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ZONING BOARD OF APPEALS MINUTES

Aldermanic Chambers, Somerville City Hall, 93 Highland Avenue, Somerville, MA
Wednesday, November 8, 2017
6:00 P.M.

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, 10/18, 11/8
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on October 18, 2017 to continue the application to November 29, 2017.
Voted on October 18, 2017 to continue the application to November 29, 2017.	



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143
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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, 10/18, 11/8
Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 18, 2017 to continue the application to November 8, 2017.
Applicant submitted a written request to continue the application to November 29, 2017. Richard Rossetti made a motion to continue the hearing to November 29, 2017. Elaine Severino seconded the motion. Motion passed 4-0 with Danielle Evans, Josh Safdie, and Anne Brockelman absent.	

18 Brook Street: (Case #ZBA 2017-43)	
Applicant:	Waemen Lung and Waelim Lung
Property Owner:	Waemen Lung and Waelim Lung
Agent:	N/A
Legal Notice:	Applicants and Owners, Waemen Lung and Waelim Lung, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure within the required front, left, and right side yard setbacks and to increase the nonconforming floor area ratio (FAR) by converting the roof type from a gable style to a flat roof and making interior renovations. RB Zone. Ward 1.
Date(s) of Hearing(s):	10/18, 11/8
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on October 18, 2017 to continue the application to November 8, 2017.
The Applicant submitted a written request to continue the application to November 29, 2017. Richard Rossetti made a motion to continue the hearing to November 29, 2017. Elaine Severino seconded the motion. Motion passed 4-0 with Danielle Evans, Josh Safdie, and Anne Brockelman absent.	

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
Legal Notice:	Owner, Lacourt Realty, LLC, c/o Mouhab Rizkallah, seeks a Special Permit with Site Plan Review under §7.3 of the SZO to increase the number of dwelling 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, 10/18, 11/8
Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 18, 2017 to continue the application to November 8, 2017.
The Applicant submitted a written request to continue the application to November 29, 2017. Richard Rossetti made a motion to continue the hearing to November 29, 2017. Elaine Severino seconded the motion. Motion passed 4-0 with Danielle Evans, Josh Safdie, and Anne Brockelman 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. IA Zone. Ward 2.
Date(s) of Hearing(s):	7/12, 8/2, 8/16, 9/6, 9/27, 10/4, 10/18, 11/8
Staff Recommendation:	Recommends denial
ZBA Action:	Voted on October 18, 2017 to continue the application to November 8, 2017.
The Applicant submitted a written request to continue the application to November 29, 2017. Richard Rossetti made a motion to continue the hearing to November 29, 2017. Elaine Severino seconded the motion. Motion passed 4-0 with Danielle Evans, Josh Safdie, and Anne Brockelman absent.	

81 Sacramento Street: (Case #ZBA 2017-25-R1-9/2017)	
Applicant:	Sophia and Frank Maniaci
Property Owner:	Sophia and Frank Maniaci
Agent:	N/A
Legal Notice:	Applicants and Owners, Sophia and Frank Maniaci, seek a revision to a previously approved special permit (ZBA 2017-25 approved in May 2017) under §5.3.8 of the Somerville Zoning Ordinance to increase the height of a portion of the nonconforming structure to add another level of living area. RC zone. Ward 2.
Date(s) of Hearing(s):	10/18, 11/8
Staff Recommendation:	None at this time
ZBA Action:	Voted on October 18, 2017 to continue the application to November 8, 2017.
The Applicant submitted a written request to continue the application to November 29, 2017. Richard Rossetti made a motion to continue the hearing to November 29, 2017. Elaine Severino seconded the motion. Motion passed 4-0 with Danielle Evans, Josh Safdie, and Anne Brockelman absent.	

81 Highland Avenue (Case #ZBA 2017-101)	
Applicant:	City of Somerville
Property Owner:	City of Somerville
Agent:	N/A
Legal Notice:	Applicant and Owner, the City of Somerville, seek Special Permits per 4.4.1 to alter the existing, non-conforming structure (Somerville High School), and a Variance for parking under Article 9. RC zone. Ward 3.
Date(s) of Hearing(s):	10/18, 11/8
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on October 18, 2017 to continue the application to November 8, 2017.
The Applicant submitted a written request to continue the application to a Special Meeting on November 28, 2017. Richard Rossetti made a motion to continue the hearing to November 28, 2017. Elaine Severino seconded the motion. Motion passed 4-0 with Danielle Evans, Josh Safdie, and Anne Brockelman absent.	



