



City of Somerville, Massachusetts

Condominium Review Board

Katjana Ballantyne, Mayor

Monday, August 26, 2024

6:00 pm.

Staff Liaison & Housing Policy Coordinator
Morena Zelaya

Board Members
Zachary Zasloff, Chair
Kate Byrne, Vice-chair
Elizabeth Champion
Alix Simeon
Jennifer Tsolas

Meeting Minutes

August 26, 2024 – 6:00 PM

Virtual Hearing

Board Members present: Zachary Zasloff; Kate Byrne; Alix Simeon; Jennifer Tsolas
Staff present: Morena Zelaya, Staff Liaison; Joseph Theall, Housing Counsel;

Chair Zasloff convened the meeting at 6:00 PM. He read the following information aloud: Pursuant to Chapter 107 of the Acts of 2022, this meeting of the Condominium Review Board will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website and local cable access government channels.

CONDO REVIEW BOARD MEETING AGENDA

1. MEETING CALL TO ORDER

The meeting was called to order with a call for attendance made by Chair Zasloff.
Responses were as follows:

Chair Zasloff	Present
Vice-chair Byrne	Present
Member Champion	Absent
Member Simeon	Present
Member Tsolas	Present but entered late

With three in attendance at the start of the meeting there was a quorum, and the meeting was called to order.

2. NEW BUSINESS

A. APPLICATION WITHDRAWAL

WARD 5 PRECINCT 2

1-3 Woodbine Street

Application of First Hunter LLC, Ralph Jaeger. Application being withdrawn. Applicant has acknowledged that tenants' rights have vested. Attorney Anne Vigorito attended as representative for the applicant. Staff explained that the property sale had fallen through and the seller was not interested in converting to condos. The seller's agent confirmed via email to staff the seller's understanding that tenants' rights had vested and would expire after the year's notice which began on May 29, 2024.

On a motion duly made a roll call vote was called and it was voted 3-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Simeon- yes

To confirm that the application to convert had been withdrawn but tenants' rights had vested at 1-3 Woodbine Street.

**b. APPLICATIONS FOR FINAL/COURTESY CONDOMINIUM
CONVERSION PERMITS**

WARD 6 PRECINCT 3

38 Powder House Boulevard

Application of 38 Powder House Boulevard, LLC, Patrick Catino. Seeking a Final Conversion Permit for Unit #1 & Unit #2 at 38 Powder House Blvd. Attorney Anne Vigorito attended as representative for the applicant. She informed the board that all outstanding requirements had now been met and outstanding documents submitted.

Chair Zasloff opened the floor to the Board; seeing none, the floor was closed.

Chair Zasloff opened the floor to public comment; seeing none, the floor was closed.

On a motion duly made a roll call vote was called and it was voted 3-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Simeon- yes

To grant a Final Conversion permit for Unit #1 & Unit #2 at 38 Powder House Blvd.

WARD 1 PRECINCT 1

6 Pearl Street

Application of Pearl Street Residences LLC, Richard Nilsson. Seeking a Final Conversion Permit for Unit #A at 6 Pearl Street. Unit #B previously received a

Courtesy Permit. A representative for the applicant was not present at the time the application was called and the board voted to move the application to the end of the agenda to allow the applicant more time to log into the meeting.

On a motion duly made a roll call vote was called and it was voted 3-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Simeon- yes

The representative was still not present when the application was called again at the end of the meeting and as such no hearing was conducted.

b. APPLICATIONS FOR PRELIMINARY CONDOMINIUM CONVERSION PERMITS

WARD 7 PRECINCT 4

230-232 Powder House Boulevard

Application of Michael & Anna Whitham. Seeking a Preliminary Rental Conversion Permit for Unit #230 and a Non-rental Conversion Permit for Unit #232 at 230-232 Powder House Boulevard. Michael Whitham attended and informed the board that all required documents have been submitted.

Chair Zasloff opened the floor to the Board; seeing none, the floor was closed.

Chair Zasloff opened the floor to public comment; seeing none, the floor was closed.

On a motion duly made a roll call vote was called and it was voted 4-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Simeon- yes

Member Tsolas- yes

To grant a Preliminary Rental Conversion Permit for Unit #230 and a Preliminary Non-rental Conversion Permit for Unit #232 at 230-232 Powder House Boulevard.

WARD 4 PRECINCT 2

13 Langmaid Avenue

Application of 13 Langmaid Avenue LLC, Chanh Ly. Seeking Preliminary Rental Conversion Permits for Unit #1, Unit #2, & Unit #3 at 13 Langmaid Avenue. Attorney Mark Sheehan attended as representative for the applicant. He listed all the required documents that had been submitted with the application and informed the board that he had spoken to the former tenants of the property who had all expressed negative interactions with the former owners. Attorney Sheehan stressed that these interactions were with the former owner and not his client, the current owner.

