

ZONING BOARD MINUTES FEBRUARY 21ST, 2024

The meeting of the Zoning Board of the Borough of Somerville was called to order by Chair Arthur Adair at 7:00 p.m. and stated that adequate notice of this meeting had been provided in accordance with the “Open Public Meetings Act”.

Board Members Present: Arthur Adair, Ed Allatt, Morgan McLachlan, Richard O’Neill, Roberta Karpinecz, Brian Vadimsky, Eric Alvarez, Stewart Daniels

Board Members Absent: John Flores

Professional Present: F. Clifford Gibbons, Esq., Board Attorney and Michael Cole, Board Planner and Engineer

Pledge of Allegiance to the Flag

Approval Minutes

Upon a motion by Richard O’Neill, seconded by Ed Allatt, the minutes of January 17th, 2024, were approved upon a roll call vote with the correction of Mr. McLachlan incorrect title.

Roll Call Aye: Arthur Adair, Ed Allatt, Morgan McLachlan, Richard O’Neill, Roberta Karpinecz, Brian Vadimsky, Eric Alvarez

Nay: None

Abstain: None

See transcript.

Resolutions

23-005Z

14 Fairview Ave LLC

14 Fairview Ave

B51 L21

Upon a motion by Richard O’Neill, seconded by Morgan McLachlan, resolution 23-005Z 14 Fairview Ave LLC was approved upon a roll call vote.

Roll Call Aye: Arthur Adair, Ed Allatt, Morgan McLachlan, Richard O’Neill, Roberta Karpinecz, Brian Vadimsky

Nay: None

Abstain: None

See transcript.

Hearing

2023-015Z

6 West Cliff Street, LLC

6 West Cliff Street

B108 L18

The attorney for the applicant Mr. Michael Silbert, Esq. addressed the board presenting the application 6 West Cliff, LLC requesting preliminary and final major site plan approval with “D” and “C” variance relief for renovations to existing buildings. Mr. Silbert explained that the proposed renovations include converting the existing office space on the first and second floors of the structure into a three-bedroom apartment unit. The application also proposes to convert the existing attic space in the main dwelling unit which is currently vacant into a studio apartment unit as well as a carriage house that exists on the northwest portion of the property that the applicant proposes to renovate and convert into a four-bedroom apartment unit. Mr. Silbert, Esq stated that the applicant’s intent is to substantially preserve the exterior appearance of both structures on the property.

Mr. Silbert then discussed the current driveway and the reciprocal easement with the neighboring property with the board and board attorney.

After a lengthy discussion Mr. Silber, Esq turned his attention to the remainder of his testimony specifically addressing the existing structure that requires a D6 height variance because it is in excess of ten percent for what is permitted in the zone.

At this time Mr. Silbert, Esq. called upon Mr. Craig Stires for examination.

Mr. Stires was then sworn in by F. Clifford Gibbons, Esq.

Under direct examination by Mr. Silbert, Esq. Mr. Stires provided his educational and professional background to the board followed by engineering testimony directly related to the submitted site plans regarding the driveway, restoration of the three apartment units, site lighting, and EV Parking. Mr. Stires also responded to several items within Mr. Coles report including headlight glare, parking requirements, stormwater runoff and utilities.

At this time Chairman Adair opened up to questions from the board. Discussion was had among several board members of the testimony given by Mr. Stires.

Chairman Adair then opened to members of the public for questions of the testimony given by Mr. Stires.

Hearing none, Mr. Silbert, Esq. then called upon Mr. Joseph Primiano, the applicant’s architect for examination.

Mr. Primiano was then sworn in by F. Clifford Gibbons, Esq.

Under direct examination by Mr. Silbert, Esq. Mr. Primiano provided his educational and professional background to the board followed by an explanation of the renovations that are proposed specifically related to the exterior of the building. Mr. Primiano testified that the major changes proposed for the exterior of the building include a wrap-around porch that will be extended 15 FT to match the existing construction as far as columns and decorative details, as well as a first floor window that will be filled in. There are also proposed changes to the 2nd floor, 3rd floor, and attic windows so that they can comply with the egress. Mr. Primiano then stated that all additional proposed changes are to the interior of the building and presented the layout of the interior to the board in detail including the changes to the existing horse barn. Mr. Primiano also responded to several items within Mr. Coles report including utilities, and electrical service.

At this time Chairman Adair opened up to questions from the board. Discussion was had among several board members of the testimony given by Mr. Primiano specifically pertaining to plan to sprinkle the building, fire escapes, and future intent to subdivide the property.

Chairman Adair then opened to members of the public for questions of the testimony given by Mr. Primiano.

Member of the Public, Dennis Sullivan of 8 South Richards Ave questioned if access and egress to the third floor would be from the main house or through a separate entrance and exit. Mr. Primiano responded that there is an existing stair that will remain as a separate entrance.

Mr. Cole then asked several clarifying questions of Mr. Primiano's testimony regarding the type of windows that are being proposed.

At this time Mr. Silbert, Esq. called upon his final witness Mr. Alexander Dougherty for examination.

Mr. Dougherty was then sworn in by F. Clifford Gibbons, Esq.

Under direct examination by Mr. Silbert, Esq. Mr. Dougherty provided his educational and professional background to the board followed by his professional planning testimony consisting of a packet of maps and photographs for orientation purposes.

Aforementioned packet was then handed out to board members and marked as Exhibit A-1.

