



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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POOJA PHALTANKAR, *ALT.*

ZONING BOARD OF APPEALS MINUTES

Aldermanic Chambers, 2nd Floor City Hall, 93 Highland Avenue, Somerville, MA
Wednesday, March 15, 2017
6:00 P.M.

Previously Opened Cases that are Requesting a Continuance

17 Porter Street: (Case #ZBA 2016-90)	
Applicant:	Daniel & Amanda Casparriello
Property Owner:	Daniel & Amanda Casparriello
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owners, Daniel and Amanda Casparriello, seek a Special Permit under SZO § 4.4.1 to substantially alter an existing non-conforming structure by adding additions, decreasing the front yard setback, and increasing FAR, parking relief under SZO § 9.13, and a Variance for ground coverage. RB zone. Ward 5.
Date(s) of Hearing(s):	9/21, 10/5, 11/2, 11/16, 12/7/16, 1/18/17, 2/15, 3/15
Staff Recommendation:	None at this time.
ZBA Action:	Voted on February 15, 2017 to continue the application to March 15, 2017.

The Applicant submitted a written request to continue the application to April 19, 2017. Richard Rossetti made a motion to continue the application to April 19, 2017. Seconded by Elaine Severino. Motion passed 5-0.

31 Porter Street: (Case #ZBA 2016-119)	
Applicant:	31 Porter Street, LLC
Property Owner:	31 Porter Street, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, 31 Porter Street, LLC, seeks Special Permits under SZO §7.3 to increase the maximum number of dwelling units per lot from three to eight, Special Permit to extend existing non-conformities under §4.4.1 and parking relief under §9.13 of the SZO. RB zone. Ward 3.
Date(s) of Hearing(s):	11/16, 12/7/16, 1/18/17, 2/15, 3/15
Staff Recommendation:	None at this time.
ZBA Action:	Voted on February 15, 2017 to continue the application to March 15, 2017.
The Applicant submitted a written request to continue the application to April 19, 2017. Richard Rossetti made a motion to continue the application to April 19, 2017. Seconded by Elaine Severino. Motion passed 5-0.	

500 Medford Street: (Case #ZBA 2016-147)	
Applicant:	Himgiri Realty Trust
Property Owner:	Himgiri Realty Trust
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant/Owner, Himgiri Realty Trust, seeks a Special Permit with Design Review under SZO §7.11.10.2.1.a to establish a fast order food establishment, a Special Permit under SZO §7.11.1.c to establish four residential dwelling units, and a Variance under SZO §5.5 and Article 9 for off-street parking spaces.
Date(s) of Hearing(s):	2/15, 3/1, 3/15
Staff Recommendation:	None at this time.
ZBA Action:	Voted on March 1, 2017 to continue the application to March 15, 2017.
The Applicant submitted a written request to continue the application to April 5, 2017. Richard Rossetti made a motion to continue the application to April 5, 2017. Seconded by Elaine Severino. Motion passed 5-0.	

21 Cherry St: (Case #ZBA 2016-25)	
Applicant:	Mouhab Rizkallah & Lacourt Foundation, LLC
Property Owner:	Mouhab Rizkallah & Lacourt Foundation, LLC
Agent:	N/A
Legal Notice:	Applicant and Owner, Mouhab Rizkallah and Lacourt Foundation, LLC, respectively, seek a Special Permit per SZO §4.4.1 to substantially alter a non-conforming 6-unit structure on an undersized lot. The applicant also seeks parking relief under SZO §9.1.3. RB Zone. Ward 5.
Date(s) of Hearing(s):	6/8, 6/22, 8/17, 9/21, 10/19, 11/16, 12/7/16, 1/18/17, 2/1, 2/15, 3/1, 3/15
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on March 1, 2017 to continue the application to March 15, 2017.

The Applicant submitted a written request to continue the application to April 5, 2017. Richard Rossetti made a motion to continue the application to April 5, 2017. Seconded by Elaine Severino. Motion passed 5-0.

Previously Opened Cases to be Heard

245 Elm Street: (Case #ZBA 2017-02)	
Applicant:	Garden Remedies, Inc.
Property Owner:	Dana Family Realty Trust & RMD , Sr. Realty Trust
Agent:	Dennis A. Quilty, Esq.
Legal Notice:	Applicant, Garden Remedies, Inc., and Owners, Dana Family Realty Trust and RMD, Sr. Realty Trust, seek a Special Permit under SZO §7.15 to establish a Medical Marijuana Facility in the ground level and basement of the building. CBD Zone and Medical Marijuana Overlay District. Ward 6.
Date(s) of Hearing(s):	2/1, 2/15, 3/1, 3/15
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on March 1, 2017 to continue the application to March 15, 2017.
Applicant appeared and requested to continue the application to April 5, 2017. Richard Rossetti made a motion to continue the application to April 5, 2017. Seconded by Elaine Severino. Motion passed 5-0.	

