



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

JANUARY 4, 2023 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>Absent</i>	
Anne Brockelman	Member	<i>Present</i>	
Ann Fullerton	Member	<i>Absent</i>	
Zachary Zaremba	Member	<i>Present</i>	
Brian Cook	Alt. Member	<i>Present</i>	
Sisia Daglian	Alt. Member	<i>Present</i>	

City staff present: Charlotte Leis (Planning, Preservation, & Zoning), Emily Hutchings (Planning, Preservation, & Zoning), Andrew Graminski (Planning, Preservation, & Zoning), Tom Galligani (Executive Director of the Office of Strategic Planning & Community Development), Brad Rawson (Director of Mobility)

The meeting was called to order at 6:01pm and adjourned at 8:25pm.

OTHER BUSINESS: 34 North St (Clarendon Hill) 40B

The applicant team presented the changes proposed to the project; the setbacks of Building E are changing slightly (generally less than 1' decrease), a change to condition #15 to allow off-site storing of construction materials, and a shift in the timing of when an update to the Traffic Impact Study would be submitted if requested by Staff.

Staff suggested that the Board delegate approval of the changes to condition timing to the Director of Planning, Preservation, and Zoning (PPZ). The Board discussed voting on the changes themselves and the recommendations made by Staff.

Following a motion by Acting-Clerk Brockelman, seconded by Member Cook, the Board voted unanimously (5-0) to find the changes to be insubstantial revisions to the Comprehensive Permit.

The Board noted that they would prefer to keep changes to condition timing at the discretion of the Board, given how large the project is.

RESULT:

INSUBSTANTIAL

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

(continued from 14 December 2022)

Staff reviewed the Staff Memo submitted to the Board for this meeting. The Board noticed that the submitted plan set shows two bedrooms that are labeled as study rooms, and they want to see the rooms labeled as what they are being used for. Staff confirmed that the Board could condition that a new plan set be submitted to Planning, Preservation, & Zoning (PPZ) and/or the Inspectional Services Department (ISD) that correctly labels the bedrooms. Staff also relayed that ISD stated that per the building code, one tenant is permitted per every 200 square feet of gross floor area, therefore only one tenant would be allowed in each of the bedrooms.

The Board asked at what point do ADA accessibility requirements and Fair Housing Act requirements kick in and if those are applicable to this project. Staff confirmed that this project is exempt from those requirements since it is a two-unit detached home, not a multi-family.

The Board asked Staff if the Zoning Board of Appeals (ZBA) can attach a condition tying the Special Permit to this applicant, rather than to the unit. Staff confirmed that they are able to do that. The Board discussed how tying the permit to the owner could protect the neighborhood from absentee landlords, how a new owner would need to reapply for a Special Permit should they want to continue to have a Group Living Use, and how adding a condition like this could result in some lost value for the applicant as the permit would not transfer to the next owner should they sell. The Board considered allowing the applicant to return to the ZBA in two years to give a report on any disruptions and if no significant disruptions have been reported, the ZBA could allow the permit to stay with the property in perpetuity; Chair Fontano indicated that she would prefer to go one way or the other with the condition.

Acting Executive Director of OSPCD Tom Galligani stated that the city's administration is concerned about the potential impact on the immediate neighborhood and how off-campus student housing effects the city in general. Acting Executive Director Galligani asked that the Board continue the hearing for a month to allow the administration to look closer at the details of this case, the neighborhood context, and the policy implications.

The Board asked the applicant what the implications of waiting another month for a decision are; the applicant shared that it would be very stressful to wait another month. He said that he started this process six months ago and every step in the process has been hard for him as the communication aspect is difficult for him; he doesn't want to get in any trouble, but he wants to do something with the property. The process has been very stressful and he's not sure it's worth it anymore given that he might just use the Special Permit for a few years until his son is out of college. He noted that he bought the house and designed it to have his family live there in the future.

The Board stated that they are being asked to act beyond the parameters of the current zoning because the city is continuing to do research, and they didn't think that the applicant should be put through grave hardship for that. They are glad that this caught the attention of the Mayor's office since it feels reckless to have no limit beyond more than 4 unrelated people; could have 16 people in this building, and if that happens in whole neighborhoods it could change the fabric of the city, and the city should understand the implications of that. Some members of the Board were comfortable approving this one project while letting the city continue to look at this phenomenon moving forward, as the current definition of group living is too broad.

