

**CITY OF SOMERVILLE, MASSACHUSETTS
SOMERVILLE CONDOMINIUM REVIEW BOARD**

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MAYOR*

Staff

Hannah Carrillo
Sustainable Neighborhoods Coordinator

Board Members

Daniel Maltzman
William Medeiros
Victor Silva
Marlene Smithers
Zachary Zasloff

Meeting Minutes

April 25, 2018 Meeting – 6:00 PM

East Somerville Community School, Cafeteria
50 Cross St., Somerville, MA 02145

Board Members Present: Daniel Maltzman, William Medeiros, Victor Silva, Zachary Zasloff

City staff present: Michael Feloney (Housing Director) Hannah Carrillo (Sustainable Neighborhoods Initiative Program Coordinator)

Board Chair Zasloff convened the meeting at 6:00 PM and announced that the meeting was being recorded for meeting minute purposes.

1. Approval of Meeting Minutes
A motion was introduced and PASSED 4-0 to approve the meeting minutes for the April 2, 2018 meeting.
2. New Business – Applications for Certificates of Exemption and/or Removal Permits
Board members moved to review each removal permit application before the Board.

Prior to item #2 on the agenda commencing, there was a request that the application of Aguinaldo J. Santos and Maria D. Santos be called first instead of 12th on the agenda, to accommodate the representing attorney who had another meeting scheduled for the same evening. After checking with other members, the Chair accepted the request on behalf of the Board.

WARD 1-PRECINCT 1

Application of Aguinaldo J. Santos and Maria D. Santos, attorney Noreen Jonson representing, seeking a Certificate of Exemption for Unit #1 and Removal Permit for Unit #2 located at 81-83 Washington St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. Unit #1 is owner occupied and Unit #2 was vacated October, 2017. Attorney Jonson explained that the owners were originally planning to sell the property, but after they were unable to do so at a price they were satisfied with, they decided to convert the property to condos and sell the units separately. The tenant who had been residing in Unit #2 was given proper notice and vacated prior to the owners deciding that they were going to convert the units to condos. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 4-0:

To grant a Certificate of Exemption for Unit #1 and a Removal Permit for Unit #2 located at 81-83 Washington St.

WARD 1 - PRECINCT 2

Application of 132 Perkins St., LLC, Elan Sassoon representing himself, seeking a Removal Permit for Units 1-6 located at 132 Perkins St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant November, 2016.

Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 4-0:

To grant a Removal Permit for Units 1-6 located at 132 Perkins St.

WARD 6 - PRECINCT 1

Application of 11 Windom St., LLC, Elan Sassoon representing himself, seeking a Removal Permit for Unit #1 and Unit #2 located at 11 Windom St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant July, 2017.

Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 4-0:

To grant a Removal Permit for Unit #1 and Unit #2 located at 11 Windom St.

WARD 5 - PRECINCT 2

Application of LYRE Investment & Development, LLC, Yi Yue representing himself, seeking a Removal Permit for Unit #1 and Unit #2 located at 5-7 Lowell Terrace. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant December, 2017. The Engineer/architect's report and Master deed were not included with the application.

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 4-0:

To grant a Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 5-7 Lowell Terrace, conditioned on the applicant submitting Engineer/architect's report and Master Deed.

WARD 4 - PRECINCT 2

Application of Clovis Castro and Leonardo Ribeiro, attorney Matthew Spang representing, seeking a Removal Permit for Unit #1 and Unit #2 located at 10 Howe St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant January, 2018. The Engineer/architect's report and Master deed were not included with the application.

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 4-0:

To grant a Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 10 Howe St., conditioned on the applicant submitting Engineer/architect's report and Master Deed.

WARD 3 - PRECINCT 2

Application of American Real Estate, LLC, attorney Matthew Spang representing, seeking a Removal Permit for Unit #1 and Unit #2 located at 39 Madison St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant March, 2018. The Engineer/architect's report and Master deed were not included with the application.

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 4-0:

To grant a Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 39 Madison St., conditioned on the applicant submitting Engineer/architect's report and Master Deed.

WARD 3 - PRECINCT 3

Application of 52 Porter St., LLC, Kwesi Acquaaah representing himself, seeking a Removal Permit for Unit #1 and Unit #2 located at 52 Porter St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant January, 2018. The Engineer/architect's report and Master deed were not included with the application.

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 4-0:

To grant a Certificate of Condominium Review Board Approval for Unit #1 and Unit #2 located at 52 Porter St., conditioned on the applicant submitting Engineer/architect's report and Master Deed.

WARD 7 - PRECINCT 1

Application of James Gogos representing himself, seeking a Removal Permit for Unit #1 and Unit #2 located at 17 Gorham St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. Property was purchased vacant September, 2017. The Engineer/architect's report and Master deed were provided to the staff to the Condo Review Board (CRB) at the meeting.

