



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

BOARD MEMBERS PRESENT

Herbert F. Foster, Jr., Chairman
Richard Rossetti
Orsola Susan Fontano, Clerk
T.F. Scott Darling, III, Esq.
Danielle Evans
Elaine Severino (Alt.)
Josh Safdie (Alt.)

STAFF PRESENT

George Proakis
Lori Massa

MINUTES

Zoning Board of Appeals
Aldermanic Chambers, 2nd Floor, City Hall, 93 Highland Avenue
Wednesday, April 20, 2011
DECISIONS 6:00 P.M. followed by New HEARINGS

Executive Session

Scott Darling made a motion to enter into an executive session to discuss ongoing litigation regarding 9-11 Aldersey Street. Richard Rossetti seconded the motion. Upon a vote, the motion passed 5-0.

Previously Continued Cases Continued to a Future Date

71 Linwood Street (Case #ZBA 2010-70)	
Applicant:	Herb Chambers Motorcars
Property Owner:	NSTAR Electric Company
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant Herb Chambers Motorcars and Owner NSTAR Electric Company, seeks a Special Permit with Site Plan Review under SZO §5.2.1 to use the existing structure for an automobile repair facility (SZO §7.11.5.b and/or §7.11.6.b). IA zone. Ward 2.
Date(s) of Hearing(s):	12/15/10, 1/5/11, 1/19, 2/2, 2/16, 3/2, 3/16, 4/6, 4/20
Planning Board Action:	No Planning Board report at this time.



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Richard Rossetti made a motion to continue the application to May 4, 2011. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.

Previously Opened Cases that are Requesting a Continuance

15 Warren Avenue (Case #ZBA 2010-69)	
Applicant:	Clear Wireless, LLC
Property Owner:	Somerville Housing Authority
Agent:	Jason Ellis, Prince Lobel
Legal Notice:	Applicant Clear Wireless, LLC, and Owner, Somerville Housing Authority Seek a Special Permit under SZO §4.4.1 & §14; and seeks a Variance under §7.11.15.3 to install three (3) panel antennas, façade mount four (4) two-foot wireless backhaul dish antennas, and add one GPS antenna on the roof of the structure along with associated equipment and cabling. RA zone. Ward 3.
Date(s) of Hearing(s):	12/1, 12/15/10, 1/5/11, 2/2, 2/16, 3/2, 3/16, 4/6, 4/20
Planning Board Action:	Recommends peer review.
Scott Darling has no financial interest in the case but his employer uses the Applicant's attorney in their work. The Applicant explained the proposal. George Proakis stated that, despite the Board not being able to issue a use variance, case law shows that the Board can approve use variances if the applicant proves that without the antenna there will be a significant coverage gap. Susan Fontano asked the applicants to change the design and to adhere to the conditions on the radiation. Scott Darling stated that he has worked with the applicant in the past to come up with conditions related to electromagnetic radiation. Danielle Evans then stated that they must follow FCC guidelines. One abutter spoke in opposition because of concerns of electromagnetic radiation. Richard Rossetti made a motion to approve the application for a Special Permit and the Variance. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

Previously Opened Cases to be Heard

26 Hamilton Road (Case #ZBA 2011-15)	
Applicant:	Matthew Barnes
Property Owner:	Matthew Barnes
Agent:	N/A
Legal Notice:	Applicant and Owner, Matthew Barnes, seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a dormer on an existing two-family residence. RA zone. Ward 7.
Date(s) of Hearing(s):	3/16, 4/6, 4/20
PB Action:	Recommends conditional approval.
Richard Rossetti made a motion to continue the application to May 4, 2011. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	



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25 Farragut Avenue (Case #ZBA 2011-12)	
Applicant:	Reinaldo & Donna Luna
Property Owner:	Reinaldo & Donna Luna
Agent:	Jon Lannan, AIA
Legal Notice:	Applicants/Owners Reinaldo & Donna Luna seek a Special Permit to replace an existing 1 ½ story structure with a 2 ½ story single-family dwelling in an existing nonconforming side yard under SZO §4.4.1. RB zone. Ward 7.
Date(s) of Hearing(s):	4/6, 4/20
PB Action:	Recommends conditional approval.
ZBA Action:	Voted on April 20, 2011 to continue the application to May 4, 2011.
The Architect requested more time for the Applicant to digest the information from the Historic Preservation Commission meeting the night before. Richard Rossetti made a motion to continue the application to May 4, 2011. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

