



City of Somerville, Massachusetts

Condominium Review Board

Katjana Ballantyne, Mayor

Monday, October 28, 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

October 28, 2024 – 6:00 PM

Virtual Hearing

Board Members present: Zachary Zasloff; Kate Byrne; Elizabeth Champion; 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 2 of the Acts of 2023, 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	Present
Member Simeon	Present
Member Tsolas	Present

With five in attendance there was a quorum, and the meeting was called to order.

2. ADMINISTRATIVE

Staff presented to the Board minor reference errors that resulted in the Board Rules after the last Ordinance update. Changes presented for Board consideration were administrative in nature solely to correct citation errors.

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 5-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Champion- yes

Member Simeon- yes

Member Tsolas- yes

To approve the proposed correction of citation errors in Board Rules.

3. COMPLIANCE

WARD 1 PRECINCT 4

29 Everett Ave

Tenants at 29 Everett Ave have requested to speak to Board regarding compliance concerns at the property. Attorney Anne Vigorito, the property owner's attorney, was invited to speak first as she had requested a continuance on the matter. She explained that her office needed additional time to prepare a response to the documents they'd received from the tenants' attorneys. Attorney Courtney Libon, the tenants' representative, responded that her office objects to the continuation and noted that all the documents included in the package to the property owner's attorney were already in the owner's possession and many had been prepared by the owner himself. The only new documentation was proof that tenants were entitled to enhanced protections under the ordinance. She requested that the Board make a determination on whether tenants' rights had vested.

Chair Zasloff thanked both representatives for the comments. He then opened the floor for board discussion. He noted that the Board's Standard Operating Procedures require that documents be submitted at least two days prior to a hearing and these documents had been provided day of. He recommended holding a special meeting solely for this case and proposed dates in November. Member Tsolas asked if there was an active eviction case for which a Board finding could have an impact. Housing Counsel Joe Theall responded that there was a case but there is not currently a date set. He clarified that, while any Board finding could be introduced as evidence, the Board itself does not have jurisdiction over the District Court matter. She asked to confirm with the representatives that there would not be negative impacts of postponing the matter to a future date. Attorney Libon stated that an earlier special meeting date was prepared and Attorney Vigorito promised that her office would seek a continuance in the eviction matter should a date be scheduled prior to the Board's

meeting date. Members discussed possible other dates and settled on November 12th.

On a motion duly made a roll call vote was called and it was voted 5-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Champion- yes

Member Simeon- yes

Member Tsolas- yes

To continue the compliance matter to a special meeting to be held on November 12, 2024.

4. NEW BUSINESS

a. APPLICATIONS FOR FINAL/COURTESY CONDOMINIUM CONVERSION PERMITS

WARD 3 PRECINCT 2

16 Hamlet Street

Application of 16 Hamlet Street Somerville, LLC, Jason Santana. Seeking Final Conversion Permits for Unit #1 & Unit #2 at 16 Hamlet Street. Courtesy Permits for Unit #3 & Unit #4 were already granted. Jason Santana attended to speak on the application. He reminded the board that the property had been bought vacant and that two additional units were being added.

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 5-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Champion- yes

Member Simeon- yes

Member Tsolas- yes

To grant Final Conversion Permits for Unit #1 & Unit #2 at 16 Hamlet Street.

WARD 5 PRECINCT 3

34 Fiske Avenue

Application of 34 Fiske Avenue Somerville, LLC, Jason Santana. Seeking Final Conversion Permits for Unit #1 & Unit #2 and a Courtesy Permit for Unit #3 at 34 Fiske Avenue. Jason Santana attended to speak on the application. He reminded the board that the property had been bought vacant and that one additional unit was being added.

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 5-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Champion- yes

Member Simeon- yes

Member Tsolas- yes

To grant Final Conversion Permits for Unit #1 & Unit #2 and a Courtesy Permit for Unit #3 at 34 Fiske Avenue.

WARD 3 PRECINCT 4

17 Crocker Street

Application of 17 Crocker LLC, James Douglas & Thyago Ponce. Seeking a Final Conversion Permit for Unit #1 & Unit #2 at 17 Crocker Street. Attorney Matthew Spang attended as representative for the applicant. He restated to the Board that the property had previously been owner-occupied by two sisters and that the outstanding documents, the master deed and property condition report, had now 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 5-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Champion- yes

Member Simeon- yes

Member Tsolas- yes

To grant Final Conversion Permit for Unit #1 & Unit #2 at 17 Crocker Street.

