



City of Somerville

ZONING BOARD OF APPEALS

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

MINUTES

Wednesday, June 10, 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 will be 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), Danielle Evans (Clerk), Josh Safdie, Elaine Severino, Anne Brockelman, Drew Kane (Alternate)

Board Members absent: none

City staff present: George Proakis, Melissa Woods, Charlotte Leis, Rebecca Cooper

Meeting was opened at 6:03pm.

GENERAL BUSINESS

Chair Fontano noted that the meeting was being held virtually.

Ms. Evans made a motion to approve the minutes from May 6, 2020. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Danielle Evans – aye; Drew Kane - aye; Susan Fontano - aye; Josh Safdie - aye; Elaine Severino - aye. Motion passed 5-0.

Ms. Evans made a motion to approve the minutes from May 20, 2020. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Danielle Evans – aye; Drew Kane - aye; Susan Fontano - aye; Josh Safdie - aye; Elaine Severino - aye. Motion passed 5-0.

OSPCD Executive Director Proakis provided some perspective and introduction to the 40B project before the Board tonight. He said that the units in the North Point / Clarendon Hills housing development have reached the end of their useful life. For units to be modernized and improved, the site needs to be completely redeveloped rather than just refurbished. The redevelopment project is a collaboration between a non-profit developer, a for-profit developer, and the Somerville Housing Authority with additional funding being provided by the City and the state. This is a "friendly" 40B because the City believes it is not required to accept 40B applications due to meeting the GLAM statutory minima but has decided to support the Applicant's pursuit of a 40B application in this case.

Mr. Proakis noted that there was an other business item that requested the Board's permission to send the GLAM calculation to DHCD to confirm that the City meets the statutory minima. He wants it to be clear that we support this project and its production of high quality affordable housing, and that 40B is the only way to achieve these goals outside of creating a special zoning district for the site.

Chair Fontano asked and Mr. Proakis confirmed that the project budget is made from a mixture of state money, city money, and profits from the project. She then asked whether accepting this 40B will force the Board to accept other 40Bs moving forward. Mr. Proakis said it would not, and that by submitting the GLAM calculation future developers will know that they cannot force the City to accept another 40B.

Ms. Evans said every GLAM calculation submitted by other cities has been denied. She doesn't agree with the local preference rule if it prevents the City from reaching the 10% of units requirement. Mr. Proakis said local preference is a policy decision made by the City Council.

PUBLIC HEARINGS

ZBA2019-114-R1 (continued from May 20, 2020)
453 Somerville Ave

Donald Leonard, architect, and David Staffier, landscape architect, and Jack Saade, owner, were present. Ms. Woods pulled up most recent plans. Mr. Leonard took components from neighboring buildings and incorporated it into the design. Took Ms. Woods's recommendations to heart and incorporate them into the design. Went over changes since last meeting. Redesigned floor plan so that bump outs on sides are not necessary. Aligned 3rd floor cornice with neighboring buildings. Have canopy to emphasize residential entrance. Tried to make the building read as more vertical.

Howard Frazin (22 Knapp St) – part of challenge with building being so large is that back lot used to not be part of this lot. Know neighbors, which is how he knows that story. Feels like building should be 3 units like other buildings on block; more consistent with nearby density and uses of space. Happy to see garage disappear and a new building built but want it to be smaller. Fits better now but still sticks out.

Jon Chambers (5 Granite St, 2L) – lively discussion about implementation details over last few months. Glad that Board is working with neighbors, but applicant is still trying to pack in too many units which is what is causing all the problems. Building is massive, but units are cramped. Project asking something of the City without asking for anything in return. Project isn't offering an affordable unit to offset increased density.

Tristan Doherty (5 Granite, 2R) – agree with Jon and Howard. Concerns of neighbors from previous meetings still hold true. Building is trying to pack too much in (5 residential and 1 commercial); would like to see 3 units.

Jason Jong (33 Newbury St #2) – supportive of 5 unit development; glad to have more units and elevators that are ADA accessible.