Mr. Dougherty then presented the 12 page Exhibit to the board in detail followed by testimony surrounding the D-1 use variance and the applicants plan to adaptively reuse the existing structure as well as the horse barn for residential purposes. Mr. Dougherty also stated that the lot is a little over two times the size of the zone minimum requirement of 10,000 SQ FT, and that it is his belief that this is an excellent capacity for the proposed project. Due to the fact that it is an oversized lot they are predominantly in compliance with a lot of the bulk standards. Mr. Dougherty stated that it was important to note that they are under the required FAR and maximum improvement coverage for the site. Mr. Dougherty also provided testimony on the additional D variance being the D6 variance for height and stated that he believes the site

collectively sustains the four elements of proof required under the Medici test for D-1. Further in-depth testimony was provided by Mr. Dougherty on each of the prongs included site suitability, special reasons, public impact, and zone plan impact. Mr. Dougherty concluded that the project brings a healthy balance of housing options to support the goal of Somerville's Master Plan, and particularly the PO-R Zone and land use goals.

Chairman Adair then opened to members of the public for questions of the testimony given by Mr. Dougherty. Hearing none, Chairman Adair then opened up to members of the public.

At this time the public portion of the application was closed moved by Board Member O'Neill, seconded by Board Member Allatt, all members in favor.

At this time Board Members voiced their individual comments on the project and the testimony given that evening. Additional conversation was had surrounding the reciprocal easement on the property.

F. Clifford Gibbons, Esq. then provided a recap of the conditions of approval.

Upon a motion by Richard O'Neill, seconded by Morgan McLachlan, the application 2023-015Z 6 West Cliff Street, LLC was approved upon a roll call vote.

Roll Call Aye: Arthur Adair, Ed Allatt, Morgan McLachlan, Richard O'Neill, Roberta Karpinecz, Brian Vadimsky, Eric Alvarez

Nay: None

Abstain: None

See transcript.

2023-018Z
90 Grove Street, LLC
90 Grove Street
B71 L13

The attorney for the applicant, Mr. Michael Silbert, Esq. addressed the board presenting the application 90 Grove Street, LLC located in the PO-R zone proposing to renovate the upper one and half floors of a three-story building. The application seeks to shift the buildings use from an office space on the ground floor and second floor along with a single one-bedroom apartment unit on the second floor to a configuration that induces office space only on the ground floor and two apartment units on the upper two floors the building, requiring D-1 variance relief.

At this time Mr. Silbert, Esq. called upon Mr. Craig Stires for examination.

Mr. Stires was then sworn in by F. Clifford Gibbons, Esq.

Mr. Stires testified that the first floor would remain the same and that they would reconfigure the parking lot to achieve the required parking spaces for the project. Also stating that in reconfiguring the lot they will; be able to put some additional landscaping in and reduce the impervious coverage in the parking lot. Mr. Stires also provided commentary to the items in Mr. Cole's report pertaining to the flood hazard area and drainage. Mr. Silber, Esq. then touched on the D-4 Variance requirements as proposed improvements would be increasing the FAR slightly, Mr. Stires confirmed that to be correct. Additional items were touched upon including recycling and refuse, leveling sidewalks, drainage and stormwater runoff, headlight glare, and landscaping.

At this time Chairman Adair opened up to questions from the board.

Chairman Adair then opened to members of the public for questions of the testimony given by Mr. Stires.

Hearing none, Mr. Silbert, Esq. then called upon Mr. Joseph Primiano, the applicant's architect, for examination.

Mr. Primiano was then sworn in by F. Clifford Gibbons, Esq.

Mr. Primiano provided professional testimony expressing that the existing first floor is a commercial space consisting of offices, break room and bathroom all of which is to remain. The second floor consists of an existing apartment on the left side of the dwelling and on the right side there are more rooms that are being used by the office on the first floor. Those three rooms on the right side of the building will be changed to a second residential unit. The attic on the top level will also be finished and become part of the second residential unit. Mr. Primiano also testified to the classification between a habitable attic and half story related to building code. Egress windows were also discussed.

Board Member O'Neill questioned if the plans be revised for the attic space based on the testimony. Mr. Primiano confirmed that the plans would be revised to widen the bedrooms so that the rooms don't get to elongated and provide a nice length-to-width ratio.

Attorney for the board F. Clifford Gibbons, Esq. advised that if they were going to produce revised reports, given the D Variance is being sought it might be appropriate to continue to the next hearing. Chairman Adair then agreed.

Additional conversation was had and it was agreed that the hearing would be carried to May 15th with no further notice.

Chairman Adair then asked for the extension to be moved. Moved by Board Member O'Neill, seconded by Board Member Allatt, all members in favor.

See transcript.

Adjourn

Upon a motion by Richard O'Neill, seconded by Morgan McLachlan, the adjournment of the planning board meeting of February 21st, 2024, was unanimously approved upon a roll call vote.

Roll Call Aye: Arthur Adair, Ed Allatt, Morgan McLachlan, Richard O'Neill, Roberta Karpinecz, John Flores, Brian Vadimsky

Nay: None

Abstain: None

The zoning board meeting of January 17th, 2024 was adjourned at 9:48p.m.

Executive Session

Upon a motion by Roberta Karpinecz, seconded by Ed Allat, the Zoning Board entering into executive session at 9:51 PM

Roll Call Aye: Arthur Adair, Ed Allatt, Morgan McLachlan, Richard O'Neill, Roberta Karpinecz, John Flores, Brian Vadimsky

Nay: None

Abstain: None

Upon a motion by Ed Allat, seconded by Roberta Karpinecz, the Zoning Board executive session was closed at 10:44 PM

Roll Call Aye: Arthur Adair, Ed Allatt, Morgan McLachlan, Richard O'Neill, Roberta Karpinecz, John Flores, Brian Vadimsky

Nay: None

Abstain: None