



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**PLANNING BOARD**  
**JOSEPH A. CURTATONE, MAYOR**

**STAFF PRESENT**

MADELEINE MASTERS, *PLANNING DIRECTOR*  
CHRISTOPHER DI IORIO, *PLANNER/ZONING ADMINISTRATOR*  
LORI MASSA, *PLANNER/ZONING ADMINISTRATOR*  
FREDERICK J. LUND, *SENIOR DRAFTSMAN*

**MEMBERS PRESENT**

LINDA BOHAN  
JOSEPH FAVALORO  
JAMES KIRYLO  
ELIZABETH MORONEY  
KEVIN PRIOR

**MINUTES**

A joint public hearing for all interested parties was held by the Board of Aldermen Land Use Committee and the Somerville Planning Board on **Thursday, February 21, 2008 at 6:00 p.m.** in the Aldermanic Chambers on the Second Floor of Somerville City Hall, 93 Highland Avenue, Somerville, MA. The purpose of the hearing was to receive public comments concerning proposed amendments to the Somerville Zoning Ordinance.

Prior to the joint hearing, the Planning Board continued the following cases under review for the ZBA: 39 Endicott Avenue, 503b Medford Street, and 2 Main Street.

**Review of Continued Cases for the Zoning Board of Appeals:**

The Planning Board reviewed the following cases prior to the joint hearing.

**7 Prospect Hill Ave:** *(Applicant & Owner Kevin Whalen) The Applicant seeks special permits (SZO §4.4.1 & §4.5.3) to construct a one-story addition in the back and steps on the side of the dwelling to extend the residential use. RA zone. Ward 3.*

The Applicant had worked with Planning Staff to redesign the project since the last meeting. After Staff read the updated recommendation for conditional approval, Mr. Prior moved to accept the staff recommendation. Mr. Favaloro seconded. 5-0. Motion carried.

**26 Henderson St:** *(Applicant & Owner Patev Haase) The Applicant seeks a special permit (SZO §4.4.1) to construct a dormer that will be dimensionally nonconforming in terms of the front yard setback under SZO §8.5.G. RB zone. Ward 5.*

The Applicant had worked with Planning Staff to redesign the project since the last meeting. After Staff read the updated recommendation for conditional approval, Ms. Bohan moved to accept the staff recommendation. Ms. Moroney seconded. 5-0. Motion carried.

**34 Allen Street:** *(Applicants: Anthony Pasquale; Owner: Allen Street Realty Trust; Agent: Richard DiGirolamo Esq.) The Applicant seeks a special permit under SZO §4.5.1 to change from one non-conforming use (factory) to another non-conforming use (recreational/health club). Residence B (RB) zone - Ward 2.*

Richard DiGirolamo appeared on behalf of the Applicant. He stated that they had held a community meeting and the community and Alderman were in support of the project. After Staff read the updated recommendation for conditional approval, Mr. Kirylo moved to accept the staff recommendation. Ms. Bohan seconded. 5-0. Motion carried.



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**Review of New Cases for the Zoning Board of Appeals:**

**292 Beacon Street:** *(Applicant & Owner Kenneth Spera) The Applicant seeks a special permit under SZO §4.4.1 to reconstruct a nonconforming structure and allow a six-family dwelling, SZO §7.11.1.c, as part of an approved mixed-use structure. Residence C (RC). Ward 2.*

The Applicant had been before the Planning Board for this proposal last year. The new proposal had two additional units. The Applicant stated that lenders were saying that his numbers would not work after reducing the size of the units for the new parking arrangement. There were neighborhood meetings on the project last year. Ms. Moroney asked for a landscaping plan because there was no indication of where the landscaping would be provided. The Applicant stated that he would provide the plan to Staff next week. The Board attached a condition that the Applicant would submit a landscape plan before the ZBA meeting. The Board attached another condition to require that the landscaping would be subject to the American Nurseryman's Standard. Mr. Prior moved to accept the staff recommendation. Ms. Moroney seconded. 5-0. Motion carried.

**Proposed Zoning Amendments**

Mr. Prior opened the public hearing and took a temporary recess to allow time for the Land Use Committee to appear.

Land Use Committee members present were Chairman Sean O'Donovan, Tom Taylor, and Maryann Heuston. In addition, Alderman William White and City Solicitor John Gannon were present.

**Amendment to require additional review of certain undesirable uses and prohibit others, and updating the Table of Permitted Uses to allow car sharing and reflect prior PUD amendments.** Amend Sections 7.11.8 (Business Services), 7.11.9 (Sales Or Rental Of Goods Or Equipment), 7.11.10 (Eating, Drinking, and Transient Accommodations), 7.11.11 (Motor Vehicle Related Sales And Service), 7.11.12 (Commercial and Industrial Services), 7.11.13 (Wholesale Business and Wholesale Storage), 7.11.14 (Industrial Uses), 7.11.15 (Communications, Utility, and Transportation Uses), 7.11.16 (Accessory Commercial, Industrial, and Institutional Uses), and 7.11.17 (Approved Planned Unit Development) of the SZO, in order to prohibit, limit the size of, or require additional zoning review of certain uses, including: uses involving flammable and/or hazardous materials; drinking establishments; commercial kennels; auto-oriented uses; uses featuring drive-throughs; uses generating significant truck traffic; and outdoor storage and operations for various uses. Other



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changes would establish a new use (“Car Sharing”) and reflect already passed amendments (“Approved PUD”) not reflected in the Use Table.

