



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

5 JUNE 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); Andrew Graminski (Planning, Preservation, & Zoning); Stephen Cary (Planning, Preservation, & Zoning); Madison Anthony (Planning, Preservation, & Zoning)

The meeting was called to order at 6:00pm and adjourned at 7:46pm.

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

GENERAL BUSINESS: Meeting Minutes

Following a motion Vice Chair Brockelman, seconded by Member Zaremba, the Board voted unanimously (6-0) to approve the 15 May 2024 meeting minutes.

PUBLIC HEARING: 2-3 Union Square (ZP24-000009)
(continued from 15 May 2024)

Following a motion Vice Chair Brockelman, seconded by Member Zaremba, the Board voted unanimously (6-0) to continue 2-3 Union Square (ZP24-000009) to 17 July 2024.

RESULT:

CONTINUED

PUBLIC HEARING: 45 Mystic Ave (ZP24-000016)

The applicant team explained that the proposal is for an incubator lab building. This will cater to small startup companies that are currently underserved. The building is approximately 51,000 s.f. and seven stories. The applicant is seeking relief to move the civic space, which is a requirement of the Master Plan, off site and inciting a payment in-lieu. The proposed 26' wide pocket park could be used as civic space, but this would be adjacent to three lanes of Mystic Avenue and the sidewalk.

The applicant team reviewed the Hardship Variance criteria. The project faces many unique challenges due to its location, which is nestled between industrial facilities, a rental car facility, a bustling Mystic Avenue, and Interstate 93. Such a setting complicates the creation of a civic space intended for public and resident use. The design team has developed multiple iterations of the plans, all of which included a civic space, in an attempt to create a desirable space for both public and private residents. The parcel is too small to convert a portion of it to a usable civic space. Enforcing the civic space requirement at this location would impose a significant operational burden on

both the petitioner and potential users of the civic space. Not only would the petitioner struggle with managing the space amidst heavy traffic and a lack of sunlight, but both the public and building residents would face usability challenges. Granting a hardship provides a solution to contribute capital to a fund that will identify a more suitable location for a civic space in the city, and construct civic spaces that are more usable, welcoming, and safe for the public. A leave from Article 7.6.a will not undermine the public good, but rather enhance it. The inclusion of the civic space requirement in the Somerville Zoning Ordinance and Master Plan developments aims to provide accessible green areas for the community. However, insisting on a civic space at this location will prove impractical and fail to serve its ideal purpose. Secondly, a financial contribution to Somerville's Open Space Acquisition Fund offers a more effective approach, allowing city officials to identify and develop suitable areas for public use without compromising the district's intent.

Chair Fontano opened public testimony. There was no public testimony, and Chair Fontano left the public testimony period open at this time.

The Board agreed with the applicant that the parcel on this property, as described, is not the best site for a civic space due to its relationship to several busy roads and the disconnection to Assembly Row, leading to a level of unsafety. This area is not pedestrian friendly, and it would not be a good use of resources to create a civic space in this area.

Chair Fontano closed public testimony.

The Board asked about the zoning requirements in this area. Staff stated that the Assembly Square Mixed-Use District states that buildings may be setback from the front lot line up to 5', except where greater setbacks would enhance a pedestrian friendly experience at the frontage.

The Board reviewed the criteria for approval. Regarding the special circumstances that exist related to soil conditions, shape, or topography of the parcel of land, it is the location of this parcel near industrial facilities and Interstate 93 which makes it unsuitable for a pocket park. Literal enforcement would involve substantial hardship, financial or otherwise, to users of this space in terms of noise and air pollution, and lack of safety. Regarding how desirable relief could be granted without causing substantial detriment to the public good, the payment in-lieu would go toward funding a civic space which the city finds suitable for the community.

Following a motion by Vice Chair Brockelman, seconded by Member Fullerton, the Board voted unanimously (6-0) in the case of 45 Mystic Ave (ZP24-000016) to grant relief from the Master Plan standard that requires at least 25% of a development site to be provided as a civic space, incorporating the conditions as outlined in the Staff Memo dated 24 May 2024.

RESULT:

APPROVED

PUBLIC HEARING: 6 Prescott Street (ZP24-000030)

The applicant team explained that a Neighborhood Meeting was held and there was no opposition heard regarding this project. The project entails replacement of the existing front concrete stoop with an 8.5' x 5' platform and a 4.5' wide, nine step area leading to the front sidewalk. The new stoop will not have a roof over the steps. The proposed project has a minimal impact on the context of the surrounding development. The proposal includes replacement of existing rear steps with a wooden deck to accommodate a patio set and to allow for some accessible movement in the back. These structures also do not have a roof. The intention of the project is to allow the property owner to facilitate the use of the property and the recreational area of the rear of the property. Currently, the property is mostly covered with asphalt, but this project proposes permeable pavers on the sidewalks and the driveway. The proposed project has a very minimal impact on the context of the surrounding development. The proposal meets the setback requirements.

Chair Fontano opened public testimony. There was no public testimony, and Chair Fontano left the public testimony period open at this time.

