



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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JOSH SAFDIE
ANNE BROCKELMAN, *ALT.*

ZONING BOARD OF APPEALS MINUTES

Aldermanic Chambers, Somerville City Hall, 93 Highland Avenue, Somerville, MA
Monday, September 17, 2018
6:00 P.M.

Danielle Evans and Richard Rossetti were absent. Josh Safdie was acting clerk.

Previously Continued to a Future Date

312 R Beacon Street (aka 25 Harris Street, Cambridge, MA) (ZBA 2018-08)	
Applicant:	Robert Gillig and Christine Cuttitta
Property Owner:	Robert Gillig and Christine Cuttitta
Agent:	N/A
Legal Notice:	Applicants / Owners, Robert Gillig and Christine Cuttitta, seek a Special Permit pursuant to conditions of a previous ZBA Decision (ZBA 2005-53) and under SZO §7.11.a.c, §4.4.1, and §9.13 for parking relief to make alterations to a nonconforming structure by constructing an addition and establishing a sixth residential unit on the site. RC Zone. Ward 2.
Date(s) of Hearing(s):	2/14, 3/7, 3/21, 4/4, 5/2, 5/16, 6/6, 6/20, 7/18, 8/8, 8/22
Staff Recommendation:	None at this time
ZBA Action:	Voted on August 22, 2018 to continue the application to October 17, 2018.
Previously continued to October 17, 2018.	



41 Thorndike Street (ZBA 2018-81)	
Applicant:	Robert J. Granara, Jr.
Property Owner:	Robert J. Granara, Jr.
Agent:	N/A
Legal Notice:	Applicant and Owner, Robert J. Granara, Jr. seeks special permits to construct dormers within the side yard setbacks under §4.4.1 and §8.5 of the SZO. RB zone. Ward 6.
Date(s) of Hearing(s):	8/8, 8/22, 9/5
Staff Recommendation:	None at this time
ZBA Action:	Voted on August 22, 2018 to continue the application to October 17, 2018.
Previously continued to October 17, 2018.	

51 McGrath Highway (ZBA 2017-46)	
Applicant:	Life Storage Limited Partnership
Property Owner:	Sovran Acquisition Limited Partnership
Agent:	Richard G. Di Girolamo, Esq.
Legal Notice:	Applicant, Life Storage Limited Partnership, and Owner, Sovran Acquisition Limited Partnership, seek a Special Permit with Design Review (SPSR) under §7.11.12.4.c and §5.2 of the Somerville Zoning Ordinance (SZO) to construct a self-storage facility of 28,520 gross square feet. 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, 11/29, 1/3, 1/17, 1/31, 2/14, 3/7, 3/21, 4/4, 4/18, 5/2, 6/6, 6/20, 7/18, 8/8, 9/5
Staff Recommendation:	Denial
ZBA Action:	Voted on September 5, 2018 to continue the application to October 3, 2018.
Previously continued to October 3, 2018.	

12 Quincy Street (ZBA 2018-90)	
Applicant:	Jennifer Park, Eric Shea, and Tatum Smigliski
Property Owner:	Jennifer Park, Eric Shea, and Tatum Smigliski
Agent:	N/A
Legal Notice:	Applicants and Owners, Jennifer Park, Eric Shea, and Tatum Smigliski, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by adding two decks off of the existing rear stairs. RB Zone. Ward 2.
Date(s) of Hearing(s):	8/8, 8/22, 9/5
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on September 5, 2018 to continue the application to October 3, 2018.
Previously continued to October 3, 2018.	

Previously Opened Cases that are Requesting a Continuance

150 Hudson Street (ZBA 2018-71)	
Applicant:	Michael Santangelo
Property Owner:	Michael Santangelo
Agent:	Richard G. DiGirolamo, Esq.



Legal Notice:	Applicant and Owner, Michael Santangelo, seeks a Special Permit with Site Plan Review (SPSR) to build a second principle structure on the same lot. Proposal includes increasing the number of dwelling units from two to three, remove existing garage structure and renovate existing residential dwelling. RC & RB zones. Ward 5.
Date(s) of Hearing(s):	7/18, 8/8, 8/22, 9/5, 9/17
Staff Recommendation:	None at this time.
ZBA Action:	Voted on September 5, 2018 to continue the application to September 17, 2018.
The Applicant submitted a written request to continue the application to October 3, 2018. Josh Safdie made a motion to continue the application to October 3, 2018. Elaine Severino seconded. Motion passed 4-0.	

45 Kent Street (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):	8/22, 9/5, 9/17
Staff Recommendation:	None at this time
ZBA Action:	Voted on September 5, 2018 to continue the application to September 17, 2018.
The Applicant submitted a written request to continue the application to October 3, 2018. Josh Safdie made a motion to continue the application to October 3, 2018. Elaine Severino seconded. Motion passed 4-0.	

