



**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, 2<sup>nd</sup> Floor City Hall, 93 Highland Avenue, Somerville, MA**  
**Wednesday, April 19, 2017**  
**6:00 P.M.**

**Previously Opened Cases that are Requesting a Continuance**

<b>17 Porter Street: (Case #ZBA 2016-90)</b>	
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, 4/19
Staff Recommendation:	None at this time.
ZBA Action:	Voted on March 15, 2017 to continue the application to April 19, 2017.

The Applicant submitted a written request to continue the application to May 3, 2017. Richard Rossetti made a motion to continue the application to May 3, 2017. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Anne Brockelman voting and Josh Safdie absent.

**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, 4/19
Staff Recommendation:	None at this time.
ZBA Action:	Voted on March 15, 2017 to continue the application to April 19, 2017.
The Applicant submitted a written request to continue the application to May 3, 2017. Richard Rossetti made a motion to continue the application to May 3, 2017. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Anne Brockelman voting and Josh Safdie absent.	

**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, 4/5, 4/19
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on April 5, 2017 to continue the application to April 19, 2017.

The Applicant read a letter aloud to the Board. Alderman Marc Niedergang stated he had a 4 hour long community meeting. None of the concerns were addressed. No support from the neighbors. Fred Berman stated Dr. Rizkallah doesn't want to address our concerns or meet as a whole. Neighborhood is on point with one another, parking, shading, massing. Disagrees with some of Dr. Rizkallah's facts. 9" from property. Lori Segal stated neighbors are not the cause of this being dragged out. Strong neighborhood relationship. Lori Roberts stated she is disappointed with this evening. Options were altering the roof line. Unwilling to work with neighbors. Garrett Laws does not agree with some of Dr. Rizkallah's comparisons. Hard to think he will compromise. Alderman William White opposes, requests the ZBA deny. Frustrated the owner is not compromising. Alderman Dennis Sullivan has not heard any support. Send it back, preserve neighborhood support. Susan Fontano stated staff conducted a walk through. Sarah White, Planner, yes confirmed existing conditions. Susan Fontano asked about ceiling heights in attic and basement. Sarah White, we have not heard from ISD about that issue, was built to the code in 1850 or so. Susan Fontano, would the current tenant leave (Reply – yes) also would it be brought up to code (Reply – yes). Dr. Rizkallah, even if those bedrooms were counted the parking requirement would not change. Willing to meet and compromise, took 5 weeks to set up meeting, doesn't want to have a vacant building over the winter. He has designed it 4 times. Richard Rossetti stated he is not ready to vote with the last minute information. Anne Brockelman missed a few of the hearings, new reports but same plans? Has the Board seen evidence of redesign, can't approve with conditions of redesign. Sarah White, those conditions were included to show options. Anne Brockelman not in favor of extending nonconformity on the right. At the length oversized, bulky, clear site plan, inoperable windows. Danielle Evans existing number of bedrooms? Dr. Rizkallah, table in staff report was confirmed by ISD. Pooja Phalthankar Josh Safdie didn't need a stamped plan but should have been architected. Sarah White, the plans are what Josh Safdie asked for. Pooja Phalthankar asked what are 1 or 2 things that that the neighbors want to see. Danielle Evans asked what are the existing conditions. Alderman Niedergang, plans have not changed much, abutters don't need only 2 spokespeople. Susan Fontano asked why haven't plans changed. Sarah White there were other plans before the hearing process began. Alderman Niedergang allow abutters to continue to meet. Revised plans should be submitted. Staff conditions should be drawn. Susan Fontano, pleasure of ZBA to get plans or have another neighborhood meeting. Anne Brockelman, start with plans that reflect staff conditions. Dr. Rizkallah can't be a starting point. Alderman Niedergang stated he can meet within two weeks in the day, neighbors have a unified perspective. Richard Rossetti made a motion to continue the application to May 17, 2017. Danielle Evans seconded the motion. Upon a vote, the motion passed 5-0 with Anne Brockelman voting with Josh Safdie absent.

<b>640 Mystic Avenue: (Case #ZBA 2017-15)</b>	
Applicant:	Linda Pingiaro
Property Owner:	N/A
Agent:	Philip H. Cahalin, Esq.
Legal Notice:	Applicant, Linda Pingiaro, individually and as a Trustee of 48-50 Ash Avenue Condominium Trust, seeks an Administrative Appeal per SZO §3.1.9, 3.2, and 3.2.3 from a decision by the Inspectional Services Department to refuse to stop work under a building permit issued for a residential structure at 640 Mystic Ave. The property owner is 640 Mystic Avenue LLC (previous owner El Camino LLC). BB Zone.
Date(s) of Hearing(s):	4/5, 4/19
Staff Recommendation:	Recommends denial.
ZBA Action:	Voted on April 5, 2017 to continue the application to April 19, 2017.

