



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

19 MARCH 2025 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>Absent</i>	
Brian Cook	Alt. Member	<i>Present</i>	
Sisia Daglian	Alt. Member	<i>Present</i>	

City staff present: Emily Hutchings (Planning, Preservation, & Zoning); Madison Anthony (Planning, Preservation, & Zoning); Steve Cary (Planning, Preservation, & Zoning)

The meeting was called to order at 6:01pm and adjourned at 7:42pm.

Member Cook sat as the Acting Clerk. Members Cook and Daglian sat as voting members for the meeting.

GENERAL BUSINESS: Meeting Minutes

Following a motion by Vice Chair Brockelman, seconded by Member Fullerton, the Board voted unanimously (5-0) to approve the 5 February 2025 and 19 February 2025 meeting minutes, as presented.

PUBLIC HEARING: 11 Garfield Avenue (ZP25-000007)

Member Daglian recused herself.

The applicant team explained that this is an existing duplex in the UR district, and it is a nonconforming building type in that district. Currently, the entrance leads through a small pantry into a very small kitchen. There was an addition made to the property which was not insulated fully. The proposal is to remove the addition and fill in the back corner of the property. This will add approximately 250 s.f. in total. The team noted that this will help to improve the existing floor plan and will allow for replacement of the existing porch, which does not currently have a code compliant egress. The porch will then wrap around and connect the inside of the house to the outside. Also, the applicant team noted that the stairway between the second and third floors is more similar to a ladder. A shed dormer in this area will allow the owners to get rid of the knee wall condition in that space and allow for nice outdoor space on the deck. They stated that shed dormers in the UR district must be 50% of the roof line. This would not be possible in terms of improving the stairway, due to the size of the space, which is currently only 14' wide. The applicant team is requesting a Hardship Variance for this item. The two-story addition is a nice opportunity to allow for a roof deck and create a bit more outdoor space. They noted that this area is very shielded from the neighbors. A virtual Neighborhood Meeting was held and there was only one comment.

Chair Fontano opened public testimony.

Rita Steeves (9 Garfield Avenue) – stated that she is a co-owner of this duplex. She expressed support for the proposal. This will be an improvement to the property.

Seeing no additional public comments at this time, Chair Fontano closed public testimony.

The Board stated that this proposal seems to square the corner of the existing mass. The massing of the proposed shed dormer seems minimal and subtle.

Following a motion by Member Cook, seconded by Vice Chair Brockelman, the Board voted unanimously (4-0) to approve a Hardship Variance for 11 Garfield Avenue (ZP25-000007), with the conditions as stated in the Staff Memo, dated 12 March 2025, for zoning relief for the proposed additional rear massing, proposed shed dormer, and proposed entry canopy with the hardship criteria findings as follows:

- 1) A special circumstance exists relating to the unusual character of the existing structure that would make a compliant dormer too small to be useful.
- 2) Without zoning relief, the applicant faces the hardship of having to find another residence to accommodate a growing family.
- 3) The proposed improvements would not nullify or substantially derogate from the intent and purpose of the UR district, because they are at the rear of the property and not visible from the right of way. The adjacent neighbors are either businesses or screened from the proposed improvements by the existing roof line, and neighbors have expressed support.

RESULT:

APPROVED

PUBLIC HEARING: 11 Garfield Avenue (ZP25-000008)

This item was opened and discussed concurrently with the previous agenda item.

Following a motion by Vice Chair Brockelman, seconded by Member Fullerton, the Board voted unanimously (4-0) to approve a Special Permit for 11 Garfield Avenue (ZP25-000008), with the conditions as stated in the Staff Memo, dated 12 March 2025, for the proposed conforming projecting porch to allow a building code compliant egress to the first floor with the Special Permit findings as follows:

- 1) It supports the goals laid out in SomerVision 2040, the City's comprehensive plan, including the following: supporting families and promoting their longevity in Somerville.
- 2) It meets the intent of the UR zoning district, which is in part to create, maintain, and enhance areas appropriate for multi-unit residential buildings.
- 3) The extent and nature are limited by being at the rear of the property, largely hidden from view from the street.
- 4) It meets the demonstrated need of the applicant.
- 5) It conforms to the dimensional standards found in the Somerville Zoning Ordinance and would not disrupt any existing residential context.
- 6) The proposed change will overall reduce impervious surface on the lot.
- 7) It meets applicable design guidelines for the UR district, such as the rear lot 6' fence providing privacy screening for the neighbors.

RESULT:

APPROVED

Member Daglian retook her seat.

