



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

OCTOBER 6, 2021 MEETING MINUTES

This meeting was conducted via remote participation on GoToWebinar.

NAME	TITLE	STATUS	ARRIVED
Susan Fontano	Chair	<i>Present</i>	
Josh Safdie	Clerk	<i>Present</i>	
Anne Brockelman	Member	<i>Present</i>	
Elaine Severino	Member	<i>Present</i>	
Katherine Garavaglia	Alternate	<i>Absent</i>	

City staff present: Charlotte Leis (Planning, Preservation & Zoning), Rebecca Lyn Cooper (Planning, Preservation & Zoning)

The meeting was called to order at 6:03pm and adjourned at 8:38pm.

GENERAL BUSINESS: Meeting Minutes Approval

Following a motion by Clerk Safdie, seconded by Member Severino, the Board voted unanimously (4-0) to approve the minutes from August 4, 2021 and September 1, 2021.

PUBLIC HEARING: 13 Alpine Street

(continued from September 22, 2021)

The applicant recapped the project. They noted that they had submitted updated plans to capture all of the changes, as well as updated condo document language.

The Board and applicant team discussed the floor plans showing the planters 3' from the railing, as opposed to the 4' 6" that was discussed at the last meeting. They spoke about the possibility of moving the planters behind the railings to allow for more usable deck space, the size of the deck space if the railings are moved, the street view and the neighbors' view, the other 15 changes, and how the applicant team has spoken with the neighbors about the newly proposed design.

The Board and staff discussed that they will need to modify the condition about the planters being 3' from the edge of the building. Staff noted that the applicant team will need to submit an "as approved" plan set.

Following a motion by Clerk Safdie, seconded by Member Severino, the Board voted unanimously (4-0) to approve the Major Amendment to the previously approved plans with conditions.

RESULT:	APPROVED WITH CONDITIONS
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PUBLIC HEARING: 27 Loring Street

The applicant team explained that at the last hearing they sought two variances, now they have filed an administrative appeal and are seeking to have the existing structure be classified as a detached house rather than a cottage. The team explained the reasoning for their argument, the lot standards, and building size differences. They also explained building standard differences, as well as noted other misclassifications in the area.

Staff clarified that the classification of 23-25 Loring is not a cottage, but a detached triple decker; it was a typo by the Director of ISD, Nick Antanavica.

The applicant team noted that the surrounding houses do not meet lot sizes, but are considered detached houses. They also showed a timeline of project information, summed up that the detached house is common in the neighborhood, and read into the record a letter from Ward Councilor JT Scott in support of the reclassification. They also received eight other letters of support.

Chair Fontano opened public testimony. No one indicated that they wished to speak. Chair Fontano closed public testimony.

The Board asked Staff if they have everything from the Councilor. Staff confirmed that they have passed along all the materials that have been received. The Board and Staff also discussed how ISD declined to comment further on this matter, how reclassifying to a detached house would allow 3 units by-right should the applicant sell the home or choose to add more units in the future, the setback requirements for both building types, what is permitted for both building types, and the current non-conformities of the home.

The Board, staff, and applicant team discussed that if the building was reclassified as a detached house, the design that has been submitted would require a hardship variance, but the applicant could modify to a 2.5 story structure by-right. Staff noted that the reclassification would allow slightly more freedom in dimensions and much more freedom in density. They also discussed the allowable dimensions for each building type and the fact that more factors go into the determination of a building type than just the dimensions.

The applicant team asked the Board if it's a possibility to include language on the deed that this property will continue to be a one-family home in perpetuity and will never be able to be turned into a three-family. The team stated that they received guidance from the Director of ISD Nick Antanavica to ask for the home to be reclassified as a detached house and then to ask for a variance to go ahead with their proposal.

Staff reminded everyone that the only question tonight is if the existing structure is a cottage or detached house and what the applicant plans to do after this is not relevant. The fact that this property has two separate cases before the Board on the same property was causing some confusion.

The Board and staff discussed whether a condition can be made restricting the number of units that can be added to the property. Staff stated that they would need to consult with the Legal department regarding deed restrictions. Staff suggested that if the Board believes the building to be a detached house, then it is a detached house and if the Board believes it to be a cottage, then it is a cottage. Staff would caution the Board from conditioning away the entitlements of a detached house.

The applicant team stated that the size of the house could not be made bigger without a variance that the ZBA would have to approve. Staff corrected that the building could be made bigger via building components (side wings, rear additions, etc.) under both determinations.

The applicant team asked if ISD could make the determination, as opposed to the ZBA. Staff stated that an Administrative Appeal is an appeal of a decision made by ISD to the ZBA. ISD can comment to the Board, but they cannot make the decision for the Board. The applicant team reiterated that ISD told them that the building has been misclassified and should be a detached house.

The Board discussed if they were ready to vote tonight or if they needed more time to review the case. The Board informed the applicant team that they can request a continuance. The applicants requested a continuance to October 20, 2021. The Board asked staff about the other open case. Staff confirmed that the other case has been continued to October 20, 2021 as well, but the applicant can ask for a continuance or withdraw for either case. Staff noted that the Board will have to approve a request to withdraw.

The Board asked staff to request the Director of ISD's opinion on this case, either in writing or by attending the next hearing. Staff was unsure of the policy, but will check with ISD. Staff confirmed that they will request feedback on this case on behalf of the Board. Staff confirmed the items that the Board would like feedback on:

- ISD - opinion on building determination and if they believe it has been categorized incorrectly
- City Solicitor - voluntary deed restriction in perpetuity and if the Board is even able to consider as a possibility

Following a motion by Clerk Safdie, seconded by Member Severino, the Board voted unanimously (4-0) to approve the applicant's request to continue to October 20, 2021.

RESULT:

CONTINUED

NOTICE: These minutes constitute a summary of the votes and key discussions at this meeting. To review a full recording, please contact the Planning, Preservation & Zoning Division at planning@somervillema.gov.