50 Brastow Avenue (Case #ZBA 2011-18)	
Applicant:	Mark & Randi Soltysiak
Property Owner:	Mark & Randi Soltysiak
Agent:	N/A
Legal Notice:	Applicants/Owners Mark & Randi Soltysiak seek a Special Permit under SZO §4.4.1 to alter the single-family dwelling by constructing stairs in the nonconforming side and rear yard. RA zone. Ward 3.
Date(s) of Hearing(s):	4/6, 4/20
PB Action:	Recommends conditional approval.
The owner explained the changes to the plans. Richard Rossetti made a motion to approve the application for a special permit. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

New Cases to be Opened and Continued

35R Lexington Avenue (Case #ZBA 2009-45)	
Applicant:	Christos Poutahidis
Property Owner:	Christos Poutahidis
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant/Owner Christos Poutahidis is seeking a Special Permit with Site Plan Review (SZO §5.2) to have two principle structures (two single-family homes) on a lot (§7.2) and a Special Permit to alter a nonconforming structure (§5.1 & §4.4.1). The applicant/owner is seeking to alter the existing structure by demolishing a portion and renovating it into a single family home, and is seeking to build an additional single family home on the 14,875 square foot lot. RA zone. Ward 5.
Date(s) of Hearing(s):	11/3, 11/17, 12/1, 12/15/10, 1/5/11, 1/19. 2/2, 2/16, 3/2, 3/16, 4/6, 4/20
Planning Board Action:	No Planning Board Report at this time. Re-advertised for 4/20
Richard Rossetti made a motion to continue the application to May 4, 2011. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	



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200 Inner Belt Road (Case #ZBA 2011-24)	
Applicant:	Fine Arts Storage Partners, LLC
Property Owner:	Fine Arts Storage Partners, LLC
Agent:	Lawrence E. Kaplan, Esq.
Legal Notice:	Applicant & Owner Fine Arts Storage Partners (Somerville), LLC seeks a Special Permit with Site Plan Review to establish an approx 25,000 nsf office use (SZO §7.11.7.1.c) in an existing building that is also occupied by approx 135,000 nsf wholesale business or storage use (§7.11.13.1.1.b). IA zone. Ward 1.
Date(s) of Hearing(s):	4/20
Staff Recommendation:	No staff recommendation at this time.
Richard Rossetti made a motion to continue the application to May 4, 2011. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

New Cases to be Opened and Heard

25 Webster Avenue (Case #ZBA 2011-19)	
Applicant:	New Cingular Wireless, PCS, LLC
Property Owner:	IPC Louisville Properties, LLC
Agent:	Peter Fales
Legal Notice:	Applicant New Cingular Wireless, PCS, LLC d/b/a AT&T Mobility, Inc. & Owner IPC Louisville Properties, LLC seek a Special Permit under SZO §7.11.15.3 and SZO §14 for the installation of wireless communications equipment consisting of the replacement of two existing antennas, the installation of one new antenna, and related equipment and cables. RC zone. Ward 2.
Date(s) of Hearing(s):	4/20
Staff Recommendation:	Recommends conditional approval.
The applicant explained the project and stated that they would be swapping out the existing antennas and adding a new one that will be façade mounted. Danielle Evans questioned why screening was not proposed to which the applicant stated the landlord's engineer had concerns about wind load and that the antenna needs to be tall because it needs clearance over the rooftop. Danielle Evans continued to question if there would be an opportunity to screen the antenna to which the applicant stated that to start altering the screening would cause disruption in service. Susan Fontano then suggested that the engineer come to the next meeting to explain the screening options. Richard Rossetti made a motion to continue the application to May 4, 2011. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

33 Earle Street (Case #ZBA 200906-E1-3/2011)	
Applicant:	Gentle Giant Moving Company, Inc.
Property Owner:	JEK Realty, LLC
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant Gentle Giant Moving Company, Inc. & Owner JEK Realty, LLC seek a time extension (SZO §5.3.10) to Special Permit #ZBA 2009-06 for the expansion of a non-conforming use. TOD 55 zone. Ward 2.
Date(s) of Hearing(s):	4/20



