



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

14 MAY 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 Zarembo	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); Kit Luster (Planning, Preservation, & Zoning); Madison Anthony (Planning, Preservation, & Zoning); Steve Cary (Planning, Preservation, & Zoning)

The meeting was called to order at 6:03pm and adjourned at 8:54pm.

Member Cook sat in as the Acting Clerk.

GENERAL BUSINESS: Meeting Minutes

Following a motion by Acting Clerk Cook, seconded by Member Brockelman, the Board voted unanimously (6-0) to approve the 2 April 2025 and the 16 April 2025 meeting minutes, as presented.

PUBLIC HEARING: 76-78 Powder House Boulevard (ZP24-000029)

(continued from 16 April 2025)

Member Cook sat as a voting member for this item.

The applicant team explained that the request is for a Hardship Variance related to the Somerville Zoning Ordinance (SZO) requirement that driveways are not permitted in the frontage area. The requested variance is to convert a small fraction of the lot's frontage, approximately 67 s.f., into a driveway area. The property is zoned for this new driveway, but it would not be able to be accessed without the variance. The house is a 2-unit, multifamily home and the total lot size is approximately 3,500 s.f. The team stated that this is the only house on Powder House Boulevard without a driveway. There are special circumstances that require this variance; approximately 15 years ago, the City planted a street tree directly in the path of where a future driveway entrance and exit should be. Given the tree location, it would either need to be removed or worked around. Removal of the tree is undesirable for the City, the neighbors, and the applicants themselves. Currently, having to park solely on Powder House Boulevard compromises the safety of the residents and guests. Powder House Boulevard is a busy, narrow street which is used by service trucks and cars which routinely speed, despite the calming procedures that have been installed. The road is now even narrower due to the installation of a bike lane and the closest crosswalk is 50 yards away. The applicant team noted that parking on the street jeopardizes residents' and guest's vehicles, which have been struck multiple times. The final basis for the hardship is that proximate parking cannot always be found, due to the location of the property near Tufts.

The applicant team explained that the relief afforded by granting the variance is free of detriment and negligible. Only a small fraction of the lost frontage would be converted to driveway, approximately 67 s.f. This will only be a minor extension of the area zoned for this usage. This use is neither novel nor out of place, as there are other driveways in the proximate area. Also, the desired relief would be safe. The applicant team stated that data proves that the driveways along Powder House Boulevard are extremely safe. There are several benefits that this this desired relief would grant. It would create two off-street parking spaces which would align with important City initiatives to decrease parking and traffic congestion and increase pedestrian and traffic safety. This would be in line with the Somerville Curb Study and the aims of SomerVision 2040. This relief would also ensure that the street tree would be preserved in its current location. This relief would increase the overall permeable surface of the lot, as some non-permeable concrete would be removed in place of true grid permeable pavers. This would help alleviate some water runoff issues. Finally, this variance would allow the applicants to safely age in place and raise a family in Somerville.

The Board asked about potentially moving the tree to a different location on the lot. The applicant team explained that they attended several tree hearings and were strongly advised by arborists and City officials that this would be undesirable, especially as this is located along a scenic boulevard.

Chair Fontano opened public testimony. Staff noted that there were a number of letters of support submitted for this project and they were read into the record.

Chris Manatis-Lornell (1013 Broadway) – expressed strong support for the proposal.

Andrew Faden (100 Wallace Street) – stated that a driveway for this property would be in character with other houses along the street. He has had close calls with street-parked cars in this area and could see the benefit for the applicant's family.

Josh Goldman (43 Ossipee Road) – expressed strong support for the proposal. He noted that trees are wonderful, and he would like to make sure that there is not precedent set for removing them in order to install a driveway.

Benjamin Hathaway (43 Fox Meadow Lane, Arlington MA) – stated that he was previously a tenant of this property. He experienced the parking congestion and near misses while living at this property and his wife was almost killed one night by a side swipe. He expressed support for the proposal.

Chair Fontano closed public testimony.

The Board noted that the Staff Memo raised objections to the proposed driveway configuration. The angle of the driveway, as it approaches the sidewalk relative to the street, seems to be too severe. There was a suggestion regarding if the tree could be replaced with two trees on either side of a new driveway in order to allow for easier navigation. The applicant team restated that they have been strongly advised that removal of the tree was not tenable. They do not believe the angle to be severe, but it could be adjusted slightly to alleviate the concern. There is a range of angles in the neighborhood. The Board stated that it would like to see a revised drawing showing a modified angle. Staff stated that this could be continued in order to receive an opinion from the Engineering Department.

The Board expressed some concern that the tree may be damaged during construction of the driveway. The applicant team gave assurances that everything possible would be done to protect the tree.