Attorney Philip Cahalin appeared and stated the proposal. He is looking at the plans for the first time. Will Chalfant previously as of right, removed front porches and bays and patio roofs. Although they are allowed to project. Attorney Cahalin has dispute about average grade calculation. Susan Fontano inquired staff interpretation. Hans Jensen, look at cross-section, A-022, average grade is black dotted line. Anne Brockelman asked is 4'1" average grade. Will Chalfant 4' 1" is the height of the basement above average grade. Anne Brockelman, should average be elevation of first floor, willing to agree with the Staff's interpretation. Susan Fontano, site is long overdue for investment. Pooja Phaltankar, issue on the table is height of stairs, max height is 8.6". Hans Jensen, height of portion of the stair that encroaches. Attorney Cahalin average grade was calculated in accurately. Hans Jensen, staff respectfully disagrees. Pooja Phalthankar asked how tall are the stairs. Will Chalfant stated 3 feet and a step into the unit. Anne Brockelman, drawing submitted, A-300, top left, elevation lines show average grade relating to elevation marks or drop the floor. No public testimony was taken. Richard Rossetti made a motion to continue the application to May 3, 2017 Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Anne Brockelman voting with Josh Safdie absent.

<b>16-18 Washington Terrace: (Case #ZBA 2017-24)</b>	
Applicant:	Theodore J. Poppitz and Victoria K. Choitz
Property Owner:	Theodore J. Poppitz and Victoria K. Choitz
Agent:	Adam Dash, Esq.
Legal Notice:	Applicants and Owners, Theodore J. Poppitz and Victoria K. Choitz, seek a Special Permit under SZO §4.4.1 to make alterations to the nonconforming structure, a Special Permit under §7.3 and §7.11.2.b for a special residential conversion from a two-family dwelling into a three-family dwelling, and a Special Permit under §9.13 for parking relief. RA Zone. Ward 3.
Date(s) of Hearing(s):	4/5, 4/19
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on April 5, 2017 to continue the application to April 19, 2017.
<p>Attorney Adam Dash appeared and stated the proposal. Susan Arnold provided an architectural overview of the proposal. Vici Choitz and Micke Dacey are in support of the project. Susan Fontano stated that Alderman McWatters is in support of the project. She inquired if new shingles (Reply – yes). She also inquired who the direct abutters are, (Reply Dan - landlord). Danielle Evans does not like the dormers, too flat, more setback. Susan Arnold, does not have much room for head height. Looked at options but would not be able to get habitable space. Anne Brockelman asked if rubber roof on dormer port (Reply – yes). Danielle Evans can't support a flat dormer on a hip roof. Vicki Choitz has neighborhood support. Susan Arnold, can lower about an inch which won't change the visual impact. Danielle Evans had concerns if it can be set from the slope. Slope increased by 1/2". Adam Dash stated that it's a rare situation and unique circumstances. Elaine Severino, design is terrible would see it from the front. Anne Brockelman agrees with Danielle Evans and Elaine Severino but also agrees it will have minimal visibility, shorten by 1/2". Susan Fontano asked what we can we recommend? Anne Brockelman for water, the 1/2" makes a difference. Danielle Evans asked how big is third unit (Reply 738sf) At a minimum we can go down 1/2". Elaine Severino stated that 1/2" would help but would not help with visual. Susan Fontano asked if they had looked at any other options. Susan Arnold, a perpendicular roof but no living space. Adam Dash stated that there are flat roofs near by. Elaine Severino said but not original. Susan Fontano stated you won't see this up the hill on the side street. Elaine Severino stated not many people are going up there. Richard Rossetti stated not hearing many alternative options, would support 1/2" reduction. Richard Rossetti made a motion to approved the request for a Special Permit. Elaine Severino seconded the motion. Upon a vote, the motion passed 4-1 with Anne Brockelman voting with Josh Safdie absent and Danielle Evans voting in opposition.</p>	

<b>7 Montgomery Ave: (Case #ZBA 2015-98)</b>	
Applicant:	Charles Zammuto & James Langley
Property Owner:	Charles Zammuto & James Langley
Agent:	Sean O'Donovan
Legal Notice:	Applicant/Owner, Charles Zammuto & James Langley, seek a Special Permit under SZO §4.4.1 to demolish a non-conforming 3-car garage and replace with a new 2-story 3-bedroom single-family home with parking relief for 1 vehicle under SZO §9.13. RB zone. Ward 4.
Date(s) of Hearing(s):	4/19
Staff Recommendation:	Recommends conditional approval.

