



## CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

October 16, 2018  
REPORT OF THE LAND USE COMMITTEE

Attendee Name	Title	Status	Arrived
Lance L. Davis	Chair	Present	
William A. White Jr.	Vice Chair	Present	
Stephanie Hirsch	Alderman At Large	Present	
Matthew McLaughlin	Ward One Alderman	Present	
Jefferson Thomas ("J.T.") Scott	Ward Two Alderman	Present	
Ben Ewen-Campen	Ward Three Alderman	Present	
Jesse Clingan	Ward Four Alderman	Present	
Mark Niedergang	Ward Five Alderman	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	
Mary Jo Rossetti	Alderman at Large	Present	
Wilfred N. Mbah	Alderman at Large	Present	

Others present: Members of the Planning Board, George Proakis - OSPCD, Dan Bartman - OSPCD, Peter Forcellese - Legislative Clerk.

The meeting took place in the Aldermen's Chamber and was called to order at 6:09 PM by Chairman Scott and adjourned at 9:50 PM.

### **206747: Requesting the adoption of a New Zoning Ordinance (9/2018 update) to supersede the current Zoning Ordinance as originally adopted on March 23, 1990.**

Mr. Proakis made some introductory remarks regarding the latest iteration of the city's zoning overhaul proposal, noting that the presentation slides and recorded video of the meeting are available on the city's website at [www.somervillezoning.com](http://www.somervillezoning.com) <<http://www.somervillezoning.com>>. He then turned the presentation over to Senior Planner Dan Bartman. Mr. Bartman compared the city's current zoning to an old computer in need of a new, upgraded operating system and highlighted areas that have changed and tasks still needing to be done. He compared the update to updating computer operating system. He spoke about what has changed and what still needs to be done. Overall, the language in the proposal before the committee (referred to as Version 3.0) has been simplified for clarity. Some comparisons were shown between earlier versions of the proposal and Version 3.0. Mr. Bartman spoke about changes involving triple deckers, carriage houses and accessory use (permitted by Special Permit) for owner occupied properties. Members questioned if the accessory use was transferrable and Mr. Bartman explained that if a property were sold to an owner not occupying

the property, the Special Permit would expire. He also pointed out that the accessory use provisions would be listed on the deed to the property. Mr. Bartman stated that other communities are operating this way and he's confident that this would withstand a legal challenge.

The presentation moved on to sustainability, parking & mobility, landscaping, ground treatments and green scores and Mr. Bartman cautioned against mandating landscaping through deed restrictions. Recent separately proposed amendments to the city's zoning include: near highway air pollution, civic space in overlay districts, and adult use recreational cannabis businesses. There is still significant work needed to address the issue of affordable housing. Mr. Bartman told the committee that the Planning Department is monitoring Seattle's design review process, adding that, ideally, design review would occur early in the process, not late in the game - as is the process here in Somerville. He also commented that the City of Boston's design review process is geared to the public realm.

Public comment may be forwarded to the Planning Department via the following links:

- [planning@somervillema.gov <mailto:planning@somervillema.gov>](mailto:planning@somervillema.gov)
- [<https://somerville.civiccomment.org/>](https://somerville.civiccomment.org/)

Chairman Davis informed the committee that the next meeting of the Land Use Committee would be a joint meeting with the Planning Board and would include a public hearing on the proposed zoning overhaul. The meeting will be on October 30, 2018 at the East Somerville Community School. Deliberations on the proposal will commence on a date following the public hearing and it's expected that there will be an extended period for the public to submit comments. The BOA will have 90 days from close of the public comment period to act on the proposal. If the period lapses without final action having been taken, the item would have to be resubmitted and another public hearing would have to be held.

Mr. Bartman suggested that the recent separately proposed amendments presented need to be dealt with to figure out how they fit into the new code (Version 3.0), followed by areas of concern to the aldermen. He will prepare a list of what should be addressed first.

Alderman Rossetti commented that it might be helpful to have a day-long conference to work on this item and Alderman Niedergang mentioned items in the Legislative Matters Committee that he would like to complete and roll into the new proposed zoning, adding that he would like to see the zoning overhaul passed and then fine-tuned.

The committee meeting was recessed at 8:16 PM.

**RESULT:**

**KEPT IN COMMITTEE**

**206285: City Solicitor submitting Zoning Ordinance Amendments regarding Adult Use Marijuana Establishments.**

The committee meeting resumed at 8:30 PM.

Items 206285, 206657, 206736 and 206838 were discussed together.

Aldermen Davis and Scott recused themselves from all discussions and votes on these matters.

The remainder of the meeting was chaired by Alderman White.

Mr. Proakis presented the Planning Board's recommendation regarding adult use marijuana establishments, noting that there were two versions of the recommendation, with the correct version being dated June 28, 2018. He reviewed the different maps, telling the committee that although the maps have changed, the text of the ordinance has not.

