



City of Somerville

ZONING BOARD OF APPEALS

City Hall 3rd Floor, 93 Highland Avenue, Somerville MA 02143

MINUTES

Wednesday, May 6, 2020 at 6:00 pm

GoToWebinar

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. C. 30A, s. 18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, as well as Mayor Curtatone's Declaration of Emergency, dated March 15, 2020, this meeting of the Zoning Board of Appeals was conducted via remote participation. We will have an audio recording available upon request as soon as possible after the meeting.

Board Members present: Susan Fontano (Chair), Josh Safdie (Acting Clerk), Elaine Severino, Anne Brockelman, Drew Kane (Alternate)

Board Members absent: Danielle Evans

City staff present: Melissa Woods, Charlotte Leis

Meeting was opened at 6:01pm.

GENERAL BUSINESS

Chair Fontano noted that Drew Kane would be voting in place of Danielle Evans for all matters.

Mr. Safdie made a motion to approve the minutes from April 22, 2020. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Drew Kane - aye; Susan Fontano - aye; Josh Safdie - aye; Elaine Severino - aye. Motion passed 5-0.

PUBLIC HEARINGS

DRA2020-0018 (continued from April 22, 2020)
3 Hawkins Street

Ms. Leis noted that the applicant had submitted a written request to withdraw the application without prejudice. Chair Fontano made a motion to accept the request to withdraw without prejudice. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Drew Kane - aye; Susan Fontano - aye; Josh Safdie - aye; Elaine Severino - aye. Motion passed 5-0.

ZBA 2018-10-R1-6/19 (continued from April 22, 2020)
10 Oak Street

Richard DiGirolamo, attorney for the application, was present. He explained that earlier in the week the week his client had asked for a continuance, but they are now asking to withdraw the application without prejudice. They are going to look at options under the UR zoning district.

The Board noted that they the abutter at 6 Oak St had sent the Board a letter expressing concerns about the condition of the site; the abutter included photos of an algae-filled water pit. Mr. DiGirolamo said that without the

Board approving either the revision or a new proposal, nothing can be done to develop the site. He promised to encourage the applicant to secure and clean up the site in the meantime.

Chair Fontano made a motion to accept the request to withdraw without prejudice. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Drew Kane - aye; Susan Fontano - aye; Josh Safdie - aye; Elaine Severino - aye. Motion passed 5-0.

ZBA2019-114-R1 (continued from April 22, 2020)
453 Somerville Ave

Jack Saade, applicant, and Richard Nilsson, architect, were present. Mr. Nilsson provided an overview of the project and how it had changed since the last hearing. The building is smaller than what zoning allows and provides more landscaping and permeable area than required. He discussed how the front façade was redesigned to match the brick mixed-use building two buildings to the right, and he has used architectural tricks to make it appear more vertical than horizontal; has also added more glass. The upper stories no longer project beyond the first floor. He directed the Board's attention to the additional perspectives he had provided and noted that not all buildings on the street are parallel.

The Board asked what the projection in the middle of the roof was, where HVAC systems would go, and what the overall height of the building was. An abutter sent the Board a letter expressing concern about the height and so the Board wanted to make sure those concerns were addressed. Mr. Nilsson said the building is 46' and that the projection was the elevator overrun, but that he's not sure how large it will end up being. He said that HVAC would likely be on the roof, but he hasn't designed it yet. He said that access to the roof would likely be by ladder. Ms. Woods stated that the maximum height is 50' and that the staff report recommends a condition requiring that HVAC be on the roof and be screened; any HVAC systems will need to comply with the noise ordinance and having systems on the roof makes compliance easier. She also noted that components such as overrides, headhouses, and HVAC are not counted for building height.

Mr. Nilsson continued describing the project. He noted that they are limiting the project to just the BA portion of the lot. He described the changes to the plans regarding parking, landscaping, window orientation, and signage. He described how the scale of the project compares to nearby residential buildings, and how they have tried to differentiate the commercial entrance from the residential entrance.

Chair Fontano opened the public comment portion of the hearing. She noted that the Board had received an email from Ken Richardson about the project. Ms. Leis explained the process for members of the public to comment on the case.

