



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

**JANUARY 18, 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>Present</i>	
Anne Brockelman	Member	<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 6:00pm and adjourned at 8:50pm.

**GENERAL BUSINESS: Meeting Minutes**

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (5-0) to approve 12 October 2022 meeting minutes.

**PUBLIC HEARING: 299 Broadway (P&Z 22-092)**  
*(continued from 4 January 2023)*

The applicant team gave an overview of the topics discussed at the previous meeting, and the work the team has done with Staff since the last meeting, including receiving a recommendation by the Planning Board.

The applicant team then reviewed the site context and the findings of the civic space study. They shared their concept of having the civic spaces and passageways across the site be connected, which will hopefully create the feeling of a larger civic space offering. They noted the challenging grade changes of the site, how they used larger canopy trees to keep the ground plane flexible, the use of different access points along Broadway, and then how they created the entire plaza on the same elevation. They shared possible multi-generational programming, noted that they are not requesting any waivers for the civic plaza, the diversity of seating options, the types of plantings, how they have dedicated a percentage of the plaza edge to café seating, and the materiality of the space. The team spoke about how the mews will be anchored by the plaza on one end and the community room on the other, how each ground floor residential unit will have paved patio zone in front of them, and how the width of the paved walking area will be 8-12' which is ADA accessible with a slight slope.

Next the applicant team presented Sewall Street Park, which was envisioned to be more passive with nature-play elements embedded throughout for kids and families. The team explained that the park will have a bi-level space, with a path on the left and an open play area on the right at a lower elevation; this area could be used for movie nights or more flexible programming. They plan to put most of the plantings and large trees along the edges to give the space a sense of enclosure and help create a visual and acoustic buffer from the neighbors. They noted that they currently have slightly less plantings than required, and have requested a waiver for that, but are continuing to investigate as they develop more detailed plans. They shared the materiality of the proposed play

structures, noting that they are trying to limit the use of synthetic materials due to feedback received from the neighborhood meetings, seating elements, a community bulletin board, signage, and bike parking. Then they briefly reviewed the Temple Street passage; the ADA accessibility, the lighting plan, clear sight lines for increased safety, and signage plan. The applicant team touched upon the general planting strategy for the civic spaces, including the potential for sun and shade zones across the site.

The applicant team reviewed the ground floor activation plan for the retail spaces, noting that almost all of the ground floor along Broadway will be retail, with only a small lobby space. They stated that there will be dedicated Arts and Creative Enterprise (ACE) space on Temple Street since that is not dependent on foot traffic. The team reviewed their small business inspiration and general approach to ground floor retail, as well as community engagement.

Chair Fontano took public testimony.

Casey Williams (154 Center St) - expressed her full support of the project, as it contributes much need affordable housing to the city, as well as walkability and open space. The public spaces are a great improvement over the current conditions, which will be a great community asset that does not currently exist in Winter Hill.

Carlos Delgado (14 Jaques St) - stated that he is excited about this project but noted his concern about parking. He also stated he and his tradesman coworkers have concerns about the contractor who will be building the project, as he has previously been a victim of wage theft. Mr. Delgado wanted to make sure the developer hires a responsible contractor that treats workers ethically.

Chair Fontano asked if the applicant team would like to respond to the last question; the team stated that it is not a zoning matter, and they haven't employed a contractor at this stage in the process.

Hala Jadallah (66 Hall Ave) – stated that she is pleased to see retail being proposed and she would like to see a local contractor hired so that folks that live in the city can afford to stay in the city. Ms. Jadallah also stated that the parking study is not accurate and should be looked at again.

Jesse Victoroff (22 Connecticut Ave) - expressed his support and how impressed he was with the amount of proposed green space, walkable space, and play space that has been included in the plan. He stated that he is excited about as little parking as possible, so that the shift can be made to more walkability and more public transportation.

Seth Hurwitz (12 Maple Ave) - reiterated his strong support of the project, including the small business retail, affordable housing, and public spaces. He encouraged the use of green infrastructure in the neighborhood.

Lily Linke (12 Maple Ave) - expressed her enthusiasm about the project, particularly the green spaces, retail shops, and additional trees that will mitigate the urban heat island impacts. Ms. Linke noted that if we want to accomplish our climate goals, we cannot make it easy and comfortable to drive in the city; we need to take public transit, walk, bike, and take other modes of micro-mobility. She supported not offering parking to all residents and stated that as a resident of the neighborhood she has found plenty of parking when needed.

Tori Antonino (65 Boston Ave) - stated her full support of the project. She expressed disappointment about the increased hardscape and stated that she previously went to the Growing Center with members of the applicant team, which she argued would be a strong choice for the Sewall Street Park. She asked the applicant team to go before the Urban Forestry Committee for further review.

