



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

4 JUNE 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>Absent</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); Lexie Payne (Planning, Preservation, & Zoning)

The meeting was called to order at 6:01pm and adjourned at 7:19pm.

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

GENERAL BUSINESS: Meeting Minutes

Following a motion by Acting Clerk Cook, seconded by Member Daglian, the Board voted unanimously (5-0) to approve the 30 April 2025 and 14 May 2025 meeting minutes, as presented.

PUBLIC HEARING: 28 Chestnut Street (ZP25-000012)

Following a motion by Acting Clerk Cook, seconded by Member Fullerton, the Board voted unanimously (5-0) to approve the applicant's request to withdraw without prejudice the application for a Hardship Variance for zoning relief for 28 Chestnut Street.

RESULT:

WITHDRAWN WITHOUT PREJUDICE

PUBLIC HEARING: 100 Chestnut Street (28 Fitchburg St) (ZP25-000012)

Following a motion by Acting Clerk Cook, seconded by Member Daglian, the Board voted unanimously (5-0) to approve the applicant's request to withdraw without prejudice the application for a Hardship Variance for zoning relief for 100 Chestnut Street.

RESULT:

WITHDRAWN WITHOUT PREJUDICE

PUBLIC HEARING: 54 Elm Street (ZP25-000050)

The applicant team explained that the plan is to lease 54A Elm Street to open a bakery, coffee shop, or café use, namely, Kupel's Bagels. This will be a second location from their famous Brookline location. 54A Elm Street is a storefront attached to the 54 Elm Street property, which is a four-unit, mixed-use building that has been vacant since the building was renovated and expanded approximately seven years ago. The property is in the Neighborhood Resident (NR) zoning district and the Small Business Overlay, and the proposed use requires a Special Permit. No additional work is being proposed to the building's exterior, other than signage and outdoor seating. There will be no parking on site, nor is any required. A walk-in cooler is proposed for the bakery which will be as close to the back of the building as possible and screened with extended lattice fencing. There will also be a proposed dumpster container that will be enclosed with a chain-link fence and privacy slats, as well as short and long term bicycle parking. The interior is proposed to have 14 seats, and there will also be ten outdoor proposed seats.

The applicant team stated that the Economic Development division reviewed the application and stated that the proposal will help activate ground floor spaces and façades and dramatically increase visibility and attractiveness of the formerly vacant ground floor space. It will also improve the interplay of ground floor space and civic space by enhancing the appearance of the site's existing commercial space, and by installing outdoor seating. The proposal will improve the building signage and wayfinding around the site by installing new signage. It will also enhance the potential for outdoor seating commercial activity along with the window and awning treatments. Finally, it will improve site access for pedestrians and bicycles by providing an attractive destination for such users. The Economic Development division has no objections or conditions to the applicant's proposal.

The applicant team stated that this project meets the requirements for a Special Permit by filling a long vacant storefront; by creating, maintaining, and enhancing a location appropriate for the neighborhood; by keeping with the goals of the Somerville Zoning Ordinance (SZO) and SomerVision 2040; by providing tax revenue to the City; by bringing a unique product to this neighborhood, which has a large number of residents, students, and commuters passing by daily; by being a fairly small space to meet local residential needs; by enhancing other businesses and uses nearby; and by providing a place to eat, and being close to the Porter Square T Station and several bus routes. The applicant team is fine with the conditions that are proposed in the Staff Memo, and requests that the Special Permit for a bakery, cafe, or coffee shop use in the Small Business Overlay be granted.

Chair Fontano opened public testimony.

Meredith Porter (104 Josephine Ave) – expressed support for the project. This location could use some retail activity and is well-situated for such a use. This use will be popular and well-suited to the neighborhood.

Susan Lane (54 Albion St) – expressed support for the proposal. This is a convenient location for a bagel shop.

The Board noted that Mossland Street can be very crowded, especially during rush hour, and is not built to accommodate the kind of traffic that runs down it. There is a bike lane on Cedar Street and some travel down Mossland, but people have to ride on part of the sidewalk for safety purposes. The applicant team may want to consider this in terms of the outdoor seating proposed on Mossland. The applicant team stated that the city is working to make Mossland no longer a cut through which may solve this issue.

The Board asked about screening for the abutting neighbor. The applicant team stated that there is a roof overhang on the back of the building. Between that and the lattice fence, which will extend beyond the cooler, this area should be well concealed. The chain-link fence will be 8' high to meet the Somerville code which will conceal the trash dumpster.

Chair Fontano closed public testimony.

The Board reviewed the proposed Special Permit findings:

- 1) The Special Permit is consistent with the Comprehensive Plan and existing policy plans and standards established by the city, supporting the goals laid out in SomerVision 2040, including

- a. Invest in the growth of a resilient economic base centered around transit, generate a wide variety of job opportunities, create an active daytime population, support independent local businesses, and secure fiscal self-sufficiency.
- 2) The Special Permit is consistent with the intent of the NR zoning district, where the property is located in part to conserve already established areas of detached and semi-detached residential buildings.

