

CITY OF SOMERVILLE, MASSACHUSETTS
SOMERVILLE CONDOMINIUM REVIEW BOARD
JOSEPH A. CURTATONE
MAYOR

Staff

Hannah Carrillo
Sustainable Neighborhoods Coordinator

Board Members

Daniel Maltzman
William Medeiros
Marlene Smithers
Zachary Zasloff

Meeting Minutes

September 25, 2017 Meeting – 6:00 PM

Visiting Nurses Association, Third Floor Conference Room
259 Lowell St. Somerville, MA 02144

Board Members Present: Daniel Maltzman, William Medeiros, Zachary Zasloff

City staff present: Hannah Carrillo (Sustainable Neighborhoods Initiative Program Coordinator), Kelly Donato (Assistant Director of Housing and Housing Counsel); Michael Feloney (Director of Housing), David Shapiro (Assistant City Solicitor)

Board Chair Zachary Zasloff convened the meeting at 6:00 PM.

1. Approval of Meeting Minutes

A motion was introduced and PASSED 3-0 to approve the meeting minutes for the September 7, 2017 meeting.

2. Executive Session

Michael Feloney requested that the Board wait to hold the Executive Session until after Assistant City Solicitor David Shapiro arrives. It was decided that the Board would hold the Executive Session prior to the 17 Glen St. #2 application being heard, as the matter only pertains to that application.

3. New Business – Applications for Certificates of Exemption and/or Removal Permits

Board members moved to review each removal permit application before the Board.

WARD 6 - PRECINCT 1

Application of 24 Willow Ave., LLC, Atty. Elizabeth A. Vining representing, seeking a Removal Permit for Unit #1, Unit #2 and Unit #3 located at 24 Willow Ave. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant in July 2016. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:
To grant Certificate of Condominium Review Board Approval for Unit #1, Unit #2 and Unit #3 located at 24 Willow Avenue.

WARD 4 - PRECINCT 3

Application of Frank and Betsey Solensky, Atty. Michael Katin representing, seeking Removal Permit for Unit #41 located at 39-41 Meacham Rd. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property is currently owner occupied. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:
To grant Certificate of Condominium Review Board Approval for Unit #41, located at 39-41 Meacham Rd.

WARD 4 - PRECINCT 3

Application of April Callahan, seeking Removal Permit for Unit #39 located at 39-41 Meacham Rd. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant May 2017. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:
To grant Certificate of Condominium Review Board Approval for Unit #39, located at 39-41 Meacham Rd.

WARD 1 - PRECINCT 1

Application of Mattos Franklin, LLC, Atty. Anne Vigorito representing, seeking Removal Permit for Unit #1, Unit #2 and Unit #3 located at 59 Franklin St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. Unit #2 and Unit #3 were vacant at the time of purchase, and Unit #1 was vacated July 31, 2017. The Master Deed and Engineer/Architect's report were not included with the application.

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:
To grant a Certificate of Condominium Review Board Approval for Unit #1, Unit #2 and Unit #3 located at 59 Franklin St., conditioned on the applicant submitting a master deed and engineer/architect's report.

WARD 1 - PRECINCT 2

Application of One Perkins Place, LLC, Atty. Philip C. Jack representing, seeking Certificate of Exemption for Unit #1 and Unit #2 located at One Perkins Place. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. Both units of the property had been owner occupied; the owners vacated following the sale in April 2017. The Master Deed and Engineer/Architect's report were not included with the application.

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at One Perkins Place, conditioned on the applicant submitting a master deed and engineer/architect's report.

WARD 6 - PRECINCT 2

Application of Adragna Dedic, LLC, Atty. Deborah Nowell representing, seeking Removal Permit for Unit #1 and Unit #2 located at 5 Pearson Rd. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant January 2017. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 5 Pearson Rd.

WARD 1- PRECINCT 1

Application of Gregory McCarthy, Atty. John Hurd representing, seeking Removal Permit for Unit #1, Unit #2, and Unit #3 located at 12 Pearl St. Place. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. Unit #1 and Unit #3 were vacant at time of purchase in March 2016, and the tenants in Unit #2 vacated in July 2017; affidavits from those tenants were provided. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1, Unit #2, and Unit #3 located at 12 Pearl St. Place.

WARD 2- PRECINCT 2

Application of Sterly and Jennifer Damian, seeking Removal Permit for Unit #1 and Unit #2 located at 324 Washington St. The \$500 per unit application fee was paid and no real estate taxes or water

bills were owed to the City. All tenants moved out upon their leases ending August 31, 2017 and affidavits were provided. Materials included with the application were:

- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 324 Washington St. conditioned on the applicant submitting the engineer/architect's report.

