



CITY OF SOMERVILLE, MASSACHUSETTS
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POOJA PHALTANKAR, *ALT.*

ZONING BOARD OF APPEALS MINUTES

Aldermanic Chambers, Somerville City Hall, 93 Highland Avenue, Somerville, MA
Wednesday, October 4, 2017
6:00 P.M.

22 Billingham Street: (Case #ZBA 2017-79)	
Applicant:	Jonathan Wolfe and Margaret Rosenberg
Property Owner:	Jonathan Wolfe and Margaret Rosenberg
Agent:	N/A
Legal Notice:	Applicants / Owners, Jonathan Wolfe and Margaret Rosenberg, seek a Special Permit under §4.4.1 of the Somerville Zoning Ordinance (SZO) to alter a nonconforming structure to construct a dormer within the required right side yard setback. RA zone. Ward 6.
Date(s) of Hearing(s):	9/6, 9/27
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on September 27, 2017 to continue the application to October 18, 2017.
Previously continued to October 18, 2017.	

118-124 College Avenue: (Case #ZBA 2017-88)	
Applicant:	Lacourt Realty, LLC c/o Mouhab Rizkallah
Property Owner:	Lacourt Realty, LLC c/o Mouhab Rizkallah
Agent:	N/A



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Legal Notice:	Owner, Lacourt Realty, LLC, c/o Mouhab Rizkallah, seeks a Special Permit under §7.3 of the SZO to increase the number of units from four to seven (including one affordable unit) and parking relief under Article 9 of the SZO.
Date(s) of Hearing(s):	9/6, 9/27, 10/4
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 27, 2017 to continue the application to October 4, 2017.
The Applicant submitted a written request to continue the application to October 18, 2017. Richard Rossetti made a motion to continue the application to October 18, 2017. Elaine Severino seconded the motion. The motion to continue the application to October 18, 2017 was passed 4-0 with Danielle Evans absent.	

51 McGrath Highway: (Case #ZBA 2017-46)	
Applicant:	Life Storage Limited Partnership
Property Owner:	Sovran Acquisition Limited Partnership
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, Life Storage Limited Partnership, and Owner, Sovran Acquisition Limited Partnership, seek a Special Permit with Design Review (SPSR) under Section 7.11.12.4.c and Section 5.2 of the Somerville Zoning Ordinance (SZO) to construct a self-storage facility of 28,880 gross square feet. The Applicant and Owner also seek a Variance under Article 12 of the SZO for signage. 1A Zone. Ward 2.
Date(s) of Hearing(s):	7/12, 8/2, 8/16, 9/6, 9/27, 10/4
Staff Recommendation:	Recommends Denial
ZBA Action:	Voted on September 27, 2017 to continue the application to October 4, 2017.
The Applicant submitted a written request to continue the application to October 18, 2017. Richard Rossetti made a motion to continue the application to October 18, 2017. Elaine Severino seconded the motion. The motion to continue the application to October 18, 2017 was passed 4-0 with Danielle Evans absent.	

24-28 Mount Pleasant Street: (Case #ZBA 2017-11)	
Applicant:	Warren A. Chaille, Trustee of the Chaille Trust
Property Owner:	Warren A. Chaille, Trustee of the Chaille Trust
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant/Owner, Warren A. Chaille, Trustee of the Chaille Trust, seeks a Special Permit under Section 7.3 of the Somerville Zoning Ordinance (SZO) to relocate, renovate, and construct an addition to the existing two-family dwelling to create a six-unit dwelling building. RB Zone. Ward 1.
Date(s) of Hearing(s):	6/7, 6/21, 7/12, 8/2, 8/16, 9/6, 10/4
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 6, 2017 to continue the application to October 4, 2017.
The Applicant submitted a written request to continue the application to October 18, 2017. Richard Rossetti made a motion to continue the application to October 18, 2017. Elaine Severino seconded the motion. The motion to continue the application to October 18, 2017 was passed 4-0 with Danielle Evans absent.	



