



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

**DECEMBER 14, 2022 MEETING MINUTES**

This meeting was conducted via remote participation on GoToWebinar.

NAME	TITLE	STATUS	ARRIVED
Susan Fontano	Chair	<i>Present</i>	
Katherine Garavaglia	Clerk	<i>Present</i>	
Anne Brockelman	Member	<i>Present</i>	
Ann Fullerton	Member	<i>Present</i>	
Brian Cook	Alternate Member	<i>Present</i>	
Sisia Daglian	Alternate Member	<i>Present</i>	

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

The meeting was called to order at 6:04pm and adjourned at 11:03pm.

**GENERAL BUSINESS: Meeting Minutes**

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (5-0), with Member Cook voting as the Alternate Member, to approve the 7 September 2022 and 30 November 2022 meeting minutes.

**PUBLIC HEARING: 620 Broadway (P&Z 22-138)**

The applicant explained that they will be going before the Planning Board for the next round of permits they need but need more time, that the Staff Memo provides an excellent summary of the case, and noted that in cases where multiple permits are required courts have provided guidance on the allowance for extensions.

Chair Fontano opened public testimony.

Matthew Penney (19 Warwick St) – spoke against the contractor; then clarified that his comment was for the 299 Broadway case, and then rescinded his comment for 620 Broadway.

Marc Russell (30 Adam St) - started to speak on the 299 Broadway case.

Staff clarified that the application currently under review was 620 Broadway and explained the process for making comments on each application.

Chair Fontano closed public testimony.

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (5-0), with Member Cook voting as the Alternate Member, to approve the requested six-month extension to the previously approved Hardship Variance (P&Z 21-140).

**RESULT:**

**APPROVED**

**PUBLIC HEARING: 292-294 Beacon Street (P&Z 22-167)**

The applicant team explained their request for an extension to the previously approved Hardship Variance, as well as the history of the case including an appeal made by an abutter which stalled the work that was scheduled to start. The team gave a quick overview of their meetings and previous dealings with the Inspectional Services Department (ISD) and the Planning, Preservation, & Zoning Division (PPZ) regarding this case.

The Board and Staff discussed how all conditions that were part of the original approval still stand and this would just be an extension of that original permit.

Chair Fontano opened public testimony. No one indicated they wished to speak on this case. Chair Fontano closed public testimony.

The Board and applicant team discussed the permits still needed for the case, if the team will be able to submit for a Building Permit within the extension timeframe, how this case has been before the ZBA many times with the previous owner, and how the Board encouraged the applicant team to submit full and professional construction documents the first time as this case has had a lengthy history.

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (5-0), with Member Daglian voting as the Alternate Member, to approve the requested six-month extension to the previously approved Hardship Variance (ZBA 2018-118).

**RESULT:**

**APPROVED**

**PUBLIC HEARING: 42-44 Hamilton Road (P&Z 22-111)**

The applicant presented on the case and reviewed the application process. The Board clarified that the applicant will be living at the property, as will his son, and in the future, his wife. The Board asked Staff for clarification on the request, and Staff reviewed the current definition of a “household” as defined by the Somerville Zoning Ordinance (SZO), and how it differs from “group living.” The Board expressed their sympathy and appreciation that the applicant followed the proper channels, considering there are many people in the city that do not. The Board asked if the applicant considered fewer than 8 unrelated people; he stated that it would be less than 6 unrelated people because he and his family members will also be living there.

Staff clarified the current proposal. The applicant stated that all the rooms are livable and reviewed the current bedrooms. The Board noted that this case could set a precedent, so they wanted to ask if he was willing to increase the common area space and reduce the number of bedrooms. Staff reviewed the request for Group Living, which allows four or more unrelated individuals living on the premises. The Board asked how a bedroom is defined. The Board and Staff reviewed the definitions in the SZO and building code. The Board noted that they didn’t see closets in all the rooms; then asked if there is a cap on the number of individuals allowed in Group Living. Staff confirmed there isn’t a cap listed in the SZO but noted that the fire code may reference a cap. The Board noted that the wording is confusing and asked if there is a limit and time for the use. Staff stated that Special Permits are typically tied to the property in perpetuity.

