



City of Somerville  
**ZONING BOARD OF APPEALS**  
City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**MAY 18, 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	Alternate	<i>Present</i>	

City staff present: Charlotte Leis (Planning, Preservation, & Zoning), Emily Hutchings (Planning, Preservation, & Zoning), Andrew Graminski (Planning, Preservation, & Zoning)

The meeting was called to order at 6:05pm and adjourned at 8:31pm.

**PUBLIC HEARING: 35 McGrath Highway (P&Z 21-156)**

The applicant team provided background information on the property, zoning information, a summary of the variances being requested, an overview of the proposed development, and explained that an abutting property received variances from the Board for some of the same variances this team is seeking. The team also explained that the property is abutting MBTA tracks at the rear, the issue with the front lot line, and spoke about the city and MassDOT's long-term plans for making McGrath Highway an at-grade Boulevard.

The applicant team reviewed the site plan, building elevations, vehicular access on the site, and how they have an agreement with the neighbor to provide an easement for loading and utility access. They described that to make the site safe for visitors and employees, they are proposing to have the entrance to the underground parking garage at the front of the building, as well as a small drop off area that does not block the access easement. To accommodate the drop off area, they are proposing to slightly push back the right side of the ground floor façade. They explained that even though the front lot line is diagonal from the street, they have tried to design the building to be parallel to the street.

The team provided the Board with evidence of MassDOT taking the adjacent property in 1956 being recorded with the Registry of Deeds, along with the rest of the materials submitted to the Board.

Chair Fontano opened public testimony.

Polly Pook (1 Fitchburg St) – had no objection to anything the team has asked for, except that the building's rooftop mechanicals are going to cast shadows on the Brickbottom building and parking lot. The Brickbottom residents have been fighting this battle with 15 McGrath, 35 McGrath, and 51 McGrath. The City acknowledged how important those shadow impacts were and changed the zoning designation at a neighboring property. Ms. Pook felt that there is a lot that they can work on with 35 McGrath to reduce the impacts on their property, like increasing the rear setback or moving where the solar panels and rooftop mechanicals are.

Chair Fontano asked the team for any information they may have about the shadow impacts. The applicant team said they will comply with the zoning requirements except for the variances being requested and will work with the neighbors to address the shadow impacts. They stated that the variances being requested right now do not impact what goes on at the back of the property. They also noted that they have already moved the mechanicals

based on the Planning Board's advice and will continue revising the design of the rooftop mechanicals and building as they move forward.

JT Scott (Ward Councilor) - said he's talked to the Brickbottom folks and hasn't heard any objections to the variances requested. He stated that it is probably better for the Brickbottom folks if the variances are granted, but there are items that will require much more consideration during the Site Plan Approval process.

Chair Fontano left public testimony open for the rest of the evening.

The Board and applicant team discussed the MassDOT property lines, the access to the site, and how the team is currently working on gaining an easement right over the parcel. The team stated that they have had multiple meetings with MassDOT, neighboring development teams, the City of Somerville, and the City of Cambridge about how vehicular access in this area will work in the future, considering upgrades to the area are in the planning stages. They also mentioned that the area is not currently a public right-of-way, but MassDOT will grant those access rights as soon as they complete the land taking from DCAM.

The Board and applicant team discussed the setbacks on each floor, how the spirit of the Somerville Zoning Ordinance (SZO) is to have a consistent wall along the street edge which is how this proposal will be perceived in the public realm, if the variances are approved it does not mean that the building design and massing are approved, and what would happen if MassDOT does not approve easement rights. They continued the discussion with maximum driveway dimensions and how the applicant team already has an easement agreement with the neighboring development team for the loading dock at the rear of the building.

Chair Fontano closed public testimony. The Board noted that they received a written comment from Bill Valletta, Brickbottom resident.

**The Board took a recess at 7:13pm and reconvened at 7:18pm.**

The Board discussed the criteria for the hardship variances – 1) the shape of the property is unusual; 2) literal enforcement of the SZO would make a triangular building, and they feel that the public would be disappointed to see a building following the frontage rather than the street; and 3) it would be desirable to grant all the hardship variances, as it would cause harm not to grant them.