Jeff Byrnes (294 Summer St) – more units in close walking distance and ADA accessible units is great and we don't necessarily have a lot of that already.

The Board discussed the project.

Ms. Severino asked whether the 4th floor had been pushed back like ZBA had asked, and whether hostas could be planted along the length of the left side of the building. Mr. Staffier said hostas could be planted along the length. Ms. Evans said she was trying to get a sense of how big the building will feel to abutters.

The Board expressed frustration that they felt they had communicated their concerns clearly to the previous architect, but that the architect team has changed again and has not reviewed the history of the case, and so the Board is forced to repeat the same comments over and over again to new architects. The Board had originally agreed to discuss this case for 20 minutes during one meeting, and now the case has been going on for months. The Board asked Ms. Woods for clarification on how this case had gotten back before them originally. Ms. Woods said that the ZBA and Mr. Saade had requested that the Court remand the case to the Board so that the Board could reconsider their previous decision.

Mr. Leonard and Mr. Staffier felt that the project was moving in the right direction and that Mr. Saade wanted to appease the Board. They asked that the Board give them the opportunity to make the changes the Board

requested at the last meeting. They said Mr. Saade has shown a willingness to change, as he has even changed architects. They now understand that the Board's issues are about setbacks and the neighbors' concerns. Mr. Leonard said he had taken his cue from Mr. Saade and Ms. Woods but hadn't listened to recordings of past meetings. He was brought in late and didn't have a lot of time to review the case and change things.

The Board and Ms. Woods discussed the Board's options regarding this case. The Board could vote to deny the application or could allow the Applicant to request to withdraw without prejudice. Ms. Woods noted that if the applicant withdrew and resubmitted, the case would be evaluated under the new zoning rather than under the old zoning that it is currently under.

Mr. Saade said he is grateful that Board has heard the case again, and feels that he has done everything that the Board asked him to do. He has stopped asking for variances, and has the proposal is smaller than what's allowed. He said the project would be an improvement over existing conditions and that he has done everything the neighbors want.

The Board discussed whether they were willing to grant yet another continuance, as the project does not have enough votes to be approved tonight. The Board felt that the case was beginning to abuse continuances, and that if it were continued the architect would need to listen to all hearings related to the project and would need to address every comment the Board has made; two weeks would not be enough time. The Board was tired of continuing the case and then needing to make the same comments to new people.

Mr. Staffier said that Mr. Saade says that he is unable to make the project smaller and wants the project to be voted on tonight. Mr. Saade is unwilling to continue the case.

Ms. Evans made a motion to deny the request for a special permit. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Danielle Evans – aye; Susan Fontano - aye; Josh Safdie - aye; Elaine Severino - aye. Motion passed 5-0.

DRA2020-0052

345 Medford St

Richard DiGirolamo, attorney, presented the case. He said the proposed building is 6 stories and 67' but the allowed maximum is 4 stories and 52'; the project also proposes a 10' rear setback when 20' are required. He said there are special circumstances related to soil contaminants and the shape of the lot, that remediation will cost hundreds of thousands of dollars, and that a 4-story building isn't dense enough for the site costs. He said this proposal is eliminating a noxious/auto use and is supported by the neighborhood. The units are small enough that they are unlikely to generate a large amount of vehicle trips. He briefly noted the shadow study, and said that the three variances will not be detrimental to the neighborhood and will not degrade the district.

Chair Fontano asked for public comment.

The following people commented in support of the project: Stani Iordanova (representative of the Gilman Square Neighborhood Association); Kristine Carlino; Justin Moeling; Adam Dash (agent for an abutter); Steven Nutter; and Councilor Clingan.

The Board felt that they did not have enough information to weigh the applicant's claim that, in order to cover the costs of the environmental cleanup, it was necessary to build such a tall and large building.

Ms. Woods and Ms. Cooper provided an overview of the Gilman Square Neighborhood Plan, and Councilor Clingan briefly spoke about the amount of community process that went into creating this project.