Chair Fontano stated that they should wait and see what the administration comes back with after a month; if it gets straightened out then that's great, otherwise the Board can move forward with a vote. If the Board honors the administration's request to continue the case, they would like to request that they complete their due diligence in a timely fashion and provide their findings by the first or second meeting in February. Acting Executive Director Galligani stated that they are asking for two meetings from now, no more than that. The Board asked if the city is reviewing this case or starting a study of this issue city-wide, as they believe a study would take 6 months to one year, not four weeks. Acting Executive Director Galligani stated that they have been doing policy development over the last couple months; this review is happening within that context, and he is confident that they will have recommendations within the time frame they are asking for. Staff confirmed that two meetings would be 1 February 2023; Chair Fontano asked the applicant if he is willing to continue the case to the 15 February 2023 ZBA meeting. The applicant asked what he can expect from waiting another 1.5 months and what the impact of approving his case would be; he stated he is willing to do additional research if it would be helpful as well as return to the Board for an evaluation after two months, if approved.

Staff asked if the Board will be taking public comment this evening; Chair Fontano stated that they are not going to vote this evening and therefore will not be taking public testimony. However, public testimony will remain open, and members of the public can send in their comments via email.

The Board stated that if they vote in favor of a continuance, they hope that the city's administration will reach out to the applicant and express that they understand the burdens that are being placed on him, as Staff have already been responsive to the questions of the Board and some members are ready to vote.

Following a motion by Acting-Clerk Brockelman, seconded by Member Cook, the Board voted unanimously (5-0) to continue the case to 15 February 2023.

RESULT:

CONTINUED

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

(continued from 14 December 2022)

The applicant team gave an overview of past and future meetings, site design, and ground floor uses of each building. They spoke about the inspiration they took from the neighborhood and city when designing the buildings. The team reviewed the proposed façade designs for each building, explaining how they wanted to give each building a different design, but have them be indistinguishable in terms of quality. They presented the sustainability strategies, noting that they are seeking a waiver from LEED Platinum Certifiability. They briefly touched upon the other waivers they are seeking related to the buildings and why they are being requested.

Next, the applicant team gave an overview of traffic and mobility, noting that they assessed the availability of on-street parking in the area and the strategies included in their Mobility Management Plan. The team explained how they have been having ongoing discussions with the Mobility Division regarding parking; they understand that the previous plan of having onsite parking was probably preferable to the neighbors and their lenders, but they have been working on developing a good project despite that no longer being possible.

The applicant team reviewed the affordable dwelling unit (ADU) breakdown from the original to the current proposal, noting that they went from 20% ADU to 46% ADU, with 132 ADUs out of a total of 288 total units. They noted that the ground floor amenities will be shared between the affordable and market units and there will be no difference in quality of units in each building, even though the finishes will be different.

The Board and applicant team discussed the concern and implications regarding segregation of income levels between the buildings, the fees for market rate residents who are eligible for parking permits that were listed in the Mobility Management Plan and what those fees may be used for (possibly as shuttle bus), and how they plan to disincentivize residents from applying for parking permits in keeping with the SomerVision goals.

Chair Fontano opened public testimony.

Hala Jadallah (66 Hall Ave) - stated that the ideas are getting better with parking; she liked the shuttle idea. Ms. Jadallah noted that the shuttle wouldn't have to run all day every day, but maybe during peak hours to the Gilman T stop and on the weekends to the grocery store. She also stated that an incentive to walk could be providing push carts to residents.

Alexandra Holmes (24 Miller St) – stated that as appealing as affordable housing is in this scale as well as the gesture towards sustainability, they haven't discussed construction of the project. She has been told that Mark Development has a history of hiring cheating contractors. Ms. Holmes shared her concerns with irresponsible construction.

Mary Dahlgren (26 Marshall St) – noted that the parking study was done in the summer, so it doesn't reflect fall or winter conditions. She thinks the city needs to step up with a plan for safety for pedestrians and bikers and stated that there isn't a crosswalk plan where the mews lines up with Broadway. Ms. Dahlgren described issues with

existing crosswalks and jaywalkers. She also stated concerns about construction regarding soil when the asbestos is disturbed.

Seth Hurwitz (12 Maple Ave) - spoke in full support of the proposal. He stated that parking is a concern but at the same time, the city is in the middle of housing crisis and he would like to see the empty lot developed as described. Mr. Hurwitz stated that Mark Development has done great work with community outreach and has taken the time to meet individually with people to discuss their concerns. He noted that it would be devastating if the proposal was denied, and believed they will not see another application as powerful in how it will tackle climate change, the housing crisis, and walkability.