5 Middlesex Avenue (ZBA 2017-96)	
Applicant:	Somerville Office Association, LP
Property Owner:	Somerville Office Association, LP
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner Somerville Office Association, LP seeks a Variance under §5.5 for the top of a wall sign mounted higher than 35' above finished grade under §6.4.14. Zone ASMD. Ward 1.
Date(s) of Hearing(s):	11/8
Staff Recommendation:	None at this time
ZBA Action:	--
The Applicant submitted a written request to continue the application to November 29, 2017. Richard Rossetti made a motion to continue the hearing to November 29, 2017. Elaine Severino seconded the motion. Motion passed 4-0 with Danielle Evans, Josh Safdie, and Anne Brockelman absent.	

3 Royce Place (ZBA 2017-74)	
Applicant:	Black Wolf Special Opportunity II, LLC
Property Owner:	Black Wolf Special Opportunity II, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, Black Wolf Special Opportunity II, LLC, seeks a Special Permit under §4.4.1 to alter an existing three-family structure and convert it into a two-family structure and a Special Permit with Site Plan Review (SPSR) under §7.2 to construct a single dwelling unit in a second principle structure on the lot. RB Zone. Ward 1.
Date(s) of Hearing(s):	11/8
Staff Recommendation:	None at this time.
ZBA Action:	--
The Applicant submitted a written request to continue the application to November 29, 2017. Richard Rossetti made a motion to continue the hearing to November 29, 2017. Elaine Severino seconded the motion. Motion passed 4-0 with Danielle Evans, Josh Safdie, and Anne Brockelman absent.	

45 Kent Street: (Case #ZBA 2017-90)	
Applicant:	Angela Schifano
Property Owner:	Angela Schifano
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Owner and Applicant, Angela Schifano, seeks Special Permits under §7.11 of the SZO to increase the number of units from two to three; under §4.4.1 to increase the non-conforming left side yard setback, and for an upward extension of both the non-conforming rear and non-conforming left side yard setbacks by increasing the height of the building by approximately 10 feet; to increase the FAR and GFA by more than 25%; parking relief under Article 9 of the SZO. RC zone. Ward 2.
Date(s) of Hearing(s):	10/18, 11/8
Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 18, 2017 to continue the application to November 8, 2017.
The Applicant submitted a written request to continue the application to November 29, 2017. Richard Rossetti made a motion to continue the hearing to November 29, 2017. Elaine Severino seconded the motion. Motion passed 4-0 with Danielle Evans, Josh Safdie, and Anne Brockelman 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, 10/18, 11/8
Staff Recommendation:	SP: Conditional approval V: Unable to recommend
ZBA Action:	Voted on October 18, 2017 to continue the application to November 8, 2017.
No public testimony given. Fontano asks Mello for illumination: Mello emailed JS for project. Clarity – no real evidence for good explanation for 6' addition. Needs variance from AAB – minimal ADA design standard. Large kitchen with no real ADA benefits – staff leaves to ZBA. Fontano agrees – family staying in home. Evans said not all plans have proper dates – Safdie saw? Packet dates off. Prior trusts Safdie's opinion – arch made reasonable attempt, still too large. Severino said cannot support large addition in back. Rossetti respects Safdie but family is trying to stay – existing bldg. has limits. Evans said 40A findings not met. Fontano and board said continue for betterment. Richard Rossetti made a motion to continue the hearing to November 29, 2017. Elaine Severino seconded the motion. Motion passed 4-0 with Josh Safdie, and Anne Brockelman absent.	

49 Cedar Street: (Case #ZBA 2017-92)	
Applicant:	Alan Peterson of A. Peterson Development, LLC
Property Owner:	Alan Peterson of A. Peterson Development, LLC
Agent:	N/A
Legal Notice:	Applicant and Owner, Alan Peterson of A. Peterson Development, LLC, seeks Special Permits to increase the FAR and GFA by more than 25% each, construct an addition along the left side yard setback that horizontally and vertically extends this dimensional non-conformity, and under Article 9 for parking relief. RB zone. Ward 5.
Date(s) of Hearing(s):	10/18, 11/8
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on October 18, 2017 to continue the application to November 8, 2017.
Alan Peterson provided an overview of the proposed revisions since last time. No public testimony was given. Severino said beautiful. Richard Rossetti made a motion to conditionally approve the special permit. Elaine Severino seconded the motion. Motion passed 5-0 with Josh Safdie and Anne Brockelman absent.	