38 Oliver Street: (Case #ZBA 2017-41)	
Applicant:	Mark J. Ahern & Polly Chin-Ahern
Property Owner:	Mark J. Ahern & Polly Chin-Ahern
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicants and Owners, Mark J. Ahern & Polly Chin-Ahern seek Special Permits under §4.4.1 of the SZO to renovate a non-conforming 4-unit residential structure. RB zone. Ward 1.
Date(s) of Hearing(s):	7/12, 8/2, 8/16, 9/6, 10/4
Staff Recommendation:	Conditional Approval
ZBA Action:	Voted on September 6, 2017 to continue the application to October 4, 2017.
The Applicant submitted a written request to continue the application to October 18, 2017. Richard Rossetti made a motion to continue the application to October 18, 2017. Elaine Severino seconded the motion. The motion to continue the application to October 18, 2017 was passed 4-0 with Danielle Evans absent.	

82 Willow Avenue: (Case #ZBA 2017-30)	
Applicant:	Umesh and Dipti Mistri
Property Owner:	Umesh and Dipti Mistri
Agent:	N/A
Legal Notice:	Applicants / Owners, Umesh and Dipti Mistri, seek a Special Permit under §4.4.1 to make various alterations that include a complete renovation of the interior and exterior of the nonconforming three-family structure, a Special Permit under §9.13 for parking relief, and a Variance under §5.5 and Article 8 for creating a new nonconformity by constructing a rear addition and decks into the required rear yard setback. NB zone. Ward 6.
Date(s) of Hearing(s):	9/6, 9/27, 10/4
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 6, 2017 to continue the application to October 4, 2017.
The Applicant submitted a written request to continue the application to October 18, 2017. Richard Rossetti made a motion to continue the application to October 18, 2017. Elaine Severino seconded the motion. The motion to continue the application to October 18, 2017 was passed 4-0 with Danielle Evans absent.	

161 Linwood Street: (Case #ZBA 2015-49-R1-0717)	
Applicant:	Herb Chambers I-93, Inc.
Property Owner:	Tauro Realty Trust, David Tauro, Trustee
Agent:	N/A
Legal Notice:	Applicant, Herb Chambers I-93, Inc. and Owner, Tauro Realty Trust with David Tauro, Trustee, seek a revision to a Special Permit with Site Plan Review under §5.2 and §5.3 of the SZO to alter a site plan including parking space dimensions and dumpster location. A Variance under §5.5 and §10.7 is sought for a fence exceeding 6 feet in height. IA Zone. Ward 2.
Date(s) of Hearing(s):	9/6, 9/27, 10/4
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 27, 2017 to continue the application to October 4, 2017.
The Applicant submitted a written request to continue the application to October 18, 2017. Richard Rossetti made a motion to continue the application to October 18, 2017. Elaine Severino seconded the motion. The motion to continue the application to October 18, 2017 was passed 4-0 with Danielle Evans absent.	



13 Pinckney Street: (Case #ZBA 2017-63)	
Applicant:	Jose Silva
Property Owner:	Joao Amaral
Agent:	N/A
Legal Notice:	Applicant, Jose Silva, and Owner, Joao Amaral, seek a Variance under Section 5.5 and 8.5 of the Somerville Zoning Ordinance (SZO) to legalize an existing unit in the basement of a two-family residence. RB Zone. Ward 1.
Date(s) of Hearing(s):	9/6, 10/4
Staff Recommendation:	Denial
ZBA Action:	Voted on September 6, 2017 to continue the application to October 4, 2017.
Stephanie Amaral (owners daughter) said separate apartment in basement; wants to legalize it. Fontano asked how long owned? (reply – 30/40 years) how long going on? Hans Jensen said building permit triggered a violation for illegal basement. Sarah Lewis said Jose Silva (owner’s brother) let them into the basement, nobody lives down there. Fontano asked why denial? Lewis said lot area/dwelling unit and other dimensions require variances. Rossetti said does not meet the variance requirement for any of the 3. Severino said denied many years ago; couldn’t find reason to support it; no escape windows. Evans said does not meet the findings; disoveyed the previous denial. Richard Rossetti made a motion to deny the variance. Elaine Severino seconded the motion. The motion to deny the variance was passed 5-0.	