Stephen Moore (36 Sewall St) – noted that he is involved in climate action locally and is a direct abutter to site. He complimented the development team’s community outreach. He stated that there were noted differences in materiality between the market rate and affordable units. He also noted that materials are critical to sustainability and climate impacts, and described how durability is an important part of sustainability; he believed that these buildings will be replicated in the future based on their sustainability performance. Mr. Moore stated that from the parking perspective, whether or not people believe the study, data is data. He encouraged approval of this transit-oriented development.

Crystal Hass (Elm St) – stated that the robust airtight envelope of the building caught her eye; she asked how that meshes with potential airborne contagions and future pandemics.

Andrew Natanagara (17 Quincy St) – gave his full support of the project, as this is an encouraging small but important step to address the state-wide housing crisis. He noted the development’s close proximity to Green Line stop. Mr. Natanagara also noted the need for improvements to pedestrian crosswalks especially along Broadway.

Lily Linke (12 Maple Ave) – stated that she loves the project and noted that the parking study gels with her experience; she has always found parking when needed. She stated that with the new Gilman Square T stop, she anticipates the parking need to go down soon. Ms. Linke asked if Staff could name the next three people in line to speak so that people can prepare and stated that other Boards in the city use that policy.

City Councilor Jesse Clingan encouraged the new Board members to ask as many questions as needed, as well as requested public comment at each meeting; he supported a broad, open comment period. It appears that Mark Development has been listening, and he hoped they will continue to do so and adjust the proposal as needed. Councilor Clingan repeated his request that the ZBA take public comment at each meeting regardless of the subject matter, if they see fit.

Marianne Walles (46 Fremont St) - gave credit to Mark Development and agreed they have been listening but stated that the parking issues have not been addressed. She described how ages and family types of residents in the neighborhood and traffic impacts should be considered when reviewing the parking concerns. She also noted that there are concerns regarding hiring certain construction companies; hiring local is a huge concern in Somerville. Ms. Walles asked how these waivers will affect future development and if this, especially the parking waiver, will set a precedent for development in the city.

City Councilor Jake Wilson added his voice for more crosswalks on Broadway, described the condition of Broadway, and noted how many people jaywalk. He stated it would be helpful to slow traffic down even more and add raised crosswalks to meet demand from Broadway to the Gilman Square T station.

City Councilor Jesse Clingan asked if the Board could reiterate that they will be taking public comment on the whole application at every meeting, not just on the specific topics that are being presented on, as it might be confusing to members of the public.

The applicant team confirmed that they are presenting to the Board in the same manner as they presented to the public in the neighborhood meetings, with each topic being separated into different presentations. The applicant

team kept with the same format to reduce confusion for members of the public. Chair Fontano noted that even though the presentations are separated, members of the public can make comments on any aspect of the proposal in any of the meetings; she just asked that they speak once about each topic and if they would like to drive their point home, they can also send in written comment instead of speaking during another meeting about the same topic.

The applicant team stated that they will look into the comments regarding the pedestrian crosswalks.

The Board asked which votes are required for this project; Staff confirmed that the Board will need to take one vote on whether to grant the Comprehensive Permit, which includes multiple waivers and several conditions that will be listed in a Staff Memo.

The Board recognized that parking appears to be the neighborhood's biggest concern and recommended that the applicant team summarize and communicate information regarding this topic in a clear way so that the public has a better understanding of exactly what they are asking for. Staff clarified that the team is working closely with the Mobility Division to address mitigation efforts in terms of parking and traffic impacts. Mobility's review has not been completed yet, but their comments will be incorporated into the Staff Memo and any additional information will be posted for the Board's review and for public review. Staff also noted that Director of Mobility Brad Rawson is in attendance this evening to answer any questions that the Board may have.

The Board and applicant team discussed the number of neighborhood meetings they have had on this project, the number of additional public meetings including Somerville Redevelopment Authority and Winter Hill Community Advisory Committee meetings, and how the team has set up a project website at 299broadwaysomerville.com.

Stephen Moore (36 Sewall St) – noted that to answer Crystal Huff's question regarding air quality in the units; one of the great advantages of using Passive House in these buildings as a tool is the incredible indoor air quality due to energy recovery ventilators.

Following a motion by Acting-Clerk Brockelman, seconded by Member Cook, the Board voted unanimously (5-0) to continue the case to 18 January 2023.

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.