



CITY OF SOMERVILLE, MASSACHUSETTS
ZONING BOARD OF APPEALS
Joseph A. Curtatone, Mayor

HERBERT FOSTER, CHAIRMAN
ORSOLA SUSAN FONTANO, CLERK
RICHARD ROSSETTI
T.F. SCOTT DARLING, III, ESQ.

DANIELLE FILLIS
ELAINE SEVERINO, (ALT.)
JOSH SAFDIE (ALT.)

Meeting Minutes
February 4, 2009

The meeting was called to order at 6:00PM in the Aldermanic Chambers of Somerville City Hall, 93 Highland Avenue, Somerville, MA.

Members Present:

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

Staff Present:

Madeleine Masters

369-371 Beacon Street (Case #ZBA 2008-61)	
Applicant:	Beacon Street Hotel
Property Owner:	George Makrigiannis
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant Beacon Street Hotel & Owner George Makrigiannis seek a special permit with Site Plan Review (SZO §7.11.10.5.b) in order to construct and establish a hotel of more than 10,000 gross sq.ft. BA zone. Ward 2.
Date(s) of Hearing(s):	1/21, 2/4/,
Planning Board Action:	No Planning Board report at this time.
ZBA Action:	Voted on January 21, 2009 to grant the Applicant's request for a continuance to February 18, 2009.
This case had been continued to February 18, 2009 at previous hearing.	

56 Webster Avenue/520 Columbia Street (Case #ZBA 2008-65)	
Applicant:	Royal Hospitality Services, Inc. (Royal White)
Property Owner:	Columbia Street Realty, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant Royal Hospitality Services, Inc. (Royal White) & Owner Columbia St. Realty, LLC seek a special permit (SZO §4.4.1) for alteration of a nonconforming structure and special permit with site plan review (§7.11.12.1.c) in order to expand the existing laundry processing use. IP zone. Ward 2.
Date(s) of Hearing(s):	1/21, 2/4,
Planning Board Action:	No Planning Board report at this time.
ZBA Action:	Voted on January 21, 2009 to grant the Applicant's request for a continuance to February 18, 2009.
This case had been continued to February 18, 2009 at previous hearing.	

600 Windsor Place (Case #ZBA 2008-66)	
Applicant:	Green Cab, Inc.
Property Owner:	The Windsor Company, LLC
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant Green Cab, Inc. & Owner The Windsor Co., LLC, seek a special permit with site plan review (SZO §7.11.11.12.1.b) in order to establish a taxi storage and service use of more than 5,000 gross square feet. IP zone. Ward 2.
Date(s) of Hearing(s):	1/21, 2/4,
Planning Board Action:	No Planning Board report at this time.
ZBA Action:	Voted on January 21, 2009 to grant the Applicant's request for a continuance to February 18, 2009.
This case had been continued to February 18, 2009 at previous hearing.	

163 Hudson Street (Case #ZBA 2008-53)	
Applicant:	Afarin Bellisario
Property Owner:	Afarin Bellisario
Agent:	N/A
Legal Notice:	Applicant & Owner: Afarin Bellisario seeks Special Permit approval under SZO §4.4.1 for the alteration of a non-conforming structure in order to enlarge the existing structure with an increase of the gross floor area by more than 25 percent. This proposal would create a new unit as-of-right. RB zone. Ward 5.
Date(s) of Hearing(s):	11/5, 11/19, 12/3, 12/17, 1/7, 1/21, 2/4,
Planning Board Action:	No Planning Board at this time.
ZBA Action:	Voted on February 4, 2009 to grant the Applicant's request for a continuance to February 18, 2009.
Susan Fontano made a motion to grant the Applicant's request to continue the application to February 18, 2009. Scott Darling seconded the motion. Upon a vote, the motion passed unanimously 5-0.	

42 Allen Street (Case #ZBA 2008-67)	
Applicant:	Mark Resnick
Property Owner:	Mark Resnick
Agent:	Alissa Devlin, Esq.
Legal Notice:	Applicant & Owner: Mark Resnick seeks a special permit under §4.4.1 in order to finish and legalize partially completed alterations to a non-conforming structure. RB zone. Ward 2.
Date(s) of Hearing(s):	1/7, 1/21, 2/4,
Planning Board Action:	No Planning Board report at this time.
ZBA Action:	Voted on February 4, 2009 to grant the Applicant's request for a continuance to February 18, 2009.
Susan Fontano made a motion to grant the Applicant's request to continue the application to February 18, 2009. Scott Darling seconded the motion. Upon a vote, the motion passed unanimously 5-0.	

