



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

FEBRUARY 1, 2023 MEETING MINUTES

This meeting was conducted via remote participation on GoToWebinar.

NAME	TITLE	STATUS	ARRIVED
Susan Fontano	Chair	<i>Present</i>	
Anne Brockelman	Vice Chair	<i>Present</i>	
Katherine Garavaglia	Clerk	<i>Present</i>	
Ann Fullerton	Member	<i>Present</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), Justin Schreiber (Mobility Division)

The meeting was called to order at 6:01pm and adjourned at 7:39pm.

GENERAL BUSINESS: Meeting Minutes

Following a motion by Clerk Garavaglia, seconded by Vice Chair Brockelman, the Board voted unanimously (5-0) to approve the 26 October 2022 meeting minutes.

PUBLIC HEARING: 299 Broadway (P&Z 22-092)

(continued from 18 January 2023)

The applicant team started by clarifying some typos and statements in the Staff Memo, including the re-striping of lot 3 and the preservation of public shade trees. They also made clarifications regarding some of the conditions:

- Condition 45: should say “public way or private way” rather than “public way of private way”
- Condition 46: a sentence referencing DCR land should be eliminated; DCR land is not related to this project
- Condition 85: should reference Broadway Pocket Plaza, rather than Sewell Street Pocket Park
- Condition 89: that should be prefatory language, not a condition

Staff noted that the applicant team and Staff discussed these edits and corrections previously and Staff agreed with the notes the applicant team made.

The applicant team continued by summarizing the process the project has been through, including all of the public meetings they have engaged in, and the benefits of the project, noting that the issues faced by this project would be faced by any project being proposed on this site. They stated that they would continue to engage in several city check-ins and reviews following an approval to ensure the project continues to stay on track per the conditions.

Mobility Division Staff confirmed that the applicant team has met all of their requirements and the conditions of approval state that the team is required to conduct periodic check-ins throughout the process to ensure that they are continuously meeting the requirements.

The Board asked Staff about the standard process for reviewing and approving applications, considering they are being charged with items they do not usually have purview over such as curb cuts, etc. Staff described that anything that is in the public right-of-way is under the purview of the city, and relevant city departments (Mobility, Engineering, PSUF, etc.) will review detailed construction documents, even if the ZBA approves the requested waivers. The conditions in the Staff Memo reference specific check-in points, which outline when the applicant would need to submit certain documents to those relevant city departments for review and approval. Staff also clarified that the relevant city departments have already reviewed this application and have preliminarily signed off on this application.

Chair Fontano took public comment.

Casey Williams (154 Central St) – expressed her full support of the project; noting that it would provide much-needed affordable housing and unique public spaces.

Greg Poole (Tremont St) – spoke on behalf of the carpenter’s union; stating that they are in favor of affordable housing but are concerned that a lot of work went into a Somerville Wage Theft Ordinance so that workers are not exposed to general contractors subcontracting out work to companies that pay cash. Mr. Poole asked if the developer could answer which contractors will be working on the site.

Marc Russell (30 Adams St) – opposed the project. Mr. Russell stated that he’s pro-housing, but he can’t find a parking space, and doesn’t believe the project provides enough parking; noting that it will impact life-long residents. He stated he is a union member and expressed concerns about the contractors that will be used.

Anne Tate (140 Sycamore St) – stated that she teaches architecture and planning and lives in Winter Hill. She supported the project, saying the developer has been very responsive to the community’s needs. Ms. Tate understands the parking concerns but stated that the developer has done their due diligence to confirm there is a market for people without or with fewer cars.

Marcos Souza (15 Grant St) – asked for translation; he spoke Portuguese. Clerk Garavaglia stated that her Portuguese is not great, but she believed that Mr. Souza spoke against the project.

Alexandra Holmes (24 Miller St) – expressed concern for 200 units with only 50 parking spaces; stating that poor people drive too.

Sean Cryts (162 Sycamore St) – stated that he is happy about the development but is extremely concerned about the parking and asbestos testing. Mr. Cryts stated that Temple Street is getting bottlenecked due to parking. He asked about the taxes for the property, and why they won’t have to pay taxes for 15 years, which will be a burden for homeowners. He also asked how much shadow effect the development will create on public spaces. Chair Fontano asked for clarification on the tax deferment; Mr. Cryts clarified. Chair Fontano asked about the public spaces; Mr. Cryts said he hadn’t reviewed the most recent plans.

