



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

20 MARCH 2024 MEETING MINUTES

This meeting was conducted via remote participation on Zoom.

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 Zarembo	Member	<i>Absent</i>	
Brian Cook	Alt. Member	<i>Present</i>	
Sisia Daglian	Alt. Member	<i>Present</i>	

City staff present: Emily Hutchings (Planning, Preservation, & Zoning); Stephen Cary (Planning, Preservation, & Zoning); Raisa Saniat (Planning, Preservation, & Zoning); Sarah Lewis (Director of Planning, Preservation, & Zoning)

The meeting was called to order at 6:01pm and adjourned at 7:57pm.

GENERAL BUSINESS: Meeting Minutes

Member Daglian sat as a voting member for this item.

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (5-0) to approve the 17 January 2024 meeting minutes, as presented.

PUBLIC HEARING: 120-132 Middlesex Avenue (ZP24-000005)

Member Daglian sat as a voting member for this item.

The applicant team explained that the request is for relief under the civic space requirement in the Assembly Square Mixed-Use District. A variance for this was originally issued in 2020 and the request is for a reissuance for the period of one year. The original Hardship Variance approved by the Board for this item was that this would not derogate the intent and purpose of the Assembly Square Mixed-Use District. That factor that was the foundation of the original variance still exists today. This is that the size of the parcel would not allow for a feasible lab building if the civic space were included. Currently, the zoning has a maximum of 35,000 s.f. for a commercial lab footprint, which is as low as one would want to go to be competitive with R&D development. If the civic space was complied with, the footprint of the building would not be competitive for an R&D purpose. There is a development agreement in place agreed upon that the developer/applicant would pay into an open space fund in lieu of providing the civic space.

Staff explained that the City has been working with the applicant team on this parcel and the one next door regarding civic space and connectivity on both parcels to more closely achieve the vision of the draft Assembly Neighborhood Plan. A civic space to unite these parcels is being worked toward but not yet resolved. In order to keep moving forward, as the applicant team has a Master Plan Special Permit going before the Planning Board, this variance is needed as a first step.

Chair Fontano opened public testimony.

Wig Zamore (13 Highland Ave) – the plan to have City staff work with the local developers on this item sounds terrific.

Chair Fontano stated that the public testimony would remain open at this time.

The Board asked the applicant team to summarize the special circumstances to meet the hardship for the variance criteria. The applicant team explained that the unique parcel shape runs contrary to the goal of zoning to obtain large scale commercial development. Also, the proposal is not a detriment to the public good. It is aligned with the goals of the Assembly Square Mixed-Use District, including an in lieu of payment. Finally, literal enforcement would preclude the ability to create a life science project on the property. This is the best way to satisfy all the goals of the Assembly Square Mixed-Use District, including the development agreement. The applicant will continue to work with the city on an idea that may/may not impact the need for relief.

The Board asked about the footprint of open space on the property. The applicant team stated that relief is being requested from the entire 25%. This is a zero civic space lot and has been since inception.

Seeing no additional public testimony, Chair Fontano closed public testimony.

Following a motion by Clerk Garavaglia, seconded by Member Brockelman, the Board voted unanimously (5-0), to approve the applicant's request for a Hardship Variance, including the requirements and considerations included in the Staff Memo dated 15 March 2024.

RESULT:

APPROVED WITH CONDITIONS

OTHER BUSINESS: 299 Broadway (40B Revision)

Member Cook sat as a voting member for this item.

The applicant team explained that the request is for an insubstantial change regarding revisions to the 40B project that the Board granted a Comprehensive Permit for on 14 February 2023. All of the revisions are considered insubstantial, because they all relate to a less than 10% change in the number of units. Things that are determined to be substantial under the 40B regulations are an increase of more than 10% of the number of housing units, an increase of more than 10% in the height of the building, a reduction in the size of the site by more than 10%, or a change in the building type. This Board previously approved a Comprehensive Permit for 288 units at the site. The applicant is currently seeking to increase that number from 288 to 316, which is less than a 10% increase in the total number of units. The proposed changes should thus be deemed insubstantial.

The applicant team explained that there was an issue with the approved design regarding stacking of units and setbacks for some of the floors. This was creating havoc with the estimated construction costs. The design now includes elimination of step backs at the fourth and fifth floor. This created the additional 28 units, which will help put a dent in the financial gap to make this project financially feasible. Extensive outreach to the nearby neighborhoods was completed, and three abutters were spoken to without major concern for the proposal. Certified letters were sent to all abutters not directly spoken to and no responses were received.

Staff explained that the memo recommends that all of the changes together be considered substantial. Staff is supportive of the development but recognizes the State's guidance on what can be considered insubstantial versus substantial changes. There is some flexibility provided to Zoning Boards when considering these changes. In addition to the unit change, which is very nearly at a 10% increase, there are a number of other changes, including a number of other waiver requests. Staff, however, would not be significantly concerned if the Board finds otherwise. Waiver #37 from the applicant team proposes relief from the Somerville Code of Ordinances Section 12-14, waiving the process requiring the applicant to go to the City Council for a grant of location and submission

of a bond for awnings and other building components. If the Board determines the changes to be insubstantial, Staff recommends a bond still be submitted to the City Clerk's office following the same process as if a grant of location were submitted to the City Council. The applicant team expressed no opposition to this recommendation.

Chair Fontano opened public testimony.

Aaron Weber (32 Summit Avenue) – expressed support for the proposed changes. The Somerville Affordable Housing Overlay already has reduced the requirements for step backs in the way that this proposal incorporates. Those step backs add to the cost and decrease the available space for a project. This project is important in that it will bring badly needed affordable housing to the community.

Seeing no additional public testimony, Chair Fontano closed public testimony.

The Board discussed the proposed waivers. There was concern expressed regarding the proposed setbacks and if these lead to a substantial massing change per the regulations. There was discussion regarding the process if the Board determines these changes to be substantial.

The applicant team explained that all of the changes proposed fit within the category of resulting from the fact that the proposal is to increase the housing units, which also increases the affordable housing that the project offers. Any increase will be subject to the 10% affordability factor of this building. The applicant would consider a 27-unit increase, instead of 28, in order to move the process forward this evening.

Following a motion by Clerk Garavaglia, seconded by Member Cook, the Board voted (3-2), with Chair Fontano and Member Fullerton voting against, to find that the changes presented are not substantial.

It was noted that a majority vote was needed for this item. Thus, the determination of the vote was that the changes are not substantial.

RESULT:

NOT SUBSTANTIAL

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 zoningboard@somervillema.gov.