



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

DECISION 2026 JUN 29 P 2:46

PROPERTY ADDRESS:	39 Bartlett Street	
CASE NUMBER:	ZP26-000025	
OWNER:	Raymond and Barbara Estrella	CITY CLERK'S OFFICE SOMERVILLE, MA
OWNER ADDRESS:	39 Bartlett Street, Somerville, MA 02145	
APPLICANT:	Raymond and Barbara Estrella	
APPLICANT ADDRESS:	39 Bartlett Street, Somerville, MA 02145	
DECISION:	Approved with Conditions (Hardship Variance)	
DATE OF VOTE:	June 17, 2026	
DECISION ISSUED:	June 29, 2026	

This decision summarizes the findings made by the Zoning Board of Appeals (the "Board") regarding the hardship variance application submitted for 39 Bartlett Street.

LEGAL NOTICE

39 Bartlett Street - ZP26-000025

Raymond and Barbara Estrella seek relief from SZO Section 10.2.1.e. for a shed not meeting setback requirements in the Neighborhood Residence (NR) zoning district, which requires a Hardship Variance.

RECORD OF PROCEEDINGS

On June 3, 2026, the Zoning Board of Appeals held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at the public hearing were Board Members Chair Susan Fontana, Vice-Chair Anne Brockelman, Ann Fullerton, Olivia Mobayed, Zach Zaremba and Alternate Brian Cook. Staff Planner Alvaro Esparza explained that staff missed information in the plot plan, and a resubmission is required to provide information about lot coverage. The Applicants agreed to provide this information for the next hearing and gave a presentation on the reasons for them requiring the variance. Chair Fontana read a couple of written comments from abutters, which mentioned concerns with the structure being a potential fire hazard, the aesthetics of the shed and the permeability of the lot due to lot coverage. The Chair opened public comment, there was no comment. The Chair closed public comment. The Board discussed the proposed variance and requested supplemental information from the applicant and staff to address the concerns, including fire safety risks, and provide in further detail the reasons that meet criteria MGL Chapter 40A, Section 10.

The Board continued the public hearing until June 17, 2026.

On June 17, 2026, the Zoning Board of Appeals held a public hearing advertised in accordance with M.G.L. 40A and the Somerville Zoning Ordinance. Present and sitting at

the public hearing were Board Members Chair Susan Fontana, Vice-Chair Anne Brockelman, Ann Fullerton, Olivia Mobayed, and Alternate Brian Cook. The Applicants gave a brief updated on the item discussed in the last meeting, emphasizing that the shed will use fire resistant materials. The Chair opened public comment, there was no comment. The Chair closed public comment. After this discussion between the Board and the applicant, the Board moved to vote.

PLANS & DOCUMENTS

Application plans, documents, and supporting materials submitted and incorporated are identified below.

Document	Pages	Prepared By	Date	Revision Date
Variance Narrative	2	Raymond and Barabra Estrella (Applicant)	March 19, 2026	N/A
Plot Plan	1	Control Point Associates, Inc., 352 Turnpike Road Southborough, MA 01772	January 15, 2026	June 11, 2026
Supplemental Narrative	6	Raymond and Barabra Estrella (Applicant)	June 9, 2026	N/A

HARDSHIP VARIANCE FINDINGS

In accordance with M.G.L. 40A and the Somerville Zoning Ordinance, the Board may grant a hardship variance only upon finding all of the following for each hardship variance:

- a) Special circumstances exist relating to the soil conditions, shape, or topography of a parcel of land or the unusual character of an existing structure but not affecting generally the zoning district in which the land or structure is located;

The Board finds that the existing location of the bulkhead and the fence are unusual character of an existing structure which do not generally affect the zoning district in which the land or structure is located, though it impacts the literal enforcement of SZO Section 10.2.1.e. for the existing shed.

- b) Literal enforcement of the provision of this Ordinance for the district where the subject land or structure is located would involve substantial hardship, financial or otherwise, to the petitioner or appellant due to said special circumstances;

The Board finds that literal enforcement of the setback requirement ordinance would create financial hardship for the applicant, due to the cost of removal or replacement of the shed.

- c) Desirable relief could be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Neighborhood Residence district in this Ordinance or the Ordinance in general.

The Board finds that desirable relief can be granted without causing substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of the Neighborhood Residence (NR) zoning district, if there are fire resistant materials, so neighbors' concerns can be addressed.

DECISION

Following public testimony, review of the submitted plans, and discussion of the statutorily required considerations, Brian Cook acting Clerk moved to approve the Hardship Variance to relief from SZO Section 10.2.1.e. for a shed not meeting setback requirements in the Neighborhood Residence (NR) zoning district with the conditions included in the staff memo dated May 28th, 2026, and the supplemental memo dated June 12th, 2026. Olivia Mabayed seconded. The Board voted **5-0** to approve the permit, subject to the following conditions:

General

1. This Decision must be recorded with the Middlesex South Registry of Deeds.
2. A digital copy of the recorded Decision stamped by the Middlesex South Registry of Deeds must be submitted to the Planning, Preservation, & Zoning Division for the public record.
3. Per Item 11 of Plot Plan dated June 11, 2026, the owner will remove 30.4 sq ft of impervious surface to meet SZO 3.1.8.a.c. Failure to meet this requirement will render the structure non-compliant.

Attest, by the Zoning Board of Appeals:



Orsola Susan Fontano, *Chair*

Anne Brockelman, *Vice-Chair*
Ann Fullerton
Olivia Mabayed
Brian Cook, *Alternate*

CLERK'S CERTIFICATE

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 15.5.3.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on _____ in the Office of the City Clerk, and twenty days have elapsed, and .

FOR VARIANCE(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

FOR SITE PLAN APPROVAL(S) WITHIN

_____ there have been no appeals filed in the Office of the City Clerk, or
_____ there has been an appeal filed.

Signed _____ City Clerk Date _____