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Staff Recommendation:	Recommends approval.
Richard Rossetti made a motion to withdraw the application without prejudice. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

65 Hall Avenue (Case #ZBA 2011-20)	
Applicant:	Douglas Grant
Property Owner:	Douglas Grant
Agent:	Maria C. Curtatone, Esq.
Legal Notice:	Applicant & Owner Douglas Grant seeks a Special Permit under SZO §4.4.1 to create living space in the basement of a nonconforming structure (§8.5.E). RA zone. Ward 6.
Date(s) of Hearing(s):	4/20
Staff Recommendation:	Recommends conditional approval.
The applicant explained the project. Elaine Severino asked why there were four electric meters at the house and the Applicant stated that there is a need for 4 meters because there are 3 units and 1 more for the common areas. Richard Rossetti made a motion to approve the application. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

100 Dover Street (Case #ZBA 2010-68-R1-3/2011)	
Applicant:	Ideal Engine Rebuilders, Inc.
Property Owner:	Ideal Engine Rebuilders, Inc.
Agent:	Dennis Serrano
Legal Notice:	Applicant & Owner Ideal Engine Rebuilders Inc. seek a revision to Special Permit ZBA 2010-68 under SZO §5.3.8. The revision is to alter the orientation of the two story addition to a ninety degree angle with the garage, omit the proposed gate adjacent to the entry drive, and alter the location and size of windows on the addition. Applicant and owner are also seeking to alter the location and size of windows on the garage, enlarge the garage doors, and make façade alterations to the garage under SZO §4.4.1. CBD zone. Ward 6.
Date(s) of Hearing(s):	4/20
Staff Recommendation:	Recommends conditional approval.
The architect and owner explained the project. Danielle Evans stated that the original design had an awning to show where the entrance is to which the architect stated that they added a metal entry to mark the entrance and the owner stated that they will put a small sign in the landscape area. Elaine Severino questioned if the building is up to the sidewalk to which the owner stated that it is a few feet from the sidewalk for landscaping. The Board discussed a triangular area that would be changing from landscaping to asphalt. The Board decided that pavers in this location would not be a great material because plows would tear them up. Drywells would help with drainage at the site. The owner then went on to state that they will recycle all oil, bottle, and cans and that they are adding landscaping and windows for natural light. Richard Rossetti made a motion to approve the application with an amendment to condition 3. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	



343-351 Summer Street (Case #ZBA 2011-22)	
Applicant:	Strategic Capital Group, LLC
Property Owner:	George Dilboy VFW Post #529 & The Dakota Partners, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, Strategic Capital Group, LLC and Owners George Dilboy VFW Post #529 and The Dakota Partners, LLC, seek a Special Permit with Site Plan Review under SZO §7.11.1.c to establish a 31 unit residential use, a Special Permit under §7.11.5.B.6.a to establish an approximately 8,400 gross square foot private club, and a Special Permit under §9.13.b to modify parking dimensions and access. CBD and RA zones. Ward 6.
Date(s) of Hearing(s):	4/20
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on April 20, 2011 to continue the application to May 4, 2011.
Richard Rossetti made a motion to continue the application. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

22-24 Hudson Street (Case #ZBA 2011-23)	
Applicant:	Derick Snare
Property Owner:	Thomas & Evelyn Battinelli
Agent:	N/A
Legal Notice:	Applicant, Derick Snare and owners, Thomas and Evelyn Battinelli, seek a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a dormer on an existing three-family residence. RA zone. Ward 5.
Date(s) of Hearing(s):	4/20
Staff Recommendation:	Recommends conditional approval.
The architect and owner explained the project and described the reason for a dormer. George Proakis stated that the proposal does not meet the dormer design guidelines that the city is creating. Alderman White stated that the neighbors are in support of the project and that the dormer is not in the front of the building. Alderman Sullivan urged the board the support the shed dormer. Danielle Evans stated that the shed dormer can be done poorly and that the details of the presented dormer make it innocuous. Richard Rossetti thinks that the additional cost is prohibitive. The Board decided to delete condition 3 and revise the conditions to allow for a shed dormer. Richard Rossetti made a motion to approve the application for a special permit. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

Other Business

None.

Plans and reports are available at the City of Somerville website at the following link:

www.somervillema.gov/planningandzoning/reports



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