The Board expressed support for the requested relief due to it meeting the three criteria. There is an obstacle to the applicant using a conforming driveway for a straight-on, perpendicular exit point. That literal enforcement would also involve risks to personal health and safety, and property on a busy thoroughfare. The applicants would also lose the value of having an area zoned for a driveway that cannot be utilized. There is no substantial detriment to the public good and the proposal does not detract from the intent and purpose of the SZO.

Following a motion by Member Cook, seconded by Member Fullerton, the Board voted unanimously (5-0) to approve the Hardship Variance for zoning relief to convert a portion of the lot frontage to driveway in the NR District with the findings according to the Hardship Variance criteria as discussed, and conditions as listed in the original Staff Memo, dated 14 November 2024.

RESULT:

APPROVED

PUBLIC HEARING: 56 Webster Avenue (ZP25-000025)

(continued from 30 April 2025)

Member Daglian sat as a voting member for this item.

The applicant team explained that the business occupying this building is a commercial laundry company which focuses on the hospitality market. It cleans the majority of the hotels in Boston. It employs nearly 400 employees, of which nearly 200 live in Somerville. The request has two parts. The State Permit Extension Act, which went into effect this past January, allowed for an automatic two-year extension to be added to any permit approval in effect or existence between 1 January 2023, and 1 January 2025. As the existing Special Permit is still in existence today, it should come under the State Permit Extension Act. The Staff Memo and the Memo from the City Solicitor's Office agree that first two years to be applied to extend this Special Permit come by way of the State Permit Extension Act.

The applicant team stated that the second question deals with the third year. The owner of the property, in coordination and partnership with Royal Hospitality and Royals Union, have requested that the exercise of the first extension be as captured in the Covenant Agreement which the owner entered into in 2009 with the City, and via the Special Permit itself by way of its conditions. There is a question as to when the first extension can be exercised, and separately when the first or second extension can go into effect. The question of when the first extension can be exercised comes directly from paragraph 4 of the Development Covenant, which states that in order to exercise the first amendment, the City must be notified of the intent to exercise no later than six months prior to the expiration of the Special Permit. This must then be exercised no later than 90 days prior to the expiration date. The applicant is thus well ahead, especially due to the automatic two-year extension, of the no later than six months in advance, and no later than 90 days in advance dates. Secondly, paragraph 7 deals with the commencement date of any extension from the Special Permit granting authority, in this case the ZBA. The applicant's position is that the original two years comes from the Permit Extension Act, and that, if the ZBA agrees with the applicant's argument as set forth in the application packet, the first extension can be approved now, but would not actually commence until 22 July 2029.

The City Solicitor explained that the covenant is a private agreement between three parties, the City, Royal Hospitality, and Triad Alpha. The covenant is not what controls the decision of the ZBA. In the City's opinion, the decision of the ZBA is controlled by what made it into the Special Permit. The permit and the covenant were drafted at the same time and the permit included the conditions that are enforceable and most pertinent. The applicant is trying to use the covenant to control the permit, but this is a separate agreement among the parties. The permit, as written, is the only thing that controls this property currently, unless the ZBA decides to amend it. The only way the ZBA can grant the first extension now is to amend the permit. The term itself has already been extended, by the Special Permit Act. The permit by its terms has not expired yet, due to a force majeure event which took place in the permit. The applicant does not have to submit to zoning relief right now under the first extension, if the ZBA changes the permit as outlined in the Staff Memo and can do so when they get to the second extension. Generally, something that has not yet expired should not be extended and coming in early is not something contemplated under the permit. The City is trying to prioritize the company's schedule for moving as the benchmark for the date to which the permit be extended, while keeping it within its current framework.

The applicant team stated that they are seeking as much time as possible to extend the Special Permit to ensure that Royal Hospitality and its employees have stability for the next number of years. The Special Permit only applies to the smaller legal lot, 56 Webster Avenue. There is a significantly larger adjoining lot, which is legally distinctive, at 520 Columbia. The Royal Hospitality facility is located on both lots, but only 24,000 s.f. of it is located on 56 Webster Ave. The business would not be able to relocate quickly due to its nature. The business needs the space in both buildings to run efficiently. The Development Covenant is clear on what is needed for a one-year extension. The second extension year becomes more onerous for the property owner. Based on the Development Covenant, the criteria have been met for that extension.

The City Solicitor stated that, as the permit is currently written, in order to exercise the first extension, the applicant has to file for zoning relief and have a final plan. This language is in both the permit and the covenant. The covenant does not control the permit; the permit controls the property. The City does not concede that the permit does not apply to the whole property.

