



City of Somerville
ZONING BOARD OF APPEALS
City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

APRIL 20, 2022 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>Absent</i>	
Anne Brockelman	Member	<i>Present</i>	
Ann Fullerton	Member	<i>Present</i>	
Katherine Garavaglia	Acting-Clerk	<i>Present</i>	

City staff present: Charlotte Leis (Planning, Preservation, & Zoning), Raisa Saniat (Planning, Preservation, & Zoning)

The meeting was called to order at 6:01pm and adjourned at 7:10pm.

GENERAL BUSINESS: Meeting Minutes

Following a motion by Acting-Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (4-0) to approve the 2 March 2022 and 6 April 2022 meeting minutes.

PUBLIC HEARING: 15 McGrath Highway (P&Z 22-039)

The applicant team summarized the request for an extension to the Hardship Variances granted by the Board last year. During the past year the applicant team has worked with various city and state departments on other approvals that the project requires, and the 6-month extension will allow them to apply for a building permit.

The applicant team gave a brief presentation on the public process timeline the team has been through during the last year. The Board asked whether the applicant team thinks 6 months will be sufficient to apply for the building permit. The applicant team said they believed it would be sufficient.

Chair Fontano opened public comment.

Polly Pook (1 Fitchburg St) - stated the Planning Board had asked the applicant team to work with her building to address shadow impacts. The Brickbottom residents have worked with the applicant team, and assuming those plans are followed, she is in support of the massing of the building.

Chair Fontano closed public comment.

Following a motion by Acting Clerk Garavaglia, seconded by Ms. Brockelman, the Board voted unanimously (4-0) to approve the request for an extension of the Hardship Variance.

RESULT:

APPROVED

PUBLIC HEARING: 26 Clyde Street (P&Z 22-010)

The applicants presented an overview of their request for a Hardship Variance. They explained that the dormer is 24' wide, there are currently 12' of windows, and they are seeking relief because they inherited the condition from the seller. To address the issue, they would have to reconstruct the dormer which would be a hardship because they work from home, and this would disrupt their work and make the space inhabitable while its being fixed. Also, over time, it would create a hardship because it would increase their heating and cooling costs.

The Board and applicants discussed the plans submitted, the developer, and how the approved construction plans never went through the design review process and therefore what was built is nonconforming. The applicants presented a different plan set than what the Board received. Staff clarified that the plans presented by the applicants were not the same as the plans submitted for this application.

The Board, Staff, and applicants discussed the difference between the two plan sets and which city departments originally reviewed them, the process that the project went through, how the previous design didn't require a Hardship Variance because it complied with the ordinance and the current design requires one because it has too few windows, and how the current design falls short of the minimum fenestration requirement by 9'; has 12' when it is required to have 21' in a 24' dormer.

The Board and applicants discussed the process they went through to obtain a Certificate of Occupancy which included closing on this property with a temporary Certificate of Occupancy. The temporary Certificate of Occupancy was conditioned on addressing violations found upon initial inspection by ISD; the applicants stated that they were only aware of two violations at the time of purchase, which have since been corrected, and became aware of this violation later when they filed for a Building Permit to address the other two issues.

The Board and Staff discussed how 21' of windows out of 24' seems like a lot of windows, the section of the zoning ordinance that addresses this issue, how the Staff Memo states that 17' of windows would be required, whereas applicant said that 21' would be required. Staff clarified that ISD informed them that the applicants would need to seek relief for approximately 5' and the applicants were informed that they would need to provide adequate plans to the Board to explain the relief they are seeking. The Board noted that the applicants seem to be confused on what the requirement is and what relief they need.

The Board read the strict interpretation of the section of the ordinance but feels that the rule isn't practical; they do not think the built condition is inappropriate for the size of the dormer. They considered how to interpret the relevant section of the code.

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

The Board noted that part of the applicants' argument is that their downstairs neighbors would be inconvenienced, but they are not present tonight. The applicants stated that the neighbors are aware of the situation. They also discussed the proximity of their next-door neighbors.

The Board agreed that they cannot vote until accurate plans are part of the record with the exact amount of relief needed with clear labels and elevations.

Following a motion by Acting Clerk Garavaglia, seconded by Member Fullerton, the Board voted (4-0) to continue the case to the next meeting.

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.