



CITY OF SOMERVILLE, MASSACHUSETTS
OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
JOSEPH A. CURTATONE
MAYOR

PLANNING DIVISION

Board Members Present:

Herbert F. Foster, Jr., Chairman
Orsola Susan Fontano, Clerk
Richard Rossetti
Danielle Evans
Elaine Severino (Alt.)
T.F. Scott Darling, III, Esq.
Josh Safdie (Alt.)

Staff Members Present:

Adam Duchesneau

AGENDA MINUTES

Zoning Board of Appeals

Aldermanic Chambers, 2nd Floor, City Hall, 93 Highland Avenue

Wednesday, January 19, 2011

DECISIONS 6:00 P.M. followed by New HEARINGS

Previously Opened Cases that are Requesting a Continuance

15 Park Place (Case #ZBA 2009-42)	
Applicant:	Keith Glover & Lenore Hill
Property Owner:	Thomas Costagliola
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant Keith Glover and Lenore Hill & Owner Thomas Costagliola seek a Special Permit under SZO §4.4.1 in order to enlarge a non-conforming garage into an approximately 4,000sf two-family dwelling. RB zone. Ward 2.
Date(s) of Hearing(s):	12/1, 12/15/10, 1/5/11, 1/19
Planning Board Action:	No Planning Board report at this time.
ZBA Action:	Voted on January 19, 2011 to continue the application to February 2, 2010.
Susan Fontano made a motion to continue the case to February 2, 2010. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	



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35R Lexington Avenue (Case #ZBA 2009-45)	
Applicant:	Christos Poutahidis
Property Owner:	Christos Poutahidis
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant/Owner Christos Poutahidis is seeking a Special Permit with Site Plan Review (SZO §5.2) to have two principle structures (two single-family dwellings) on a lot (§7.2) and a Special Permit to alter a nonconforming structure (§5.1 & §4.4.1). RA zone. Ward 5.
Date(s) of Hearing(s):	11/3, 11/17, 12/1, 12/15/10, 1/5/11, 1/19
Planning Board Action:	Recommends conditional approval.
ZBA Action:	Voted on January 19, 2011 to continue the application to February 2, 2010.
Susan Fontano made a motion to continue the case to February 2, 2010. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

71 Linwood Street (Case #ZBA 2010-70)	
Applicant:	Herb Chambers Motorcars
Property Owner:	NSTAR Electric Company
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant Herb Chambers Motorcars and Owner NSTAR Electric Company, seeks a Special Permit with Site Plan Review under SZO §5.2.1 to use the existing structure for an automobile repair facility (SZO §7.11.5.b and/or §7.11.6.b). IA zone. Ward 2.
Date(s) of Hearing(s):	12/15/10, 1/5/11, 1/19
Planning Board Action:	No Planning Board report at this time.
ZBA Action:	Voted on January 19, 2011 to continue the application to February 2, 2010.
Susan Fontano made a motion to continue the case to February 2, 2010. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

1 Benton Road (Case #ZBA 2010-60)	
Applicant:	MLM Realty Trust
Property Owner:	MLM Realty Trust
Agent:	Thomas Reilly, Esq./Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant and owner MLM Realty Trust is seeding an administrative appeal (SZO Section 3.3.2.a and 3.2.4) of the denial of a Planning Board decision for Site Plan Review (SZO 5.4) and Subdivision (SZO 8.8). This is an appeal of the Planning Board action on August 24, 2010 to deny the petition of the applicant to subdivide the lot into (2) lots consisting of one lot of 11,917 square feet and one lot of 9,622 square feet. RB Zone. Ward 2.
Date(s) of Hearing(s):	11/17, 12/1, 12/15/10, 1/5/11, 1/19
Planning Board Action:	N/A
ZBA Action:	Voted on January 19, 2011 to continue the application to February 2, 2011.



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Susan Fontano made a motion to continue the case to February 2, 2010. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.