144 Highland Avenue (ZBA 2018-97)	
Applicant:	Matthew McCarthy and Gregory McCarthy
Property Owner:	Matthew McCarthy and Gregory McCarthy
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicants and Owners, Matthew McCarthy and Gregory McCarthy, seek a Special Permit per SZO §4.4.1 and §7.11.1.C to construct an addition greater than 25% of the existing gross floor area to a nonconforming structure in order to establish a fifth dwelling unit on the site. A Special Permit per SZO 9.13 is also being sought for parking relief. RC Zone. Ward 3.
Date(s) of Hearing(s):	9/5, 9/17
Staff Recommendation:	None at this time
ZBA Action:	Voted on September 5, 2018 to continue the application to September 17, 2018.
The Applicant submitted a written request to continue the application to October 3, 2018. Josh Safdie made a motion to continue the application to October 3, 2018. Elaine Severino seconded. Motion passed 4-0.	



11 Sanborn Avenue (ZBA 2018-83)	
Applicant:	Anthony Dopazo
Property Owner:	Anthony Dopazo
Agent:	N/A
Legal Notice:	Applicant and Owner, Anthony Dopazo, sees special permits to alter an existing, non-conforming structure including, but not limited to, relief under §4.4.1 of the SZO for non-conforming front and side yard setbacks, Article 9 for parking. RB zone. Ward 3.
Date(s) of Hearing(s):	9/5, 9/17
Staff Recommendation:	None at this time
ZBA Action:	Voted on September 5, 2018 to continue the application to September 17, 2018.
The Applicant submitted a written request to continue the application to October 3, 2018. Josh Safdie made a motion to continue the application to October 3, 2018. Elaine Severino seconded. Motion passed 4-0.	

125 Lowell Street (ZBA 2018-89)	
Applicant:	125 Lowell Somerville LLC
Property Owner:	125 Lowell Somerville LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant/Owner, 125 Lowell Somerville LLC, seeks a Special Permit with Site Plan Review under SZO §5.2 and §4.5 to change one non-conforming use to another (office to 20 residential units - 4 of which are inclusionary units) in an existing non-conforming 7-story structure, and a Variance under SZO §5.5 and §7.3 for reduction of the lot area per dwelling unit. RA Zone. Ward 3.
Date(s) of Hearing(s):	9/5, 9/17
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on September 5, 2018 to continue the application to September 17, 2018.
The Applicant submitted a written request to continue the application to October 3, 2018. Josh Safdie made a motion to continue the application to October 3, 2018. Elaine Severino seconded. Motion passed 4-0.	

New Cases to be Opened that are Requesting a Continuance

11 Bay State Ave (ZBA 2018-101)	
Applicant:	Derick Snare
Property Owner:	Mirza Yasser
Agent:	N/A
Legal Notice:	Applicant, Derick Snare, and Owner, Mirza Yasser, seek Special Permits under §4.4.1 of the SZO to increase the non-conforming FAR, and for the linear extension of the non-conforming right side yard setback by constructing a two-story rear addition and adding a rear deck.
Date(s) of Hearing(s):	9/17
Staff Recommendation:	None at this time.
ZBA Action:	--
The Applicant submitted a written request to continue the application to October 3, 2018. Josh Safdie made a motion to continue the application to October 3, 2018. Elaine Severino seconded. Motion passed 4-0.	



595 Broadway (ZBA 2018-94)	
Applicant:	595 Broadway, LLC
Property Owner:	Wolff E. Berrouet
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant, 595 Broadway, LLC, and Owner, Wolff E. Berrouet, seek a Special Permit with Site Plan Review per SZO §7.11.1.c to construct a new building with seven dwelling units (a portion of which will be located in the City of Medford) and a Special Permit per SZO §9.13 for parking relief. NB Zone. Ward 5.
Date(s) of Hearing(s):	9/17
Staff Recommendation:	None at this time
ZBA Action:	--
The Applicant submitted a written request to continue the application to October 3, 2018. Josh Safdie made a motion to continue the application to October 3, 2018. Elaine Severino seconded. Motion passed 4-0.	

28 Fitchburg Street (ZBA 2018-99)	
Applicant:	Sherman and Goldman Realty Trust
Property Owner:	Sherman and Goldman Realty Trust
Agent:	Adam Dash, Esq.
Legal Notice:	Owner/Applicant Sherman and Goldman Realty Trust, seeks a Special Permit with Site Plan Review under SZO §5.2 to change a warehousing use to an office/R&D use of more than 10,000sf and a Variance under §5.5 for 16 parking spaces. IA zone. Ward 2.
Date(s) of Hearing(s):	9/17
Staff Recommendation:	None at this time.
ZBA Action:	--
The Applicant submitted a written request to continue the application to October 3, 2018. Josh Safdie made a motion to continue the application to October 3, 2018. Elaine Severino seconded. Motion passed 4-0.	