PUBLIC HEARING: 181 Pearl Street (ZP24-000126)

The applicant team explained that they were before the Board on 14 August 2024 for a façade build-out requirement. This required a Hardship Variance, which passed. Since then, there have been Neighborhood and

Urban Design Commission (UDC) meetings. There is an approved design from the UDC, and a Site Plan application in process. There was a review that found two non-compliant aspects of the Somerville Zoning Ordinance (SZO) on the proposal. The applicant team reviewed those and believed there is a good case for hardships. The planters proposed at the ground floor wrap around Dana Street and Pearl Street, and into the courtyard entrance. The primary entrance to the building is on the west façade of the building. The planters were designed based on those seen in the neighborhood, and throughout Somerville. The ramp is required to meet two requirements in the SZO; that the ground level of the building needs to be raised 2' above the adjacent sidewalk, and that it needs to have a zero step entrance. The ramp is required to negotiate those two requirements of the zoning ordinance.

The applicant team stated that, regarding the special circumstances that exist at 181 Pearl Street, it is a small corner MR3 parcel with 2,024 s.f., or less than a third the size of an average MR3 parcel. It is abutted on each side by NR parcels. A 10' side setback is required per the SZO for any building type in the MR3 district when it abuts NR parcels. The team stated that a 12' curb setback is required at the primary and secondary fronts of the building. These proportionally large setbacks on all four sides of the parcel leave a small developable area. They stated that the ZBA previously found that the smaller than typical size of the parcel, is a qualifying, unusual characteristic. Staff, in their memo, also stated that they believe special circumstances exist due to the small size of the parcel.

The applicant team also stated that, regarding financial hardship, literal enforcement of the provision of the SZO would be difficult given that there is only a small developable area after the setbacks are met. The residential units proposed require at least two bedrooms in each to be financially viable and it is only possible to fit two bedrooms while meeting all of the other building code and zoning ordinance requirements, with the internal stairs in their proposed location at the southwest corner of the building. In terms of reworking the entrance to the front of the building, this would require the internal stairs to move to the back of the building, eliminating the possibility of second bedrooms. This is a substantial financial hardship. Additionally, the bike room would need to be located at the street level, putting further financial strain on the project. The SZO requires the building to be raised 2' from sidewalk level and have a zero step entrance. A ramp is required to meet those two SZO requirements. Reworking the entrance to put it on the front of the building would require a second opening in the façade and a separate set of stairs, which would be a significant cost and financial hardship, as well as an equity issue.

The applicant team stated that this proposal is not detrimental to the public good, nor derogating from the SZO. Given the constraints of the Zoning Ordinance, the Building Code, and the Accessibility Code, the ramp creates a direct connection from the street to the principal entrance, while remaining equitable and visually prominent, as well as creating a sense of place with the integrated stoop. The team stated that allowing the building to have a courtyard entrance does not cause detriment to the public good. On the contrary, the proposed single courtyard entrance allows everyone, regardless of physical abilities to enter the building in the same place. This is fair and just, adding a second separate street-facing entrance marginalizes people who must use the ramp to enter the building. An intent of the SZO is to promote this kind of fair and just access to the City and its buildings.

The applicant team stated that the special circumstances for the sidewalk relief are the same as the principal entrance relief. Regarding the financial hardship, if there was literal enforcement of the SZO, for the sidewalk width to meet the 12' wide requirement, part of the paved sidewalk width would need to be within the parcel boundary of 181 Pearl Street. The proposed project includes planters within this required pave zone to help meet the green score required in the MR3 district. If the planters were removed from the required pave zone, the project would no longer meet the required green score. The footprint of the proposed building would need to shrink to make additional ground level space for plantings and/or permeable area to contribute to the required green score. The team noted that shrinking the building area would be a substantial financial hardship.

The applicant team stated that granting relief for the paved sidewalk width does not cause detriment to the public good. The proposed paved zone is, at a minimum, 8'6" wide, and provides a continuous 6' concrete walkway which was requested during Site Plan Approval. The 6' wide walkway is consistent with the guidelines for new thoroughfares and the SZO. The planters provide a visual amenity for the neighborhood and contribute to the City's resiliency and ecological goals by increasing permeable area and adding native species and pollinators to

diversify the local habitat. A bench is also built into the planters, extending the stoop culture of the neighborhood, which is an important part of Somerville's culture.

Chair Fontano opened public testimony.

Katie Mason (194 Pearl Street) – expressed concerns with the sidewalk width Hardship Variance. There are a number of existing structures on the sidewalk. On the Pearl Street side, there is a “No Parking” sign, a streetlight, and a “No Left Turn to Gas Station” sign. On the Dana Street side, there is an old firebox, a street sign, a utility pole, and a fire hydrant. These pinch points already narrow the sidewalk quite a bit. The three proposed residential units would presumably be eligible for municipal trash and recycling pickup, which could add six bins to the street on trash pickup day, each of which is 2’ wide and 30” deep. Further, the applicant has proposed a bike rack on Pearl Street, which will also narrow the sidewalk. If the sidewalk is too narrowed by structures, objects, and/or snow and ice, pedestrians, motorized wheelchairs, and large strollers are likely to walk in the street, which is very dangerous given the traffic turning off Route 28.