Chair Fontano reviewed the questions that the Board has, including what qualifies as a bedroom, fire code requirements, and whether the ZBA can restrict the approval to the property owner. The Board also noted whether the ZBA can limit the number of unrelated persons.

The applicant stated that the building was updated and inspected on 1 September 2022. The Board stated that their concern was that the spaces were misinterpreted by ISD and noted bedroom safety regarding window size.

Chair Fontano asked Staff about the property inspections. Staff stated that Hans Jensen of ISD reviewed the property and can provide documentation at a future meeting. The Board asked if a set of stamped plans were submitted for the Building Permit and Certificate of Occupancy. Staff clarified that an inspection was completed on the property to ensure that it complies with the building code and safety regulations. The applicant is now requesting a Special Permit for a Group Living Use. Following the issuance of any Special Permit from the Zoning Board, the applicant would need to submit an additional request to ISD whereby they would thoroughly inspect the building and bedrooms to ensure compliance with the building code and zoning ordinance. Approving a Group Living Special Permit does not necessarily mean that there are going to be people in every single room of the house; it would mean that the applicant would be allowed to rent the property to more than four unrelated individuals. However, the entire property would have to comply with all zoning and building codes, including all the bedrooms.

Chair Fontano stated the Special Permit is linked to other permits, and in the future, she would like to have information that could be provided by ISD, and perhaps have someone from ISD present. The Board also stated that they would like to ensure that all the bedrooms meet the bedroom requirements per ISD.

The Board asked about ADA accessibility, and whether that is required as related to Group Living. Staff confirmed that an accessibility plan is not required per the Submittal Requirements for a Special Permit, however the ZBA may request this as additional information in order to make a decision. Staff can also follow-up with ISD on this matter.

Staff recommended that the Board continue this case to the next meeting so that they can gather additional information, speak to the Inspectional Services Department (ISD), and compile the answers to the Board's questions.

The Board asked for complete clarity on the rest of the process related to ISD and the Certificate of Occupancy, as well as the evaluation of bedrooms. They noted that they are fond of the idea of more housing, especially safe housing close to campus for students.

The applicant clarified that this is a two-family house. The Board and applicant confirmed that there is a tenant on the first floor and the Special Permit would be attached to the second (upper) unit. The Board, applicant, and Staff discussed how if the Special Permit is approved, it would remain attached to this unit (42 Hamilton Rd) in perpetuity. Staff confirmed that they will follow-up and report back to the Board if they can condition the approval to be attached to this owner only, as opposed to the unit itself.

Chair Fontano opened public testimony.

Aaron Weber (32 Summit Ave) – stated that he lives in a neighborhood that has a bunch of houses that have more than four unrelated people living in them, some that are licensed and some that are not. It speaks very highly of the applicant that he would apply formally for this, as most people would just go ahead and rent it out. Additionally, this is a rule that the City Council is planning to revoke early next year; it is obsolete, and the city officially refuses to define what a family is. There is no reason to oppose this whatsoever. There is a housing crisis, and housing options are needed, especially affordable housing options.

Crystal Huff (Spring Hill) – stated her support for this proposal. She also has several neighbors that have several unrelated people living together, as well as lots of big families squeezing in together in small spaces. This applicant has been put through a more complicated process than other people. More housing is needed, and it is not helpful to run folks through a rough process when they try to follow the rules. She would like to see more support for group housing in Somerville considering the cost of living and hopes the City Council amends the rules. She asked for the approval of this proposal since he is trying to do the right thing.

Cynthia Graber (57 Trull St) – agreed with the other folks that spoke, as the applicant is obviously doing this above board. She, herself, lived with many roommates in the past and that is both common and necessary. When

someone has multiple rooms available that are livable and they are working hard to do the right thing, we should support them. Ms. Graber felt the project should be approved.

