



City of Somerville

# ZONING BOARD OF APPEALS

City Hall 3<sup>rd</sup> Floor, 93 Highland Avenue, Somerville MA 02143

## MINUTES

Wednesday, August 5, 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

Board Members absent: none

City staff present: Charlotte Leis

Meeting was opened at 6:03pm.

## GENERAL BUSINESS

Ms. Evans made a motion to approve the July 15, 2020 minutes. 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.

## PUBLIC HEARINGS

**40B2020-001** (continued from July 15, 2020)  
34 North St (Clarendon Hill)

Ms. Leis presented the "Clarendon Hills: Next Steps" staff presentation. The presentation included questions from staff memos that had not yet been discussed and that staff wanted feedback and guidance from the Board on as staff continued to work with the Applicant on some aspects of the project. She noted that the Applicant team was present to answer any questions the Board may have.

Ms. Leis noted that since the last meeting, the Board had received an updated waivers list that added a waiver from the 85% Neighborhood Park permeability requirement (the project would be achieving 55-60%), and removed the waivers from LEED Platinum for the apartment buildings and the playground size waiver. The waivers list also included minor changes to setbacks and the number of bicycle parking spaces.

Prior to the Board voting, the Board will need to review the final list of waivers which will be approved as part of the decision. After approval, the Applicant can request additional waivers from the ZBA. Ms. Leis asked if the Board had any comments on some specific waivers that City staff had discussed in the staff memos that had been sent to the Board.

The first waiver discussed concerned transformer screening, especially in the central civic space. The Board and the landscape architect, Andrew Arbaugh (Copley-Wolff), discussed the size and location of the transformer, and PSUF's July 30<sup>th</sup> memo recommending denial of the request to waive from screening requirements. Mr. Arbaugh said that they would continue to work with PSUF to find an alternative location or method of screening for the transformer. Since City staff have expressed concern about this waiver, the Board wants to have a clear understanding of the issue.

Cory Mian (POAH) said it is not their intention to ask the Board to go against the wishes of staff; they will continue to work with staff to address the remaining questions, but that her understanding of why staff brought up particular issues tonight was to see if the Board had any suggestions or input on the discussions around these topics.

The Board next discussed the waiver request from curbing for landscaping. Ms. Leis explained that the Applicant has stated that they would be willing to do curbing with gaps, which would satisfy the concerns PSUF expressed in the July 30<sup>th</sup> memo. She said staff and the applicant team will continue to work on this.

Ms. Leis noted that the request for a waiver from the 85% permeability requirement was new, but that it was a result of the Applicant not realizing this was a requirement rather than being the result of a change in design. She stated that the applicant has said that the reduced pervious area is needed in order to provide access between civic space and the upper/lower portions of the site. Staff would like to see the project come closer to compliance, possibly through the use of permeable paving materials. The Board asked whether this waiver affects the green score. Ms. Mian said it does not; the civic space design and green score have not changed, they had just not specifically calculated the pervious area before now.

Ms. Leis then addressed the June 19<sup>th</sup> comments from Mobility regarding the bicycle parking. She said the Applicant has said that it is a balancing act between providing more spaces versus meeting the design requirements. She asked whether the Board has a preference between fewer compliant spaces or more non-compliant spaces. The Board did not have a preference.

Ms. Leis then asked for the Board's comments and feedback regarding the draft findings included in the August 5<sup>th</sup> memo from Planning Staff. The only required finding is that the project and the Board's decision is consistent with local needs; the other findings staff suggested are to provide further explanation of the Board's decision.

Ms. Leis noted that Staff had suggested two findings for how the Board's decision is consistent with local needs: the City achieves the 1.5% General Land Area Minimum (GLAM) requirement for achieving safe harbor, and that the project is well designed and addresses local concerns.

The Board asked if DHCD had responded to the GLAM submission. Ms. Leis said that because the Applicant did not disagree with the City's assertion that it exceeds the 1.5% requirement, DHCD did not confirm or deny the City's assertion. Ms. Leis explained that should the Board approve this project, the City meeting a safe harbor requirement would protect the Board's decision from being modified without the Board's approval.

The Board did not have any additional comments on the draft findings.

Ms. Leis then addressed the different goals that the condition list for this project would be achieving. Staff is working with other OSPCD divisions, the Legal Department, and ISD to write and review the conditions list. Staff are continuing to work on writing the conditions, but do not have a draft ready.

Ms. Leis reiterated the remaining steps that the Board must do before deciding on the project and provided a sample motion that the Board may wish to make when the time comes. Ms. Leis then discussed the 760 CMR 56 requirements for how post-decision changes be handled.

Chair Fontano asked for public comment. Ms. Leis said that no one indicated that they wished to speak. Chair Fontano noted that the public had been very supportive at previous meetings, and that the Applicant had done a good job of engaging with the community. Chair Fontano closed the public comment portion of the meeting.

Ms. Leis stated that staff and the applicant would be working on the details in the coming weeks and would keep the Board as updated when possible.

Ms. Evans made a motion to continue the case to August 19, 2020. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Danielle Evans – aye; Susan Fontano - aye; Josh Safdie - aye. Motion passed 4-0.

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. Motion passed 4-0.

Meeting adjourned at 7:07pm.