



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

*PLANNING DIVISION*

**STAFF PRESENT**

George Proakis, *Planning Director*  
Lori Massa, *Senior Planner*

**MEMBERS PRESENT**

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

**MINUTES**

**Zoning Board of Appeals**

Visiting Nurses Association, 259 Lowell Street, Community Room, 3<sup>rd</sup> Floor, Somerville, MA  
Wednesday, June 22, 2011

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

**Previously Continued Cases to a Future Date**

<b>26 Hamilton Road (Case #ZBA 2011-15)</b>	
Applicant:	Matthew Barnes
Property Owner:	Matthew Barnes
Agent:	N/A
Legal Notice:	Applicant and Owner, Matthew Barnes, seeks a special permit to alter a nonconforming structure under SZO §4.4.1 to construct a dormer on an existing two-family residence. RA zone. Ward 7.
Date(s) of Hearing(s):	3/16, 4/6, 4/20, 5/4, 5/18, 6/8, 6/22
PB Action:	Recommends conditional approval.
ZBA Action:	Voted on May 18, 2011 to continue the application to July 13, 2011.
Current Status:	Continued to July 13, 2011 at previous hearing.



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<b>35R Lexington Avenue (Case #ZBA 2009-45)</b>	
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 homes) on a lot (§7.2) and a Special Permit to alter a nonconforming structure (§5.1 & §4.4.1). The applicant/owner is seeking to alter the existing structure by demolishing a portion and renovating it into a single family home, and is seeking to build an additional single family home on the 14,875 square foot lot. RA zone. Ward 5.
Date(s) of Hearing(s):	11/3, 11/17, 12/1, 12/15/10, 1/5/11, 1/19. 2/2, 2/16, 3/2, 3/16, 4/6, 4/20, 5/4, 5/18, 6/8, 6/22
Planning Board Action:	No Planning Board Report at this time. Re-advertised for 4/20.
ZBA Action:	Voted on June 8, 2011 to continue the application to July 13, 2011.
Current Status:	Continued to July 13, 2011 at previous hearing.

### Previously Opened Cases that are Requesting a Continuance

<b>363 Highland Avenue (Case #ZBA 2011-36)</b>	
Applicant:	J. Calnan & Associates, Inc.
Property Owner:	Spy Pond Associates, Inc.
Agent:	N/A
Legal Notice:	Applicant, J. Calnan & Associates, Inc., and Owner, Spy Pond Associates, Inc., seek a Special Permit to alter a nonconforming structure under SZO §4.4.1 to install windows on the northwest side of an existing single-story commercial building. CBD zone. Ward 6.
Date(s) of Hearing(s):	5/18, 6/8, 6/22
Staff Recommendation:	None
ZBA Action:	Voted on June 22, 2011 to withdraw the application without prejudice.
Susan Fontano made a motion to withdraw the application without prejudice. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

### Previously Opened Cases to be Heard

<b>343-351 Summer Street (Case #ZBA 2011-22)</b>	
Applicant:	Strategic Capital Group, LLC
Property Owner:	George Dilboy VFW Post 529 & The Dakota Partners, LLC
Agent:	Richard G. DiGirolamo, Esq.