Richard Nilsson (51 Russell Rd) – reviewed this Special Permit application and this looks like an application to create a for-profit dormitory. He stated that he has seen these Group Living permits issued in the past for special circumstances only, such as for persons with special needs or for cases of inclusionary or affordable housing. Making the designation of a Group Living Use for a for-profit dormitory is not a special case and he does not support it. It does not improve the housing issue, as these rooms will only be rented to Tufts students and not the folks in Somerville that actually need housing. The precedent that will be set here if the Special Permit is approved for a for-profit dormitory, would not be in support of affordable housing. If the applicant was creating affordable or inclusionary housing, or seeking the designation for special needs folks, then Mr. Nelson would support it.

Seth Hurwitz (12 Maple Ave) – stated that the applicant is trying to make a home for himself and his son, and he is trying to do things above board. He was astonished with how many hypothetical questions, that were irrelevant to the actual requirements, that were being thrown at this applicant and believed them to be offensive. There is a housing crisis, and this man has a home that he would like to allow people to live in. He was offended by how much time has been taken by questions like the size of the windows considering that is not what this request is for. These questions would not be asked if this was one family all living in one unit, but because these people are unrelated, you get to hypothesize about specific variables. As mentioned previously, the City Council is seriously considering getting rid of it, so he felt it's unfair to push this down the road and asked that the ZBA grant this Special Permit this evening.

Derrick Rice (49 Craigie St) –was a Tufts student when he first moved to Somerville and had to find housing in what he believes were places that were probably not legal. He wished Tufts paid their dues and provided on-campus housing for all of their students, but to drag all Tufts students through the mud is a personal attack. This policy seems very outdated. Somerville used to be much more densely populated than it is now, and he was unsure why someone that is trying to create more housing was being scrutinized. We should be trying to create as many homes as we can when we can do so safely. The safety of the home is the purview of ISD, therefore the ZBA should approve this Special Permit.

Maureen Oakes (50 Hamilton Rd) – appreciated that this applicant is trying to follow the rules. She did share some concerns that were raised that this will start to look like a dormitory, and she felt that four or more family members looks and feels a lot different than four or more unrelated people. She was happy that the ZBA was being thorough with their follow-up questions and shared their concern about the perpetuity of the request. She did not intend to reflect poorly on the applicant; however, she wanted to ensure that the neighborhood's best interests were being considered, regardless of the applicant's good intentions.

Tori Antonino (65 Boston St) – shared her support for the applicant, as many landlords do this, and it is commendable that he is coming forward and requesting this. Somerville is one of the most densely populated cities and used to be more densely populated due to families and children. Ms. Antonino herself lives with three other roommates and supports group living. This is an issue of a billion-dollar university (Tufts) not providing enough housing for their students. If Tufts provided enough housing for their students, these types of houses would hopefully be open for families to stay in the city.

John Blake (26 Hamilton Rd) – owns a two-family home nearby. He stated his concerns about the need to rent to so many people and why it isn't enough to rent to a couple of students in each unit, like everyone else does. How much money do they need to squeeze out of this one property; how much will be enough. The applicant is saying it's for students now, but what's stopping it from being a half-way house in a few years. Also, if eight people live there and eight people need cars, where will they park; there is already a parking issue in the neighborhood. It will not be for the greater good, it will only put more money in one person's pocket.

John Grenel (31a North St) – shared his full support for this proposal, as we need more housing. He didn't agree with his neighbor's concerns.

Chair Fontano left written testimony open until 3 January 2023.

Chair Fontano reviewed the role of the ZBA and their responsibility to the public. The applicant noted that the SZO is not clear in this area and has created confusion. He stated that while the proposal will create a profit, that is not the primary goal.

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (5-0), with Member Daglian voting as the Alternate Member, to continue the case to 4 January 2023.

