



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

19 JULY 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>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: Emily Hutchings (Planning, Preservation, & Zoning)

The meeting was called to order at 6:00pm and adjourned at 8:15pm.

GENERAL BUSINESS: Meeting Minutes

Following a motion by Clerk Garavaglia, seconded by Member Cook, the Board voted unanimously (6-0) to approve the 3 May 2023, and 14 June 2023 meeting minutes as presented.

PUBLIC HEARING: 27 Fountain Ave (P&Z 23-037)

It was noted that this item is being tabled to be readvertised.

Following a motion by Clerk Garavaglia, seconded by Member Cook, the Board voted unanimously (6-0) to continue this item to 2 August 2023.

RESULT:

CONTINUED

PUBLIC HEARING: 34 Allen Street (P&Z 23-028)

Clerk Garavaglia read and opened the case. It was noted that Member Cook would be a voting member for this hearing.

The applicant team stated that the property is approximately 5,300 s.f. The existing building is approximately 2,700 s.f., and is currently used as a gym facility, which is a nonconforming use. The request is for a Special Permit to repurpose the building for a new use as a sole practitioner veterinary practice. Currently there are seven existing parking spaces which will not change. A walkway and landscaping will be added. An existing shed on the back of the property will be removed. A public meeting for this proposal with the neighborhood was well received. A cedar screen, painted the color of the owner's branding, is proposed on the front of the building along with signage above the front door, and the garage-style doors will be replaced with storefront-style windows. There are no changes proposed to the back or sides of the building. The applicant stated that he has been a veterinarian in Somerville for 15 years. The proposed hours for the practice are Monday-Friday 8am-6pm, with Thursday nights until 7pm, and Saturday 8am-2pm.

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

Following a motion by Clerk Garavaglia, seconded by Member Zaremba, the Board voted unanimously (5-0) to approve the request for a Special Permit for 34 Allen Street (P&Z 23-028) for a veterinary use in a preexisting, nonconforming commercial building in the Neighborhood Residence District, with the conditions and findings included in the staff memo for the subject property dated 5 July 2023, and with findings as noted during the Board's discussion.

RESULT:	APPROVED WITH CONDITIONS
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PUBLIC HEARING: 29 Lake Street (P&Z 23-033)

Clerk Garavaglia read and opened the case. It was noted that Member Daglian would be a voting member for this hearing.

The applicant team explained that the proposal is to increase the rear addition of the house to match the third story of the house. This requires a variance, as the code currently limits additions to two stories. Extra space is needed on the third story, as this is where bedrooms are currently located. Additional bedrooms and bathrooms are needed for the family. This will allow the house to match other nearby houses and maintain the overall character of the neighborhood. There is no change in the existing footprint or number of units in the building from this proposal. This will not impact the noise or light in the neighborhood. All neighbors spoken with have supported this proposal. The applicant team review the Hardship Variance criteria: regarding special circumstances for the lot, this lot is very narrow, and the house is divided into two units, which the applicants would like to preserve; literal enforcement will create substantial hardship, as the applicants cannot continue to grow their family without this proposed change; and relief would not be detrimental to the public good, as the proposed addition has been supported by the neighbors.

Chair Fontano opened public testimony.

City Councilor J.T. Scott stated that he takes an issue with the note in the staff report that this hardship is not relevant to the proposed modification. The only other modification would be to extend the existing addition further back, which would require many more variance requests. The proposed modification will minimize the impact to the building and neighborhood. The existing downstairs tenants in the building have been there for 17 years. The applicants have kept the family in the unit since purchasing the building and continue to try to do so with the proposed modification.

Chair Fontano closed public testimony.

Staff noted that the zoning requirement for additions is two stories in this district. The variance is a request for relief from this item. The applicant team explained that the minimum and maximum heights for a story are 10'/story, and 12'/story. The proposed modification is in the range of 10'-12'. The primary goal is to maintain the main massing of the building. The rear addition stepped down to maintain the primary ridge line of the building.

The Board discussed this as a difficult hardship case, with some in favor and some unable to find a reason for the hardship as proposed. There was some discussion as to the design of the proposed modification and the potential to make it subtler.

It was noted that Staff does not believe that criterion 1 was met in this case. There is no direct correlation that the applicant has a hardship in reviewing this criterion. The Board stated that topography, soil conditions, or the land

itself is generally considered for the hardship. The Board is considering the shape of the building as the hardship in this case. Staff explained that, currently, the rear addition is compliant, and this proposal will make it non-compliant. Staff is clear that there is no hardship in this case. There is a unique circumstance to the rear of the lot, however there is no correlation between that rear lot line, the reduced width, and the proposed expansion.

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted (4-1), with Member Daglian dissenting, to approve the request for a Hardship Variance for 29 Lake Street (P&Z 23-033) for relief from the maximum amount of stories permitted in the NR Zoning District, with the conditions included in the staff memo for the subject property dated 12 July 2023, and with findings as noted during the Board's discussion.