WARD 5 - PRECINCT 3

Application of Nulsen Smith, seeking Removal Permit for Unit #1 and Unit #2 located at 35 Alpine St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant July 2017. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 35 Alpine St.

WARD 2 - PRECINCT 3

Application of Zero Dane LLC, seeking Removal Permit for Unit #1 and Unit #2 located at 3 Village St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant June 2017. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 3 Village St.

WARD 5 - PRECINCT 2

Application of John A. Carney, Atty. Deborah Nowell representing, seeking Removal Permit for Unit #1 and Unit #2 located at 48 Morrison Ave. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant June 2017. The Master Deed and Engineer/Architect's report were not included with the application.

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 48 Morrison Ave. conditioned on the applicant submitting the master deed and engineer/architect's report.

WARD 4 - PRECINCT 3

Application of Ellery Alexandra Yahia, Atty. Megan Kemp representing, seeking Removal Permit for Unit #1 and Unit #2 located at 14 Tennyson St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased from the owner's parents September 2016. One unit was vacant and the other had been owner occupied. Materials included with the application were:

- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 14 Tennyson St. conditioned on the applicant submitting the engineer/architect's report.

WARD 5 - PRECINCT 3

Application of Kathleen M. Gallagher and James R. Gallagher, Atty. Megan Kemp representing, seeking Certificate of Exemption for Unit #43 and Unit #45 located at 43-45 Spencer Ave. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. Unit 43 is owner occupied and unit 45 is occupied by a sibling who will soon be added to the deed. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 3-0:

To grant Certificate of Condominium Review Board Approval for Unit #43 and Unit #45 located at 43-45 Spencer Ave.

WARD 5 - PRECINCT 3

Application of Somer Hill, LLC, Atty. Anne Vigorito representing, seeking Removal Permit for Unit #2 located at 17 Glen St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The tenant, Christopher Poteet is still living in the unit.

Materials included with the application were:

- Engineer/architect's report
- Master deed

Chair of the Board Zachary Zasloff initiated the Board's movement to Executive Session that had been postponed from agenda item 2, to allow full City staff participation. 17 Glen Street tenant Christopher Poteet raised concerns as to the basis for executive session. Assistant City Solicitor David Shapiro noted that, while he believed the Board had the right to enter into Executive Session on the matter, he also was comfortable proceeding in open session. While Board Chair Zasloff reserved the right to hold an Executive Session if deemed necessary, the meeting continued in open session.

There were two outstanding questions from the Board at the prior CRB meeting, which were: whether or not the application for 17 Glen St. Unit #2 can be considered separately from the application for 17 Glen St. Unit #1 and whether or not the Superior Court's previous decision regarding Unit #1 could apply to Unit #2 as well. Assistant City Solicitor David Shapiro provided a brief overview of the issues in question, explaining that while there is pending litigation involving 17 Glen St. Unit #1, that is not reason to postpone a vote regarding 17 Glen St. Unit #2 and that the applications for Unit #1 and Unit #2 could be treated as separate. Attorney Shapiro cited the Superior Court decision previously made, which directed the Board to make a determination on 17 Glen St. Unit #1. Attorney Shapiro recommended the Board make a determination on the application for a removal permit for Unit #2, and not wait for the court to render a verdict on Unit #1, based on the Superior Court's previous finding.

Board Chair Zasloff allotted each attorney five minutes to make any new arguments on the matter. The Board heard arguments from Attorney Katz who stated that if the Board were to vote and grant the removal permit for 17 Glen St. #2, it would be rewarding an applicant who had not followed the requirements of the Condominium Conversion Ordinance previously. The Board then heard arguments from Attorney Anne Vigorito, who noted that as conditions have been met for the re-submission of the application, and requested that the Board vote on the application.

Mr. Poteet requested the opportunity to speak. Board Chair Zasloff allotted Mr. Poteet two minutes, also to make new arguments as opposed to reiterate issues previously heard. Mr. Poteet explained that he believed the matter had been resolved in January and questioned why the application was being heard again.

Board Chair Zasloff then opened discussion to the Board. It was confirmed that all fines had been paid by Somer Hill LLC, both as they related to Unit #1 and Unit #2. All Board members present stated they were ready to cast their vote. The Board then voted to grant the removal permit for 17 Glen St. #2. Attorney Shapiro prompted the Board to explain its decision, to which Board Chair Zasloff explained that he cast his vote to grant the removal permit because the two-year notice period had expired.

On a motion duly made and seconded, it was VOTED 2-1:

To grant Certificate of Condominium Review Board Approval for Unit #2 located at 17 Glen St.

Zachary Zasloff introduced a motion to adjourn the meeting at 7:00 PM, which was seconded and accepted.