**RESULT:**

**CONTINUED**

### **PUBLIC HEARING: 231 Morrison Avenue (P&Z 22-143)**

The applicant presented maps and photographs of the property. He then reviewed detailed information on Japanese Wisteria and the conditions under which it grows, as well as shared pictures of his house from 30 years ago and how Japanese Wisteria has been a part of the property since that time. The applicant also spoke about information he received from an expert on how to best take care of this type of species, which includes a tall, strong pergola to encourage healthy growth.

Chair Fontano opened public testimony.

Seth Hurwitz (12 Maple Ave) – stated that the presentation was wonderful, and the pictures of the Japanese Wisteria were beautiful. Mr. Hurwitz suggested that the applicant use a cultivar instead for the sake of other native plants in the area, such as other vines or honeysuckle.

Tori Antonino (65 Boston St) – shared her support the applicant getting a variance for a taller pergola but noted that this is an invasive vine that will not die even if a tree falls on it. There are several native vines that can be planted instead of Japanese Wisteria.

Chair Fontano closed public testimony.

The Board noted that the ZBA is charged with reviewing the pergola and Hardship Variance criteria, not the actual plant species itself. They stated that the applicant is a dedicated homeowner that has put a lot of effort into maintaining a beautiful plant that is a neighborhood attraction.

The Board reviewed the Hardship Variance criteria; how the soil and distinct feature of the neighborhood creates a unique circumstance, how literal enforcement would not cause negative effects on the neighborhood (if anything he has designed a safer structure to support the size and shape of the plant), and relief would not cause substantial detriment (if anything not granting the variance would cause a detriment to the neighborhood).

The Board asked Staff about the 8-foot height restriction on accessory structures in the Somerville Zoning Ordinance (SZO). Staff stated that they are unsure of the history of the choice, but believes it was due to the height of other similar accessory structures. The Board noted that two other structures in the SZO have 12-foot limits, and they believe the only possible concern is that it is in the front of his property, but that the 8-foot height doesn't seem to be necessary. The Board stated that a 2-foot difference in height on a pergola is not significantly perceivable.

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (5-0), with Member Cook voting as the Alternate Member, to approve the requested Hardship Variance with the conditions described in the Staff Memo dated 22 November 2022.

**RESULT:**

**APPROVED WITH CONDITIONS**

**PUBLIC HEARING: 74 Derby Street (P&Z 21-193)**

The applicant reviewed the current state of the property and the reasoning for the Hardship Variance request for a first-floor deck rebuild. They are in need of a structurally sound deck, stairs, and a long-term solution for dealing with incoming water. The applicant then shared the proposed plans for a new deck and stairs.

Chair Fontano opened public testimony. No one indicated they wished to speak on this case. Chair Fontano closed public testimony.

The Board and applicant discussed the plan for the second floor, which includes grandfathered rear setbacks per ISD.

The Board reviewed the Hardship Variance criteria; the age and design of the building constitutes a unique circumstance, the literal enforcement would cause a significant financial hardship for the applicant, and desirable relief could be granted without substantial public detriment. Approving the Hardship Variance would be keeping with the character of Somerville, would keep the project smaller in scope, and would be keeping the pre-existing non-conforming setbacks. The Board also noted safety concerns with the egress point noted by the applicant.

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (5-0), with Member Daglian voting as the Alternate Member, to approve the requested Hardship Variance. A revote occurred with the same Board Members to amend the motion to include “with the conditions described in the Staff Memo dated 10 November 2022”.

The applicant asked how long the variance lasts considering that the ground will be frozen soon, and they will not be able to start construction until Spring; Staff clarified that the Hardship Variance will be valid for one year from the date of approval. The applicant will need to apply for a Building Permit but will not be required to complete the work within that one-year timeframe.

**RESULT:**

**APPROVED WITH CONDITIONS**

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (5-0), with Member Daglian voting as the Alternate Member, to take a 5-minute recess starting at 8:53pm.

The meeting was called back to order 9:03pm, after some technical difficulties.

