



CITY OF SOMERVILLE, MASSACHUSETTS

CLERK OF COMMITTEES

November 16, 2021
REPORT OF THE LAND USE COMMITTEE

Attendee Name	Title	Status	Arrived
Ben Ewen-Campen	Chair	Present	
Lance L. Davis	Vice Chair	Present	
William A. White Jr.	City Councilor At Large	Present	
Matthew McLaughlin	Ward One City Councilor	Present	
Mark Niedergang	Ward Five City Councilor	Present	

Others present: Dan Bartman-OSPCD, Sarah White-OSPCD, Dick Galvin from CB Properties, Bill Shelton and Roger Levy.

The meeting was held virtually and was called to order at 6:00 p.m. by Chairperson Ewen-Campen and adjourned at 8:18 p.m.

Approval of the November 8, 2021 Minutes

RESULT:	ACCEPTED
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Approval of the October 19, 2021 Minutes

RESULT:	ACCEPTED
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3 Prescott

212540: 10 registered voters requesting the adoption of a Zoning Map amendment to change the zoning district of 3 Prescott Street from UR to NR.

This item was heard recently and do not have a recommendation from the planning board.

This proposal is in Ward 3 and Councilor Ewen-Campen is in support. The neighbors are incomplete support. This is a currently vacant commercial building, and Chair Ewen-Campen stated that property is surrounded on both sides with essentially NR-type buildings. Chair Ewen-Campen also says this raises a larger issue that for any property owner with an NR building type in a UR district, , it's extremely hard to come in for small alternations because NR building types are not currently allowed in UR.

RESULT:

APPROVED

80 Webster

212309: Requesting approval of amendments to the Zoning Ordinance for MPD + Boynton Sub Area.

There have been multiple ongoing community discussions around this proposal , with both the abutters at 80 Webster and separately with the Union Square Neighborhood Council. The Chair sponsored the developer Dick Galvin, Boynton Gateway and Joyce Wu from 80 Webster.

Dick Galvin from CB Properties spoke on this item. He stated the amendment was put forth with successful negotiations with the city. They are finalizing an abutters agreement.

Bill Shelton representing the Neighborhood Council supports the zoning amendment. He stated they have had many good discussions and believes they want to be part of the community for the long run.

Roger Levy of 80 Webster stated that they are continuing to work with developer with the agreement on issues brought up in September and nailing down some final details. He notes the concerns about the southern half of the block leaving that as high rise, and stated he was “cautiously optimistic.”

Chair Ewen-Campen stated they received public comment from a resident concerned about the width of the sidewalk being reduced to accommodate the larger setbacks. This amendment calls for a slight reduction in the sidewalk width. Mr. Bartman stated it was a trade off in the amendment to pull the building away and the city had to find space somewhere. The high rise requires an 18 ft sidewalk. All non-HR districts only require a 12 ft sidewalk which is standard. They propose that sidewalk to reduce to the same as the rest of the city.

Chair Ewen-Campen asked Mr. Bartman to refresh the committee re: the status of the additional parcels on Columbia, south of the proposed development. Residents have concerns about the potential of the building most southerly part of the block casting shadows on their building. Roger Levy stated that none of the block should have been rezoned for high rise.

Councilor White asked about the zoning in regards to the height and if there needs to be another amendment. Mr. Bartman stated the city can amend anything in the section including the map as advertised during the legislative process.

Chair Ewen-Campen noted supported from a representative of the Greater Boston Union Trades, who had sent in awritten comment, and he urged the that group to send in their support in writing for the record.

RESULT:

KEPT IN COMMITTEE

Rooftop Mechanicals

212308: Requesting approval of amendments to the Zoning Ordinance for Rooftop Mechanicals.

A draft was emailed to the committee and clerks that is an updated proposal to replace the current document. Please see attached document.

Mr. Bartman stated the amendment has dimensional standards for roof top mechanicals. The current draft requires the mechanical equipment to be screened or enclosed within a penthouse. Every district has roof-top guidelines for mechanicals, according to building type - for example, in MR5, apartment buildings and General Buildings are allowed up to 10', whereas Commercial Buildings would be allowed up to 15'. Additionally, roof-mounted mechanical equipment may exceed the maximum height by Special Permit under certain circumstances.. Chair Ewen-Campen stated that in the current zoning there is absolutely no limit in roof-top height for mechanical. The current draft has roof-top limits for the various building types, and varies by district.

Councilor Niedergang shared concerns about the heights of the various buildings. He also raised concerns about commercial core buildings abutting MR and UR properties. He had additional concerns regarding the review criteria for special permits. Councilor Niedergang suggested new language regarding the shadows cast upon neighboring abutting properties or neighboring civic space. He raised concerns about the acoustical report.

Mr. Bartman addressed the concerns to be 10 ft instead of 15 ft. He stated that rooftop machinery tends to be taller than 10 ft. which is required on most lab buildings.