WARD 6 PRECINCT 1

18 Windsor Road

Application of RJM Development LLC, Richard J. Monagle. Seeking a Final Conversion Permit for Unit #1 & Unit #2 at 18 Windsor Road. Attorney John Masciarelli attended as representative for the applicant. He restated the documentation that was submitted with the application, including owner affidavits regarding their occupancy and that the property was never tenanted.

Chair Zasloff opened the floor to the Board. Board Staff asked for clarification regarding the unit IDs as the attorney had listed them as #A & #B. He stated that

the IDs were changed at the request of the City during the rehabbing of the property. There were no further questions.

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 5-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Champion- yes

Member Simeon- yes

Member Tsolas- yes

To grant a Final Conversion Permit for Unit #A & Unit #B at 18 Windsor Road.

**b. APPLICATIONS FOR PRELIMINARY CONDOMINIUM
CONVERSION PERMITS**

WARD 5 PRECINCT 4

227 Highland Avenue

Application of KTA Construction, LLC, Frank Amato. Seeking a Preliminary Rental Conversion Permit for Unit #1, Unit #2, and Unit #3 at 227 Highland Avenue. Attorney Michael LaRosa attended as representative for the applicant. He listed off the documents included with the application.

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 5-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Champion- yes

Member Simeon- yes

Member Tsolas- yes

To grant a Preliminary Rental Conversion Permit for Unit #1, Unit #2, and Unit #3 at 227 Highland Avenue.

WARD 7 PRECINCT 3

23-25 Irvington Road

Application of Frank John Kelly & Kimberly Ann Rego. Seeking a Preliminary Rental Conversion Permit for Unit #25 and a Preliminary Non-rental Conversion Permit for Unit #23 at 23-25 Irvington Road. Attorney Cameron McGinn attended as representative for the applicant. He listed all the required documents that had been submitted with the application and requested that preliminary permits be granted.

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 5-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Champion- yes

Member Simeon- yes

Member Tsolas- yes

To grant a Preliminary Rental Conversion Permit for Unit #25 and a Preliminary Non-rental Conversion Permit for Unit #23 at 23-25 Irvington Road.

WARD 5 PRECINCT 3

58-60 Boston Avenue

Application of Mohammed Hussain & Raudhatuljannah Muntadar. Seeking a Preliminary Rental Conversion Permit for Unit #1 & Unit #2 at 58-60 Boston Avenue. Attorney Cameron McGinn attended as representative for the applicant. He listed all the required documents that had been submitted with the application and requested that preliminary permits be granted.

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

Chair Zasloff opened the floor to public comment; Catherine Seo, a 15-year former tenant at the property spoke. She informed the board that her former landlord had told her she needed to move prior to the sale. She asked if the property would be converted to condos, and if she'd receive the permanent relocation amount to help with moving, and she did not receive a response. Board Member Tsolas asked the tenant to outline the timeline of events. Ms. Seo explained that the landlord notified the two units in Fall 2023 that they needed to be out by April 2024. She negotiated to stay until July 2024 as she is disabled and needed extra time.

Board members were vocal in their concerns over how the tenancies were ended and that the tenant had explicitly asked if the units were being converted to condos only to be ignored by the former owner and not be afforded any protections under the conversion ordinance. Chair Zasloff urged the owner's representatives to reach out to Ms. Seo and attempt to come to an amicable resolution with her. Attorney McGinn responded that his client was indecisive on whether to convert and did not have contact regarding former tenants until after the sale was finalized. Board members continued to express concerns regarding intent of the buyer, the seller's actions to empty the building, and the displacement of an elderly, disabled tenant. They were very frustrated that buyers, not just this applicant, frequently claim to not have intent to convert at the time of purchase and then submit an application soon thereafter and that tenants are left without protections. Board members expressed similar comments regarding their frustrations and afterwards the floor was closed.

On a motion duly made a roll call vote was called and it was voted 4-1:

Chair Zasloff- yes

Vice-chair Byrne – no

Member Champion- yes

Member Simeon- yes

Member Tsolas- yes

To grant a Preliminary Rental Conversion Permit for Unit #1 & Unit #2 at 58-60 Boston Avenue with the added recommendation that the property owner compensate the former tenant for her displacement.