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Legal Notice:	Applicant, Strategic Capital Group, LLC and Owners George Dilboy VFW Post #529 and The Dakota Partners, LLC, seek a Special Permit with Site Plan Review under SZO §7.11.1.c to establish a 31 unit residential use, a Special Permit under §7.11.5.B.6.a to establish an approximately 8,400 gross square foot private club, and a Special Permit under §9.13.b to modify parking dimensions and access. CBD and RA zones. Ward 6.
Date(s) of Hearing(s):	4/20, 5/4, 5/18, 6/8, 6/22
Staff Recommendation:	Recommends Applicant withdraw current application.
ZBA Action:	Voted on June 22, 2011 to withdraw the application without prejudice.
<p>The Agent stated that they were not aware of the environmental report that was done by the contractor. Herbert Foster questioned if the LSP license was suspended, to which the agent stated that the report that was offered does not require an LSP. Alderman Gewirtz stated that the intentional attempt to withhold information should not be allowed by the Board and that they should either deny or withdraw the application with prejudice. George Proakis spoke to the items in the staff report. Alderman Gewirtz stated that all other communities don't require environmental testing but it should be a requirement. The agent stated that the contractor conducted borings for both geotechnical analysis and decided to to conduct an environmental testing at the same time. The report shows better results then previous sections so it would be counter productive to intentionally withhold them, of which the latter the applicant did not know about, and although this it made it a better report, there was no need for the report to be withheld. Alderman Gewirtz stated that the reports were done by an LSP that is not currently certified and she questioned if all the reports were received to which George Proakis stated that he recommends a licensed LSP review the report and that the staff recommends that the applicant resubmit the application with al the environmental reports. Scott Darling gave an overview of the different phases of the environmental review ideally one LSP will work on the case from start to finish and recommended that the applicant come back with a 21E or environmental reporting by an LSP. Herbert Foster stated that the Board will hold a special hearing when the applicant reapplies so that there would be more time for people to speak. Susan Fontano made a motion to withdraw the application without prejudice. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.</p>	

<b>100 Fellsway West (Case #ZBA 2009-03-R1-5/2011)</b>	
Applicant:	Craig Corporation
Property Owner:	Craig Corporation
Agent:	Richard G. DiGirolamo, Esq.
Legal Notice:	Applicant & Owner Craig Corporation seek a revision to Special Permit ZBA 2009-03 pursuant to SZO §5.3.8 to change the grading on the site and relocate the garage ramp, garage door location, parking and landscaping. The proposal also includes seeking approval for an increased number of compact parking spaces. The original Special Permit under SZO §4.4.1 was to expand a non-conforming structure within a required front yard setback and a Special Permit with Site Plan Review (SZO §7.11.1.c) to convert from a factory/industrial use to a mixed commercial and residential use in order to construct a 19 unit residential building with approximately 5000sf of office space. BB zone. Ward 1.
Date(s) of Hearing(s):	6/8, 6/22
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on June 22,2011 to approve the application with condition revisions.



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The agent explained the proposal. An abutter stated that this property is flooded because the drain on the subject property is not working. He thinks that the back lot is being used to store commercial vehicles that are not associated with the construction. Herbert Foster stated that rodent control should be a part of the construction to which the agent stated that they have already baited the site and can do it again. Herbert Foster requested proof of baiting. The engineer, David Giargrande, explained the drainage system for the parking lot. Scott Darling questioned if they can do something to address the current flooding issue. The engineer stated that the dry well can be cleared out and that the drainage flows from the abutter towards the street because of the topography. The contractor stated that there will be a retaining wall installed and they will cut down the growth on the western edge of the site. They will post the contractor's phone number at the site of construction. The owner then stated that there is rodent control every month and that they will meet with neighbors to address any further problems. The Board added conditions 24, 25, 26, and amended conditions 10 and 15. Susan Fontano made a motion to approve the revisions to the special permit for the increased number of compact parking spaces (§9.13.b). Scott Darling seconded the motion. Upon a vote, the motion passed 5-0. Susan Fontano made a motion to approve the special permit. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.