28 Chestnut Street (ZBA 2018-100)	
Applicant:	Lawrence Realty 28 Chestnut LLC
Property Owner:	Lawrence Realty 28 Chestnut LLC
Agent:	Adam Dash, Esq.
Legal Notice:	Owner/Applicant Lawrence Realty 28 Chestnut LLC, seeks a Special Permit with Site Plan Review under SZO §5.2 to change a warehousing use to an office/R&D use of more than 10,000sf and a Variance under §5.5 for 16 parking spaces. IA zone. Ward 2.
Date(s) of Hearing(s):	9/17
Staff Recommendation:	None at this time.
ZBA Action:	--
The Applicant submitted a written request to continue the application to October 3, 2018. Josh Safdie made a motion to continue the application to October 3, 2018. Elaine Severino seconded. Motion passed 4-0.	



Previously Opened Cases to be Heard

24 Dane Avenue (ZBA 2018-75)	
Applicant:	24 Dane Ave., LLC
Property Owner:	24 Dane Ave., LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and Owner, 24 Dane Ave., LLC, seeks Special Permits under §4.4.1 of the SZO to alter a non-conforming structure by extending the non-conforming left and right side yard setbacks, increasing the GFA by more than 25%. Unit count to increase from one to three. Parking relief under Article 9.RB zone. Ward 2.
Date(s) of Hearing(s):	7/18, 8/8, 8/22, 9/5, 9/17
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on September 5, 2018 to continue the application to September 17, 2018.
The Applicant submitted a written request to continue the application to October 3, 2018. Josh Safdie made a motion to continue the application to October 3, 2018. Elaine Severino seconded. Motion passed 4-0.	

1 Munroe St (ZBA 2018-88)	
Applicant:	Enzo J. Orellana and Wesley J. Esser, III
Property Owner:	Enzo J. Orellana and Wesley J. Esser, III
Agent:	N/A
Legal Notice:	Applicants and Owners, Enzo J. Orellana and Wesley J. Esser, III, seek Special Permits under §4.4.1 of the SZO to alter a non-conforming structure. Variance for wall/fence height. Unit count will increase from one to two. RA zone. Ward 3.
Date(s) of Hearing(s):	9/5, 9/17
Staff Recommendation:	SP: Conditional approval V: Unable to recommend
ZBA Action:	Voted on September 5, 2018 to continue the application to September 17, 2018.
Applicant submitted a request to withdraw the application without prejudice. Josh Safdie made a motion to accept the applicant's request to withdraw without prejudice. Elaine Severino seconded. Motion passed 4-0.	

5 Greene Street (ZBA 2018-104)	
Applicant:	Shelly Ziegelman, SWZ Architects LLC
Property Owner:	Stefan McDonough
Agent:	N/A
Legal Notice:	Applicant, Shelly Ziegelman, SWZ Architects LLC, and Owner, Stefan McDonough, seek a Special Permit under SZO §4.4.1 to alter nonconforming rear decks that were previously approved by the ZBA in November 2013 (ZBA 2013-70) by renovating the railing types and adding a pergola. RB Zone. Ward 2.
Date(s) of Hearing(s):	9/5, 9/17
Staff Recommendation:	Conditional approval
ZBA Action:	Voted on September 5, 2018 to continue the application to September 17, 2018.



Shelly Ziegelman: gave presentation on changes made to the project based on the ZBA's comments from prior meeting.

Brockelman: fine with changes.

Josh Safdie made a motion to conditionally approve the special permit. Elaine Severino seconded. Motion passed 4-0.

New Cases to be Opened and Heard

54 Dane Street (ZBA 2018-85)	
Applicant:	Ronald and Emily Axelrod
Property Owner:	Ronald and Emily Axelrod
Agent:	N/A
Legal Notice:	Applicants/Owners, Ronald and Emily Axelrod, seek a Special Permit under SZO §4.4.1 to alter a nonconforming structure by constructing an addition greater than 25% of the existing gross floor area to create an additional dwelling unit that will make it a two-family dwelling. RB Zone. Ward 2.
Date(s) of Hearing(s):	9/17
Staff Recommendation:	Conditional approval
ZBA Action:	--
Ron Axelrod: presented the project. Severino: will rear tree stay? Axelrod: yes.	
Brockelman: will the house be a 2 family? Axelrod: yes. Brockelman: asked about % of pervious area. Safdie: asked for explanation between front pages of plans and later renderings relative to dormer size.	
Josh Safdie made a motion to conditionally approve the special permit. Elaine Severino seconded. Motion passed 4-0.	

