



City of Somerville

ZONING BOARD OF APPEALS

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

MINUTES

Wednesday, June 24, 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: Melissa Woods, Charlotte Leis, Rebecca Cooper

Meeting was opened at 6:07pm.

PUBLIC HEARINGS

DRA2020-0038 (continued from June 10, 2020)
71 Union Square

Ms. Leis noted that Mr. Dash, the applicant's attorney, had requested to withdraw without prejudice the request for variances, as they would be pursuing a by-right project.

Ms. Evans made a motion to accept the applicant's request to withdraw the variances without prejudice. 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 (continued from June 10, 2020)
345 Medford St

Richard DiGiralomo, attorney for the applicant, reviewed their last presentation from the June 10 meeting. Noted he provided two pro formas for the project: one for the 6-story building the applicant is requesting, and the other for a compliant 4-story building. He noted that the Board had discussed a peer review as well. He then described the difficulty of financing a project with a low rate of return, specifically in reference to the 4-story option. Feels that it's not viable as a 4-story project. Introduced John Broderick from Collier's Capitol Markets who has worked with the development team on many projects. Mr. Broderick briefly explained the 4-story and 6-story pro formas and explained that ground-up development risk is greater than investment in an already-built building.

Chair Fontano asked to hear from Ms. Cooper on the draft memo the Board had received just before the meeting. Ms. Cooper stated that it is possible for the Planning office to pursue peer review for 345 Medford, but would require a vote of the ZBA in order to do so. Ms. Cooper explained the peer review process the City would pursue.

The Board reiterated their feeling that they did not have the expertise necessary to evaluate a pro forma and that they would benefit from the assistance of a neutral third party who could review any submissions related to the applicant's claim of economic/financial hardship.

The Board discussed how they may want to procedurally handle peer review moving forward; does requesting peer review for this project mean that they are going to want to request something similar for every project claiming financial hardship? What would trigger a financial review in the mind of the Board?

Mr. Sassoon briefly explained the square footage difference if the building were brought up to the property line. Mr. DiGirolamo's concern with peer review is the timeframe.

Ms. Cooper noted that the City has potential consultants that the City has worked with before, so would not have to put out notices; could get a consultant very quickly. Once we have a time estimate from an identified consultant, starting will depend on when we have funds deposited in the account to do this.

Chair Fontano noted that there is only one meeting in July. Ms. Cooper said that if the Board grants permission to do this tonight, staff can start working on this right away and hopefully identify people by the end of the week. Staff could get this started very quickly but can't speak for what consultants' workload would be.

Chair Fontano asked if there are any additional issues/questions that the Board would want addressed as part of the peer review, beyond what Ms. Cooper proposed in the draft memo.

Ms. Brockelman asked what the setbacks would be if this was a compliant building in the MR6 zone. Ms. Cooper outlined the three variances that the applicant is seeking. If project was in MR6 zone, would require 10' setback at 5th and 6th stories; there is currently some setback at the front of the 6th floor but not the 5th floor.

Ms. Severino asked what the proposed setback is for the 6th floor. Evan Stellman from Khalsa Design explained that the 6th floor is setback between 4.5 – 5.5 feet.

Mr. Kane noted that they need to make 3 findings for each of the variances requested; would granting variances deviate from the zoning district's purpose that buildings do not exceed 4 stories? Also has questions about soil condition report.

Ms. Evans thought the design of the building could be changed so that it appears as 4 stories; setbacks would help. Concerned about how this building relates to the piano building (Sons of Malta) to the right.

Mr. Sasson said proposed 345 Medford building is 15' higher than the piano building.

The Board doesn't think that the plans/images shown don't provide a good idea of just how much higher the building will be from the piano building.

The Board discussed concerns related to plans, building design, and timeline. Chair Fontano noted that this is a new ordinance, and the Board understands that the applicant has spent a lot of money and time on this project, but requests for variances are taken very seriously. The Board wants to work with the applicant, but is struggling with the height of the building.

Ms. Cooper explained that the Board needed to take one vote on the project, and one vote on the memo. Ms. Leis asked if the Chair wanted to open public comment for the project.

Chair Fontano said if someone spoke last time they should give deference to those who haven't spoken yet.