**PUBLIC HEARING: 299 Broadway (P&Z 22-093)**

The applicant team introduced the team and project, and how it meets many of the goals of the Winter Hill Neighborhood Plan, Urban Renewal Plan, and SomerVision 2040. They noted that this is a “friendly” 40B project that the city supports, the general reasoning for the waivers that are being pursued, as well as the lengthy civic and public engagement the team has been through thus far. The team quickly spoke about the zoning amendments that occurred that made this proposal possible.

The applicant team reviewed the history of the project, including the environmental testing that found asbestos contamination that limited their ability to excavate the site, and provide below-grade parking, without significant cost. They explained the evolution of the project which led to a car-free development, significantly increasing the percentage of affordable housing units, and partnering with Beacon Communities to pursue a joint venture. The

team noted that they have reduced the need for on-street parking passes, effectively reducing the scale of the requested waiver related to parking. They also highlighted the sustainability and affordability aspects of the development, as well as mentioned that the Walgreens that is currently on the site will not be leaving the neighborhood but will just be moving down the street, and how the team will be financially supporting the move.

The applicant team presented the existing site conditions including the challenging topography, site analysis and design, ground floor plan, renderings, and showed how the development will fit into the context of the neighborhood. They also gave an overview of the Civic Plaza and Pocket Park, described the strategies behind the design, explained how the grading of the site played a role in the design, reviewed the “mews” space that connects the plaza and Broadway to the Pocket Park, and spoke about the planting and sustainability goals.

The team then reviewed the anticipated schedule for the project and spoke briefly about how the liquor store on the corner parcel is not part of this proposal.

Chair Fontano opened public testimony.

Aaron Weber (32 Summit Ave) – stated that the city has done exhaustive planning and community outreach for SomerVision 2040 and SomerVision Climate Forward and they all point to this project being a good idea; it has low emissions, its near transit, and it has lots of affordable housing. Given the enhanced services from the Green Line Extension and the Better Bus Project, more people should be less parking-dependent by the time people actually live in these buildings. We should be more concerned about the housing and climate crisis than if it will be more difficult to park in Winter Hill in 2026.

Andre Comella (391 Broadway) – supported the project and seconded what Mr. Weber said. He acknowledged that there are no perfect proposals and understands the concerns of the neighborhood; parking concerns are real concerns. However, this is a project that will add hundreds of units that will house hundreds of people in the neighborhood in a time when we are sorely lacking in housing and will offer a stunning amount of affordable housing. Whatever downsides there are in this project, Mr. Comella asked that those that have concerns weigh those concerns against the fact that this will provide hundreds of units of housing for people.

Benjamin Wheeler (34 Sycamore St) – supported the proposal and noted that this is just the kind of thing that we want more of in the city. More housing and more opportunities for families to live in the neighborhood in a mix of market housing and affordable housing is the future that he wants for his family.

Ani Ajemian (122 Heath St) – has been following the project since it began and was impressed with the team’s creativity in keeping it alive. Ms. Ajemian was in support of the proposal and while she agreed that parking is a concern, she asked that folks try to find creative ways fix the problem instead of using it as a reason not to support the project, considering all of the community benefits it will bring.

Carolyn Dahlgren (26 Marshall St) – shared her concerns regarding parking and the quality-of-life issue it will cause for existing residents and any new residents that move into the neighborhood. There is a lack of pedestrian-accessible necessities in the area, such as childcare and groceries, which makes parking a pertinent concern. Ms. Dahlgren stated that having a new T-stop in the area is not sufficient and might actually increase the parking need in the neighborhood. The Developers stated that they are asking for parking permits for 50% of the residents of the buildings and there already is not enough parking in the area for the residents that currently live in the neighborhood. She stated that if they are trying to attract families, they are probably going to need cars. She suggested moving one of the buildings to Foss Park, where they could provide enough parking and also not have an asbestos issue and move the green space of Foss Park to the Broadway site to maintain that amount of green space. Another solution might be to create slanted parking spaces along Broadway, rather than parallel parking spots. Ms. Dahlgren also stated that the safety of pedestrian crosswalks need to increase in the area; they need to be raised so that cars have to slow down especially on Pearl Street near the new T-stop.