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 4-0:

To grant a Removal Permit for Unit #1 and Unit #2 located at 17 Gorham St.

WARD 5 - PRECINCT 3

Application of 94 Conwell Ave., LLC, attorney Joe Lopisi representing, seeking a Removal Permit for Unit #2 and Unit #3 located at 94 Conwell Ave. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. Unit #3 was delivered vacant and tenants in Unit #2 are vacating as of June 1st, 2018. Necessary tenant documents were provided, and relocation expenses were paid in the amount of \$7,000. The Engineer/architect's report and Master deed were not included with the application.

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 4-0:

To grant a Certificate of Condominium Review Board Approval for Unit #2 and Unit #3 located at 94 Conwell Ave., conditioned on the applicant submitting Engineer/architect's report and Master Deed.

WARD 4 - PRECINCT 3

Application of Christopher M. Bowen and Kathryn H. Bond, attorney Melissa Hagemeister representing, seeking Certificates of Exemption for Unit #81 and Unit #83 located at 81-83 Boston Ave. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. Both units are owner occupied, as the owners are friends and each live in their respective units separately. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 4-0:

To grant a Certificate of Exemption for Unit #81 and Unit #83 located at 81-83 Boston Ave.

WARD 6 - PRECINCT 2

Application of Stephen M. Post and Virginia M. Post, attorney Melissa Hagemeister representing, seeking a Removal Permit for Unit #1 and Certificate of Exemption for Unit #2 located at 86 Lowden Ave. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. Unit #2 is owner occupied and Unit #1 is occupied by family members who will purchase Unit #2 following the conversion to condominiums. The current owners will move to Unit #1 following conversion to condominiums. Materials included with the application were:

- Engineer/architect's report
- Master deed

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 4-0:

To grant a Removal Permit for Unit #1 and Certificate of Exemption for Unit #2 located at 86 Lowden Ave.

WARD 3 - PRECINCT 1

Application of Farah Realty, LLC, attorney Anne Vigorito representing, seeking a Removal Permit for a Removal Permit for Unit #1, Unit #2 and Unit #3 located at 12 Grand View Ave. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. The property was purchased vacant March, 2018. The Engineer/architect's report and Master deed were not included with the application.

Staff reported that no tenant complaints had been received in regard to the application or property.

On a motion duly made and seconded, it was VOTED 4-0:

To grant a Certificate of Condominium Review Board Approval for Unit #1, Unit #2 and Unit #3 located at 12 Grand View Ave., conditioned on the applicant submitting Engineer/architect's report and Master Deed.

WARD 2 - PRECINCT 1

Application of Somerville Millbrook Associates, LLP, attorney Adam Dash representing, seeking Removal Permits for Units: 202, 207, 212, 404, 407, 411, 501, 502, 504, 604,608, 610, 612, 711,PH1, PH2, PH4, PH5, PH8, and PH10 located at 9 Medford St. The \$500 per unit application fee was paid and no real estate taxes or water bills were owed to the City. All necessary tenant documents were provided.

Director of Housing Mike Feloney stated before attorney Dash presented that the application was being presented in its entirety rather than as a continuation of previous consideration Millbrook Lofts. The City had directed the applicant to submit the case in full, so that CRB members not present at a prior meeting would hear the case in full and therefore would be able to vote on the matter. Mike Feloney also thanked the Board and interested members of the public for being present and shared, prior to the applicant's presentation, that in the view of City staff all parties had worked in good faith to reach agreement on issues under discussion.

Board Chair Zasloff requested confirmation that he was eligible to vote on Millbrook's application, per Mike Feloney's preceding comment, and for confirmation that payment had been made for all 20 units on the meeting's agenda. Director Feloney confirmed both of these points affirmatively. Attorney Dash proceeded with his presentation; after providing a brief history on the property's development, he noted that it included 15 affordable inclusionary units, 5 of which are designated for low-income artists.

Attorney Dash went on to note that the units on the evening's agenda had been voluntarily vacated, and that (by definition) there would be no displacement as a result of permits being sought at the meeting, as all had been previously vacated voluntarily. Attorney Dash stated that all of the necessary documentation has been provided, and that Berkeley Investments had worked closely with the City, tenants, the Millbrook Tenants Association, Cambridge Somerville Legal Services (CASLS) and the Somerville Community Corporation (SCC) to reach an agreement that is acceptable to all parties.

Attorney Dash explained that a goal of the agreement negotiated was to maintain the 15 inclusionary units as affordable in perpetuity, to be purchased by SCC (or another entity) or retained by Berkeley. He noted that agreements with market rate and inclusionary tenants had been concluded, with final paperwork in the last stages of completion. Attorney Dash reiterated that the only units on the agenda were 20 vacant units, none of which are inclusionary units, and that the owner would return to the Board for approval for additional units as they become vacant. Attorney Dash thanked the City for its work to date on agreements negotiated and related efforts.