After introduction of the proposals, Director of OSPCD Monica Lamboy explained that the intent of the proposal was to restrict or prohibit certain uses that do not relate to the vision for the community. The table of uses has not been revised since 1989. Developers often cite infrastructure issues and the appearance of the area as reasons for redevelopment. The amendments would not affect these uses that exist today. The MBTA is the largest user of outdoor storage and this organization is not subject to local zoning.

Alderman White had concerns that new businesses would not be able to open if they had outdoor storage. Specifically he asked if motor vehicle sales would be limited. Staff explained that the amendment would not prohibit the use or change the way that the Ordinance was interpreted for this use. The amendment would only change the permit from being by-right to needing a special permit.

Under the current table of uses, the Board asked for clarification of the language regarding auto dealerships’ outdoor storage of vehicles in the future.

Ms. Bohan asked about the change that this amendment would have for large retail stores. Retail stores would be allowed retail storage up to 5,000 feet in most cases.

Mr. O’Donovan stated that the Planning Board had to send a report to the Alderman within 21 days and the Aldermen would have 90 days to act.

Mr. Prior made a motion to approve the proposed Amendment; Ms. Moroney seconded. The Planning Board voted 5-0. Motion carried.

Alderman Taylor made a motion to accept the Amendment. Alderman Heuston seconded. The Land Use Committee voted 3-0. Motion carried.

The Amendment passed.

**Amendment to require removal of abandoned satellite dish antennas.** Amend Section 14.2 of the SZO.

The Legislative Matters Committee submitted this amendment to the Planning Board. The advertisement contained an error – the notice stated that section 14.2 of the Somerville Zoning Ordinance would be amended;



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however, the amendment also includes sections in Article 2 and Article 14.6. The City Solicitor stated that this was a substantial change and the amendment should be advertised again.

Alderman Taylor moved to place the Amendment on file. Motion carried.

**Amendment to require two-week public notice for minor revision requests.** Amend Section 5.3.8 of the Somerville Zoning Ordinance (SZO).

Staff explained the proposal as follows: The Board of Aldermen submitted an order to the Planning Board stating that SZO section 5.3.8 should be amended to comply with MGL Ch 40A and minor revision applications should be held to a two-week notice period. Planning Staff submitted language to address the order. The language addressed four issues surrounding minor revisions: the scope of revisions is unclear in terms of what changes are considered minor, there is a lack of public notice and hearing, there is no review process, and it does not reflect staff practices that have been adopted to address the first three concerns. (e.g. Staff researches minor revisions, writes reports to the Boards and suggests that Applicants give notice of the revisions. If the Applicant does not agree, Staff will recommend that the Board request that notice be given.) The language would also introduce a standard from case law, regarding very minor or *di minimis* changes. Only these *di minimis* changes could be permitted without notice or a hearing. It also clarifies the scope of allowable minor revisions to exclude changes of use. Staff approval of *di minimis* changes is allowed. All other revisions would require notice and a hearing with the SPGA but would not require full review by all City Staff.

Ms. Bohan asked if there is a limit to what revisions would be deemed minor. Staff explained the definition is not explicit but it is a recognized standard. Also, use changes would not be considered minor. Past practice was revisions went directly to the SPGA in a public hearing without a report and without notice of the meeting. Context can be lost if the Board that originally voted on the case is not made up of the same people that votes on the revision. The Zoning Administrator would only have the authority to approve changes to permits that he or she originally granted. Revisions through the Zoning Administrator would also need to be noticed and a hearing would be held.

Alderman Heuston expressed concerns with the Amendment and suggested referring this issue back to committee to deliberate more on this issue. She expressed concerns about streamlining the revision process. Alderman Taylor agreed that he would like more clarity and would like to streamline the process. Alderman White suggested that the Board or Ward Alderman could determine what was *di minimis* or staff could determine if it is minor and put it on the SPGA's agenda.

The Land Use Committee determined that they would hear a recommendation from the Planning Board and take it back to their Subcommittee.



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The Chair of the Land Use Committee opened the meeting for public testimony. No one was there to speak in favor or in opposition to the Amendment.

Mr. Prior made a motion to accept the staff recommendation. Mr. Kirylo seconded. 4-1 with Ms. Bohan opposed.

**Amendment to remove references to Priority Development Process.** Amend Articles 6 (Establishment of Zoning Districts) and 7 (Permitted Uses) of the SZO.

***AMENDMENT WITHDRAWN***

This Amendment has been officially withdrawn.

The meeting was then adjourned.