Stani Iordanova (7 Lee Street and on the GSNA (Gilman Square Neighborhood Association)); process working with Mr. Sasson was positive and his responsiveness to their requests cost him monetarily for the project. Spoke about the building design as an architect.

Christ Carlino (378 Medford Street and from the GSNA); community has been working hard with Planning and developers. Discussed what the community and neighborhood needs.

Aaron Webber (32 Summit Ave; part of Somerville YIMBY); in favor of project for purposes of housing, pandemic-related economic crisis. Project will create jobs.

Theresa Wier (187 School Street; member of GSNA); appreciates the ZBA being interested in this being a good project. Concerned if other developers come in. A park there would be great.

Tom Lamar (17 Cross Street); spoke about balancing larger priorities against concerns of neighborhood. Will add housing near train station, restaurant environment will be nicer than gas station that is there.

Chair Fontano said that public comment would be kept open.

The Board discussed the peer review memo and the proposed scope of work. They felt that they had not had enough time to fully review the memo before the meeting, and that they had questions that were not currently addressed by the scope. Ms. Cooper said that staff can answer any questions the Board has, and if the Board has questions they want the peer reviewer to answer, staff can revise the memo to include those questions.

The Board took some time to review the memo and discussed what additional questions and topics they wanted addressed in it. After the Board was finished discussing, Ms. Cooper reiterated the things she had heard the Board request the peer reviewer to consider: look at 4 stories versus 6, encroachment into setback, purchase price of property, what are the options and strategies available to the applicant to mitigate the hardship that is being claimed, what is the reasonable rate of return on a project of this nature in the region. Ms. Cooper said that the Board could vote on the memo as amended by their comments.

Ms. Evans made a motion to create an account under MGL Ch 44 §53G, to accept the memo with the scope of work proposal as amended by the ZBA's discussion, and to hire a consultant for peer review. 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 continue the case to July 15, 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 (continued from June 10, 2020)
34 North St (Clarendon Hill)

Cory Mian, applicant, introduced the rest of the development team and provided an overview of what topics would be discussed tonight.

Chair Fontano stated that she wanted Ms. Mian to address any changes made from the last meeting and any new information. Ms. Evans asked how the presentation would be flowing; she wants the deeper dive into the topic areas.

Ms. Mian said that they would dive deeper into some topic areas tonight, but was happy to address questions raised at the last meeting first. Ms. Mian showed the location of the Algonquin gas pipeline in relation to the site; she noted that they have reached out to the pipeline owners as required by law.

Ms. Leis provided the background on this issue; there are members of the public who are concerned that the project will have negative impacts on the pipeline, and that it is the developer's obligation to notify pipeline operator. As the pipeline operator is not before the ZBA for any permits, the ZBA has no purview over the pipeline operator's actions.

Chair Fontano noted that the Board had received a letter from Karina Wilkinson about this issue. Chair Fontano asked noted Councilor Ballantyne's memo from the June 10th hearing. Ms. Leis noted that many of the points in the Councilor's memo are points-of-note and not necessarily things that need to be changed about the project. Ms. Leis noted that the memo had been sent to the applicant.

Ms. Mian noted that she would go through some of the Councilor's points this evening and those that they couldn't address tonight would be addressed at a future meeting.

Nancy Ludwig (Icon Architecture) went through the overall design of the project and the placement of buildings. Noted design organizing characteristics that were discussed with the Design Review Committee; patterning such as bays, corner elements, step-downs; colors to break up length of buildings. Explained how they were using sloping grade to their advantage to step down townhouses. Proposing to install different textures of siding, ship-lap application in some areas, composite metal panel, square channel siding. Residential set of materials that also feel natural. Explained setbacks. Have outlined setback waivers that they need. Some of the requested waivers have to do with the non-rectilinear blocks on the site. There are also some interesting conditions where the public sidewalk is set within the property lines. Went through list of zoning waivers requested related to lot layout and specific buildings. Ms. Leis noted that the waivers were attached to the staff report as an exhibit.