Crystal Huff (Spring Hill) – is a volunteer for the Community Fridge on Sewall Street and has attended several community meetings about this project. She has spoken extensively with the neighbors and is excited about this project, especially the accessibility of the mews and the native plantings. She noted that she struggles with the request to get more parking permits and requested that the applicant team present at the next meeting on where they expect the residents will park in the neighborhood, just so the neighborhood would have a better understanding of the impact of the new residents. Ms. Huff has been excited about this project for over a year, but she thought the whole plan was to not have more parking along with it.

Cynthia Graber (57 Trull St) – stated that the project and presentation was incredibly thoughtful and is just the type of development that is needed in Somerville. It meets the goals of the city - more housing, more green space, and more lower cost housing. Another goal is to reduce the number of cars on the streets, and hopefully the improvements in alternative means of transportation, such as electric bikes, will change the situation over the next few years as the project is built.

Greg Poole (Tremont St) – stated that he speaks for 30 members of the Carpenter’s Union. They are in support of affordable housing, as that is a crisis across Massachusetts. However, their concern is that the development team has a history of using Callahan, Inc. which hires non-union subcontractors that do not follow state and federal laws. Mr. Poole noted that if the developers hire anyone but those contractors, they would be in support of the project.

Hala Jadallah (66 Hall Ave) – is concerned that the view from her mother’s home, of the Bunker Hill Monument and the Tobin Bridge, will be gone if high-rise development continues to be approved in the neighborhood, which also may deter future renters. She also stated her concerns regarding parking, as she already has trouble with parking when she helps her elderly mother with errands. Ms. Jadallah noted the distance of this project to multiple transit options and said that the new residents should be using these options.

City Councilor Jake Wilson – is a neighbor of this proposed development and has been for several years. Councilor Wilson noted that he has been waiting for something good to happen with this property and this project has the potential to do immense good for the neighborhood and the city in general. He acknowledged that the proposal is not perfect, and the parking concerns will be looked at in more depth.

City Councilor Jesse Clingan – stated that this project has so many good things about it, and he is excited about what it will bring to the community; they have checked a lot of boxes for what the community has been asking for and wanting. Councilor Clingan noted that he does share some of the same concerns as the neighbors, but overall, he is enthusiastic about the project. There are some items that will need to be worked out, but the team has been very engaging with the community so far. Just like Councilor Wilson, he has lived nearby his whole life and this site has been an eyesore for many years, so he encouraged the team to get creative in meeting some of the challenges they are facing and will be working through in the future.

Jeff Byrnes (26 Clyde St) – understood the concerns but shared his support for the project. Nothing is perfect and there are always trade-offs, but there are many things that the community will gain from this. We need these homes and the improvements that they come with. Mr. Byrnes noted that there is still more to be ironed out, but there are a lot of people working to make this great.

Jennifer Hilario (9 Bolton St) – noted that this project will be a great addition to the neighborhood. Ms. Hilario stated that in the beginning of her legal career she worked defending people that were going to be evicted from public/subsidized housing, so the aspect of the project that stood out to her was that the majority of the affordable housing was segregated to one of the buildings. She asked that the design details of the buildings, inside and out, are identical so that there is no stigma to those that are in the affordable building versus those that are in the market building.

John Grenel (31a North St) – stated that he is a lifelong resident of the city and is in support of the project, especially all the housing and jobs the project will bring. He also noted all the good work the development teams



have done in the city and surrounding areas. Mr. Grenel felt that the concerns about parking are complete nonsense, and he encouraged the Board to approve the project as soon as possible.