Attorney Sean O'Donovan appeared and stated the proposal. The Applicant appeared and questioned Condition #3, asked if he needed a phase 1. Sarah Lewis replied no, LSP evaluation only. Elaine Severino felt the space was narrow. Anne Brockelman stated the setbacks are tight, porch material (wood), pervious area? (Will be landscaped). Sarah Lewis 1% is error, revised table is 15%. Anne Brockelman inquired if Fire Prevention and ISD ok with it. (Reply – yes). Elaine Severino stated special glass for windows within 3' of prep line. No public testimony was taken. Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar voting with Josh Safdie absent.

<b>337 Somerville Ave: (Case #ZBA 2016-116-R1-0317)</b>	
Applicant:	BwB – Square
Property Owner:	GNJ Real Estate Holdings, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant BwB – Square & Owner GNJ Real Estate Holdings, LLC seek revision to special permit 2016-116 by making minor structural changes and changing the originally approved use provisions. Changes include increased square footages for arts, retail, and food related services in the following manor: 9,999sf will be retail, 7,500sf will be restaurant with alcohol, fast food uses, and outdoor seating accessory to all food establishments, 3,300sf will be catering, 3,000-4,999sf will be dedicated arts and maker space. The courtyards will be used for varies types of programming. NB & CCD 55 zones. Ward 2.
Date(s) of Hearing(s):	4/19
Staff Recommendation:	Recommends conditional approval.
Mark Boyes Watson appeared and provided an overview of th project to change the square footages of certain uses, specifically restaurants/fast food. Susan Fontano asked what was previously approved, (Reply – 5,500 sf of restaurant), wants to include fast food with that. Danielle Evans inquired if parking will stay the same (Reply – yes). Richard Rossetti stated tha the legal notice states 7,500 sf should be 5,500 sf. No public testimony was taken. Richard Rossetti made a motion to approve the request for a Revision to a Special Permit. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Anne Brockelman voting and Josh Safdie absent.	

<b>59 Berkeley Street: (Case # ZBA 2016-83-R1-0317)</b>	
Applicant:	Jon M. DeMartinis
Property Owner:	Jon M. DeMartinis
Agent:	N/A
Legal Notice:	Applicant and Owner, Jon M. DeMartinis, seeks a revision to a Special Permit under §5.3.8 of the SZO in order to add a shed dormer, finish basement space for Unit 1 (therefore increasing the FAR (SZO §4.4.1), and modifying a condition of the previous Special Permit. RA zone. Ward 3.
Date(s) of Hearing(s):	4/19
Staff Recommendation:	Recommends conditional approval.
Attorney Adam Dash appeared and stated the proposal, to add a small shed dormer for stairs, small finished basement space (450 sf). No public testimony was taken. Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Pooja Phaltankar voting with Josh Safdie absent.	

<b>15 College Hill Avenue: (Case #ZBA 2017-21)</b>	
Applicant:	Charles Casassa
Property Owner:	Laurel Street, LLC
Agent:	N/A
Legal Notice:	Applicant, Charles Casassa, and Applicant, Laurel Street, LLC, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming structure by raising the roof and increasing the FAR, and a Special Permit under Article 9 of the SZO for parking relief. RA zone. Ward 7.
Date(s) of Hearing(s):	4/19
Staff Recommendation:	Recommends conditional approval.
<p>The Applicant appeared and stated the proposal. Hazel Ryerson appeared and stated 22' 8" long less than 50% . 18" will set back by 8 feet. Susan Fontano had asked if there would be new shingles, (Reply - yes) and dormer to match, (Reply - yes). Anne Brockelman stated that circled windows in attic to remain and does dormer come right to edge (Reply - no roof goes beyond). Elaine Severino inquired about windows. (Reply – Historic triple windows). No public testimony was taken. Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Anne Brockelman and Pooja Phaltankar voting with Josh Safdie absent and Danielle Evans recused.</p>	

<b>12 College Hill Avenue : (Case #ZBA 2017-22)</b>	
Applicant:	Charles Casassa
Property Owner:	Laurel Street, LLC
Agent:	N/A
Legal Notice:	Applicant, Charles Casassa, and Applicant, Laurel Street, LLC, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming structure by raising the roof and increasing the FAR, and a Special Permit under Article 9 of the SZO for parking relief. RA zone. Ward 7.
Date(s) of Hearing(s):	4/19
Staff Recommendation:	Recommends conditional approval.
<p>The Applicant appeared and stated the proposal and provided an overview of the project. Hazel Ryerson appeared and provided an overview of the architectural elements of the roof, dormers, 13' long dormers for stairs. Susan Fontano had questions concerning the windows and Hazel Ryerson responded with the windows will not be moving. No public testimony was taken. Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Upon a vote, the motion passed 5-0 with Anne Brockelman and Pooja Phaltankar voting with Josh Safdie absent and Danielle Evans recused.</p>	

**Other Business:**