Ariel White (11 Hinkley St) - expressed her support of the project. She remembered attending the Winter Hill design charrettes in 2014, noting that the proposed design is responsive to neighborhood requests and to the ongoing housing crisis. She emphasized that the project, in particular the affordable housing, is sorely needed and the concern about parking should not outweigh that need.

Stephen Moore (36 Sewall St) – stated that he is a direct abutter and is supportive of the project. He stated that he is not enthusiastic about the additional hardscape being proposed in the civic spaces. He noted that oak trees are very tall, and hoped that the positioning of the proposed oak trees will be coordinated with the neighbors and surrounding community. He asked about the retaining wall currently on the site and whether it will remain.

Jennifer Civitella Hilario (9 Bolton St) - expressed her concern about a potential disparity in access to amenities for residents of Building A compared with Building B. She also asked about access to the civic spaces from each building.

The applicant team reviewed the site plan and access points to the civic spaces.

Chair Fontano left public testimony open.

Clerk Garavaglia stated that she was not at the last meeting, but has listened to the recording, and noted that there may already be a lender in place for the project. She asked the applicant team who the lender and lender's counsel is for the project, to ensure that she did not have a conflict of interest. The applicant team confirmed that Clerk Garavaglia does not have a conflict of interest.

The Board and applicant team discussed the Fire Department's service access points, the plan for the retaining wall on Sewall Street, and the equity of parking application allotments given that some of the affordable dwelling units (ADUs) are aimed at families which may need cars. The applicant team noted that this is a critical issue for the Mobility Division, and it has been made clear that there will be a more expeditious process to get a residential parking permit for the ADUs than the market rate units. Staff confirmed that there is a city policy stating that residents of ADUs are able to obtain a parking permit with a letter from the Housing Division. The applicant team added that the ADUs will be able to get parking permits at the rate that the city charges, but they are planning on charging the market rate units an additional fee for obtaining parking permits and using those additional funds to help cover transportation demand management strategies.

The Board and applicant team also spoke about ride-share parking spots, if there are any plans for handicap parking onsite, if the city is considering additional on-street handicap parking in front of the development, and the accessibility of the pathway to building entrances. Chair Fontano requested that the Mobility Division present more information regarding parking and accessibility at the next meeting.

Chair Fontano had some technical difficulties; she disconnected from the meeting at 7:23pm and reconnected at 7:25pm.

The Board and applicant team reviewed the storm water management plan; stated that the addition of the green spaces will greatly improve the flooding situation in the neighborhood. They noted they cannot do infiltration onsite due to asbestos contamination, but they will have a retention system in place, and will incorporate green infrastructure when possible. The team explained that the city requirement is to reduce peak rates and runoff, so the team had originally requested a waiver from volume reduction in peak flows, but the Engineering Department determined that the waiver is not required.

The Board, applicant team, and Staff discussed the efforts needed to establish the proposed trees and plantings such as soil depth and irrigation, the ongoing maintenance of the green spaces and who will be responsible for said maintenance, and how the Public Space and Urban Forestry (PSUF) Division will review and approve the maintenance plan before a building permit is issued.

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 1 February 2023.

### **OTHER BUSINESS: Discussion of Board Rules of Policy & Procedure**

Staff began by noting that there was an inaccuracy in the regular meeting schedule (page 5), which should state that the meetings are generally held on the first and third Wednesdays of the month.

Chair Fontano and Staff decided that for the purpose of reviewing and commenting on the document, they will go page by page and ask for feedback.

On Board Organization (page 2), Chair Fontano commented on the responsibilities of the Clerk, noting a wording choice correction.

Regarding public hearings (page 5), in the separation of public testimony (in favor and against), Chair Fontano noted that the Board hasn't separated public testimony before and asks for reasoning. Staff clarified that the reasoning was to keep all the Boards/Commission in unison, as much as possible. Clerk Garavaglia stated they receive several insightful comments that are neither in favor nor against, so this organization may be confusing. She also noted that testimony from elected officials is typically taken after public testimony. Chair Fontano stated that they can ask the City Councilors if they prefer to speak before or after the public testimony and let them decide. They also noted that they can take public testimony in the following order to ensure that there is an opportunity for everyone to be heard: in favor; opposed; and anyone that has questions, concerns, or has not made up their mind yet.