8 Whipple Street: (Case #ZBA 2017-96)	
Applicant:	Lacourt Enterprises, LLC
Property Owner:	Mouhab Rizkallah
Agent:	N/A
Legal Notice:	Applicant, Lacourt Enterprises, LLC, and Owner, Mouhab Rizkallah, seek Special Permits under §4.4.1 of the SZO to increase the GFA and FAR by more than 25%, and for upward extensions of the non-conforming front, left, and right yard setbacks, and Special Permit under Article 9 of the SZO for parking relief. RC zone. Ward 6.
Date(s) of Hearing(s):	10/18, 11/8



Staff Recommendation:	None at this time.
ZBA Action:	Voted on October 18, 2017 to continue the application to November 8, 2017.
Ron Perry opposes project and man is not good landlord etc. Severino likes new landscape plan. Rossetti agrees with Severino. Richard Rossetti made a motion to conditionally approve the special permit. Elaine Severino seconded the motion. Motion passed 4-0 with Josh Safdie and Anne Brockelman absent.	

1 Williams Court: (Case #ZBA 2017-82)

Applicant:	Frank Marinello
Property Owner:	Frank Marinello
Agent:	N/A
Legal Notice:	Applicant and Owner, Frank Marinello, seeks Special Permits under §4.4.1 of the SZO for the upward extension of the non-conforming rear yard setback and parking relief under §9.13 of the SZO.
Date(s) of Hearing(s):	10/18, 11/8
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on October 18, 2017 to continue the application to November 8, 2017.
Enid Cunmin at 5 Williams had parking concerns; car port may remove parking. Shadow study. Abutter on Porter was okay. Richard Rossetti made a motion to continue the hearing to November 29, 2017. Elaine Severino seconded the motion. Motion passed 4-0 with Josh Safdie and Anne Brockelman absent.	

906-908 Broadway (ZBA 2015-32-E-1-10/17)

Applicant:	Siyuan He
Property Owner:	Siyuan He
Agent:	N/A
Legal Notice:	Applicant and Owner, Siyuan He, seeks a one-year extension under §5.3.10 to the Special Permits issued by the ZBA in 2015 to alter a non-conforming 2-family structure to add an approximately 2,000 square foot addition. RA zone. Ward 6.
Date(s) of Hearing(s):	11/8
Staff Recommendation:	Approval
ZBA Action:	--
Board did not ask any questions. Richard Rossetti made a motion to approve the project. Elaine Severino seconded the motion. Motion to approve the project passed 4-0 with Josh Safdie and Anne Brockelman absent.	

24 Hall Avenue (ZBA 2017-102)

Applicant:	Justin Levine, as Manager of 24 Hall Ave LLC
Property Owner:	24 Hall Ave LLC
Agent:	N/A
Legal Notice:	Applicant, Justin Levine, as Manager of 24 Hall Ave LLC, and Owner, 24 Hall Ave LLC, seek a Special Permit under SZO §4.4.1 to increase the nonconforming floor area ratio (FAR) of the structure by finishing a portion of the basement. RA Zone. Ward 6.
Date(s) of Hearing(s):	11/8
Staff Recommendation:	Conditional approval
ZBA Action:	--



Property owner, architect, and property manager appeared. Architect provided an overview of the proposed project. 20 Hall Ave said residents fo 24 Hall Ave drive over the shared property line to get to their spaces. Mello said private property dispute is not a zoning issue. Fontano said did you know? Fontano said continue so both parties can work it out. Richard Rossetti made a motion to continue the hearing to November 29, 2017. Elaine Severino seconded the motion. Motion passed 5-0 with Josh Safdie and Anne Brockelman absent.

21 Cherry Street (Case #ZBA 2017-105)

Applicant:	Alan Moore
Property Owner:	Lacourt Foundation, LLC
Agent:	N/A
Legal Notice:	Applicant, Alan Moore of 23 Cherry Street seeks an Administrative Appeal under §3.1.9, §3.2, and §3.2.3 of the SZO and M.G.L. Chapter 40A §8 of a decision by the Inspectional Services Department (ISD) to issue a building permit (B17-001444) for the property at 21 Cherry Street which is tied to ZBA Decision 2016-25. The owner if 21 Cherry Street is Lacourt Foundation, LLC. RB zone. Ward 5.
Date(s) of Hearing(s):	11/8
Staff Recommendation:	Recommendation forthcoming
ZBA Action:	--
<p>Alan Moore provided an overview of his appeal. Some have since resolved but he still has issues with some of them. Drainage plan stamped by PE; the submitted plan is not acceptable. MAAB documentation. Ron Perry supports Alan Moore. Fred Betman trusts the ZBA. Severino recused herself as she had originally during the prior case. Sarah White provided a response to Mr. Moore's concerns: recieved a stamped civil eng. plan; receieved an MAAB report (not applicable). Garrett Laws said garage was demolished, why is Hans Jensen not working on it? Fontano asked was there a point of contact for the Applicant? (Reply – yes, contractors). Why not call the doctor? Sarah White said BP did not include language for demolishing the garage. Rossetti said there are always issues with this applicant. Fontano said neighbors, at the end of day, have to live there. Rossetti said last minute information is unacceptable. Sarah White said can add condition to designate point person to the extent allowed by law. Phaltankar said there should be consequences for violating zoning coniditons. Alan Moore said more should be done rather than just checking a box. Richard Rossetti made a motion to include a new condition to the permit to if legally possible, appoint a City staff person to be a point person for this project. Danielle Evans seconded the motion. The motion to revise conditions passed 4-0 with Josh Safdie and Anne Brockelman absent and Elaine Severino recused. Richard Rossetti made a motion to conditionally approve the Special Permit. Danielle Evans seconded the motion. The motion to conditionally approve the Special Permit passed 4-0 with Josh Safdie and Anne Brockelman absent and Elaine Severino recused. Decision to uphold ISD.</p>	