Klaus Schultz (28 Bartlett St) – noted that he is in more support of this project than any other project in the past few years. The site is very close to the Green Line, is on top of a dedicated bus lane that was specifically created to facilitate this type of development, and this project will create more two- and three-bedroom units at the 30-60% median income levels than any other project that Mr. Schultz has been aware of. He stated that maybe the zoning should be looked at so that more proposals like this can be brought forward. He understands the real concerns about parking, but this is the direction that the city is going. He stated that his family is trying to adjust, and the city is working hard to move forward to create a better quality of life for everyone and be sustainable to fight climate change.

Lily Linke (12 Maple Ave) – was very encouraged to hear so many community members coming out to share their thoughts on this project. Ms. Linke shared that she has been impressed with the development team for their willingness to meet with the community and address their concerns. The amount of affordable housing that is being provided is impressive and unprecedented, and the project will provide the housing, retail, and green space that the neighborhood needs. She noted that if housing, retail, and green space is provided the folks in the neighborhood will not need a car to run their errands, as some people have mentioned. While parking is the trade off that will need to be made, there are ways to disincentivize new residents from bringing cars with them.

Marc Russell (30 Adams St) – stated that he is in support of this project 100% unless the contractor is Callahan Construction, as they have a history of wage theft, not holding up their end of the bargain, stealing workers from other companies, tax fraud, cash payments, and not taking care of hurt employees. Mr. Russell noted that he has lived in Somerville his whole life and it would be an insult if they allowed Callahan Construction to work on this project or any other project.

Mary Dahlgren (26 Marshall St) – emphasized the parking issue, noting that highlighting the need for 78 new parking passes doesn't magically create 78 new parking spaces. As someone that lives in the neighborhood, parking is a major concern, especially in the winter months when it snows. As a community, we want to be committed to green efforts, but we also have to be realistic about the needs of families in our community; not everyone can walk or bike to the locations they need to access for their basic needs. Currently, the bus routes along Broadway are not accessible to the major grocery stores. Ms. Dahlgren stated that the volume of new units is going to compound the already problematic parking issue. Most importantly, there are major pedestrian safety issues that need to be addressed immediately at the Broadway/Marshall intersection and the Broadway/Pearl intersection; there should be lighted raised crosswalks.

Peter Kim-Santos (18 Joseph St) – shared his support for the project; the buildings are beautiful and the project seems well thought out. The city desperately needs more housing, especially more affordable housing, and this project has a ton of it. Rent is out of control, as so many jobs have been added in the area, but without adding anywhere near the same amount of housing. As a result, many people are being priced-out of the city. There is a concern about not being able to park on the street anymore if too many residents come with cars, and it is very costly to rent a parking space. Mr. Kim-Santos' suggestion is to offer fewer parking permits for this development, improve pedestrian access, and find other ways to discourage car-use and encourage the residents to have fewer cars. Somerville's values more align with housing 280 families and the priority should be getting this project built, rather than maintaining the current parking situation.

Seth Hurwitz (12 Maple Ave) – stated that he is wholeheartedly in support of this proposal. He recognized how tough it is when you have a car and there are not many parking spaces around and has experienced many winters in the city. His household has made the choice to go down to one car, which has worked well for them. He sees open spots in the neighborhood all the time; folks may not be able to park right in front of their homes, but they may be able to park close enough. Mr. Hurwitz noted that this development would likely not be completed until 2026 at the soonest, which is a lot of time for conditions in the city to change regarding what the parking needs are or whether or not the likelihood of folks bringing a car to this development. There are several wonderful things

about this project, such as several affordable housing units and desperately needed retail space for small businesses.

Stephen Moore (36 Sewall St) – is a direct abutter and noted that the team has been an engaging and enlightening group since day one. They have evolved the project as things popped up and engaged the community in meaningful ways. This project has included so many things that the community has been asking for: affordable housing, public space, retail, etc. Mr. Moore stated that he has been involved with helping the city to come up with ideas to create “15-minute neighborhoods” and considering the concerns regarding getting to and from places, as well as the safety concerns, the city has been making great strides to create spaces that are tailor-made for projects like this.

