



City of Somerville

## **ZONING BOARD OF APPEALS**

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

### **MINUTES**

**Wednesday, September 30, 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), Danielle Evans (Clerk), Elaine Severino, Josh Safdie, Anne Brockelman

Board Members absent: none

City staff present: Charlotte Leis (Planner), Melissa Woods (Senior Planner)

Meeting was opened at 6:02pm.

The Board noted a typo in the minutes and corrected it. Ms. Evans made a motion to approve the September 16, 2020 minutes as corrected. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Danielle Evans – aye; Elaine Severino – aye; Susan Fontano - aye; Josh Safdie - aye. Motion passed 5-0.

#### **DRA2020-0334**

15 McGrath Hwy

Michael Gearhart, part of the application team, requested a continuance to November 4, 2020 to provide a neighbor who claimed they did not get proper notice time to review the materials.

The Board noted for the record that they had received two comments from Bill Valletta and Alyson Schultz.

The Board asked for additional drawings. Ms. Woods said that she would work with the Board to get any additional drawings necessary, but that the ZBA is only reviewing the variances requested and that the final design of the building and site is the Planning Board's purview.

Ms. Evans made a motion to continue the case to November 4, 2020. Ms. Severino seconded. The Board took a roll-call vote: Anne Brockelman - aye; Danielle Evans – aye; Elaine Severino – aye; Susan Fontano - aye; Josh Safdie - aye. Motion passed 5-0.

#### **Executive Session**

All four Board members except Ms. Evans left the room to enter into executive session. Staff noted that the Board need to vote prior to entering into executive session; all Board members except Ms. Severino rejoined the public hearing in order to vote to enter into executive session.

Ms. Evans made a motion to enter into executive session to discuss 453 Somerville Ave litigation strategy. Ms. Brockelman seconded. The Board took a roll-call vote: Anne Brockelman - aye; Danielle Evans – aye; Elaine Severino – absent; Susan Fontano - aye; Josh Safdie - aye. Motion passed 4-0-1.

The Board exited the public meeting to enter into executive session at 6:20pm.

All five Board members rejoined the public meeting room at 6:35pm to resume the open session.

**40B2020-001** (continued from September 16, 2020)  
34 North St (Clarendon Hill)

Cory Mian and Greg Bialecki from the applicant team were present.

Chair Fontano noted that the public session is still open and will be until after the staff presentation.

Ms. Leis presented a summary of the updated conditions list and some edits to the findings from the September 16 staff report.

Chair Fontano asked for public comment. No one indicated that they wished to speak. Chair Fontano closed the public hearing at 6:45pm.

Ms. Leis provided the Board with possible language for motions. The Board then deliberated on the case.

The Board asked about Condition #8 and the explicit requirement that only the affordable units never be converted into condos; the Board was concerned that the market rate units may be converted into condos and that it would create a stark difference between the affordable and market rate units. Mr. Bialecki confirmed that the ground lease for the property prohibits any of the 591 units from being converted into condos, and that this wording may cause unnecessary confusion; Ms. Mian agreed.

The Board revised the condition to more clearly state that all 591 units must be rental units in perpetuity. Ms. Leis confirmed that the condition would be revised accordingly.

The Board also asked about Condition #10 regarding the Subsidized Housing Inventory (SHI) and whether it was necessary to include. Ms. Leis said that she was not familiar with how units end up on the SHI but that the Housing Division had reviewed this language and was comfortable including it.

The Board had no other questions or comments.

Ms. Evans moved to adopt the findings of the September 16, 2020 staff report as amended at this meeting. Ms. Severino seconded. The Board took a roll call vote: Susan Fontano – aye; Danielle Evans – aye; Anne Brockelman – aye; Josh Safdie – aye; Elaine Severino – aye. The motion passed 5-0.

Ms. Evans then moved to approve the Comprehensive Permit and the 44 waivers dated September 10, 2020 subject to the 150 conditions dated September 28, 2020, with Condition #8 as amended at this meeting. Ms. Severino seconded. The Board took a roll call vote: Susan Fontano – aye; Danielle Evans – aye; Anne Brockelman – aye; Josh Safdie – aye; Elaine Severino – aye. The 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; Elaine Severino – aye; Susan Fontano - aye; Josh Safdie - aye. Motion passed 5-0.

Meeting adjourned at 7:04pm.