76-78 Rogers Avenue (ZBA 2018-95):	
Applicant:	Colin & Jessica Macdonald
Property Owner:	Colin & Jessica Macdonald
Agent:	N/A
Legal Notice:	Applicants and Owners, Colin & Jessica Macdonald, seek Special Permits under §4.4.1 of the SZO for the following: upward and linear extension of the non-conforming right side yard setback by adding a second-story rear deck; the enlargement of an existing, non-conforming right elevation dormer within the right side yard setback, the enclosure of a non-conforming second-story front porch within front and right side yard setbacks, and increase the non-conforming FAR. RA zone. Ward 5.
Date(s) of Hearing(s):	9/17
Staff Recommendation:	Conditional approval
ZBA Action:	--



Colin MacDonald: presented the project. Bruce Draper: provided an overview of the project.

Meredith Porter: is there living space in the basement? (reply: yes). Planner White: Special Permit is appropriate. Brockelman: drawings reflect not enclosing the 2nd floor porch. Supports families staying in Somerville.

Josh Safdie made a motion to conditionally approve the special permit. Elaine Severino seconded. Motion passed 4-0.

24 Crescent Street (ZBA 2018-102):

Applicant:	Oscar & Robert de Tuya
Property Owner:	Oscar & Robert de Tuya
Agent:	N/A
Legal Notice:	Applicants and Owners, Oscar & Robert de Tuya, seek Special Permits under §4.4.1 of the SZO to construct a first story rear addition and a second story rear deck, but within the right side yard setback. RZ zone. Ward 1.
Date(s) of Hearing(s):	9/17
Staff Recommendation:	Conditional approval
ZBA Action:	--

Fontano: we have correspondence in support. Oscar and Robert de Tuya: presented the project.

Meredith Porter: previously approved. Foundation already built. Windows added to side. No objections. Just wanted to point out changes.

Fontano: how long have you owned it? Oscar de Tuya: Since March. ISD told them to take it down because it was rotting. Had approval to only build foundation. Planner White: Have previously visited site with addition. Had to remove it due to failing structure. Previous project is different from this proposal.

Fontano: condition on windows? Siding color? White: we can add condition. Siding is cedar shakes, painted green.

Safdie: Adam Glassman stamp not drafter (reply: correct). Safdie: site plan / survey doesn't show whats new / being reconstructed. (reply: no change in footprint).

Fontano: driveway? (reply: want to rip up and do pavers; haven't thought about landscaping yet). White: can add a condition that they work with staff. Fontano: would agree. Severino: fence? Robert de Tuya: will consult with neighbors on replacing it.

Brockelman: enclosed entry? (reply: has been removed).

White: read the recommended condition into the record. Josh Safdie made a motion to conditionally approve the special permit with the revised conditions. Elaine Severino seconded. Motion passed 4-0.



107 School Street (ZBA 218-111)	
Applicant:	Todd Denman
Property Owner:	The Estate of Alfred A & Elizabeth M LaValley
Agent:	N/A
Legal Notice:	Applicant, Todd Denman, and Owner, the Estate of Alfred A & Elizabeth M LaValley, seek Special Permits under §4.4.1 of the SZO for the upward extension of the non-conforming left side yard setback, an increase in Gross Floor Area (GFA) by more than 25%, and to construct a dormer within the left side yard setback. Parking relief under Article 9 of the SZO. RA zone. Ward 3.
Date(s) of Hearing(s):	9/17
Staff Recommendation:	Conditional approval
ZBA Action:	--
<p>Dan Anderson: provided an overview of the project. Todd Denman (new owner) appeared. Severino: removing landscaping to have two cars? (reply: yes, widening the driveway for two legal spaces). Severino: apron then peastone, pervious. (reply: yes).</p> <p>Brockelman: making 3rd level habitable? (reply: yes, extending ridge and adding a half story).</p> <p>Josh Safdie made a motion to conditionally approve the special permit with the revised conditions. Elaine Severino seconded. Motion passed 4-0.</p>	

1252 Broadway (ZBA 2018-38)	
Applicant:	Eric J. Silva
Property Owner:	Eric J. Silva
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant & Owner, Eric J. Silva, sees Special Permits under §4.4.1 of the SZO to alter a non-conforming property by increasing the Gross Floor Area (GFA) by more than 25%, increase the number of dwelling units from three to 5, construct a dormer within the right side yard setback. Parking relief under Article 9 of the SZO. RC zone. Ward 7.
Date(s) of Hearing(s):	9/17
Staff Recommendation:	Conditional approval
ZBA Action:	--
<p>The Applicant submitted a written request to continue the application to October 3, 2018. Josh Safdie made a motion to continue the application to October 3, 2018. Elaine Severino seconded. Motion passed 4-0.</p>	

Other Business:

Approval of minutes from August 22, 2018 and September 5, 2018.

Susan Fontano made a motion to approve the minutes. Josh Safdie seconded. Motion passed 4-0.

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>