100 Dover Street: (Case #ZBA 2017-04)	
Applicant:	New Day Properties, LLC
Property Owner:	New Day Properties, LLC
Agent:	Peter Quinn, AIA
Legal Notice:	Owner/Applicant, New Day Properties LLC, seeks a Special Permit under 5.1 for converting a non-conforming auto body repair shop to a conforming non-medical office use and parking relief under §9.13 of the SZO. CBD Zone. Ward 6.
Date(s) of Hearing(s):	3/1, 3/15
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on March 1, 2017 to continue the application to March 15, 2017.
<p>Architect Peter Quinn: provided an overview of the project and a recap of the neighborhood meeting a week ago. Neighbors were in favor. No further changes since last meeting. Owner: closing garage spaces to provide on-street parking. Quinn: three spaces short of requirement. Hans Jensen: read code as it relates to zipcar type spaces.</p> <p>Severino: zipcar spots? Why is parking relief needed? Evans: really should be five spaces of relief because we shouldn't count zipcar spaces. Severino: number of employees in building (reply – 15-25); provide employee spaces before zipcar. Safdie: zipcars provide a service for neighborhood and employees. Severino: add a bike rack.</p> <p>Board added condition #71: add a bike rack to make 4 spaces for bikes.</p> <p>Richard Rossetti made a motion to conditionally approve special permit. Seconded by Elaine Severino. Motion passed 5-0 with Pooja Phaltankar absent.</p>	

39 Murdock Street: (Case #ZBA 2016-148)	
Applicant:	Ballas Group, LLC
Property Owner:	Subash Bansal & Anuradha Sharma
Agent:	Sean T. O'Donovan, Esq.
Legal Notice:	Applicant, Ballas Group LLC, and Owners, Subash Bansal and Anuradha Sharma, seek a Special Permit under SZO §9.13 for parking relief to construct a three-family dwelling structure. RB Zone. Ward 5.

Date(s) of Hearing(s):	3/1, 3/15
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on March 1, 2017 to continue the application to March 15, 2017.
<p>Agent, Owner/Applicant, and Architect Peter Quinn appeared and gave overview of project. Updated parking plan presented to neighborhood; Ald. Neidergang and neighbors in support. 5 parking spaces compact and accessed by 10' drive; landscape and pervious surfaces still met.</p> <p>Rossetti: Ald. Neidergang emailed support. Severino: material of pervious paving? Recommend pavers to front of house (approx. 25 ft) instead of apron. Condition #16 change – driveway pervious only for 10' at street then parking spaces request with +/- 100ft drive on asphalt. Water problem? Will be treated with SWM system underground. Fontano: ground floor unit has access to patio exclusively. (reply – side yards are all common green space). Severino: green is shrubbery not lawn for children to play (reply – need landscape plan with lawn and patio not deep enough to have grill. Could add front patio).Evans: blacktop asphalt is a major problem; can spaces be grasscrete? (reply – driveway as fine peastone gravel and parking spaces with curbing and defined by pavers at front. Question about plowing – acknowledge that surface can be plowed but top would need to be replaced every 3-4 years.</p> <p>Board revised conditions #10 and #16. Condition #10 – final landscape plan required showing front patio for gathering.</p> <p>Richard Rossetti made a motion to conditionally approve special permit. Seconded by Elaine Severino. Motion passed 5-0 with Pooja Phaltankar absent.</p>	

466 Medford Street: (Case #ZBA 2017-08)	
Applicant:	Reginaldo Correa
Property Owner:	The First Rock, LLC
Agent:	N/A
Legal Notice:	Applicant, Reginaldo Correa, and Owner, The First Rock, LLC, seek a Special Permit under SZO §4.4.1 to construct an addition within the nonconforming right side yard and increase the floor area ratio (FAR) of a nonconforming structure and a Special Permit under SZO §9.13 for parking relief. RB Zone. Ward 5.
Date(s) of Hearing(s):	3/1, 3/15
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on March 1, 2017 to continue the application to March 15, 2017.
<p>Applicant appeared and gave overview of project; renovation with FAR increase but still only 4 units (condos). No public testimony given. Alderman Niedergang in support.</p> <p>Fontano: neighborhood meeting? (reply – no, but spoke with adjacent neighbor and will provide a retaining wall). Severino: 2 parking spaces in front yard (reply – grandfathered non-conformity). Fontano: anything to enhance the front of the house? Severino: pavers would be an improvement but still paving in front of house. (reply – will increase landscaping and parking will be pervious pavers (condition #8); detailed landscape plan to be submitted). Evans: condition basement to be utility and storage only – must not be bedroom as no egress window (labeled “office”).</p> <p>Board revised conditions: new language and added #8.</p> <p>Richard Rossetti made a motion to conditionally approve special permit. Seconded by Elaine Severino. Motion passed 6-0 with Pooja Phaltankar absent.</p>	