130 Walnut Street: (Case #ZBA 2017-70)	
Applicant:	David Einis
Property Owner:	Garrett Realty, LLC
Agent:	N/A
Legal Notice:	Applicant, David Einis, and Owner, Garrett Realty, LLC, seek Special Permits under §4.4.1 and §8.5 of the SZO for: the upward extension of the non-conforming right side yard setback by raising the rear portion of the existing structure to a height of 30’ 10 ¼ inches; constructing dormers within the right side yard setback; increasing the FAR by more than 25% by adding a large addition to the rear of the structure; Special Permits under §7.11 to increase the number of units from two to three; Special Permits under §9.13 for parking relief. RB zone. Ward 4.
Date(s) of Hearing(s):	9/27, 10/4
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on September 27, 2017 to continue the application to October 4, 2017.



Garrett Einis provided an overview for the proposed project; held an informal neighborhood meeting; landscaping included in the project. Public comment was given. Justin Rake had concerns with the construction safety and debris; removal of trees; increasing the scope will make the construction work; loss of landscape area. Hannah Haptu passed out pictures of the Board; concerned about the addition blocking her view, sunlight, and privacy. Rosemary Marano said demolition has been dirty and unsafe; opposes the projects; loss of view and neighborhood character; dangerous driveway; too dense. Darlene Stout opposes the project; will not fit in with the character; structure should be maintained; loss of trees. Constantinos Mejlh said lots of mice and cats; view will be gone; trucks idling; parking will be tough in the winter. Fontano asked how long have you owned it? (reply – June). Interior work, construction debris come up during the meeting? (reply – yes). If full scale construction begins you need to respect the neighborhood. White pointed out conditions that address some construction concerns -- #7, #8, #9, and #13. Fontano said contact person to represent the neighbors (White said see condition #3). Brockelman mentioned setback and parking requirements. Rossetti said owners responsibility to keep the site clean. Fontano wants it to be done right. Severino asked about wall on Radcliffe (reply – cement is 3' high); fence on front (reply – small picket or none); why take down all of trees? (reply -- in the way of the addition); pervious pavers (reply – yes). White read condition #22, all bituminous will be removed. Fontano asked about length of wall (reply – 100') and why 3' high? (reply – at least 2' of soil). Evans asked about parking configuration of 3rd space? Length of tandem spaces? Size of units? Window locations? Setback addition? A lot of massing on the nonconforming setback. Brockelman said addition is overscaled and needs more articulation to break it up; window centered on shed dormer; professional landscape plan; the addition. Safdie agrees with Evans and Brockelman; not a traditional Somerville house; not in line with character. Richard Rossetti made a motion to continue the application to October 18, 2017. Elaine Severino seconded the motion. The motion to continue the application to October 18, 2017 was passed 5-0.

21 Henderson Street: (Case #ZBA 2017-66)

Applicant:	Nick Aalerud, Trustee of the Hepplewhite Realty Trust
Property Owner:	Nick Aalerud, Trustee of the Hepplewhite Realty Trust
Agent:	N/A
Legal Notice:	Applicant and Owner, Nick Aalerud being the Trustee of the Hepplewhite Realty Trust, seeks a Special Permit under §4.4.1 of the Somerville Zoning Ordinance (SZO) to construct a dormer on the rear of the structure within the required rear yard setback of the nonconforming structure. RB zone. Ward 5.
Date(s) of Hearing(s):	8/2, 8/16, 9/6, 10/4
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on September 6, 2017 to continue the application to October 4, 2017.

Joanna Reck (architect) provided an overview of the project. Severino asked if asphalt and weeds would be taken care of? (Reply – architect stated that pavers would be used and landscaping upgraded). Mello stated that he would have the applicant prepose shade tolerant plants. Evans asked if the front porch could be opened up? (Reply – architect stated that was not in the plans at this time). Fontano asked if the sun porch was going to become another room? (reply – architect stated that this would not happen; stated property would be cleaned up). Severino wants to see chain link fence go away. Trustee for trust that owns house stated the chain link would go away and would need to check to see if part of fence belonged to neighbors. Richard Rossetti made a motion to include a condition to remove fence and change rear hardscape (pavers) and landscaping. Elaine Severino seconded the motion. The motion to revise conditions to the special permit passed 5-0. Richard Rossetti made a motion to conditionally approve the special permit. Elaine Severino seconded the motion. The motion to conditionally approve the special permit passed 5-0.