Under Public Meetings (page 6), the Board and Staff discussed what would happen at 10pm, if there is a rule that no items of business will be taken up after 10pm; this is not a hard rule, but a way for the Staff to manage agendas and a way to forewarn applicants that their case may be continued if any agenda is particularly full. Member Cook suggested adding a statement on every agenda stating that new cases will not be heard after 10pm. Clerk Garavaglia stated that in actual court, when time runs out the court closes; she stated that the ZBA is a quasi-judicial board so there should not be a problem with stopping at a specific time, but a notice on every agenda would also forewarn the applicants and members of the public. Staff confirmed that they can easily add a statement on the agendas.

Staff noted a change in the deadline for written public testimony (page 6) and reviewed that the reasoning for the change is to ensure that the written testimony is included in the Board's packet, and they have enough time to review said testimony prior to the next meeting.

Regarding Applicants (page 7), the Board addressed the phrasing (will appear, will be represented) and also asked under what circumstances an applicant would have to pay an additional fee to readvertise a case. Staff clarified when an additional advertisement and fee may be required. Chair Fontano reviewed a past precedence for continuances versus requests to withdraw. The Board and Staff reviewed the cost to advertise and readvertise a case and the reasoning for these costs, date certain versus date uncertain, and the reasoning for continuances were also reviewed.

Clerk Garavaglia asked if there is a required format for document submittal; staff confirmed that these Rules of Policy & Procedure do not contain such requirements, but the Submittal Requirements Manual establishes detailed requirements for formatting documents. Clerk Garavaglia stated that she doesn't like the PDF requirement as it may be difficult for some homeowners, recognizing that this comment refers to the Submittal Requirements and not the Rules of Policy & Procedure. Staff noted that if any Board member would like to have a discussion on items such as the Submittal Requirements, they can let her know and she can add that item to the agenda.

Member Daglian asked to return to the public testimony section (page 6) being accepted until noon on the Friday before the next meeting. She expressed concerns about limiting or discouraging public comment; staff clarified the process for written public comment. Chair Fontano stated that this time requirement allows the Board a chance to receive and review all public comments and Clerk Garavaglia noted that cases are posted and noticed well ahead of time. Chair Fontano asked what is being done under the current Rules of Policy & Procedure; staff stated there aren't currently rules about this topic. The Board and Staff discussed if another statement should be added to the agendas to add another level of public education, how some Board members feel the deadline should be moved to the Monday before the meeting to allow the public more time to comment, and some Board members feel the deadline should remain on the Friday before the meeting to ensure all Board members have enough time to review the public comments and are considering cases with the same amount of information. Chair Fontano asked the Board to vote to determine whether the preference is Friday or Monday; staff suggested a straw poll instead and the Board agreed. Members Brockelman, Cook, Fontano, Garavaglia, and Zarembo prefer noon on Friday; Members Daglian and Fullerton prefer 4pm on Monday.

Staff asked the Board to clarify what they would like to officially do with the in favor/against public testimony section (page 5). Chair Fontano requested that they return to the general public testimony format that the Board has been conducting. The rest of the Board agreed; staff confirmed that the Rules of Policy & Procedure should accurately reflect the operations of the Board.

Regarding the requirement of PDF documents, Staff noted that under these Rules of Policy & Procedure applicants may request waivers from Submittal Requirements. Therefore, they can tell Staff that they cannot or do not know how to create a PDF and request an alternative method of submitting their documents.

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (7-0), with both Alternate Members voting, to adopt the ZBA Rules of Policy & Procedure, with the amendments noted during the discussion.

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

<b>ADOPTED</b>
----------------

### **OTHER BUSINESS: Board Elections**

Chair Fontano asked for nominations for Chair. Member Brockelman nominated Susan Fontano for Chair of the Zoning Board of Appeals (ZBA). No other nominations for Chair were made.

Following a motion by Member Brockelman, seconded by Member Cook, the Board voted unanimously (7-0), with both Alternate Members voting, to elect Susan Fontano as Chair of the ZBA for 2023.

Chair Fontano asked for nominations for Vice Chair. Member Fullerton nominated Anne Brockelman for Vice Chair of the ZBA. No other nominations for Vice Chair were made.

Following a motion by Member Fullerton, seconded by Clerk Garavaglia, the Board voted unanimously (7-0), with both Alternate Members voting, to elect Anne Brockelman as Vice Chair of the ZBA for 2023.

Chair Fontano asked for nominations for Clerk. Vice Chair Brockelman nominated Katherine Garavaglia for Clerk of the ZBA. No other nominations for Clerk were made.

Following a motion by Vice Chair Brockelman, seconded by Chair Fontano, the Board voted unanimously (7-0), with both Alternate Members voting, to elect Katherine Garavaglia as Clerk of the ZBA for 2023.

*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.*