Chair Zasloff thanked attorney Dash for his presentation, and asked whether the 15 affordable units would be coming to the CRB together or separately. Attorney Dash explained that the submission of those units would be dependent on the terms of the sale to either SCC or another entity, and how the tenants wish to proceed with their units. Attorney Dash explained that the prices set by the City have been accepted by Berkeley Investments, and thought it likely that the units would be sold together and presented together.

Chair Zasloff inquired as to whether or not this purchase would be a part of the 100 Homes program, if SCC does in fact purchase the 15 units. Mike Feloney explained that work on Millbrook had proceeded initially apart from that existing initiative; while it had not been conceived as being part of 100 Homes, it shares the program's goal of preserving units and preventing displacement in doing so. The main focus up to this point has been on maintaining affordability of these units for those currently residing in them.

Regarding tenants ability to purchase and/or rent their units, Chair Zasloff requested further information as to whether or not tenants could remain renters if they do not buy at this time. Mike Feloney confirmed that as long as tenants remain in good standing, they will be able to remain renters for as long as they wish. He reiterated that there will be no displacement of current inclusionary tenants. Attorney Dash added that attorneys Ellen Schacter and Susan Hegel with Cambridge and Somerville Legal Services also worked closely to craft this agreement.

Lastly, Chair Zasloff asked whether the amenities in the building will be available to all tenants, regardless of whether they are renters or owners. Attorney Dash explained that while the details on parking are to be finalized, all tenants will have equal access to amenities. Chair Zasloff then announced that the public comment period would begin, and asked if anyone would like to speak.

Michael Gervais introduced himself as a Millbrook resident himself and stated that he was in the only 80% Area Median Income accessible unit which is also an artist unit. Mr. Gervais explained that while he can stay in his unit he cannot buy the unit because he is not an artist. Mr. Gervais stated that this was not Berkeley Investment's issue, noting that that the City had told him the unit was his unit but is now saying it is an artist unit. Mr. Gervais said that the City is asking him to move to another unit in the building.

Mr. Gervais explained that he hasn't moved and will not buy his unit, and that if he wants to purchase his unit he would have to move upstairs. Mr. Gervais suggested that issues like this should be addressed up front. Lastly, Mr. Gervais expressed gratitude for the maintenance staff who have kept the building well-maintained and that he hopes the building continues to be a good place to live.

Mike Feloney requested the opportunity to share the City's understanding of the situation in response to Mr. Gervais' comments, which was allowed by Chair Zasloff. Mike Feloney made clear that he regrets the concerns Mr. Gervais expressed. He noted that he thought it important, however, to note his understanding that Housing Division staff was clear and explicit with Mr. Gervais well before his initial occupancy of his unit, regarding the basis for occupying an affordable artist-designated unit. Mike informed the Board that Kelly Donato of the Housing Division and others had communicated consistently with Mr. Gervais. Mr. Gervais stated that he did not understand what Mike Feloney was saying and that part of his statement was false.

Mr. Gervais expressed his disagreement with the accuracy of Mike Feloney's comments. Mike Feloney noted that he would not try to pursue the matter further, but that their understandings differed. Lastly, Mike made the point that the 20 vacant units that are currently on the agenda do not include any occupied or inclusionary units.

Gregory Santos, on behalf of the Millbrook Tenants Association, stated that an agreement was reached with Berkeley Investments that was fair for all parties and that he was pleased to support Berkeley Investments moving forward with the process today. Mr. Santos Thanked the CRB, tenants, Alderman Scott and Representative Connelly, Ellen Schacter and Susan Hegel, and City staff Mike Feloney, Hannah Carrillo, and Kelly Donato. Mr. Santos stated this was a victory for fair housing in Somerville because the 15 inclusionary units are remaining affordable in perpetuity with the price locked in for five years for current tenants if they do wish to purchase their units down the road. Mr. Santos communicated that he is hoping to have contracts finalized by end of week.

Chair Zasloff asked if anyone else had any public comments they would like to make, to which no one replied.

Chair Zasloff stated that sometimes unfortunate circumstances can lead to positive outcomes, and this situation is an example of such a situation. This situation could have been must worse, but this appears to be the best outcome for all parties. Chair Zasloff thanked Gregory Santos for rallying tenants and standing up for their rights during a complicated process and thanked Berkeley Investments for working with them.

On a motion duly made and seconded, it was VOTED 4-0:

To grant a Removal Permit for Units: 202, 207, 212, 404, 407, 411, 501, 502, 504, 604,608, 610, 612, 711, PH1, PH2, PH4, PH5, PH8, and PH10 located at 9 Medford St.

The Chair introduced a motion to adjourn the meeting at 7:25 PM, which was seconded and accepted.