263 Washington Street: (Case #ZBA 2017-40)

Applicant:	261-263 Washington Somerville, LLC
Property Owner:	Michael E. & Constance O'Connor
Agent:	Richard G. DiGirolamo, Esq.



Legal Notice:	Applicant, 261-263 Washington Somerville, LLC, and Owners, Michael E. & Constance O'Connor, seek Special Permits under the SZO Section 4.4.1 to increase the height of the building from three stories to four, increase the FAR to 2.0 and add an addition in the rear. Parking relief is sought under Section 9.13 of the SZO. NB zone. Ward 2.
Date(s) of Hearing(s):	6/7, 6/21, 7/12, 8/2, 8/16, 9/6, 9/27, 10/4
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on September 27, 2017 to continue the application to October 4, 2017.
<p>Brockelman asked existing mansard slate? What is seam and roof material? Not shiny? (reply – no). Existing elevation material? (reply – same). Severino said scary roof decks, how far back? Horizontal rings are issue (reply – may change). Will move back rails on upper decks. Brockelman said drawing A4, decks are set back, top decks on A6 and set back. Severino said rails are 6” from edge, can move 3’ back. Fontano supports setting decks back a few feet. Debate ensues about Darwin and roof decks. Safdie is not bothered by decks ~3’ back-ish. Severino said decks visible from street – bad? Safdie said will see it no matter what. Fontano said change rails to vertical, worried about deck clutter. Severino was concerned about people climbing on planters. Decks set back 1’.</p> <p>Richard Rossetti made a motion to revise permit conditions: all new rails to be vertical so as not to have ladder affect; roof decks pulled in 1’; deck over commercial entrance A1.4 be built as plan; no fire devices on decks. Elaine Severino seconded the motion. The motion to revise conditions to the special permit passed 5-0. Richard Rossetti made a motion to conditionally approve the special permit. Elaine Severino seconded the motion. The motion to conditionally approve the special permit passed 5-0.</p>	

34 Sargent Avenue: (Case #ZBA 2017-93)	
Applicant:	Matt Javitch as manager of 34 Sargent, LLC
Property Owner:	Matt Javitch as manager of 34 Sargent, LLC
Agent:	N/A
Legal Notice:	Applicant and Owner, Matt Javitch as manager of 34 Sargent, LLC, seeks a Special Permit under SZO §4.4.1 to increase the nonconforming floor area ratio (FAR) by finishing the basement and extending a dormer within the nonconforming left side yard. RB zone. Ward 4.
Date(s) of Hearing(s):	9/27, 10/4
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on September 27, 2017 to continue the application to October 4, 2017.
<p>Landscaper of record provided details on new landscape design (see file). Rossetti said concrete on right side maybe does not provide structural support – building and foundations needs repairs, concrete goes and repairs made so building stands alone. Safdie said structural engineers statement not definitive. Severino asked what is purple area on landscape plan? (reply – flowering evergreen ground cover). Fontano asked for staff comments (Alex Mello said overall staff wants to see concrete removed); environmental issue persists; asked on left side, how much property on this side? White said special permit is for domer, but much work = spruce on outside too. Fontano asked what is dormer clad in? (reply – clapboard). Severino said siding okay, who enforces? Fontano said hard to match siding, maybe not push siding. Safdie said perfunctory project and process; big ask with landscape and siding – happy with siding staying. Fontano said shutters don’t really work. Richard Rossetti made a motion to strike condition #7 from the special permit and revise condition #9 to include concrete removal in front. Elaine Severino seconded the motion. The motion to revise conditions to the special permit passed 5-0. Richard Rossetti made a motion to conditionally approve the special permit. Elaine Severino seconded the motion. The motion to conditionally approve the special permit passed 5-0.</p>	



Other Business:

Sarah White provided an overview/preview of the October 18 meeting, specifically the High School.

Plans and reports are available at the City of Somerville website at the following link:
www.somervillema.gov/planningandzoning/reports



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