



CITY OF SOMERVILLE, MASSACHUSETTS  
ZONING BOARD OF APPEALS  
JOSEPH A. CURTATONE, MAYOR

**STAFF**

*DAWN PEREIRA, ADMINISTRATIVE ASSISTANT*

**MEMBERS**

*HERBERT FOSTER, CHAIRMAN*  
*ORSOLA SUSAN FONTANO, CLERK*  
*RICHARD ROSSETTI*  
*T.F. SCOTT DARLING, III, ESQ.*  
*ELAINE SEVERIN (ALT.)*

**Meeting Minutes**  
**August 6, 2008**

The meeting was called to order at 6:05PM. in the Aldermanic Chambers of Somerville City Hall, 93 Highland Avenue, Somerville, MA.

Members Present:

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

Staff Present:

Madeleine Masters  
Lori Massa  
Dawn Pereira

**CASES CONTINUED FROM PREVIOUS HEARINGS**

<b>135 Willow Avenue (AKA 131 Willow Avenue) (Case #ZBA 2004-05-R0208)</b>	
Applicant:	131 Willow Avenue, LLC
Property Owner:	131 Willow Avenue, LLC
Agent:	Adam Dash, Esq.
Legal Notice:	Seeks a revision to Special Permit 2004-05 to allow for the continued existence of the porch roof, doors and windows. RC zone. Ward 6.
Date(s) of Hearing(s):	3/5, 3/19, 4/2 & 4/16, 5/7 & 5/21, 6/4, 6/18, 7/9 & 7/23, 8/6
Planning Board Action:	N/A
ZBA Action:	Voted on August 6, 2008 to grant the Applicant's request for a continuance to September 3, 2008.
Susan Fontano made a motion to approve the Applicant's request for a continuance to September 3, 2008. Scott Darling seconded the motion. Upon a vote, the motion passed unanimously (5-0).	

<b>30 College Avenue (Case# ZBA 2007-29)</b>	
Applicant:	D.F. Valente
Property Owner:	Mouhab Rizkallah
Agent:	N/A
Legal Notice:	The ZBA will reopen proceedings for a special permit (#ZBA2007-29) sought by Owner M.Z. Rizkallah and Applicant D.F. Valente, in order to hold a new hearing on the applicant's request to construct a new front addition, an exterior stairway, and a third floor onto an existing building (SZO §4.4.1). CBD zone. Ward 6.
Date(s) of Hearing(s):	7/11/07 5/21/08, 6/4, 6/18, 7/9 & 7/23, 8/6
Planning Board Action:	--
ZBA Action:	Voted on August 6, 2008 to continue the application to August 20, 2008 in order for a neighborhood meeting to be held.
<p>Architect Dominic Valente appeared with the Applicant and they presented shadow studies of the property. Dr. Rizkallah testified that his business is a state of the art facility and is only one of a few dental care offices that offer this service and technology. Dr. Oster testified in favor of the project and stated that it is necessary for the operation of business and for handicapped accessibility and egress. Numerous abutters appeared and testified in opposition of the project. The abutters stated their concerns to be opposition of the third floor and stairway tower, accuracy of the shadow studies, requests traffic study be completed, huge impact to the neighborhood, affects direct abutter and being able to enjoy her back yard and rear yard setback issues. Steve Mackey and testified in support of the project stating it will bring revenue to the city. Dan Sullivan testified in favor of the project. Chairman Foster motioned for a recess at 7:50pm. The hearing reconvened at 7:56pm. Ward 6 Alderman Rebekah Gewirtz testified that she proposes the Applicant put the stairwell in front, to keep the stairwell where it is an move it 10 feet off the lot line. Alderman Gewirtz stated that she doesn't support the project as is, but if the stairwell was moved the 10 feet that will be acceptable. Alderman Gewirtz testified that the Applicant cannot use the second floor without the stairwell/lift. Chairman Foster stated that a neighborhood meeting should be conducted to resolve any outstanding issues. Alderman Gewirtz requested that someone from the Planning staff or Inspectional Services be present at the community meeting to field questions or concerns. Susan Fontano made a motion to continue the application to August 20, 2008 in order for a community meeting to be held. Scott Darling seconded the motion. Upon a vote, the motion passed unanimously (5-0) with Elaine Severino voting for Danielle Fillis who recused herself.</p>	

<b>44 Park Street (Case #ZBA 2008-24)</b>	
Applicant:	44 Park Street, LLC
Property Owner:	MALDEMÉR, LLC
Agent:	Nick Iannuzzi, Esq.
Legal Notice:	Applicant: 44 Park Street, LLC & Owner: MALDEMÉR, LLC seek a Special Permit with Site Plan Review for 89 dwelling units, and variances for parking, minimum lot area per dwelling unit, and number of stories (4 proposed). RC zone. Ward 2.
Date(s) of Hearing(s):	7/9 & 7/23/08
Planning Board Action:	No Planning Board Report at this time.
ZBA Action:	Voted on July 23, 2008 to grant the Applicant's request for a continuance to August 20, 2008.
Current Status:	Voted on at previous hearing to be continued to August 20, 2008.
Voted at the previous hearing to continue to August 20, 2008.	