The Board discussed their initial feelings about the variances for height and setbacks. The adjacent building ("Piano Building") is historic and they would like to see the building be compatible with that. Variances are requested

because lot used to be gas station, and the Board was cautious about potentially setting a precedent that needing to clean up a gas station is enough to be granted variances.

The Board requested additional drawings that show the allowed massing vs. proposed and that show the proposed massing compared to the adjacent buildings.

Ms. Woods informed the Board that they could ask for peer review of the project if they wanted additional information. Mr. DiGirolamo asked to provide a pro forma instead, as he felt that peer review isn't fast enough.

The Board felt that they do not have the collective expertise to evaluate a pro forma, and that the peer review would guarantee impartiality. They want to understand what the additional development costs cleanup creates, and how much more building is necessary to balance those costs out; why is 6 stories enough but 4 isn't? Hesitant to grant variances from the zoning code that was passed less than 6 months ago. Councilor Clingan noted that they may do overlay zoning.

Mr. Sassoon said he has spent a lot of time on this project and asked the Board for a vote. The Board reiterated their earlier points about wanting peer review and an argument for why this project is not detrimental to the public good; variances are not just about the pro forma. The Board noted that projects like this are why the variances are handled earlier in the design process now.

Ms. Evans made a motion to continue the hearing to June 24, 2020. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Danielle Evans - aye; Susan Fontano - aye; Josh Safdie - aye; Elaine Severino - aye. Motion passed 5-0.

40B2020-001

34 North St (Clarendon Hill)

Ms. Leis provided the Board and members of the public with an overview of how this case differs from the typical MGL Ch 40A cases that are typically before the Board. She noted that Somerville believes it meets one of the 40B safe harbor criteria, as recent calculations show that 3.8% of the land area is dedicated to affordable housing; that calculation will be sent to DHCD for confirmation. Any decision made by a community that meets a safe harbor criteria will be considered "consistent with local needs." Explained how waivers are similar to variances in that they provide exceptions to the zoning code for this specific site, but that waivers can be granted from any local rule and have a much lower standard for approval than variances. Somerville doesn't have specific findings for 40Bs, and state requirement is that Board finds that the project is consistent with local needs. Ms. Leis asked if there were any questions from the Board or public; there were not.

The application team consisted of Cory Mian (POAH), Nancy Ludwig (Icon Architects), Jon Springfield (POAH), and Kendra Halliwell (Icon Architects). Ms. Mian provided an overview of the topics that the team expects to cover at future meetings. Ms. Ludwig went over the site plan and explained the design principles that guided their proposal. Ms. Ludwig explained that this design was developed after multiple charrettes and they tried to use the sloping grade to their advantage; they have tucked the parking garages under buildings with entrances at low side of site, and have tried to concentrate building height along Alewife Brook Parkway. The units will be a mix of studios to 3-beds in apartment buildings and townhouses (row houses).

Hamilton Road will be extended and two new roads will provide circulation on the site. Meant for neighborhood traffic, not cut throughs. Woonerf on Hamilton extension; Powder House and Alewife intersection will be redesigned as part of connected project. Project will provide pedestrian connection between North St Park and Dilboy field. New central open space will be in sun most of the year.

Project will be built in 2 phases, with larger apartment buildings first (Buildings A/B and E) and then Building D, town houses, and central space in phase 2. Went over proposed parcel plan. Noted that the green score of every

parcel is compliant. Noted a number of waivers that they are requesting related to the topics they had just discussed.

Chair Fontano asked for public comment.

Owen Wartella (34 Electric Ave) asked about the waiver from LEED requirements.

Letissia Scott (268A Powderhouse Blvd Apt. 11) from Clarendon Residents United; they have been working with the developer for 4 years and tenants are in support of project.

Scott Hayman (337 Somerville Ave, 2nd floor) from Somerville Community Corporation (SCC); result of 4.5 years of effort and input from hundreds of individuals.

