

City of Revere, Massachusetts

Tom Skwierawski

Chief of Planning and Community Development

Department of Planning and Community Development

281 Broadway, Revere, MA 02151 781. 286. 8181



Patrick M. Keefe Jr.

Mayor

TO: Planning Board Members
FROM: Frank Stringi, City Planner *FS*
RE: Regular Meeting
DATE: February 14, 2024

Please be advised that the Planning Board will hold a Regular Meeting on Tuesday, February 27, 2024 at 5:30 pm in the City Hall Council Chamber.

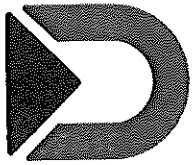
Communications:

- 1) Request by Attorney Nancy O'Neil, D'Ambrosio LLP for consent to repetition the ZBA for amendments relative to the development of 25 units by Zepaj Development, LLC at 344 Salem Street (attached).

Regular Meeting:

The agenda for the regular meeting will include the following items:

1. Vote on Planning Board Officers for the 2024 calendar year including Chairperson, Vice Chairperson, and Secretary.
2. Vote on request to repetition the ZBA relative to amendments to the development of 25 residential units at 344 Salem Street.



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February 7, 2024

Megan Simmons-Herling, Chairwoman
Planning Board
City of Revere
281 Broadway
Revere, MA 02151

RE: Submittal of Amended Plans for Development of 344 Salem Street

Dear Chairwoman Simmons-Herling,

Please be advised that this office represents Zepaj Development, LLC (“Zepaj Development”) as to zoning and permitting relative to the development of a twenty-five (25) unit residential apartment structure at 344 Salem Street, Revere, Massachusetts (the “Project”).

I am writing to request the Planning Board’s review of the Project under MASS. GEN. LAWS ch. 40A, § 16, and REVERE, MASS., REV. ORDINANCES ch. 17, § 52.120, attached hereto as Exhibit 1, at the upcoming February 27, 2024 meeting of the Planning Board (hereinafter the “Board”). Such review is necessary in order for Zepaj Development to renew its request for zoning relief before the Zoning Board of Appeals (the “ZBA”) after the ZBA denied Zepaj Development’s variance petition at its hearing on November 29, 2023. A copy of the ZBA’s denial decision is attached as Exhibit 2.

Under MASS. GEN. LAWS ch. 40A, § 16, and the analogous REVERE, MASS., REV. ORDINANCES ch. 17, § 52.120, no petition denied by the ZBA may be acted favorably upon within two (2) years of the date of the final unfavorable action unless the Board takes certain actions regarding a project. Specifically, the Board must find that a project has undergone “specific and material changes in the conditions upon which the previous unfavorable action was based,” after notice is provided to parties in interest of the time and place of the hearing where the aforementioned changes are to be considered by the Board. *See*, MASS. GEN. LAWS ch. 40A, § 16; REVERE, MASS., REV. ORDINANCES ch. 17, § 52.120; *see also*, *Ranney v. Board of Appeals*, 414 N.E.2d 373, 376 (Mass. App. Ct. 1981) (“Whether the plans or the surrounding conditions have changed sufficiently to justify a reapplication during the moratorium period is principally for the local board to determine.”). Here, as demonstrated by the amended plans hereto attached as Exhibit 3, the Project has been modified to provide the “specific and material changes” necessary for the Board to consent to the ZBA’s rehearing of Zepaj Development’s variance petition.

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In the aggregate, the below-listed amendments to the Project plans exceed what is required for a board to find “specific and material changes” under MASS. GEN. LAWS ch. 40A, § 16, REVERE, MASS., REV. ORDINANCES ch. 17, § 52.120, and related case law. In *Ranney v. Board of Appeals*, the Massachusetts Appeals Court upheld a board of appeals’ granting of a variance on reapplication under MASS. GEN. LAWS ch. 40A, § 16 where the project plans were modified to (1) revise the outdoor lighting plan to eliminate direct lights or fixtures from visibility in certain conditions, (2) install blackout drapes in windows, (3) install sound insulating materials in the walls so as to suppress noise, and (4) landscape a boundary of the parking area with an eight foot (8 ft) privacy hedge. 414 N.E.2d at 376. As such, the Court found that the changes, which had a “cosmetic quality” were sufficient under the requirements of MASS. GEN. LAWS ch. 40A, as they addressed the concerns of the board of appeals. *Id.* Here, the modifications of the Project plans go far beyond those approved by the board of appeals in *Ranney* and have been specifically formulated to address the concerns of the ZBA and members of the surrounding neighborhood. *Id.*

The changes to the Project come in response to the concerns of neighbors and ZBA members as expressed at the ZBA hearing on November 29, 2023. As described below, these changes are extensive and represent a coordinated and comprehensive effort by Zepaj Development, as well as its architect and engineer, to beautify the project, reduce impacts on neighbors, and provide a community-focused building. Compared against the plans submitted to the ZBA for its November 29, 2023 hearing, attached hereto as part of Exhibit 4, the differences between the November 2023 plans and current plans are as follows:

1. Addition of decorative screening of parking garage to block view of garage interior;
2. Addition of a privacy hedge around parking area to block view of surface parking from neighboring properties;
3. Addition of accenting along roofline to boost visual interest of building;
4. Addition of soundproofing materials to reduce noise from apartments and parking area;
5. Reconfiguration of building entry and parking areas for greater accessibility;
6. Dedication of two (2) residential units to veterans housing.

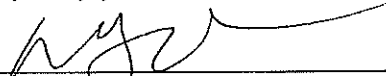
As described above, the Project plans have been substantially modified to reduce the impact of the building on the surrounding neighborhood and provide community-focused housing. These changes were enacted in response to the concerns of neighbors as expressed at the ZBA hearing of November 29, 2023 to include, among other things, the addition of veterans housing within the project. First, to reduce the amount of noise and mitigate potential disruption generated by Project residents, soundproofing materials will be utilized in construction. Second, to reduce sightlines to parking areas and buffer noise from vehicles, decorative screening of the garage openings and a privacy hedge around parking area will be installed. Third, to increase visual interest, accenting along the roofline will be added. Fourth, to ease the ongoing housing crisis in the City of Revere, which entails a severe shortage of affordable and accessible housing, two (2) of the apartments will be offered as veterans housing. Such changes were deliberately designed to address the concerns of neighbors and the ZBA, while also fostering a positive community

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impact. Going beyond the “cosmetic” changes as upheld in *Ranney*, see 414 N.E.2d at 376, the plans for the 344 Salem building have been significantly altered to result in a more accessible, less intrusive building that responds to community wants and needs. It is for this reason that we request the Planning Board’s review and approval of these “specific and material changes.” See MASS. GEN. LAWS ch. 40A, § 16; REVERE, MASS., REV. ORDINANCES ch. 17, § 52.120.

In conclusion, the Project has undergone several substantial changes in response to the concerns expressed at the ZBA hearing of November 29, 2023, with such changes being significantly more extensive than what is necessary under case law for resubmission of plans to the Zoning Board of Appeals. Accordingly, I respectfully request that the Planning Board, at its upcoming February 27, 2024 hearing, review the amended Project plans for the “specific and material changes” required under MASS. GEN. LAWS ch. 40A, § 9 and REVERE, MASS., REV. ORDINANCES ch. 17, § 52.120 for rehearing of the Project by the ZBA.

Very truly yours,



Nancy S. O'Neil

CC: Frank Stringi, City of Revere Chief Planner
City of Revere Planning Board

Enclosures