



City of Somerville  
**ZONING BOARD OF APPEALS**  
City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

**18 SEPTEMBER 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>Absent</i>  |         |
| Brian Cook      | Alt. Member | <i>Present</i> |         |
| Sisia Daglian   | Alt. Member | <i>Present</i> |         |

City staff present: Andrew Graminski (Planning, Preservation, & Zoning); Steven Cary (Planning, Preservation, & Zoning); and Sarah White (Planning, Preservation, & Zoning)

The meeting was called to order at 6:01pm and adjourned at 7:51pm.

*Members Cook and Daglian sat as voting members.*

**PUBLIC HEARING: 52 Elm Street (ZP24-000053)**

*(continued from 14 August 2024)*

*Vice Chair Brockelman recused herself from this item.*

Staff explained that the applicant has requested to withdrawal without prejudice.

Following a motion by Acting Clerk Fullerton, seconded by Member Daglian the Board voted unanimously (4-0), in the matter of 52 Elm Street (ZP24-000053), to approve the applicant's request to withdrawal without prejudice.

**RESULT:**

**WITHDRAWAL WITHOUT PREJUDICE APPROVED**

**PUBLIC HEARING: 8 Montrose Court (ZP24-000075)**

*Vice Chair Brockelman recused herself from this item.*

Acting Clerk Fullerton noted that the three associated cases for this property would be discussed concurrently.

The applicant team explained that the proposal is to redevelop the property with a triple decker. The applicant team stated that they are seeking a variance for the secondary front lot width and building width. Montrose Court is a private way off Montrose Street, which abuts the MBTA Green Line extension. There is existing parking on the premises, with a two story structure and shed in the rear. They stated that the property and a retaining wall are on a slope which was impacted through some of the construction. They noted that the impetus to redeveloping this is due to structural concerns with the home related to the infrastructure along the edge. The applicant team stated that it has been determined that the community path in this area is considered a thoroughfare. This is a narrow lot situation at 34'9" and the proposal is to maintain the existing parking, while building a new three family structure on the premises.

They stated that another variance requested is related to lot width. The lot is 1'3" short of the required lot width. This also affects the building width. 24' is the required building width but, due to the lot width being smaller, the various setbacks, and the driveway, the building width is 22'11". The team stated that the slightly narrower building does not cause any detriment to the dwelling unit itself in terms of its inhabitants and the quality of the homes.

Chair Fontano opened public testimony.

Tsering Wangchuk (39 Montrose Street) – stated that he does not approve of this proposal. He has concerns with the amount of parking that will be needed for this proposal. He also has concerns regarding trash pickup being in front of his property.

The applicant team explained that trash receptacles will be kept in the side yard, opposite of the neighbors, and will be placed along the street as at other properties. The house is currently occupied.

Crystal Huff (52 Elm St) – asked if the developer had considered accessibility requirements or concerns with regard to the plans for this property.

The applicant team stated that, by-right as a three family, they are not required to, but this could of course be considered for buyers or renters who need it.

Meredith Porter (104 Josephine Ave) – stated that the burden for a Hardship Variance is high. The applicant is requesting three Hardship Variances. One that seems significant is the lot width and the request for a driveway. He noted that the Board was stringent regarding the third criterion for the Hardship Variance in the case of 52 Elm Street and he would like to see some consistency.

Lynn Wiles (9 Montrose Ct) – stated that she is not looking forward to additional construction in this area. This was originally supposed to be a two family structure. She asked if this would fit into the neighborhood or be a box condo.

The applicant team stated that the design of the building has not yet been finalized. He noted that three family structures were recently allowed into the Neighborhood Residential zone. The height of a two family structure would have been similar to what is proposed. The quality will be elevated for the project.

Meredith Porter (104 Josephine Ave) – noted that the applicant team stated that three family units were not allowed but that is incorrect. They have been allowed all along. The change made was that three families are allowed without the provision of an affordable unit.

Chair Fontano noted that there was no additional public comment at this time, but she left the public comment period open.

The applicant team reiterated that two of the variances being sought are directly related to trying to retain the onsite parking.