WARD 2 PRECINCT 2

17 Buckingham Street

Application of Donna & Jerome Lewandowski. Seeking a Preliminary Rental Conversion Permit for Unit #1, Unit #2, and Unit #3 at 17 Buckingham Street. Attorney Anne Vigorito attended as representative for the applicants. She explained that the applicants had owned the property in some capacity since 1983 and became joint owners in 2007. The property became vacant in September 2023 after a significant fire and has remained vacant since then. She listed the documents that had been submitted with the application and requested preliminary rental permits be issued.

Chair Zasloff opened the floor to the Board for comment. Board Member Tsolas requested an overview of the ownership again and asked a clarifying question about whether tenants had been living on the property at the time of the fire, Attorney Vigorito responded that yes but that those tenants were displaced after the fire. The property owners debated returning to the rental market but ultimately decided to convert to condos. Member Champion asked if the owners formed an intent to convert after the fire and Attorney Vigorito responded that they did not. Chair Zasloff noted that situation was unfortunate in many respects. With no further comments 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 5-0:

Chair Zasloff- yes

Vice-chair Byrne – yes

Member Champion- yes

Member Simeon- yes

Member Tsolas- yes

To grant a Preliminary Rental Conversion Permit for Unit #1, Unit #2, and Unit #3 at 17 Buckingham Street.

WARD 3 PRECINCT 3

54 Berkeley Street

Application of Property Acquisition Group LLC, Michael Diplatzi. Seeking a Preliminary Rental Conversion Permit for Unit #1 & Unit #2 at 54 Berkeley Street. Attorney Anne Vigorito attended as representative for the applicant. She listed the documents that were included in the application, including the names and contact information of the former tenants and emails notifying them of the conversion. She stated that tenants vacated voluntarily at the end of May 2024. She clarified that the intended additional rear cottage is not going to be used a residential unit but as an accessory use unit like a home office or playroom, it will not be a sleeping area.

Chair Zasloff opened the floor for Board comments. Vice-chair Byrne asked for further clarification on the added space. Board Staff explained that she had not previously been informed the added space would not be an additional residential unit and that's why there was confusion in the board packet about what the unit would be. The board discussed the proposed cottage at length and Attorney Vigorito confirmed numerous times that it would not be its own stand alone living space and that Inspectional Services would ensure that the building and zoning code were enforced. There were no further comments and the floor was closed.

Chair Zasloff opened the floor to the public. Former tenant Emily Larson spoke and objected to the characterization that tenants had vacated voluntarily. She explained that all the former tenants were artists and creatives and qualified as low-moderate income. Some had lived on the property for over a decade and all were given 5 weeks to vacate. Most were forced to leave Somerville, some even left the state because they could not afford to relocate. She was also dismayed at the actions that occurred while they were still living at the property, someone came out to conduct a property survey in April and on the day they were moving out a person she believes to have been the buyer drove up and stated that it was a beautiful day to move. She was shocked at the lack of sensitivity and described the experience as unpleasant. Chair Zasloff thanked her for her heart wrenching testimony and stated that it pained him and his fellow board members to hear these stories. The tenant stated that she thought it would be fair for the buyer to make some payment towards the tenants' displacement. Board members encouraged the tenant to write her story up and send it to the city council president. They again continued to express their frustrations at tenant displacements and encouraged the applicants to make amends with the displaced tenants. Attorney Vigorito expressed shock at the story of someone pulling up on the day tenants were vacating and stated that her office would reach out to the former tenants again and would speak to her clients. Board members acknowledged that they could not force relocation payments be made but encouraged the applicants to do so. The floor was then closed.

On a motion duly made a roll call vote was called and it was voted 4-1:

Chair Zasloff- yes

Vice-chair Byrne – no

Member Champion- yes

Member Simeon- yes

Member Tsolas- yes

To grant a Preliminary Rental Conversion Permit for Unit #1, Unit #2 & Unit #3 with the added recommendation that the property owner compensate the former tenants for their displacement.

Board members further expressed their frustrations and discussed expressing them to their city councilors. They requested to have an agenda item next month to further discuss what actions they could take as a board to better protect tenants and former tenants.

ADJOURN

Chair Zasloff motioned to adjourn at 8:31pm pm which Board Member Tsolas seconded. The meeting was adjourned.