Luce Petringa (5B Evergreen Ave) – stated that the plans appear to show very little space for retail, with the vast majority for housing, and asked if that is correct. Chair Fontano asked the applicant team to answer; the team stated that they are providing commercial retail spaces, a community room, lobbies, and bike parking on the first floors of the buildings. Ms. Petringa stated that she has lived in the area for 18 years, and that area is a dead zone with little to attract foot traffic; this seems like an opportunity to create small establishments to draw people within Winter Hill to enliven the space.

Stephen Moore (36 Sewall St) – is a direct abutter, and long-time advocate for the project. He stated that while there may be parking concerns, the parking issue has been well addressed. Mr. Moore stated that it’s a great project and is exactly what the neighborhood has been requesting for decades; it should be approved.

Jennifer Civitella Hilario (9 Bolton St) – stated that she remains concerned about the inequities between the two buildings and is also concerned about parking. She noted that there shouldn't be any parking permits allowed for the market rate units, as it will hurt current residents and future residents of the ADUs.

Tori Antonino (65 Boston St) - spoke in support of the project, noting that she doesn't know of any other developers who will provide so much affordable housing. She described the benefits of the project but noted that she supports the unions and is concerned about the contractors and wage theft. She reiterated her support of the project and praised the developer and their team.

Paul Romeo (18 Wheeler St) – noted that he has been a lifelong resident. He stated that he emailed his concerns as he felt 2 minutes was an insufficient time to describe all the issues. With regard to Walgreens, he stated they have no issues with moving considering that they own the building up the street that they are moving back into. Mr. Romeo stated that parking is a big concern, describing parking situations he has seen recently. He noted that he isn't against the 40B, but believed this development is too big for the area.

Aaron Weber (32 Summit Ave) - stated the project is fully in line with SomerVision 2040, particularly for housing, affordable housing, and housing that is not orientated towards car use. He stated that 2 cars per unit in this development is not going to happen and by the time this development is built the city will have more ways to handle transportation management.

Michael Schroth (37 Montvale Ave, Woburn) – former Somerville resident of 35 years; voiced his concern about the traffic impacts especially on Temple Street, although he supports affordable housing.

Ariel White (11 Hinkley St) – stated that she has spoken before about how excited she is about the project. She noted that as concerning as parking is, families are being priced out of Somerville and this project provides desperately needed affordable housing. Ms. White stated that she hoped the Board would approve the project tonight.

James Grener (25 Sewall St) – noted that he is a lifelong Somerville resident, and he fully supported the project.

City Councilor Jesse Clingan - stated that the site has been a blight and the neighborhood is excited to see something there. He is glad that eminent domain didn't have to occur because of this private developer, noting that the developer has done a great job of working with the neighborhood and city. Councilor Clingan addressed the concern about retail space, stating that a previous concept called for retail all the way to the sidewalk; stating that he felt strongly that the plaza set back from Broadway would benefit the community greatly. Regarding parking, as a city, they decided that people didn't have to offer parking when this close to transit options. Councilor Clingan stated that in the grand scheme, if the Board doesn't approve the parking waiver and it kills the project, that would be terrible, and if they approve the project, it is only a difference of 50 parking spaces. He acknowledged that the parking issue is real, but the benefits of the project outweigh those concerns. He confirmed that there will be a bigger discussion about an Urban Center Housing Tax Increment Financing (UCH-TIF) and tax deferment with the City Council. Councilor Clingan described the benefits of the project, including a publicly accessible park, and a development parcel for additional affordable housing. He stated that he understands the concerns about the contractor described by members of the public, and agreed that they aren't wanted in the neighborhood, but believes the developer is aware of the situation. He noted the robust public process and multiple neighborhood meetings and stated that the City Council will have the ability to place additional conditions with the UCH-TIF. Councilor Clingan noted that the project will benefit the entire city, and that he's reluctant to make a decision based on 50 parking passes for the market rate units.