The Board asked how wide the bay on the second/third floor is. The applicant team explained that it is proposed to be 16' wide.

The Board noted that the front porch is allowed to have 100% encroachment on the setback, but the rear porch is not. The setback in this case is limited to anything that requires a footing or structure. The current setback is showing 12'6" to the building envelope, not to the footings that would be required for a rear deck. The applicant team explained that, with two frontages, there are two side setbacks that are 3' each. Thus, the proposal is for a 12'6" setback for the building. Staff stated that ISD reviewed the plans and was confident in the relief being sought.

The Board noted the unique site conditions, and that the applicant seems to be trying to be respectful of the available space. Scaling this back would likely not make the project economically feasible. The Board asked about an existing stone retaining wall for 41 Montrose on this property. The applicant team noted that this would likely be rebuilt on the property line. This will be coordinated with the abutter. The applicant team stated that they would agree to either leave the wall undisturbed or rebuild it in kind in coordination with the owner of that property. A neighborhood meeting was not required for this application.

The Board reviewed the variance criteria for ZP24-000075. The variance deals with the shape of the lot and the land it is on. Also, it would be a hardship for the applicant to not provide an improved dwelling on the site that adds to the housing stock and does not further burden the neighborhood in that it retains the parking.

Chair Fontano closed the public comment period.

Following a motion by Acting Clerk Fullerton, seconded by Member Cook the Board voted unanimously (4-0), in the matter of 8 Montrose Court (ZP24-000075), to approve the Hardship Variance, which seeks zoning relief for the secondary front setback requirement based on the three criteria discussed regarding topography, loss of parking, and no substantial impact or degradation to the neighborhood.

**RESULT:**

**APPROVED**

#### **PUBLIC HEARING: 8 Montrose Court (ZP24-000082)**

*Vice Chair Brockelman recused herself from this item.*

This item was discussed as part of the previous agenda item.

Following a motion by Acting Clerk Fullerton, seconded by Member Daglian, the Board voted unanimously (4-0) in the matter of 8 Montrose Court (ZP24-000082), to approve the Hardship Variance, which seeks zoning relief from the lot line width requirement based on criteria previously discussed regarding topography, loss of parking spaces, and no degradation to the neighborhood, with a condition that the applicant team establish communication with an abutting neighbor regarding a retaining wall.

**RESULT:**

**APPROVED**

#### **PUBLIC HEARING: 8 Montrose Court (ZP24-000083)**

*Vice Chair Brockelman recused herself from this item.*

This item was discussed as part of the previous agenda item.

Following a motion by Acting Clerk Fullerton, seconded by Member Daglian, the Board voted unanimously (4-0) in the matter of 8 Montrose Court (ZP24-000083), to approve the Hardship Variance, which seeks zoning relief from the building width requirement based on criteria previously discussed regarding topography, loss of parking spaces, and no degradation to the neighborhood.

**RESULT:**

**APPROVED**

Following a motion by Acting Clerk Fullerton, seconded by Member Cook, the Board voted unanimously (4-0) to recess until 7:15pm.

*Vice Chair Brockelman retook her seat.*

Following a motion by Acting Clerk Fullerton, seconded by Vice Chair Brockelman, the Board voted unanimously (5-0) to call the meeting back to order.

### **PUBLIC HEARING: 23 Oak Street (ZP24-000076)**

The applicant team explained that the proposal is to add a two-story rear addition that is the width of the house. The lot is 29' wide and 63' deep, both of which are nonconforming to the lot minimum and the lot depth. The requested variance is to build a rear addition and reduce the setback from 23.8' to 10.7', including a small deck off the kitchen. The applicants submitted multiple letters of support for the project.

Chair Fontano opened public testimony. Seeing no comments, Chair Fontano closed the public comment period.

The Board discussed that this seems like a modest request.

Following a motion by Acting Clerk Fullerton, seconded by Vice Chair Brockelman the Board voted unanimously (5-0), in the matter of 23 Oak Street (ZP24-000076), to approve the Hardship Variance for the rear yard setback based on the criteria noted within the Staff Memo, specifically the undersized depth of the lot, the fact that the family has outgrown their home and needs another bedroom, and that the proposal will not degrade the neighborhood.