Tristan Dougherty (5 Granite St, Unit 2R) said he appreciated the changes, but was concerned with the inconsistencies of the plan. He pointed out a few inconsistencies he had noticed (e.g., window placement, building placement in 3D views) and felt that because of the history of the case and the previous comments from the Board about incomplete and inconsistent drawings, it was essential that this project present accurate drawings and details.

Howard Frazin (22 Knapp St) had questions about the parking situation. He asked what barrier separates abutters from the parking area and noted that no abutting properties have parking in the back. He said that 5 units increases the density of the area, and that this is already one of the densest parts of the city.

Ken and Leah Richardson (24 Knapp St) said the shadows will negatively impact them, and that this building is larger than many others in the neighborhood.

Chair Fontano asked the applicant to address the abutters' comments and asked whether staff had received an updated shadow study. Ms. Woods said that there was no new shadow study, and that the building has decreased

in size from when the last shadow study was done. Mr. Nilsson said the height had not significantly changed. He said that there was a parking barrier by virtue of 3 spaces being under the building; the remaining 2 spaces will be screened by the 6' cedar fence that will surround the property.

The Board and Mr. Nilsson discussed the possibility of removing the 4th floor and rearranging parking to allow for a larger retail space. Mr. Nilsson said he did not believe it was a workable change.

The Board briefly paused discussion while the Chair dealt with technical issues.

Ms. Woods advised the Board that they can discuss bulk but that asking to remove the entire 4th floor was unadvisable.

The Board and Ms. Woods discussed what would happen if two properties both wanted to build directly up to their side lot line, and the implication of that possibility for this project. Ms. Woods explained that one person exercising their right to build up to the lot line would not prevent other properties from expressing those same rights.

The Board discussed the feasibility of the parking situation and asked for a plan that shows details and dimensions for the parking spaces. Mr. Nilsson agreed to submit that. The Board also discussed the lack of detail on the landscaping plan. Ms. Woods noted that Condition #19 would require a professional landscaping plan be submitted.

The Board then discussed how well the project aligned with the existing street wall. Some members felt that the proposed building should line up with the main massing of the triple-deckers on either side, while other members felt that the building should be closer to the front lot line. Mr. Nilsson explained that he had tried to match the setback of the mixed-use commercial building further down the street. Ms. Woods talked about the long-range zoning work that she had done in the area.

The Board discussed the bay windows proposed on the sides of the building. Mr. Nilsson said they were an important part of the building and are allowed under the old code. He said the windows on the abutting buildings were for bathroom ventilation. The Board asked how the proposed windows lined up with the windows on the abutting buildings. Mr. Nilsson said the windows on the other buildings looked like bathroom or kitchen windows and that those buildings could do without them; he needed his windows to make the bedrooms viable.

The Board asked staff what relief the project was seeking. Ms. Woods said they are seeking special permits for the number of units and for parking relief.

The Board asked for drawings and photos of the windows of abutting properties so the Board could understand the impact of this project on abutters. The Board noted that while this project had improved recently, they still did not support it. They felt that it is out-of-scale with its surroundings, and the applicant's struggle to make everything fit may be a sign that they are trying to squeeze too much onto the lot. They don't like the bump outs being so close to neighbors and want to see an actual landscaping plan with trees shown on it.

Ms. Woods asked the Board to review the conditions that staff had recommended to provide guidance to the applicant on them. The Board supported all conditions that staff had recommended.

Mr. Nilsson asked for the Board's feedback regarding the number of stories and the setback. The Board was fine with the setback of the first three floors and was fine with a fourth story in theory but wanted it to be stepped back further from the front of the building and have more fenestration.

The Board noted that the public hearing portion of this case remains open. Mr. Safdie made a motion to continue the case to May 20, 2020. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Drew Kane - aye; Susan Fontano - aye; Josh Safdie - aye; Elaine Severino - aye. Motion passed 5-0.

OTHER BUSINESS

Mr. Safdie made a motion to adjourn. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Drew Kane - aye; Susan Fontano - aye; Josh Safdie - aye; Elaine Severino - aye. Motion passed 5-0.

Meeting adjourned at 8:29pm.

Plans and reports are available to view at the City of Somerville website via the following link:
<https://www.somervillema.gov/departments/ospcd/planning-and-zoning/reports-and-decisions>