City Councilor Jake Wilson – stated that there is an immense amount of good in the project, and it needs to happen. He described the benefits that the project will bring to the neighborhood; including the stores, restaurants, the boost it will provide to the tax base even if they are given a tax break up front, the indoor and outdoor public spaces, the much-needed housing units, and the truly affordable multi-bedroom housing units.

While he recognized that parking would cause pain to the neighborhood, he thinks the project is too important and provides too much good to say no to.

Chair left public comment open.

The applicant team addressed some of the concerns raised during the public comment period; they confirmed that the Mobility Management Plan (MMP) disincentivizes residents from applying for market rate parking passes, that they did a parking study of the area prior to the Gilman Square T stop opening and transportation mode share will only get better, and noted that they do not currently have a contractor for the job yet, but they have heard the neighborhood's concerns regarding the topic. They noted that Walgreens will be staying in the neighborhood, just moving up the street, and the developer will be paying their relocation fees. The team stated that they cannot, financially, do the project without the approval of the parking waiver, how the UCH-TIF tax deferment would go before the City Council if the project is approved, how a shadow study was conducted which found that shading is not a major concern, that the quality of finishes in both building will be different but comparable, and how the team has worked from the beginning to bring the Winter Hill Neighborhood Plan and Winter Hill Urban Renewal Plan to life. The team noted that the conditions address most of the concerns raised.

The Board, applicant team, and Staff discussed the waiver for screening of the mechanical equipment and how Condition 51 Item F seems to contradict that waiver. Staff confirmed that the waiver language is broad to allow for mechanical equipment to be unscreened if necessary; the condition language recognizes that the waiver is needed, but the placement of the mechanical equipment will need Staff approval so it will not be visible from a pedestrian street (Broadway) and will not detrimentally impact the area, and when possible, the mechanical equipment will be screened. As a last resort, the mechanical equipment will be unscreened and on a pedestrian street, but Staff will work with the applicant team to try to avoid that solution.

The Board, applicant team, and Staff discussed the bus routes in the neighborhood, the possibility of adding shuttles at high traffic times from the development to Gilman Square, how the city is working to find a solution that works for the neighborhood rather than this one development, what the additional parking pass fees will be used for, and how the Mobility Division is on board with the additional 78 parking spaces (50% of the market rate units) being requested. They also spoke about how Condition 38 is asking the applicant team to conduct a conceptual study of Broadway; Staff confirmed that the goal is to ensure that the Pocket Plaza and improvements on the public right-of-way do not preclude things like upgrading the bus facility that is currently there and upgrading the protected bike lane on Broadway which the city plans to do in the future, as well as other future improvements in the area. Staff also recognized the lack of pedestrian crosswalks in the area. Staff confirmed that the applicant team has done a preliminary study of the Broadway area that Staff has reviewed. The Board clarified that the applicant team will conduct a more wholistic conceptual study of the Broadway area for the city to use as a starting point to make future public realm improvements, but they will not be held financially accountable for the public realm improvements; Staff confirmed.

The Board, applicant team, and Staff discussed how the Somerville Zoning Ordinance (SZO) requires LEED Platinum Certifiability for this development, which they are requesting a waiver from, but their intention is to seek Passive House Certifiability, how the Office of Sustainability and Environment (OSE) feels that is a perfectly acceptable substitute which will require the same level of documentation, how the team wants to be in alignment with the city's net zero goals by 2025, and how they won't know for sure if they will be able to obtain Passive House Certifiability or have to go LEED Platinum Certifiability until they are further along in the building design. They continued the discussion by touching upon how the team has been in communication with Eversource to review if they will have adequate load capacity for this project, and the LEED Platinum Certifiability, LEED Gold Certifiability, and Passive House Certifiability requirements.

Chair Fontano closed public testimony for this case.

Following a motion by Clerk Garavaglia, seconded by Vice Chair Brockelman, the Board voted unanimously (5-0) to approve the Comprehensive Permit, granting the list of waivers from 19 January 2023 as conditioned in the Staff

Memo dated 27 January 2023, and incorporating the changes and amendments discussed during tonight's meeting, and also incorporating the findings made in the 27 January 2023 Staff Memo.

RESULT:	APPROVED WITH CONDITIONS
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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.