



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

4 SEPTEMBER 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>	
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: Emily Hutchings (Planning, Preservation, & Zoning); Francis Golden (Chief Assessor); Alanna Gaffny (Housing Division); Nick Antanavica (Director of Inspectional Services)

The meeting was called to order at 6:01pm and adjourned at 6:50pm.

GENERAL BUSINESS: Meeting Minutes

Members Daglian and Cook sat as a voting members for this item.

Following a motion by Vice Chair Brockelman, seconded by Member Fullerton, the Board voted unanimously (6-0) to approve the 14 August 2024 meeting minutes, as amended.

PUBLIC HEARING: 126 Cross Street (ZP24-000057)

(continued from 14 August 2024)

Member Cook sat as a voting member for this item.

The applicant team stated that no changes have been made to the application from the last meeting.

The Board noted a concern that the square footage of the unit was substantially smaller than all the square footages that were referenced in the comparables. The smallest referenced was just over 1,400 s.f., and the square footage of this unit was clarified to be 1,179 s.f.

The Chief Assessor stated that this is a four-bedroom unit that is not of the same size as the properties that he felt comparable. He noted that he has the square footage listed for this unit of 1,367 s.f. The comparables came from MLS and included other four-bedroom units from 1 November 2020 to 1 November 2021. He stated that two- and three-family units that are converted in the city have similar gross living areas to this unit. The four-bedroom aspect is the problem and drives this unit into a group of comparables around 2,000 s.f. on average. The average he gave was \$1,291,667 and he still believes the range would be between this and \$1M. The size of this unit is the issue. The Chief Assessor noted that properties that are selling in the \$700,000-\$850,000 range are not of the quality that is being represented in this case. A four-bedroom two-bath condo that has been completely renovated in the city would likely not be less than seven figures. The utility is driven by bedroom count. He stated that this is the starting place, but there is discretion based on the neighborhood and level of quality.

Staff noted that Warren Group data was not used in the most recent calculation. Language within the memo submitted was discussed with the Law Department, the Assessors Office, the Housing Department, and internally with the Planning, Preservation, & Zoning (PPZ) Department. This led to an updated memo that explains why the comparables and timeframe were used.

Chair Fontano opened public testimony.

Meredith Porter (104 Josephine Ave) – stated that the Zoning Ordinance refers to the price of comparable market rate units sold within the City of Somerville. Given the phrase “within the City of Somerville,” it is reasonable to interpret this as including units sold across the city, not only in the particular location involved. The intent seems to be to determine what it would cost the city to purchase a four-bedroom unit and make it affordable. The narrative provided by the appellant consists mostly of an appraisal of the entire building, not an appraisal of the value of the four-bedroom condominium within the building. If a building is purchased and converted to condos without any additional improvements, the combined cost of the condos is substantially higher than the purchase price of the building. The ISD Superintendent, cited as the City of Somerville Assessor, is qualified to determine what comparable units should be used for the calculation. This seems reasonable. In response to the appeal, and to ensure compliance with the law, the calculation was revised to cover sales selected by the Assessor in the one-year period prior to issuance of the Building Permit, rather than the original number which was based on Warren Group data for sales almost two years later. The city has thoroughly addressed any concerns raised in the appeal, and the appeal should be rejected.

Ted Silva (206 Holland St) – stated that he did not hear from the expert realtor, Charlie Ball. With all due respect to the city, he asked how a four-bedroom, 4,000 s.f. home could be determined to have the same value as a 2,000 s.f. home with four smaller bedrooms. Some of the comps the city used are 2,000 s.f. homes. He asked if a 2,000 s.f. home with four larger bedrooms is the same value as a home with four smaller bedrooms. The proposed unit is approximately 1,100 s.f., with four small bedrooms. A 4,000 s.f. home is worth more than a 2,000 s.f. home anywhere. If the assessment does not include counting square footage, it is not a proper assessment of the property.

Chair Fontano closed the public comment period.

Charlie Ball, Berkshire Hathaway real estate broker, stated that, as a realtor, it is a challenging job for the Assessor's Office to come up with the value for a four-bedroom rental unit. Determining its market value is a challenge as it is not for sale and cannot be purchased separately. The most important factor to buyers in determining the value of a condominium is the square footage. It makes sense that the comparables used by the Assessor's Office are all in Somerville. The Zoning Ordinance states that they must be Somerville properties, but this does not mean that a property in Davis Square has the same value as one on Cross Street. He noted that the location is also important, and that value is typically determined by supply and demand. There is not a huge demand for small four-bedroom condominiums in the City of Somerville. It is hard to find four-bedroom comparables of this size.

The Board stated that the Zoning Ordinance provides wide discretion on the calculation, based on the geographic area and what constitutes a comparable unit sold. It seems that the Assessor made a good faith effort to address some of the concerns of the appellant, while also using his expertise and the data available to him.

Following a motion by Vice Chair Brockelman, seconded by Member Cook, the Board voted unanimously (0-5) against the motion to approve the Administrative Appeal of the Building Official's calculation of the affordable housing fractional payment in the matter of 126 Cross Street (ZP24-000057).

RESULT:	ADMINISTRATIVE APPEAL DENIED
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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