7-9 Bowers Avenue (Case #ZBA 2008-68)	
Applicant:	Christina Yanhui Li
Property Owner:	Christina Yanhui Li
Agent:	N/A
Legal Notice:	Applicant & Owner: Christina Yanhui Li seeks a Special Permit (SZO §7.11.4.a) to establish three rooms to rent without kitchen facilities, for a tourist home, in an owner occupied dwelling. RB zone. Ward 6
Date(s) of Hearing(s):	1/7, 1/21, 2/4,
Planning Board Action:	No Planning Board at this time.
ZBA Action:	Voted on February 4, 2009 to grant the Applicant's request for a continuance to February 18, 2009.
Susan Fontano made a motion to grant the Applicant's request to continue the application to February 18, 2009. Scott Darling seconded the motion. Upon a vote, the motion passed unanimously 5-0.	

22 Benedict Street (Case #ZBA 2008-71)	
Applicant:	Oi Chao Ding
Property Owner:	Oi Chao Ding
Agent:	N/A
Legal Notice:	Applicant/Owner Oi Chao Ding seeks a special permit (SZO §4.4.1) to alter a nonconforming dwelling by adding 20' x 14' porch to the rear. RB zone. Ward 1.
Date(s) of Hearing(s):	1/21, 2/4,
Planning Board Action:	No Planning Board report at this time.
ZBA Action:	Voted on February 4, 2009 to grant the Applicant's request for a continuance to February 18, 2009.
Susan Fontano made a motion to grant the Applicant's request to continue the application to February 18, 2009. Scott Darling seconded the motion. Upon a vote, the motion passed unanimously 5-0.	

The Board took a short recess at 6:10pm.

The Board reconvened at 6:15p.m.

343-349 Summer Street (Case #ZBA 2002-23-R0109)	
Applicant:	Marc Daigle, Mgr.

Property Owner:	The Dakota Partners, LLC
Agent:	N/A
Legal Notice:	Applicant: Marc Daigle & Owner: The Dakota Partners, LLC seek a time extension (SZO §5.3.10) to Special Permit #2002-23 for a multi-unit residence. RA/CBD zone. Ward 6.
Date(s) of Hearing(s):	2/4,
Planning Board Action:	N/A
ZBA Action:	Voted o February 4, 2009 to continue the application to February 18, 2009 in order to seek wordings on legalities from the City Solicitor.

Susan Fontano opened the case and read a description into the record. Attorney Richard DiGirolamo appeared before the board and requested a one-year extension of the approved special permit #2002-23, stating that it met the criteria for approval. Mr. DiGirolamo stated that this case had been in the appeal process and there was ongoing litigation. Mr. DiGirolamo testified that his client had worked diligently to resolve any outstanding issues and had made a good faith effort to overcome this hardship. Mr. DiGirolamo stated that the special permit was due to expire on March 1, 2009. Assistant City Solicitor David Shapiro agreed to research the Board's questions related to whether the permit had already expired and whether the Zoning Board of Appeals was under time constraints tract. Ward Six Alderman Rebekah Gewirtz testified that she was opposed to the removal of the tree for the fire lane, and that the Applicant did not have good cause. Alderman at Large William White appeared and testified in opposition to the time extension, stating that the Applicant should have worked on plans, fire lane issues, and on a construction management plan while the appeal was taking place. Alderman at Large Dennis Sullivan testified in opposition to the Applicant's request and urged the Board to deny the extension. Attorney DiGirolamo responded to Alderman Gewirtz's claim by stating that Fire Prevention and City Solicitor and the Board had already approved the special permit and there was no need to work on those issues. Numerous abutters testified in opposition to the application. Stated concerns were that: the permit had already expired; the Applicant did not face hardship; the project impacted abutters' views; the fire lane was not approved, due to the tree; the tree should not be removed due to the greenhouse effects on the environment; the easement wasn't valid; the Applicant didn't work with the neighborhood. Ward Four Alderman Walter Pero testified against the project, stating that it was not good for the city. Mr. DiGirolamo stated that his client had followed the legal process and acted in good faith. Alderman at Large William White stated that the tree removal should have been addressed in the initial stage before being voted on. Alderman Rebekah Gewirtz stated that the neighbors had suffered hardships during this ongoing case. Planning Director Madeleine Masters stated that although the Planning staff had recommended approval of the time extension, staff did not opine that the tree should be removed; the only relevant findings were whether there had been obstacles/hardships in trying to obtain a building permit and whether the Applicant had made good faith effort to overcome them. Susan Fontano made a motion to continue the application to February 18, 2009 in order to allow the City Solicitor to do additional research. Scott Darling seconded the motion. Upon a vote, the motion passed unanimously (5-0).

Richard Rossetti made a motion to adjourn. Danielle Fillis seconded the motion. Upon a vote, the motion passed unanimously (5-0).

The hearing concluded at 8:00pm