311 Highland Avenue (Case #ZBA 2017-103)

Applicant:	John Costello
Property Owner:	Lydia Rose Trust, John Costello Trustee
Agent:	N/A
Legal Notice:	Applicant, John Costello, and Owner, Lydia Rose Trust, John Costello Trustee), seek special permits to modify the signage requirements as permitted in the original zoning approval of ZBA 2014-120. RC zone. Ward 6.
Date(s) of Hearing(s):	11/8
Staff Recommendation:	Conditional approval
ZBA Action:	--



The Applicant submitted a written request to continue the application to November 29, 2017. Richard Rossetti made a motion to continue the hearing to November 29, 2017. Elaine Severino seconded the motion. Motion passed 5-0 with Josh Safdie and Anne Brockelman 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, 10/18, 11/8
Staff Recommendation:	Conditional Approval
ZBA Action:	Voted on October 18, 2017 to continue the application to November 8, 2017.
Severino asked who owns driveway on left side of house? Not known? Owned by neighbor 1/2 and 1/2. No apparent auto access onto property – only 7’ 10”. If not used for parking, will remove? (reply – no). Dess it up, make more attractive (reply – yes). Richard Rossetti made a motion to include a new condition to the permit for front left blacktop removed and paved. Danielle Evans seconded the motion. The motion to revise conditions passed 4-0 with Josh Safdie and Anne Brockelman absent. Richard Rossetti made a motion to conditionally approve the Special Permit. Danielle Evans seconded the motion. The motion to conditionally approve special permit passed 4-0 with Josh Safdie and Anne Brockelman absent.	

44 Broadway ZBA (2017-95)

Applicant:	Lower Broadway Development, LLC
Property Owner:	Lower Broadway Development, LLC
Agent:	Sean T. O'Donnovan
Legal Notice:	Applicant & Owner, Lower Broadway Development, LLC, seeks a Variance under SZO §5.5 to demolish existing one-story commercial structures and replace them with a 6-story mixed-use building containing 8,696sf of retail/restaurant, 9,800sf office, and 27 residential dwelling units with structured parking under SZO §6.5. Zone TOD-55. Ward 1.
Date(s) of Hearing(s):	11/8
Staff Recommendation:	Unable to recommend
ZBA Action:	--
Elon Risner at 51 Mt. Vernon was in favor. 4 George St has many concerns – no parking on George St, congestion. 11 George St had traffic concerns, does not fit neighborhood. Evans was looking for parking relief – yes, granted via SP due to inclusionary units. 27 units in shorter project? (yes, more residential, less commercial + 2 net spaces on Broadway). Fontano said TOD55 and mech and pent house, happy about potential, shadow study? Why not on other side of street? too big? 55 is enough. Severino asked large BBQ area? (Reply – no). Pooja said not convinced about parks for private roof deck – so what?! Not ready to vote. Severino asked how maintains roof gardens? (Reply – bldg. owners). Evans said 3 rd variance finding clarification. Rossetti said variance condition 1+3 okay, condition 2? Fontano set pres. for height variance? Not ready to vote tonight, setback questions. Richard Rossetti made a motion to continue the hearing to November 29, 2017. Elaine Severino seconded the motion. Motion passed 4-0 with Josh Safdie and Anne Brockelman absent.	



Other Business:

NOTICE: While reasonable efforts have been made to assure the accuracy of the data provided in these minutes, do not rely on this information as the complete and accurate portrayal of the events in the meeting without first checking with the Planning Division staff. If any discrepancies exist, the decisions filed by the Board serve as the relevant record for each case. The Planning Division also maintains audio recordings of most Board meetings that are available upon request.

Plans and reports are available at the City of Somerville website at the following link:
<https://www.somervillema.gov/departments/ospcd/planning-and-zoning/reports-and-decisions>



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