15 Warren Avenue (Case #ZBA 2010-69)	
Applicant:	Clear Wireless, LLC
Property Owner:	Somerville Housing Authority
Agent:	Jason Ellis, Prince Lobel
Legal Notice:	Applicant Clear Wireless, LLC, and Owner, Somerville Housing Authority Seek a Special Permit under SZO §4.4.1 & §14; and seeks a Variance under §7.11.15.3 to install three (3) panel antennas, façade mount four (4) two-foot wireless backhaul dish antennas, and add one GPS antenna on the roof of the structure along with associated equipment and cabling. RA zone. Ward 3.
Date(s) of Hearing(s):	12/1, 12/15/10, 1/5/11
Planning Board Action:	Recommends peer review.
ZBA Action:	Voted on January 19, 2011 to continue the application to February 2, 2011.
Susan Fontano made a motion to continue the case to February 2, 2010. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

Previously Opened Cases to be Heard

30 Dane Street (Case #ZBA 2010-78)	
Applicant:	William Shea
Property Owner:	JWF, LLC
Agent:	N/A
Legal Notice:	Applicant William Shea and Owner JWF, LLC seek special permit to modify a site and building approved by a previous special permit by placing a fence along the eastern lot line and modifying the eastern wall of the structure to accommodate a parking area for trucks associated with the on-site business. IA zone. Ward 2.
Date(s) of Hearing(s):	1/5/11, 1/19
Planning Board Action:	Recommends conditional approval.
ZBA Action:	Voted on January 19, 2011 to approve the application with revisions to the conditions.
Herbert Foster stated that board familiarized themselves with the height of the fence. The owner stated that the 8' fence is a requirement because he sells and distributes alcohol. Herbert Foster said he would like to add conditions that state that fence be 8' in height and questioned if any conversations with ISD regarding the 8' fence that was built without a permit to which the owner stated that it has been there for over 50 years. Herbert Foster stated that coming from the Building Department and the Ward 2 Alderman, it has to be 6' tall. The owner stated that some of the fence belongs to the church and it was 8' high before he purchased the property. Herbert Foster stated that the issue can be discussed with the Building Department. Danielle Evans questioned if the 5 th condition is going to apply to the new fence and questioned the planning staff if a fence greater than 6' needs a special permit. Adam Duchesneau stated that any fence over 6' needs a special permit according to Somerville zoning ordinances. Danielle Evans stated that since it needs a special permit, there needs to be an advertisement. The Board decided that they will approve the application contingent upon clearance from the city solicitor that the case doesn't need to be re-advertised. Susan Fontano made a motion to approve the application. Scott Darling seconded the motion. Upon a vote the motion passed 5-0.	



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New Cases to be Opened and Continued

14 James Street (Case #ZBA 2010-79)	
Applicant:	Ekaterina Smirnova and Aleksandar Lekic
Property Owner:	Ekaterina Smirnova and Aleksandar Lekic
Agent:	
Legal Notice:	Applicants and Owners, Ekaterina Smirnova and Aleksandar Lekic, seek a special permit to alter a non-conforming structure under SZO §4.4.1 to add a half story to the front facade of the existing structure to construct a two-story addition on top of the first floor in the rear of an existing single-family residence to create a two-family residence. RB zone. Ward 4.
Date(s) of Hearing(s):	1/19
Planning Board Action:	No Planning Board report at this time.
ZBA Action:	Voted on January 19, 2011 to continue the application to February 2, 2011
Susan Fontano made a motion to continue the case to February 2, 2010. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

New Cases to be Opened and Heard

19 Porter Street (Case #ZBA 2010-80)	
Applicant:	Peter & Janel Scheidler
Property Owner:	Peter & Janel Scheidler
Agent:	
Legal Notice:	Applicants and Owners, Peter & Janel Scheidler seek a special permit to alter a non-conforming structure under SZO §4.4.1 to construct a two-story addition to the rear of an existing two-family residence. RB zone. Ward 3.
Date(s) of Hearing(s):	1/19
Planning Board Action:	Recommends conditional approval.
ZBA Action:	Voted on January 19, 2010 to approve the application
The architect gave an explanation of the plan. Herbert Foster questioned the ceiling height in the game room to which the architect responded with 7 ½ feet. Herbert Foster then questioned if the bathroom will be moved from the front to the back to which the architect responded yes. Elaine Severino questioned the number of bedrooms on the 2 nd floor to which the architect said 3 and one of the bedrooms will be converted to become a walkthrough to the back. Josh Safdie stated that since the exterior of the north side of the property is within 3ft of the property line and according to code no new penetrations can be put into the wall, so they may run into a problem when presented to the ISD. He also stated that the ZBA has no jurisdiction over the ISD, but just wants them to know that because ISD may not allow them to add a window. Elaine Severino questioned the landscaping to which the architect gave an explanation on the plan for the landscaping. Susan Fontano made a motion to approve the application. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

Other Business

Vote on authorization of administrative and nonsubstantive matters.

Susan Fontano questioned if this already exists to which Adam Duchesneau stated that it has never been voted on so it needs to be voted on. Susan Fontano made a motion to approve. Scott Darling seconded the motion.

Upon a vote the motion passed 5-0.



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