**RESULT:**

**APPROVED**

### **PUBLIC HEARING: 483 Broadway (ZP24-000051)**

Acting Clerk Fullerton noted that the four associated cases for this property would be discussed concurrently.

The applicant team explained that the proposed design is essentially a continuation of the existing footprint towards Broadway. The design extends into Somerville only on the front section by approximately 14' on one side and 10' on the other. They noted that the footprint is an extension of the existing building along Strathmore. This is right on the setback, which is allowable. The building is currently 6'4" from the curb edge. The team also noted that in order for the building to meet the 12' curb requirement on streets and roadways, a 6'x10' square of the building would need to be removed at the corner. Additionally, the setback for the building would require 2' to be removed from the building. The applicant team stated that the other items requested for relief deal with the depth of the commercial space the building has, but not in Somerville. The building cannot meet this requirement in any way, leading to the hardship.

The applicant team explained that the property has a relatively small commercial space and a relatively small footprint for a retail space that the owner would rent as an additional income to support the property. Removing the corner of the building would be a very impactful loss for the footprint. They noted that they believe that removing any part of the corner will not help the flow of the sidewalk or access to the site.

Chair Fontano opened public testimony. Seeing no comments, Chair Fontano closed the public comment period.

The Board discussed the sidewalk clearance requirement and the curb setback. With regard to sidewalk width requirements, this varies from 6' wide for the Neighborhood and Urban Residence zones, to 12' for the MR zones, and 16'-18' for the High Rise zones. These requirements are violated in various ways throughout the city. The two

requested variances will not likely have any impact on sidewalk flow and the other two variances seem supported in other ways.

The applicant team noted that there is a green roof over the corner of the building and removal of this would lead to removal of the green space. The Board stated that literal compliance with the setback lines would result in a less simple, more costly building.

Following a motion by Acting Clerk Fullerton, seconded by Vice Chair Brockelman the Board voted unanimously (5-0), in the matter of 483 Broadway (ZP24-000051), to approve the Hardship Variance, regarding zoning relief for the 12' curb setback, based on the criteria discussed regarding site size in Somerville, conflict with other site components, and seeing no degradation of the neighborhood.

**RESULT:**

**APPROVED**

### **PUBLIC HEARING: 483 Broadway (ZP24-000052)**

This item was discussed as part of the previous agenda item.

Following a motion by Acting Clerk Fullerton, seconded by Member Cook the Board voted unanimously (5-0), in the matter of 483 Broadway (ZP24-000052), to approve the Hardship Variance, regarding zoning relief from the 30' commercial space depth requirement, based on the criteria discussed regarding site size in Somerville, removal of the square footage would impact the green roof and green score, and seeing no degradation of the neighborhood.

**RESULT:**

**APPROVED**

### **PUBLIC HEARING: 483 Broadway (ZP24-000066)**

This item was discussed as part of the previous agenda item.

Following a motion by Acting Clerk Fullerton, seconded by Vice Chair Brockelman the Board voted unanimously (5-0), in the matter of 483 Broadway (ZP24-000066), to approve the Hardship Variance, regarding zoning relief from the 12' sidewalk requirement, based on the criteria discussed regarding site size in Somerville, reduction of the footprint would change the green roof and green score, and seeing no degradation of the neighborhood.

**RESULT:**

**APPROVED**

### **PUBLIC HEARING: 483 Broadway (ZP24-000067)**

This item was discussed as part of the previous agenda item.

Following a motion by Acting Clerk Fullerton, seconded by Vice Chair Brockelman the Board voted unanimously (5-0), in the matter of 483 Broadway (ZP24-000067), to approve the Hardship Variance, regarding zoning relief from the minimum 2' front setback requirement, based on the criteria discussed regarding site size in Somerville, conflict with site components, and seeing no degradation of the neighborhood.

**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](mailto:zoningboard@somervillema.gov)*