Chair Fontano recognized Councilor Ballantyne to speak. Councilor Ballantyne stated that she and the community have supported the waiver requests. Originally the site was going to be 4 mid-size buildings with townhouses but because of financials, the buildings have gotten larger. She and the community are concerned about flow around the site and don't want it to see it be a walled-off community. The surrounding community should be welcome through the area. She noted that the 168-unit apartment building could be the largest public housing building in the City. She also wants to weigh in on traffic and speed; the neighborhood is concerned about speeding through area and site.

Chair Fontano asked Ms. Ludwig if Councilor Ballantyne's concerns had been worked out relative to the 168-unit building. Ms. Ludwig stated that those issues were addressed and that Andrew Arbaugh's presentation would explain how that building connects to the ground level/public/civic spaces.

Andrew Arbaugh (Copley Wolf Design Group) discussed the landscape design. He went over the design of the Clarendon Commons; the park space moves with the grade of the site. It's one larger open space that is defined to feel like a series of individual spaces as you move down the site. Went through the programming of the open spaces on the site. Noted that they will comply with the tree preservation ordinance's requirement to replace the caliper-inches of trees removed. Also noted that they will provide a 100% native plant list. Noted the transformer locations. Presented zoning waivers requested and noted which ones had been withdrawn.

Mr. Kane asked about the size of the open lawn area. Ms. Mian said the park parcel was 16,000sf. Mr. Arbaugh said he would look into how much of the park was open lawn area for the next meeting.

Ms. Evans asked if the playground space was big enough to kick a ball around. Mr. Arbaugh stated that the grassy area of the central park would be big enough and level enough to do so.

Ms. Severino asked how the landscaping will be maintained. Mr. Arbaugh said he is discussing maintenance with the development team. Chair Fontano asked who will be responsible for maintaining the landscaping? Ms. Mian said that since two of the streets will be public, there will be some combo of city oversight and maintenance crews of Clarendon Hills.

Ms. Severino said she was concerned about the "intent" to maintain landscaping; even with native species, takes a lot of work to prevent landscaping from dying and turning into dirt patches. Wants to be sure that the beautiful landscaping will be maintained properly. Ms. Mian said they are in the business of building and maintaining properties to be beautiful for everyone, so in their best interest to maintain it.

David Giangrande (DCI) presented on thoroughfares and sidewalks. Noted community's concern about traffic coming through neighborhood. They analyzed 5 different scenarios on how to access the site. Discussed specialty paving and raised crosswalks. Noted that this is a heavy pedestrian and bike area. Significant access to transit in this area as well. Addressed off-site mitigation such as looking to eliminate the cut-through to Hamilton, reducing speeds along North street and make it more difficult for cut-through traffic. Intersection redesign and signal improvements at Alewife and Powder House will also help; design will be result of collaboration between DCR, city, and developer. They are requesting waiver for right-of-way width. Discussed other waivers related to landscaping and thoroughfares (as they pertain to things such as rain gardens, for example). Discussed woonerf.

Mr. Safdie asked how the waivers being sought related to the diagram in the presentation.

Ms. Mian said they are requesting a parking waiver. They are providing over 300 vehicle spaces, but not 1/du. Bike waiver is for dimensional specifications for equipment so that they can fit more bike parking.

Chair Fontano asked if the Board had questions.

Mr. Safdie said he respects the development team, but has some critical things to say about accessibility. Given the population and the known prevalence of people with disabilities in affordable housing, the fact that the accessibility slide was one of the last says something. He doesn't feel the accessible route diagram helps the Board or provides enough information. Where are accessible entrances? Not shown. Where are site arrival points? How do people move through the site when they get to it? The slide only shows color coding of slopes. Wants to better understand how to move through the site. How can someone with limited mobility move from one side of the site to another – lift, elevator, getting from building to building, from building to amenities, and different arrival spots across the site. Encourages team to think about prevalence of disability among their user group and anticipated residents and think about accessibility not just as a color-coding of grade.

Ms. Ludwig said it's a tough site; if a section were cut across the Hamilton extension, they would have to create a curvilinear street to be accessible. Less than 5% grade is possible in some sections but not at the lower part of the Hamilton street extension. Given the community appeal of the woonerf, they have a greater than 5% grade at the lower portion in order to make the woonerf work.