Following a motion by Acting Clerk Cook, seconded by Member Fullerton, the Board voted unanimously (5-0) to approve a Special Permit to establish a bakery, café, coffee shop business in the Neighborhood Resident district within the Small Business Overlay district, with the findings as discussed and the conditions as enumerated in the Staff Memo, dated 28 May 2025, including the specific conditions regarding mobility and zoning compliance.

RESULT:

APPROVED

PUBLIC HEARING: 54 Albion St (ZP25-000026)

The applicant team explained that the proposal is to create a small addition to the existing house which will include a half bath on the first floor and the expansion of a family bathroom on the second floor. The proposal is to extend the existing second floor family bathroom 3.5' outwards, to include laundry facilities, a tub, toilet, and sink. The addition will include a foundation with a crawl space. The existing building is situated so that one corner is quite close to the property line. The proposed addition would extend 6" beyond what is allotted for this setback.

Chair Fontano opened public testimony.

Judy Partington (56 Albion St) – voiced support of the proposed project.

Staff stated that one letter of support was received after the deadline closed and was read into the record.

Chair Fontano closed public testimony.

The Board asked the reasoning for the ordinance setting the number for the sum of the side setbacks, 12', as it is in the NR district. Staff stated that this is likely to ensure some space on either side. The Board noted that it is difficult to know how to apply this requirement to a 6" violation to the sum of the side setbacks. It was stated that the Board's responsibility is to iron out some of these confusing issues.

The Board discussed the criteria for the Hardship Variance:

- 1) With regard to special circumstances: due to the positioning of the existing dwelling on the lot and the established lot lines, the sum of the side setback requirements in the NR district would prohibit an addition with bathrooms to meet code requirements for minimum clearances in bathrooms.
- 2) With regard to the literal enforcement criterion: literal enforcement would cause financial or other hardships by prohibiting additions with bathrooms to meet required clearances of 30" clear.
- 3) With regard to the question of detriment to the public good: the desired relief does not cause substantial detriment to the public good, nor detracts from the intent and purpose of the SZO, because the required relief is only 6", which would be barely perceptible to abutting neighbors, and the proposed addition is only two stories rather than the full three stories of the dwelling, making it less visually impactful.

Following a motion by Member Brockelman, seconded by Member Daglian, the Board voted unanimously (5-0) to approve the Hardship Variance for zoning relief from the minimum of the side setbacks requirement in the NR district to construct a two-story addition with the criteria findings as discussed, and conditions as listed in the Staff Memo, dated 20 May 2025.

RESULT:

APPROVED

PUBLIC HEARING: 230 Elm Street (ZP25-000027)

The applicant team explained that the proposal is to install a blade sign that projects out toward the street approximately 20 ¾" from the sidewalk. The SZO mandates that all blade-type signs be less than 10' from the principal entrance. This lot is on a corner, and, at the proposed elevation, the sign would not be able to be installed, as there are windows within 10' of the principal entrance. There is a bit of confusion as to where the principal entrance starts, as the building has double doors. The purpose of this proposal is to gain increased visibility from pedestrians. This particular *Goodwill* location has been here for over 30 years. Regarding the existing sign on the building, the largest "G" is 1' 7.5" and the logo square is 2' 3". This was installed 26 February 2025. The blade sign would be illuminated.

Chair Fontano opened public testimony.

Joe Kislo (8 Herbet St) – disagreed that signs projecting over the walkway do not impact this area, especially at night. Some of the existing signs in this area are far too bright. The brightness of signs makes a large difference.

Chair Fontano closed public testimony.

Staff explained that, if this Hardship Variance is approved, the applicant would then need to apply for a permit through the Inspectional Services Department (ISD) and the sign would have to comply with certain lighting standards.

The Board noted that it seems the proposed placement of the sign is partially the merchant's preference. If it was raised slightly, the sign could be installed on the façade and not interfere with the windows. It is unclear if that change in height would make much of a difference in terms of the increased visibility. The owner could choose to make this a conforming sign and not require a Hardship Variance. The proposed blade sign could be accomplished within the signage band for this building.

The Board's discussion was unable to establish Findings to meet the Hardship Variance criteria.

Following a motion by Member Brockelman, seconded by Member Fullerton, the Board voted unanimously against (0-5) approving the Hardship Variance for zoning relief, to have an illuminated blade sign more than 10' from the principal entrance of a new commercial business in the Mid Rise 4 district, with the criteria Findings as discussed and conditions as listed in the Staff Memo, dated 28 May 2025.

RESULT:

DENIED

OTHER BUSINESS: Discussion of Clerk's Responsibilities

There was agreement that Board members would volunteer to fill in for the role of Clerk.

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