### New Cases to be Opened and Heard

<b>68-70 Summer Street (Case #ZBA 2011-41)</b>	
Applicant:	Jeanne Flanagan
Property Owner:	Albert Riskalis
Agent:	N/A
Legal Notice:	Applicant Jeanne Flanagan and Owner Albert Riskalis seek a special permit under SZO §4.5.1 to change a nonconforming use (an auto parts sales and warehouse) to two other nonconforming uses in order to open a studio for a personal trainer (§7.11.6.3.a) and an artist studio space (§7.11.6.8.a). RB zone. Ward 2.
Date(s) of Hearing(s):	6/8, 6/22
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on June 22, 2011 to approve the application for a special permit.
The applicant explained the space and plan. Susan Fontano questioned if the tenant was a licensed practitioner and if the studio space was for the applicant to which the applicant responded that she is a nationally certified exercise physiologist and that she will be using the studio space. Susan Fontano made a motion to approve the application. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

<b>192 Powder House Boulevard (Case #ZBA 2011-49)</b>	
Applicant:	Brenda Colborne
Property Owner:	Brenda Colborne
Agent:	N/A
Legal Notice:	Applicant and Owner Brenda Colborne, seeks a variance (SZO §5.5 and §10.7.1) to construct an eight (8) foot high fence along a twelve (12) foot section on the rear left side of the property. RA zone. Ward 7.
Date(s) of Hearing(s):	6/22
Staff Recommendation:	Unable to recommend approval.
ZBA Action:	Voted on June 22, 2011 to continue the application to July 13, 2011.



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The applicant explained the site and proposal including that the fence would not be totally solid. It would have lattice on the top and due to the grade change with the neighbor's yard, the neighbor would only see a 6' 6" tall fence for 12' feet in length. Herbert Foster then stated that he would like to look at the site before approval. Susan Fontano made a motion to continue the application to July 13, 2011. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.

<b>32 Concord Avenue (Case #ZBA 2011-38)</b>	
Applicant:	Jein Park & Nicholas Choly
Property Owner:	Jein Park & Nicholas Choly
Agent:	N/A
Legal Notice:	Applicant/Owner Jein Park & Nicholas Choly seek a special permit to alter a nonconforming structure under SZO §4.4.1 to construct 3 dormers on an existing two-family residence creating a third story. RB zone. Ward 2.
Date(s) of Hearing(s):	6/22
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on June 22, 2011 to approve the application for a special permit.
The applicant explained the proposal and current state of the half story of lining space with a non insulated ceiling. Richard Rossetti questioned if it would remain a 2 family residence to which the applicant responded yes. He then questioned the nature of the office on the second floor to which the applicant stated that they are using that space as a bedroom for their child but it does not have a closet. Susan Fontano made a motion to approve the application for a special permit. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	

<b>167-169 Holland Street (Case #ZBA 2011-46)</b>	
Applicant:	Tufts University
Property Owner:	Tufts University
Agent:	Martin Oppenheimer
Legal Notice:	Applicant/Owner Tufts University seek a special permit under SZO §4.4.1 to alter a nonconforming structure to install two entry canopies at the service and day care entrances. RA/RC zone. Ward 7.
Date(s) of Hearing(s):	6/22
Staff Recommendation:	Recommends conditional approval.
ZBA Action:	Voted on June 22, 2011 to approve the application for a special permit.
Josh Safdie recued himself from the case because his employer may be working with the University, and he does not want to there to be a perceived conflict of interest.. The applicant then explained the proposal. Danielle Fillis questioned if the daycare play area is temporary to which the applicant responded yes. She also mentioned that cars overhang the sidewalk making it difficult to walk along. The applicant then went on to state that they will work to improve this situation. Susan Fontano made a motion to approve the special permit. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.	



**Other Business**

New Fee Structure

*Scott Darling questioned if the new fee structure was calculated by the number of antennas to which George Proakis stated that it was a flat fee per application. Scott Darling then asked if it could go higher to which George Proakis stated that the City of Somerville has one of the highest fees around for wireless applications. The changes to the fee structure were to the “permit” fee and caps the increase typically applies to larger projects. Herbert Foster made a motion to approve. Scott Darling seconded the motion. Upon a vote, the motion passed 5-0.*

*Plans and reports are available at the City of Somerville website at the following link:*

[www.somervillema.gov/planningandzoning/reports](http://www.somervillema.gov/planningandzoning/reports)



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