New Cases to be Opened and Heard

28 Hawthorne Street: (Case #ZBA 2016-142)	
Applicant:	Hawthorne Development Ventures, LLC
Property Owner:	Hawthorne Development Ventures, LLC
Agent:	Robert D. Costello, Esq.
Legal Notice:	Applicant/Owner, Hawthorne Development Ventures, LLC, seeks a Special Permit under SZO §4.4.1 to alter a nonconforming structure, §9.13 for parking relief, and a Special Permit with Site Plan Review under §7.2 to locate more than one principal structure on the lot by constructing a new single family dwelling on the locus. RB zone. Ward 6.
Date(s) of Hearing(s):	3/15
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	---
<p>Architect Peter Quinn and Agent Robert Costello appeared and provided overview of project. 2nd principal structure, single family. Originally proposed 2 townhouse units but now separate in response to neighborhood meetings. In keeping with rhythm of buildings along street, 3 open spaces in rear with shared driveway leaving large open areas for green, landscape, patio spaces. Gravel drive with pavers.</p> <p>Gretchen Peterson said Hawthorne is one-way with parking on one side and increasing development along Summer St and around Davis; has room for another parking space and want to see it be parking neutral. Corina Wilkerson said possibly make 2nd unit smaller? Letter from Nancy Iopini (read by Rossetti) said the area was too congested, and wants to preserve trees (one diseased at middle of property). Applicant will send arborist letter to staff. Condition to have final detailed landscape plan (#11) will be sent to Nancy Iopini along with letter.</p> <p>Fontano asked landscape percentage (reply – 39%); looking for more green space over parking. Evans agrees and likes the meaningful contiguous open space for family use/play. Brockelman said existing building is slightly smaller and interior renovation only parking relief for 1 space and prefer to see greenspace. Rossetti said pavers up to building face and at parking spaces; driveway and walkways to match on both; need condition that curb cut be approved by DPW/Highway.</p>	

10 Miner Street: (Case #ZBA 2017-12)	
Applicant:	Carolyn Hayes & Matthew Daniels
Property Owner:	Carolyn Hayes & Matthew Daniels
Agent:	N/A
Legal Notice:	Applicants and Owners, Carolyn Hayes and Matthew Daniels, seek a Special Permit under SZO §4.4.1 to perform an alteration within the required left side yard of a nonconforming structure. RA zone. Ward 5.
Date(s) of Hearing(s):	3/15
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	---
<p>Al Wise provided overview of project. Alderman Niedergang in support. Richard Rossetti made a motion to conditionally approve special permit. Seconded by Elaine Severino. Motion passed 6-0 with Pooja Phaltankar absent.</p>	

91-93 Rogers Avenue: (Case #ZBA 2017-13)	
Applicant:	Arthur & Maria O'Callaghan

Property Owner:	Arthur & Maria O'Callaghan
Agent:	N/A
Legal Notice:	Applicants and Owners, Arthur and Maria O'Callaghan, seek a Special Permit under SZO §4.4.1 to increase the FAR of a nonconforming structure by finishing the basement. RA Zone. Ward 6.
Date(s) of Hearing(s):	3/15
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	---
Applicant/Owner appeared and gave overview of project. Alderman Niedergang is in support. Richard Rossetti made a motion to conditionally approve special permit. Seconded by Elaine Severino. Motion passed 6-0 with Pooja Phaltankar absent.	

8 Hamilton Road: (Case #ZBA 2017-09)	
Applicant:	8 Hamilton, LLC
Property Owner:	8 Hamilton, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicants and Owners, 8 Hamilton, LLC, seek a Special Permit under SZO §4.4.1 to increase the FAR by finishing the basement and attic, and a Special Permit under Article 9 of the SZO for parking relief. RA Zone. Ward 7.
Date(s) of Hearing(s):	3/15
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	---
Applicant and agent did not appear. Case was opened. Richard Rossetti made a motion to continue the application to April 5, 2017. Seconded by Elaine Severino. Motion passed 5-0.	

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.