



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

19 FEBRUARY 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: Andrew Graminski (Planning, Preservation, & Zoning); Madison Anthony (Planning, Preservation, & Zoning); Steve Cary (Planning, Preservation, & Zoning); Kit Luster (Planning, Preservation, & Zoning)

The meeting was called to order at 6:00pm and adjourned at 7:08pm.

Member Cook sat as the Acting Clerk. Member Daglian sat as a voting member for the meeting.

PUBLIC HEARING: 59 Linden Street

The applicant team noted that the address is 59 Linden Avenue. The applicant team explained that the renovation on this property began almost five years ago. The intent was to renovate an older, dated house to better fit for families in Somerville. The building is more than 100 years old and has not been updated for approximately 40-50 years. It has asbestos sightings. Regarding the proposed amendments to Special Permit #2019-96, Staff has noted that the rear unit basement, first, and second floors are smaller than the approved plan; the rear unit attic space is larger than approved; and the landscaped green area is reduced and does not follow the approved plan. The applicant team explained that the causes for the amendments include mistakes and mismanagement by a previous general contractor. The as-built foundation was made 4' narrower than approved and was placed at the wrong location. This led to a complaint to the MA Board of Building Regulations and Standards, and suspension of the general contractor's license for one year. Also, there were critical damages to the tree roots, leading to a stop work order and the loss of mature trees on the property. The applicant team stated that the property has some challenging terrain, with a steep hill east of the property. A necessary retaining wall has taken the space from some of the landscaping. The terraced backyard patio makes it hard for the area to retain soil and to maintain the safety of the site. The landscaping remains above the 25% threshold. The net living area remains the same as the original approval. The amendments cause no detrimental impact to the neighbors and do not worsen any of the non-conformities of the site. The landscape revisions are similar in design to the original intent of the plan.

Chair Fontano opened public testimony.

Gabi Zijderfeld (8 Porter Avenue) – stated that she is the neighbor uphill from the applicant. The owners of 8 Porter Avenue are supportive of the project. The applicants have communicated well with the neighbors and the end result of the project adds to the neighborhood.

Alex Van Praagh (66 Antrim Street) – stated that he was the architect who completed the drawings for this project. He stated that he was happy to address questions as needed. He agreed that mistakes were made by the general contractor based on his original drawings.

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

The Board asked about the relationship between the as-built plan and the original drawing. The applicant team explained that the foundation wall was made thicker.

The Board asked if the issues were raised with the Inspectional Services Department (ISD) as the applicant team was changing general contractors and going through inspections. Changes were made to the third floor during the construction process and the Board asked if those changes were submitted to ISD as part of a plan, or if this was a field-directed change made. The applicant team explained that there were ten inspections planned, and the Building Inspector walked the site and reviewed the changes. The Board asked if the Building Inspector received the amended plans with the third floor changes and did not flag these as significant. The applicant team stated that these were not submitted to ISD as the general contractor had the information for this, but the new plans were placed at the job site.

The Board expressed concern that these changes were not raised earlier with the Board or flagged by ISD as the changes were already completed and, in fact, one of the condos is in the process of being sold. Any significant changes to the approved plans and issues with the general contractor should have been raised with the Board. Staff explained that there were inspections during the construction process, but the ISD Inspectors were looking for life and safety items and not zoning compliance items. Last October, a Zoning Compliance Inspector visited the site and brought the issues to ISD. The applicant team explained that the stop work order was due to the poorly managed job site in September 2020. A series of inspections were then carried out by ISD and other inspectors.

The Board asked the requirement for Zoning Inspectors on projects with special zoning approvals. Staff stated that the cadence of visits is unclear. The Board stated that the cadence appears to be too late in the process. If these issues had been risen to the Board during construction, they could have been dealt with. However, the project has now already been built and so, by-right, the applicants could have to remove part of the existing third floor, as it was built without approval. Luckily, there is not neighbor opposition to the project. The Board suggested seeking an opinion from the City Solicitor or ISD.

The Board asked if the existing fence was surveyed. The applicant team stated that it was, and it does not encroach onto the neighboring lot.

The Board suggested a condition that removes an area of existing pavement and requiring some additional plantings. The applicant suggested potentially planting a flowering tree in the garden area. The Board asked about removal of some of the cobblestone area in order to make it symmetrically match the southern side of the yard. The applicant explained that the corner is owned by one of the condo owners and not the other.

Chair Fontano closed public testimony.

Following a motion by Member Brockelman, seconded by Member Daglian, the Board voted unanimously (5-0) to approve a Major Amendment to a previously issued Special Permit for 59 Linden Street (ZP24-000125), with conditions as stated in the Staff Memo, dated 14 February 2025, to alter a nonconforming structure on the basis of the following findings:

- 1) The changes proposed do not worsen existing nonconformities.
- 2) The project, as amended, is not substantially more detrimental to the neighborhood than the existing nonconforming structure.
- 3) The project, as amended, is compatible with existing natural features, and the unbuilt surrounding area, including land uses.

RESULT:

APPROVED

PUBLIC HEARING: 34 Allen Street

The applicant team explained that this project was before the Board in July 2023, when it received approval for the use of a veterinary hospital in the NR district. The façade of the building was also approved at that time. The building was an existing structure, and it has since been fit out for the veterinary hospital. The applicant team did not realize that the canopy required a separate Special Permit or Hardship Variance to add a building component to a non-conforming building type, though it was shown on the original plans. The request is to approve the canopy, in order to dress up the entry and highlight the entrance point, while also providing shelter above the door. The canopy, 14'10" long x 2'6" deep, is a simple structure, with tiebacks and signage above. The canopy is proposed to run just over the entry door. There are spandrel glass panels at the area. Signage is proposed above the canopy, approximately 1' high and 10 s.f. The hope is to have some illumination for the signage. The canopy material would look like cedar, with black metal to match the storefront.

Chair Fontano opened public testimony.

Rafael Flores (21 Linden Street) – asked if the canopy will be properly anchored to make sure it will not be pushed into abutting properties. The applicant team stated that it will be structurally attached to the building with tiebacks.

Chair Fontano closed public testimony.

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

Following a motion by Member Brockelman, seconded by Member Daglian, the Board voted unanimously (5-0) to approve a Special Permit for 34 Allen Street (ZP24-000095), with conditions as stated in the Staff Memo, dated 13 February 2025, for a conforming entry canopy and sign on the basis of the following findings:

- 1) That the project supports the goals of SomerVision 2040.
- 2) That the project meets the intent of the NR zoning district, where it is located.
- 3) That the project makes minimal changes that do not affect surrounding properties.
- 4) That the project meets the needs of the applicant.
- 5) That the project is consistent with the evolution of neighborhood structures.
- 6) That the project does not conflict with design guidelines applicable to the NR zoning district.

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