The Board asked if the occupant of 4 Prescott Street attended the Neighborhood Meeting. The applicant team stated that the owner was in attendance and did not express concern. The Board noted that the survey references a portico which is not what is being proposed. This proposal is for a non-roof porch.

The Board asked if these Special Permits would not be needed if this property was in the NR district rather than the UR district. Staff explained that, as this is within the UR zoning district, the semi-detached style building is a nonconforming building type, and therefore modifications to it require a Special Permit.

It was confirmed that there will not be a roof as part of the structures for this project.

Chair Fontano closed public testimony.

Following a motion by Vice Chair Brockelman, seconded by Member Daglian, the Board voted unanimously (6-0) in the case of 6 Prescott Street (ZP24-000030) to grant the two Special Permits required to allow the applicant to construct a front stoop/open air porch and a rear projecting porch on the building.

RESULT:

APPROVED

PUBLIC HEARING: 20 Fiske Ave (ZP24-000003)

The applicant team explained that this is a two-family unit, with a one-bedroom apartment on the first floor, and a one-bedroom apartment on the second and third floors. There is an existing small shed dormer on the west side of the roof which is proposed to be expanded through this project. The proposal would create a single continuous dormer, approximately 78% of the length of the roof line. Somerville's Zoning Ordinance (SZO) limits that to 50% for shed dormers.

The applicant team explained that relief for the length of the shed dormer will add a proper second bedroom to the apartment. Increasing the number of bedrooms aligns with statements in the Zoning Ordinance and the SomerVision 2040 goals regarding making more family friendly housing stock available. Another large reason is to improve safety, as the stairs going up to the third floor are very steep, with very narrow treads and high risers. The proposed dormer does not stick out from the neighborhood architecture. It aligns with the neighborhood architecture, as there are other large dormers around this building. This section of the ordinance states that there cannot be more than 3' of non-window wall in a dormer and having less than 3' of non-window wall on a large dormer is not mechanically or visually viable. Regarding a hardship, not having a second bedroom in this unit suppresses utility, the value, and safety of this home. Regarding how the proposal impacts the intent of the SZO and that there cannot be a dormer bigger than 50%, converting this into a two-bedroom unit is a modest step, but will align with the SZO statement about creating units that are more suitable to families. The proposal does not degrade the intent of the SZO because a compliant dormer design would basically look the same; a compliant design would keep the 5'6" setback to the front of the roof in order to accommodate the stairs, which would look the same from the street. Also, large dormers are not uncommon in this neighborhood, or in Somerville in general. In terms of the 3' maximum of non-window wall, a continuous glazing along the whole length would make a second bedroom difficult, if not impossible. There are plenty of windows proposed in the second bedroom design. The neighbors across the street have expressed an interest in allowing this to move forward.

Chair Fontano opened public testimony. There was no public testimony, and Chair Fontano left the public testimony period open at this time.

The Board asked if the existing rooms in the apartment could be reconfigured to create a more modest second bedroom. The applicant team stated that the back of the unit is narrow, without space to create a hallway. This would lead to a walkthrough bedroom, which does not appear to be a true bedroom. The Board asked about compressing some of the proposed space to make the dormer more conforming to the SZO. The applicant team stated that a 50% dormer was considered but the stairs are a limiting factor. If this request is denied, the dormer will start in the front and continue the remaining 50% that is allowed. This would lead to a less desirable, less useful space. The existing peak height of the space is approximately 6'7". The new space would give more useable floor space at the full ceiling height.

The Board asked if the dormer could be pushed back to the rear, if it was made smaller. The applicant team stated that this would not allow the stairs to be located where they are, leading up to the third floor. The proposal is needed for the head room when walking up the stairs.

Members of the Board expressed concern regarding the proposed continuous large shed dormer. The purpose of regulating the scale of dormers is to preserve the original fabric of the neighborhood, which is smaller, two-story buildings. The proposed build out of the third floor for a building of this scale does not seem appropriate. This would change the character of the building to be a full three-story building. Breaking up the scale of the building would be helpful. There will likely be other Hardship Variances needed to complete this project in another way.

Chair Fontano closed public testimony.

The Board asked if Staff commented to the applicants regarding the proposed size of the dormer. Staff stated that compliance recommendations are not typically part of the process. The size of the proposal was not advised on.

The applicant team asked how the Board determines how many dormers will be allowed in a neighborhood. It would seem that allowing a dormer on this property would make it more compliant with those around it. The Board explained that allowing this proposal would lead to a loss of the original character of the building.

The Board explained that the 50% requirement is a matter of hierarchy. The intention is to have the second-floor story read as the main volume mass, and the dormer to be subordinate to it. This is simply a matter of scale. While there could be some leniency to the 50%, a full 80% seems to be too much. The proposed bedrooms are well sized for an urban area. The applicant team explained that the proposal does the most with the existing space. The house is so narrow, and the view from the street is so limited. A compliant dormer, for 90% of the view from the street, will look the same as this proposal.

The applicant team agreed to continue this item at this time.

Following a motion by Vice Chair Brockelman, seconded by Member Fullerton, the Board voted unanimously (6-0) in the case of 20 Fiske Ave (ZP24-000003) to continue to 17 July 2024, at request of the applicant.

RESULT:	CONTINUED
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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