Jessica Turner (North St), member of Clarendon Residents United; in support of project.

Laura Evans (221 Powder House Blvd) expressed support.

Meredith Elbaum (6 Bigelow St) expressed support for the project but not for the LEED waiver; noted that the applicant can get points for bikes and water savings.

Jason Jong (33 Newbury St #2) supports project but vehicular parking seems excessive; wants more bike parking.

David Tisel (337 Somerville Ave); SCC supports project.

Councilor Ballantyne said she and the neighborhood supports the project, but she has some concerns. Wants all internal roadways to be built to the standards of Ch 11 of the municipal code; wants stormwater management plan, updated traffic plan, more open space; all native plants; and adherence to tree preservation ordinance. Also doesn't want project to set precedent for noncompliance with LEED requirements.

Karina Wilkinson (35 Hawthorne) said the project is close to the Algonquin Pipeline.

Tom Lamar (17 Cross St Apt 3); Chair of the Somerville Bicycle Committee; supports and wants to maximize the mobility improvements.

Eric Huntley (18 Kingman Rd) supports the project.

Chair Fontano left public comment open for the next meeting.

Chair Fontano and Ms. Severino asked for hard copies of this project. Ms. Mian said she would work with Ms. Leis to provide hard copies before the next meeting.

Ms. Severino asked about tree protection plans during construction.

Ms. Evans noted that a lot of parking is provided, and she would be amenable to reducing that amount; she noted that reducing surface parking could allow for a larger central civic space which could help alleviate the crowding that happens at the adjacent North St. Playground.

Ms. Brockelman asked about the façade buildout on Lot F1. Ms. Halliwell said that buildings are supposed to take up a certain amount of the lot width, but Building D doesn't span 80% of the width of Lot F1 due to the open space next to North St playground.

Ms. Brockelman asked if there are other solutions than a mechanical lift for the plaza on Lot C1. Ms. Ludwig said they studied ramps, but would fill up whole site and so was not feasible; lift is all-season.

Ms. Evans made a motion to continue the hearing to June 24, 2020. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Danielle Evans – aye; Susan Fontano - aye; Josh Safdie - aye; Elaine Severino - aye. Motion passed 5-0.

DRA2020-0038

71 Union Square

Mr. Kane recused himself.

Adam Dash said they are requesting two variances for ground story height and ground story fenestration. They want to match the height of the neighboring buildings' ground stories.

Don Warner (45 Willow Crescent) said expansion of 71 Union Square will be detrimental to his property. Could cause potential damage to foundation, utilities, noise, construction disruptions, and parking disruptions. Plaza is heavily used by the public but would be the staging area; would also cause private way issues.

Jason Jong (33 Newbury St #2) said given the GLX construction, now is a good time to start construction. Will reduce parking need.

Ms. Brockelman asked whether staff redesigned the project in the staff report, and about the five variances noted in the narrative. Ms. Leis said the applicant did not revise the narrative to remove variances that were no longer required; only variances are for ground story elevation and ground story fenestration. Ms. Brockelman noted that the applicant's rendering is different from the elevation.

The Board did not feel ready to decide on the case tonight; not all Board members felt that all three variance criteria could be met, especially finding #2.

Ms. Evans made a motion to continue the hearing to June 24, 2020. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Danielle Evans – aye; Susan Fontano - aye; Josh Safdie - aye; Elaine Severino - aye. Motion passed 5-0.

OTHER BUSINESS

Ms. Leis requested that the Board vote to authorize the OSPCD Executive Director to submit a General Land Area Minimum (GLAM) safe harbor assertion to the Massachusetts Department of Housing and Community Development (DHCD) on the Board's behalf.

Ms. Evans made a motion to authorize the submittal of the GLAM assertion to DHCD on the Board's behalf. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Danielle Evans – aye; Susan Fontano - aye; Josh Safdie - aye; Elaine Severino - aye. Motion passed 5-0.

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

Meeting adjourned at 11:50pm.

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>