Chair Zasloff opened the floor to the Board. Board member Tsolas questioned the timeline of one of the tenants vacating. Attorney Sheehan explained that his client purchased the property in December 2023 and the tenant vacated at the end of their lease in April 2024. Board member Simeon asked if it would be possible to speak with any of the former tenants and Chair Zasloff closed the board commenting period in order to open the public commenting period to allow any tenants who might be in attendance an opportunity to speak.

Chair Zasloff opened the floor to public comment; seeing none the floor was closed.

Chair Zasloff reopened the floor for board commenting. Board member Simeon expressed that he still wanted to hear directly from the tenants and not through the applicant's attorney. Board Staff interjected that she had also spoken with former tenants at length and the concerns they expressed to her was with the heirs after the long-time owner passed. Tenants had been told that the death of the owner meant their leases were no longer valid and that they had to vacate. Some of the tenants vacated and others did not. Board members expressed their concerns at how often tenants are told they must vacate in order for a building to sell and concerns about the limitations of the ordinance in light of the lack of just cause eviction protections in the state. Board Staff noted that the Housing Stability Notification Act (HSNA) is a document that is supposed to be provided at the onset of a tenancy to inform tenants of their rights. Education and enforcement to ensure landlords know to include the HSNA and for tenants to expect it remains an issue, though. Board members discussed getting in contact with their councilors in order to make improvements to the ordinance and to the enforcement of the HSNA. The floor was then closed.

On a motion duly made a roll call vote was called and it was voted 4-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Simeon- yes

Member Tsolas- yes

To grant Preliminary Rental Conversion Permits for Unit #1, Unit #2, & Unit #3 at 13 Langmaid Avenue

WARD 3 PRECINCT 3

34 Oxford Street

Application of Spring Hill 34 Nominee Trust, George Zografos. Seeking a Preliminary Rental Conversion Permit for Unit #1 & Unit #2 at 34 Oxford Street. Attorney John Martino attended as representatives for the applicant. Attorney Martino asked to have Final permits issued instead of preliminary permits because the property had been occupied by a family member who did not pay rent and who would be purchasing one of the units.

Chair Zasloff opened the floor to the Board; Vice-chair Byrne asked why both units should be Final permits. Attorney Martino explained that the family member, the owner's son, had lived in one unit and then moved to the other. The unit he vacated had stayed vacant and as the last use was owner or non-rent

paying family occupancy, it qualified for the Final permit also. The board requested Housing Counsel Joe Theall's opinion on the interpretation, and he stated it was a reasonable one given the owner's son would soon be purchasing his unit. Board member Tsolas asked for a clarification on timeline as to when the prior tenant vacated, and Staff explained that it had been over 12 months since that had occurred. Board member Tsolas was concerned that intent to convert may have been formed prior to the tenant vacating and that the applicant's son's move from one unit to the other was solely to facilitate the conversion. Staff and Housing Counsel both stated that there was no evidence to that effect. Attorney Martino did not elaborate beyond stating that the tenants' lease had ended, and it was not renewed. Board members again expressed concerns about the limitations of the ordinance. Board members also thanked staff for their guidance and the floor was then closed.

Chair Zasloff opened the floor to public comment; seeing none, the floor was closed.

On two motions duly made a roll call vote was called and it was voted 4-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Simeon- yes

Member Tsolas- yes

To grant a Final Conversion Permit for Unit #1 & Unit #2 at 34 Oxford Street with the requirement that the deed showing the sale of unit #2 within the 4th degree of kindred be provided to staff once executed.

WARD 6 PRECINCT 2

39 Pearson Road

Application of 39 Pearson LLC, Elizabeth Ambeliotis. Seeking a Preliminary Rental Conversion Permit for Unit #1 & Unit #2 39 Pearson Road. Nick Ambeliotis, one of the LLC managers, attended to speak on the application. He explained that the tenants who had previously occupied the first-floor unit of property vacated in August 2023. The other unit had been owner-occupied, and the occupant had passed away. The LLC purchased it as part of an estate sale.

Chair Zasloff opened the floor to Board discussion. Board member Tsolas once again was concerned that the application was coming before the board just after the time period for having to contact former tenants expired. In this case there was added concern that the seller's agent had rejected an offer to purchase from the former tenants, likely due to being able to get a higher bid from a potential condo developer. Attorney Ambeliotis stated that there was no requirement in their P&S for the property to be delivered vacant and it was only after they were under contract that they were informed the tenants had vacated. This was another case where board members were just concerned at how and why vacancies occurred. The floor was then closed.

Chair Zasloff opened the floor to public comment; seeing none, the floor was closed.

On a motion duly made a roll call vote was called and it was voted 4-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Simeon- yes

Member Tsolas- yes

To grant a Preliminary Rental Conversion Permit for Unit #1 & Unit #2 39
Pearson Road.

ADJOURN

Chair Zasloff motioned to adjourn at 7:30pm pm which Board member Tsolas seconded. The meeting was adjourned.