The Board stated that the final massing of the building is unknown. Therefore, granting a 0' setback would allow the applicant team to impose that setback on all the floors, even though they have shown that is not their intention. The Board discussed imposing restrictions on the setback relief considering the team has not been through the Site Plan Approval process. Staff assisted with condition language, stating that the Board could note a minimum and maximum setback for each floor. The applicant team expressed their concerns but stated that they could work within a range. Staff proposed a range of 2' – 34' 4" for the ground floor and 0' – 15' for the upper floors; the Board and applicant team agreed.

Following a motion by Acting-Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (4-0) to approve the four requested Hardship Variances, subject to the conditions in the Staff Memo and discussed this evening.

**RESULT:**

**APPROVED**

**PUBLIC HEARING: 595 Broadway (P&Z 22-018)**

The applicant team explained that two Special Permits were originally granted in October 2018, that the applicant is the successor in interest to the original applicant due to mortgage foreclosure, and construction was not started

during the timeframe due to COVID. The team shared that the property is a split lot with some in Somerville and some in Medford and they are in process of seeking the appropriate approvals from Medford. The team stated that they will not be making any changes to the plans submitted in 2018, which were for a 7-unit multi-family development.

Chair Fontano opened public testimony.

Debbie Canoa (600 Broadway) – stated that the current property has been vacant and unkept for years and there has been no indication of maintenance of the property.

The Board and applicant team discussed when the property was foreclosed on and this team took possession of the property. The Board encouraged the team to be good neighbors as they move forward. They also discussed when construction would start should the Board grant the team the requested extension. Staff confirmed that if the Board granted the extension, the new permit would expire 10 February 2023.

Chair Fontano closed public testimony.

The Board and applicant team discussed if the team has a general contractor lined up, how the Board advised the team to work with the Ward Councilor in the future to make sure everything runs smoothly, and how the team plans to develop the property rather than sell it. The Board and Staff spoke about why the applicant team was unaware of the meeting this evening, until the last minute.

Following a motion by Acting-Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (4-0) to extend the validity of two Special Permits to 10 February 2023.

**RESULT:**

**APPROVED**

### **OTHER BUSINESS: Amendment of Submittal Requirements**

Staff noted that the updated draft Submittal Requirements document for the Planning Board and Zoning Board of Appeals has been provided to the Boards for review. Staff provided a presentation on Somerville's Submittal Requirements, reviewing the state and local regulations on the requirements; how the current requirements are organized and used; and the fact that the Submittal Requirements were written over two years before and need significant updates based on feedback from applicants about difficulty navigating the application process.

Staff continued that Planning Staff has specific goals in updating the Submittal Requirements and provided an overview of the updated Submittal Requirements manual, including a summary of each chapter and how they apply to development applications and the review process. Staff reviewed the intended benefits to applicants, including clearly navigable processes for different applications and definitions of required documents. Staff requested review and feedback from the ZBA at the next meeting and stated that when the ZBA is comfortable with the draft they will vote to adopt the manual.

The Board and staff discussed the requirement for PDF documents and if the requirement could be changed to a preference due to limited technical abilities of some constituents, how being user-friendly is important, one benefit of this type of manual is to have information to share with applicants without having to explain procedures multiple times, and how this document provides more consistency.

They continued the discussion by reviewing if the Submittal Requirements are guidance or mandates; certain chapters describe the required materials for different applications, and later chapters provide guidance to applicants on how to navigate the process. Staff noted that the later chapters on guidance do not state requirements but are intended to assist the applicants through the process, how required documents are typically

necessary for acceptable staff review of the process, as well as Board approval, and how certain required documents can sometimes be waived or accepted at later portions of the process.

The Board and Staff discussed translators for non-English speakers, how the city has staff within SomerViva that may be able to provide assistance, and that although the document has not currently been translated as it is in draft form Planning Staff are considering how to make documents accessible.

The Board asked how Planning Staff defines a Land Plat versus a Land Title Survey. Staff described the perceived differences and pointed to the definitions section in the manual.

Staff noted that the manual can be updated as needed; therefore, reviewing and amending the manual may be an ongoing process as Staff and the Boards learn of additional needs.

*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](mailto:planning@somervillema.gov).*