Mr. Safdie said the explanation makes sense and if the accessibility route slide showed the actual accessibility routes that would help in understanding how accessibility is being addressed. Noted that there is still not an accessible route that traverses the whole site which is a missed opportunity for the community.

Mr. Giangrande addressed the 7% grade on one portion of the site.

Mr. Kane asked how they will deal with heavy precipitation events, stormwater runoff, albedo effect. Ms. Mian said they will get answers and address those questions at the next hearing.

Ms. Leis noted that the City's Engineering Division has been reviewing the stormwater calculations and submitted a memo late that afternoon; Ms. Leis will share that memo with the Board which should help answer some of their questions.

Ms. Severino said she's disappointed in smaller townhouses, height, density, massing; agrees with Councilor Ballantyne who is concerned that this will be a 'walled city'. Gave examples of such including St. Polycarp.

Ms. Evans said she's not in favor of the head-in parking on Thoroughfare 3. Would rather see that as parallel parking on each side so it is more like a city street; head-in parking makes it feel like a parking lot in the middle of the site. Parallel parking on both sides of the street is more typical in Somerville and helps calm traffic. Chair Fontano asked Mr. Giangrande to look into Ms. Evans comments.

Mr. Safdie agrees with Ms. Evans' comment. Parking as proposed takes up a lot of space that could go to sidewalk and park. In general, not in favor of reducing sidewalk width. Asked how many waivers could be eliminated by removing head-on parking and thus allowing for sidewalks to be wider. Would like to know in plan how many locations they are looking at to have the sidewalk width reduced.

Ms. Leis said based on current plans, they would be granting a carte blanche waiver for sidewalk width which would allow the applicant to reduce the sidewalk width at any place. Could request a right-of-way plan that highlights the areas that are not conforming and to what extent. Mr. Safdie said that wasn't quite what he was looking for but concerned about granting carte blanche waiver for this because of impacts on accessibility, strollers, etc. Perhaps this needs a condition. Ms. Leis said she will discuss with other staff and see what she can come up with for the next meeting.

Mr. Kane would like landscape architects to expand lawn space in central park. For a development of this size and the number of people living here, the ¼ acre proposed is not enough. More flexible green space is needed.

Mr. Arbaugh said the lawn space within the central civic space measures 4,000sf which is slightly smaller than the new field at winter hill. Mr. Kane said 4,000sf is very small; have to consider the amount of open space per person. Seeing diagram of walking distance to different park types in the area would be helpful.

Ms. Evans said it's so dangerous to cross Alewife Brook Parkway and traffic circle to access neighboring green space. Mr. Giangrande said a large amount of money is set aside to address some of these areas. The OSPCD Mobility team is working with DCR to design an improved intersection at Alewife and Powder House.

Chair Fontano asked for public comment.

Scott Hayman (337 Somerville Ave) thanked board. Everything proposed will be a major improvement for Clarendon Hill. Need to get this done because people living in Clarendon Hill are suffering from high heat and no green space and sub-standard housing. Thinks that all the accessibility issues can be worked out and it won't be perfect but will be better than it is now.

Jessica Turner (34 North St) is co-president of the Clarendon Hills tenant association. Explained that it was a resident priority to have those parking spaces preserved. Board needs to be understanding that tenants came into the agreement with the developer to have those parking spaces provided for residents. They don't have enough spaces right now for family and visitors. Said that not everyone is reliant on public transportation just because they are low income. The developer guaranteed the spaces to them.

Don Evans (255 Powder House Blvd) is in favor of project.

Laura Evans (221 Powder House Blvd) is supportive of project. Appreciates green space on site. Pleased to see so much bike parking to support Somerville's sustainability goals.

Councilor Ballantyne said she is 100% supportive of project as are more than a majority of residents surrounding project. Understands that in order to provide more housing, we need to add more density.

Ms. Evans made a motion to continue the case to July 15, 2020. Ms. Severino seconded. The Board took a roll-call vote: Drew Kane - aye; Danielle Evans - aye; Susan Fontano - aye; Josh Safdie - aye; Elaine Severino - aye. Motion passed 5-0. Chair Fontano noted that Ms. Brockelman was feeling unwell and had left the meeting partway through the Clarendon case, and so Mr. Kane was voting in her place.

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

Meeting adjourned at 10:00pm.