The applicant team stated that the Board needs to determine if the third year has contingencies or not. The applicant's argument is, based on the Development Covenant, contingencies are not required. The City Solicitor noted that, logically, something is not extended until it is first expired. The covenant is a voluntary, private deal, which does not control the ZBA or its action. The City is suggesting that before the term expires, the applicant shows it has made some progress toward finding a location to move the business to.

Staff explained that its recommendation is that, in order to apply for the first extension, the applicant would need to notify the City six months in advance of the permit expiring in 2029 and then file for the extension 90 days before it would expire on 22 July 2029. The applicant team stated that there is concern regarding the market conditions. It is impossible to predict when this property will be ready for development.

Staff explained that they are suggesting condition #3 be rewritten, such that the first extension would not be granted until the applicant comes back in 2029, and contingent upon showing some progress toward finding a new location. The second extension would be contingent on filing an application for zoning relief for the redevelopment of the property.

The applicant team suggested an extension of the Special Permit for three years, two of which will come from the State Extension Act. The target date would be 22 July 2030. The City Solicitor stated that the City is looking for measurable progress. A compromise could be that the applicant team already has a two-year extension and is 90% to the third year, which could be completed with steps shown toward progress.

Chair Fontano opened public testimony.

Jack Kenslea (Political Director for United Food and Commercial Workers, Local 1445) – stated that there are almost 200 members who work and live in the City. The City's position seems to be to force a move quickly or wait until the last minute to allow the company to present information in order to grant the appeal. This would create uncertainty within the unit and financial uncertainty for the company. This would have negative impacts on the workers and the community.

There was no additional public comments at this time, but Chair Fontano elected to keep public testimony open at this time.

The City Solicitor stated that the permit, as written, should be amended to at least include the schedule for moving the company, because it was originally written without that in it. Staff stated that they would like to review the condition language prior to a Board vote to make sure any amendments to it are clear. A Supplemental Staff Memo can be crafted prior to the next Board meeting on this item.

Following a motion by Member Brockelman, seconded by Member Fullerton, the Board voted unanimously (5-0) to continue this hearing to 18 June 2025.

RESULT:

CONTINUED

The Board took a ten-minute recess and resumed its meeting at 8:24pm.

**OTHER BUSINESS: 299 Broadway (P&Z 22-092-R4)
Change Request to Comprehensive Permit (40B)**

Member Fullerton recused herself from this item and exited the meeting.

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

The applicant team explained that the request is for additional changes regarding the 299 Broadway project, which the applicant believes are insubstantial for the 40B project. Many of the changes relate to Sewell Park now being deeded to the City in fee, rather than being owned by the developer, leading to some lot line and setback changes. The intent is to submit three separate building permit application packages within the next 30-60 days: for the site, for Building A, and for Building B. The goal is to close in September 2025. Some interior program changes were made to the plan which then adjusted the landscape in both the courtyard and the civic plaza areas. One major change was a shift in some of the interior programming which was previously proposed to be a gym into additional units. This necessitated a change to some of the private terraces, and a bit of realignment of the landscape spaces. The grades between the courtyard and the plaza were able to be made more similar, which will allow for greater connectivity throughout the project. Also, additional plantings are now proposed on the north side of the plaza. Through the design, it was determined that there would be better efficiencies through a different mechanical system. This necessitated vents on the exterior of the building, going directly into the units. The vents proposed are quite minimal and color matched. Some of the fenestration at the retail areas has also been changed to make the spaces more activated. There were also updates made to some of the signage locations.

Staff stated that they worked with the applicant team to review condition #46, and everyone is comfortable with the proposed language change. There are a number of proposed changes that will not likely constitute substantial changes based on 40B regulations and requirements. However, Staff believes these may need a bit more review in order to confirm they are consistent with Somerville regulations and requirements. Staff is recommending a new condition #94, which notes that while the approval does not constitute the approval of the changes to the landscape designs, the Board recognizes that these are insubstantial, and to facilitate Staff to approve those once a review has taken place. The proposed conditions ensure that review will occur at the Staff level but will not require the applicant to come back to the ZBA for what are clearly minor changes.

There was agreement on the Board that the proposed changes are insubstantial.

Following a motion by Member Cook, seconded by Member Brockelman, the Board voted unanimously (5-0) that the proposed changes are insubstantial and to approve the revised waiver list, as enumerated in the Staff Memo dated 9 May 2025.

Following a motion by Member Cook, seconded by Member Brockelman, the Board voted unanimously (5-0) to amend the Comprehensive Permit decision to revise certain conditions of approval and to add new conditions 29A, and 29B, as the enumerated in the Staff Memo dated 9 May 2025, and condition 94 as presented by Staff this evening, and to note approval of the land plat.

RESULT:

APPROVED

OTHER BUSINESS: Discussion of Clerk's Responsibilities

The Board tabled discussion on this agenda item to a future meeting.

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