Councilor McLaughlin stated his issue is MR6 district and buildings could be effectively 8 stories tall if the rooftop equipment is allowed. His question is whether lab buildings should be in certain neighborhoods or not. Chair Ewen-Campen stated one possibility could be no 6-story buildings that are residential. Councilor McLaughlin stated there are also questions about the noise the mechanicals would make. He intended for Broadway to be storefronts in a very walkable neighborhood, and was not happy with the idea of lots of lab buildings instead of housing with groundfloor commercial..

Mr. Bartman suggested that the way to address the noise concerns would be to change the city noise ordinance to address the acoustical sounds to be an acceptable noise level for the city. Councilor Niedergang does not feel the city noise ordinance to be the appropriate way to handle mechanical noises from equipment. Chair Ewen-Campen believes this needs more thought and suggested that he get together with Councilor Niedergang and Mr. Bartman to discuss this matter further. Councilor McLaughlin suggested deciding when the roof-top mechanicals would be allowed in general and the future of lab space in the city.

Chair Ewen-Campen suggests an effective date of early next year for this amendment.

Chair motioned and it was accepted to replace the document on the agenda with the draft from November 16th.

RESULT:	KEPT IN COMMITTEE
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211349: That the Committee on Land Use consider regulating the height of rooftop mechanicals on commercial buildings that abut Neighborhood Residence and Urban Residence districts.

RESULT:	KEPT IN COMMITTEE
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211612: Requesting approval of amendments to the Zoning Ordinance to regulate rooftop

mechanical systems and mechanical penthouses.

RESULT:

KEPT IN COMMITTEE

Small Business Overlay

212306: Requesting approval of amendments to the Zoning Ordinance for Commercial Spaces.

Items 212306, 211693 and 210782 were discussed together.

Councilor Davis stated the intent is to ensure multiple, relatively small store-fronts on a given frontage along Small Business Overlay districts. The current draft requires that the number of store-fronts allowed on a given stretch of building is the length of that stretch divided by a factor of 26.5.

Councilor Niedergang asked if this applies to the properties in Davis Square and why. Councilor Davis stated that this could be applied by the City Council to any area by enacting the Small Business Overlay district to any area. He started with Davis Sq as a “sandbox” meaning he wanted to create a conceptual approach to be used across the city.

Councilor Davis motioned and it was accepted to replace the current proposal with the version seen this evening.

RESULT:

APPROVED

211693: Requesting approval of proposed amendments to the Zoning Ordinances at Article 8.2 - Small Business Overlay District, and to the Zoning Map.

Items 212306, 211693 and 210782 were discussed together. Councilor Davis stated the intent is to include multiple small businesses.

Councilor Niedergang asked if this applies to the properties in Davis Square and why. Councilor Davis stated he wanted to create a conceptual approach to be used across the city.

Councilor Davis motioned and it was accepted to replace the current proposal with the version seen this evening.

RESULT:

APPROVED

210782: That the Director of SPCD present zoning recommendations addressing the size of ground floor commercial spaces produced by development, to ensure that street level development in certain areas maintains multiple smaller-sized commercial spaces to enhance the pedestrian experience.

Items 212306, 211693 and 210782 were discussed together. Councilor Davis stated the intent is to include multiple small businesses.

Councilor Niedergang asked if this applies to the properties in Davis Square and why. Councilor Davis stated he wanted to create a conceptual approach to be used across the city.

Councilor Davis motioned and it was accepted to replace the current proposal with the version seen this evening.

RESULT:

APPROVED

Article 2 Amendments

212606: Requesting approval of amendments to Sections 2.1 and 2.4 of the Zoning Ordinance.

Mr. Bartman discussed the modifications of definitions, no substantive changes but rather clarifications of intent. There are changes in building separations. The word curb was added to the setback of the sidewalk. There is new text on page 3 regarding party walls and building interconnections. See attached document with specific details.

Councilor White suggested checking with city solicitor on the changes.

Chair Ewen-Campen motioned and it was accepted to approve changes to the amendment.

RESULT:

APPROVED

Upper Central Street Local Historic District

212637: Director of Planning submitting information relative to the proposed Upper Central Street Local Historic District.

Items 212637 and 212642 were discussed together.

Councilor Niedergang stated this is for four new properties to create a single larger historic district.

Councilor Niedergang motioned and it was accepted to approve the ordinance.

Sarah White believes the report speaks for itself to consolidate and add in 4 additional buildings that are related back to the 19th century.

RESULT:

APPROVED

212642: Requesting approval of an Ordinance amending the Local Historic District Map to create a new Upper Central Street Historic District encompassing properties in the area of Central Street and Broadway.

Items 212637 and 212642 were discussed together.

Councilor Niedergang stated this is for four new properties to create a single larger historic district.

Councilor Niedergang motioned and it was accepted to approve the ordinance.

Sarah White believes the report speaks for itself to consolidate and add in 4 additional buildings that are related back to the 19th century.

Reference Material:

- Rooftop Mechanicals - 2021 11 16 Update (with 212308)
- Combined Small Business Amendments_2021 11 16 (with 210782, 211693, 212306)
- Glossary & Overview 2021 11 16 (with 212606)