Chairman White's motion to replace the original map in item #206285 with the map dated June 28, 2018, was approved.

The committee discussed the map and Alderman McLaughlin stated that he has no objection to locating the establishments on Broadway, in East Somerville, as long as the city's other main streets are also utilized. He also inquired if Ward One is the only area that supersedes the distance from school zones. Mr. Proakis pointed out that the schools in East Somerville are the closest schools to business districts. Mr. Proakis explained that the locations indicated on the map were drawn as a result of comments from residents, who suggested that the mapping strategy utilize the same map used for medical marijuana establishments. He is amenable to changing map as aldermen desire. Alderman Ballantyne requested to know what the public commentary was. Alderman Ballantyne commented that the former Powderhouse School building will have school-aged children at the location, therefore, she requested that the school area indicator (circle) be noted on the map.

Alderman McLaughlin's motion to remove Alston Street, Chester Avenue, Washington Street and Innerbelt Road as possible locations, was approved.

Alderman Rossetti's motion to remove the site at Bow and Washington Streets as a possible location, was approved.

Alderman Ballantyne's motion to remove the Teel Square Fire Station as a possible location, was approved.

Alderman Ballantyne's motion to remove the area from Hill Street to Endicott Avenue as possible locations, was approved.

Alderman Ballantyne's motion to remove the area at Jay Street and Holland Avenue and the area at Thorndike Street and Holland Avenue as possible locations, was approved.

Alderman Niedergang said that the map is heavily weighted towards East Somerville, therefore, he made the following motions, all of which were approved, to add some areas in his ward, as follows:

- extend the Davis Square area to Central Street, along Highland Avenue,
- extend along Somerville Avenue, from Union Square to Linden Avenue,
- include the commercial area on Medford Street in Magoun Square and extend the area to Powderhouse Circle - (amended to remove the residential areas and further amended to extend the area to School Street) - (the amendment to extend to School Street was withdrawn).

Alderman Clingan's motion to remove the locations on Mystic Avenue, between Temple Street and Fellsway West, was approved.

Alderman Clingan's motion to remove Edgar Avenue and Main Street, as well as the triangle at Main Street and Broadway as possible locations, was approved.

Alderman Clingan's motion to remove 2 parcels on School Street, was approved.

Alderman Rossetti asked that OSPCD staff review the changes approved to ensure that there are no residential locations left on the map. Chairman White asked Mr. Proakis to consult with the City

Solicitor's Office to determine if another public hearing needs to be held due to the changes made to the map tonight.

Alderman Mbah's motion to exclude any marijuana establishment from within 500 feet of a school, was not approved on a Roll Call Vote of 2 in favor (Aldermen Mbah and Hirsch), 7 against (Aldermen Rossetti, Clingan, Ewen-Campen, Ballantyne, Niedergang, McLaughlin and White), and 2 absent (Alderman Davis and Scott - both recused).

Alderman Hirsch's motion to exclude from the proposed overlay, everything in the Union Square red circled area, excluding the current medical marijuana facility and where Prospect Street meets Somerville Avenue, was approved, with Alderman McLaughlin voting against the motion.

Mr. Proakis will redraw the map and he told the committee that certain areas cannot be excluded due to state law. Alderman Hirsch asked Mr. Proakis to submit proposals to limit the number of facilities in specific areas. Chairman White requested that the revised map be sent to the members prior to the next meeting. Chairman White also asked the members to forward any amendments to the proposed ordinance to the Legislative Clerk for circulation.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206657: Ananda Lowe submitting comments re: #206285, proposed zoning for adult use marijuana establishments.**

Items 206285, 206657, 206736 and 206838 were discussed together.

Aldermen Davis and Scott recused themselves from all discussions and votes on these matters.

This portion of the meeting was chaired by Alderman White.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206736: Eric Schwartz submitting comments re: #206285, a proposed Adult Use Marijuana Zoning Ordinance.**

Items 206285, 206657, 206736 and 206838 were discussed together.

Aldermen Davis and Scott recused themselves from all discussions and votes on these matters.

This portion of the meeting was chaired by Alderman White.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**206838: Planning Board conveying its recommendations re: #206285, zoning ordinance amendments regarding adult use marijuana establishments.**

Items 206285, 206657, 206736 and 206838 were discussed together.

Aldermen Davis and Scott recused themselves from all discussions and votes on these matters.

This portion of the meeting was chaired by Alderman White.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**Handouts:**

- 20181016-SZO-V3-Overview (with 206747)
- Map Draft (with 206285)
- Map 6-28-18 (with 206285)
- Map 9-19-18 (with 206285)
- Planning Bd Recommendation (with 206838)