<b>48 Hudson Street (Case #ZBA 2008-28)</b>	
Applicant:	Jim Gilbert
Property Owner:	Jim Gilbert
Agent:	N/A
Legal Notice:	Applicant & Owner: Jim Gilbert seeks a special permit to operate a hobby kennel as an accessory residential use under SZO §7.11.4.i. RA zone. Ward 5.
Date(s) of Hearing(s):	7/23/08
Planning Board Action:	No Planning Board report at this time.
ZBA Action:	Voted on July 23, 2008 to grant the Applicant's request for a continuance to August 20, 2008.
Current Status:	Voted on at previous hearing to be continued to August 20, 2008.
Voted at the previous hearing to continue to August 20, 2008.	

<b>261 Highland Avenue (Case #ZBA 2008-29)</b>	
Applicant:	Natasha Onken
Property Owner:	Natasha Onken
Agent:	Michael Nionakis
Legal Notice:	Applicant & Owner: Natasha Onken seeks a special permit under SZO §4.4.1 to construct a roof deck that is approximately 10 feet by 20 feet. RC zone. Ward 3.
Date(s) of Hearing(s):	7/23/08
Planning Board Action:	Recommends conditional approval.
ZBA Action:	Voted on August 6, 2008 to approve the Applicant's request for a special permit.
<p>The Applicant appeared and stated her request to construct a roof deck which is approximately 10' x 20'. The Board had a concern with the height of the railings and requested to add a condition to make the railings 46 inches in height from the deck. Richard Rossetti made a motion to approve the Applicant's request for a special permit with conditions. Richard Rossetti always would like to add two additional conditions #3 to condition the railing to 46 inches in height from the deck and #4 the door to the roof deck must be remained locked at all times when not in use. Scott Darling seconded the motion. Upon a vote, the motion passed unanimously (5-0) with Elaine Severino voting for Herbert Foster who recused himself.</p>	

<b>9 Pitman Street/18 Beech Street (Case #ZBA 2008-30)</b>	
Applicant:	Howard Shen, Architect
Property Owner:	Thomas Shen
Agent:	Adam Dash, Esq.
Legal Notice:	Applicant: Howard Shen & Owner: Thomas Shen seek a special permit under SZO §4.4.1 for the alteration of a non-conforming structure in order to reconstruct a non-conforming 5-family dwelling. RB zone. Ward 3.
Date(s) of Hearing(s):	7/23/08
Planning Board Action:	No Planning Board at this time.
ZBA Action:	Voted on July 23, 2008 to grant the Applicant's request for a continuance to September 3, 2008.
Current Status:	Voted on at previous hearing to be continued to September 3, 2008.
Voted at the previous hearing to continue to September 3, 2008.	

<b>2-10 Highland Road (Case #ZBA 2008-31)</b>	
Applicant:	Alan Peterson
Property Owner:	Richard & Nina Suchecki
Agent:	N/A
Legal Notice:	Applicant: Alan Peterson & Owner: Richard & Nina Suchecki seek Special Permit approval under SZO §4.4.1 for the alteration of a non-conforming structure in order to construct two townhouses. RA zone. Ward 6.
Date(s) of Hearing(s):	7/23/08
Planning Board Action:	Recommends conditional approval.
ZBA Action:	Voted on August 6, 2008 to approve the Applicant's request for a special permit.
Attorney Andrew Bram appeared to propose to construct 2 townhouses. Direct abutter Arelita Podenti expressed concerns about parking and requested that an eight-foot fence be constructed. Ward 6 Alderman Rebekah Gewirtz appeared and testified that her only concern is the parking issue and whether you can see it from the bike path and since that issue was resolved she is in full support of this project. Susan Fontano made a motion to approve the Applicant's request for a special permit. Scott Darling seconded the motion. Upon a vote, the motion passed unanimously (5-0).	

<b>43 Russell Road (Case #ZBA 2008-32)</b>	
Applicant:	Lancer Contracting
Property Owner:	Cynthia Dill & Boris Goldowsky
Agent:	E. Kirton, Architect
Legal Notice:	Applicant: Lancer Contracting & Owner: Cynthia Dill & Boris Goldowsky seek Special Permit approval under SZO §4.4.1 for the alteration of a non-conforming structure in order to construct three dormers. RA zone. Ward 7.
Date(s) of Hearing(s):	7/23/08
Planning Board Action:	No Planning Board report at this time.
ZBA Action:	Voted on July 23, 2008 to approve Applicant's request for a continuance to August 20, 2008.
Current Status:	Voted on at previous hearing to be continued to August 20, 2008.
Voted at the previous hearing to continue to August 20, 2008.	

Scott Darling made a motion to adjourn. Richard Rossetti seconded the motion. Upon a vote, the motion passed unanimously (5-0) with Elaine Severino voting.

**OTHER BUSINESS**

None