Timothy Hutama (60 Cross St E) – stated that he just attended the Somerville Veteran’s Dinner where the Director of Housing Stability stated that there is a new plea for help every single day from vulnerable residents of the city for housing, including veterans. Mr. Hutama realized that there are concerns by residents nearby, but this development that includes over 200 units is a once-in-a-decade opportunity to add new housing and new affordable housing for vulnerable residents. If Somerville is truly taking housing stability seriously, then there should be no other outcome than to grant the necessary waivers to move this project forward.

Tori Antonino (65 Boston St) – stated that a community center in the corner lot would be wonderful, although she understood that it is not currently part of the project. She commended the team for their creativity in working through a sticky situation and creating something truly wonderful that could be used as a template for future projects. Ms. Antonino expressed her appreciation for all of the community outreach and engaging the neighborhood. She would like to know if a parking study has been conducted so she can better understand if all the cars that will get parking permits will actually be able to fit on the streets in the neighborhood.

City Councilor Willie Burnley Jr. – stated that he used to walk by this site often, and it was a daily reminder of the food insecurity that this community faces as well as a reminder that we are not using our land to its utmost potential. Councilor Burnley shared his support for this project and was happy to see that his City Council colleagues that attended the meeting tonight agreed. He acknowledged the community’s concerns regarding parking, safety, and the importance of Somerville being a pro-labor city. He stated that projects like this give everyone an opportunity to work together, get to know one another, and understand each other better.

Chair Fontano clarified that the public testimony portion of the case will continue at the 4 January 2023 meeting, the public is also welcome to send written testimony in between now and the next meeting.

The Board, Staff, and applicant team confirmed that all of the application materials for the proposal can be accessed on the city’s website for review.

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (5-0), with Member Daglian voting as the Alternate Member, to continue the item to the 4 January 2023 ZBA meeting.

<b>RESULT:</b>	<b>CONTINUED</b>
----------------	------------------

**OTHER BUSINESS: Vote to authorize the OSPCD Executive Director to submit a General Land Area Minimum safe harbor assertion to the Massachusetts Department of Housing and Community Development on the Board’s behalf**

Staff explained that this is part of the Comprehensive 40B process and that the ZBA approved one when they reviewed and voted on the Clarendon Hill 40B project. When a 40B application is received, the city can apply to assert Safe Harbor to the Department of Housing and Community Development (DHCD) saying either that the city has an amount of affordable housing as a percentage of total housing or that the city has an amount of affordable

housing as a percentage of gross buildable land area. This enables the city to effectively say “no” to a 40B Comprehensive Permit Application, if needed. Staff noted that 299 Broadway is being considered a “friendly” 40B, which means the city is in support of the application, so Staff does not anticipate having to use this, but this is a standard procedure for the 40B process.

Staff noted that this does need to be submitted within 15 days of opening the public hearing for a 40B Comprehensive Permit Application, so essentially 15 days from today as 299 Broadway was opened tonight. Staff recommended approval this evening, as the next ZBA meeting is more than 15 days away, and they will complete all the necessary paperwork on the ZBA’s behalf.

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (5-0), with Member Cook voting as the Alternate Member, to authorize the OSPCD Executive Director to submit a General Land Area Minimum safe harbor assertion to the Massachusetts Department of Housing and Community Development on the Board’s behalf.

<b>RESULT:</b>	<b>APPROVED</b>
----------------	-----------------

### **OTHER BUSINESS: ZBA Rules of Policy and Procedure**

The Board noted that they still need time to review the document. Planning, Preservation, & Zoning Director Lewis stated that she was going to present but is happy to have the item continued should the Board desire to do so considering the late hour.

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (5-0), with Member Daglian voting as the Alternate Member, to continue the item to the 4 January 2023 ZBA meeting.

<b>RESULT:</b>	<b>CONTINUED</b>
----------------	------------------

*NOTICE: These minutes constitute a summary of the votes and key discussions at this meeting. A recording of these proceedings can be accessed at any time by using the registration link at the top of the meeting agenda.*