There were no additional public comments at this time, but Chair Fontano allowed the public comment period to remain open.

The applicant team explained that they are providing a continuous 6’ wide, at a minimum, concrete pave zone along both Pearl Street and Dana Street. Along Dana Street, it is 8’6” wide, and on Pearl Street it is 6’ wide. The proposal follows the guidelines in the SZO regarding the design of sidewalks. They noted that there is plenty of space within the separate furnishing zone for the trash and recycling bins. This will keep them out of the clear walkway zone.

The Board asked how many feet of the sidewalk is within the actual property boundary. The applicant team explained that this is 2’2” along Pearl Street and 1’6” along Dana Street. The trash and recycling bins will sit tucked back behind the courtyard entry area.

Chair Fontano closed public testimony.

The Board stated that the proposed canopy is additive to the structure and will help to designate the entrance. Using the canopy as weather protection is in keeping with most retail spaces.

The Board asked about building identification, if the entrance is allowed outside of Pearl Street. The applicant team explained that this did not come up with the UDC, but they are considering a number along a brick wall on Pearl Street, or on the west face of the building. The Board stated that it will be important to make it clear that the primary façade entrance is well identified and that there is proper wayfinding.

The Board asked about the required sidewalk width in the NR district. If the requirement is approximately 8’ then there are two non-conforming NR district sidewalks on either side of this property. This MR3 district parcel is on a residential NR corner parcel. The applicant team has created a residential-looking design, even though Hardship Variances need to be requested. The applicant team is being held to the requirements for the MR3 district parcel within other NR parcels. This property seems to integrate itself well into the Neighborhood Residential area. The variance is justified, as the parcel is different in configuration size from all the other parcels, particularly in that block. The architecture and the site are being handled sensitively and thoughtfully.

The Board also asked about lighting for the identification signage. The applicant team explained that they discussed lighting the ramp area with the UDC to help lead residents into the building. One requirement for the UDC approval was for a material review prior to the issuance of a Building Permit. A sign facing Pearl Street that completely identifies the building would be appropriate. The Board discussed a condition for the UDC to review a sign package proposal as well. Staff noted that the Board should consider Hardship Variance conditions but not Site Plan Approval conditions, as this will be addressed separately. The design of the full project is not currently

under consideration. Staff suggested that the Board could suggest that a signage package be submitted to the Planning Board to accumulate it into the process.

Laura Roderick (7 Garfield Ave) – expressed concern regarding the 11 Garfield Ave variance case.

Staff noted that the public testimony had already been closed. Staff asked that the member of the public reach out directly to Staff regarding their concerns.

Following a motion by Vice Chair Brockelman, seconded by Member Fullerton, the Board voted unanimously (5-0) to approve the Hardship Variance for 181 Pearl Street (ZP24-000126), with the conditions as stated in the Staff Memo, dated 13 March 2025, and with the additional condition that a signage package be submitted to the Planning Board for Site Plan Approval, for zoning relief for the proposed primary entrance located through a courtyard on the left side elevation of the building with the hardship criteria findings as follows:

- 1) Special circumstances exist relating to the size and location of the lot as a small MR3 corner parcel abutting two NR parcels, and less than 1/3 the size of the average MR3 parcel.
- 2) Buildable area available after side and curb setbacks are met is not financially viable, if the principal entrance on the façade is required.
- 3) A courtyard principal entrance does not cause substantial detriment to the public good, nor substantially derogates the intent and purpose of the MR3 district by providing a more equitable entrance for persons of all abilities.

RESULT:

APPROVED

PUBLIC HEARING: 181 Pearl Street (ZP24-000127)

This item was opened and discussed concurrently with the previous agenda item.

Following a motion by Vice Chair Brockelman, seconded by Member Fullerton, the Board voted unanimously (5-0) to approve the Hardship Variance for 181 Pearl Street (ZP24-000127), with the conditions as stated in the Staff Memo, dated 13 March 2025, for zoning relief for sidewalk width requirements with the hardship criteria findings as follows:

- 1) Special circumstances exist relating to the size and location of the lot as a small MR3 corner parcel abutting two NR parcels which do not have the same width requirements, and MR3 sidewalk width requirements will reduce area for permeable services and landscaping.
- 2) Meeting the MR3 sidewalk width requirements and meeting the required green score will reduce buildable area, causing a financial hardship.
- 3) The project does not cause substantial detriment to the public good, nor substantially derogates the intent and purpose of the MR3 district by providing a street level visual amenity, increasing permeable surface, and diversifying local natural habitats.

RESULT:

APPROVED

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