RESULT:

APPROVED WITH CONDITIONS

PUBLIC HEARING: 391-395 Somerville Ave (P&Z 23-039)

Clerk Garavaglia read and opened the case. It was noted that Member Cook would be a voting member for this hearing.

The applicant team stated that this building was a residence and beauty salon for a number of years. There is a back lot that was previously approved to be built on but, due to medical issues, was not completed. An extension until October 2024 would provide the time needed to determine if it is reasonable to build on the lot.

Chair Fontano opened public testimony. No one indicated that they wished to speak. Chair Fontano closed public testimony.

Staff explained that this was previously approved under a site plan review with a Special Permit. This was approved by the Zoning Board prior to adoption of the current Zoning Ordinance. This received one extension that was continued during the State of Emergency. Staff has no concerns with the extension request.

Following a motion by Clerk Garavaglia, seconded by Member Cook, the Board voted unanimously (5-0) to approve the request for an extension of a previously approved Special Permit for 391-395 Somerville Ave (P&Z 23-039) for a period of one year, and with findings as noted during the Board's discussion.

RESULT:

APPROVED

The Board went into recess at 7:25PM and returned from recess at 7:30PM.

PUBLIC HEARING: 120-132 Middlesex Ave (P&Z 23-059)

Clerk Garavaglia read and opened the case. It was noted that Member Daglian would be a voting member for this hearing.

The applicant team explained that this is a request for a six-month extension to the validity of the previously approved Hardship Variance from 17 August 2023 to 17 February 2024. This will allow for additional time to complete the Master Plan Special Permit major amendment and Site Plan approval process with City Staff departments that are currently underway. The applicant has worked with Staff to design an appropriate life science development and have committed to paying into a fund for the acquisition and construction of a high-quality civic space elsewhere in the Assembly Square Mixed-use District.

Chair Fontano opened public testimony. No one indicated that they wished to speak. Chair Fontano closed public testimony.

Following a motion by Clerk Garavaglia, seconded by Member Zaremba, the Board voted unanimously (5-0) to approve the request for an extension of the previously approved Hardship Variance (P&Z 23-056) for 120-132 Middlesex Ave (P&Z 23-059) from 17 August 2023 to 17 February 2024, with the conditions included in the staff memo for the subject property dated 12 July 2023, and with findings as noted during the Board's discussion.

RESULT:

APPROVED WITH CONDITIONS

PUBLIC HEARING: 118 Rogers Ave (P&Z 23-036)

Clerk Garavaglia read and opened the case. It was noted that Member Cook would be a voting member for this hearing.

The applicant team explained that the existing hardscape exceeded the allowable amount of lot coverage. The applicant agreed to create an entirely pervious paved driveway, to gain back some of that coverage. There is a hardship for this Special Permit regarding the rear property setback, which is already nonconforming because an existing first-floor porch cuts through the setback. The relief sought is to extend that porch, at the second level, outward by 5'. The upper unit has no direct exterior space and relies on a shared back stairway. The hardship at stake is direct access from the second-floor unit outward. The existing porch is nonconforming, and the applicant was allowed to build above it due to it being in the same footprint. The intention is simply to extend this space and the first floor deck a bit further.

Staff explained that this is a Special Permit finding per MA General Law Chapter 40A Section 6 because there is already a nonconforming rear setback on the site. This is a proposal to further extend the existing nonconformity.

Chair Fontano opened public testimony.

John Higham (119 Rogers Ave) – expressed support for the application.

Chair Fontano closed public testimony.

Following a motion by Clerk Garavaglia, seconded by Member Zaremba, the Board voted unanimously (5-0) to approve the request for a Special Permit for 118 Rogers Ave (P&Z 23-036) to extend the existing nonconformity for the required rear setback in the NR District, with the conditions included in the staff memo for the subject property dated 11 July 2023, and with findings as noted during the Board's discussion.

RESULT:

APPROVED WITH CONDITIONS

PUBLIC HEARING: 36 Radcliffe Road (P&Z 23-024)

Clerk Garavaglia read and opened the case. It was noted that Member Daglian would be a voting member for this hearing.

The applicant team explained that the proposal is to construct a stoop and entrance from the basement on the rear of the house and a new deck with stairs attached. A previous entrance to the basement on the left of the building is proposed to be closed. New concrete steps will lead from the ground level to the basement. The existing

stoop/entrance is in poor condition and needs to be reconstructed. A neighborhood meeting was held and the one person who attended was in support of the proposal.

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

Staff recommended approval of this proposal and ISD has confirmed compliance.

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (5-0) to approve the request for a Special Permit for 36 Radcliffe Road (P&Z 23-024) to modify the triple decker in the UR District, subject to the conditions included in the staff memo for the subject property dated 26 June 2023, and with findings as noted during the Board's discussion.

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.