadlines for the process. The applicant team stated that they would prefer not to continue, noting evidence that the neighbors have continued with work on the structure even after becoming aware of the Administrative Appeal. The applicant team agreed to a continuance.

Following a motion by Acting Clerk Zaremba, seconded by Member Daglian, the Board voted unanimously (5-0) to continue the hearing for 24 Berkeley Street to 17 June 2026.

RESULT:

CONTINUED

NOTICE: These minutes constitute a summary of the votes and key discussions at this meeting. A recording of these proceedings can be found online here: [Agendas, Minutes, & More.](#)