



City of Somerville, Massachusetts

City Council Land Use Committee

Meeting Minutes

Thursday, November 16, 2023

6:30 PM

This meeting was held via Zoom and was called to order by Chair McLaughlin at 6:30 p.m. and adjourned at 8:17 p.m. on a Roll Call Vote: 5 in favor (Councilors Ewen-Campen, Gomez Mouakad, Wilson, Davis, McLaughlin), 0 opposed, 0 absent.

Others present:

Michael Potere – Assistant Clerk of Committees; Daniel Bartman – Deputy Director of Planning, Preservation, and Zoning; Andrew Graminski – Planner, Planning, Preservation, and Zoning Division.

Roll Call

Present: Chairperson Matthew McLaughlin, Vice Chair Lance L. Davis, Ben Ewen-Campen, Beatriz Gomez Mouakad and Jake Wilson

1. Committee Minutes (ID # [23-1515](#)) Approval of the Minutes of the Land Use Committee Meeting of October 5, 2023.

RESULT: ACCEPTED

AYE: Chairperson McLaughlin, Vice Chair Davis, Ward Three City Councilor Ewen-Campen, Ward Five City Councilor Gomez Mouakad and City Councilor At Large Wilson

2. Committee Minutes (ID # [23-1577](#)) Approval of the Minutes of the Land Use Committee Joint Meeting with the Planning Board on October 19, 2023.

RESULT: ACCEPTED

AYE: Chairperson McLaughlin, Vice Chair Davis, Ward Three City Councilor Ewen-Campen, Ward Five City Councilor Gomez Mouakad and City Councilor At Large Wilson

3. Mayor's Request (ID # [23-1205](#)) Requesting ordainment of an amendment to the Zoning Ordinance to repeal Section 10.9 Steep Slopes.

Director Bartman explained that this amendment is actually a change in oversight, and will be removing the special permit currently required from the Zoning Commission and placing slope regulation into an existing permit called the Site Construction Permit, which will be administered by the Engineering Division.

Councilor Ewen-Campen expressed support for this amendment, and noted

that the Steep Slope Amendment was passed in the first place to address one narrow situation and that it makes more sense for slope consideration to be placed in an administrative part of the process rather than in zoning itself.

Councilor Gomez Mouakad expressed support for this amendment, and agreed that engineering and inspectional services is the most appropriate venue to consider slopes, not zoning.

Councilor Davis expressed support for this amendment, and noted that removing the Steep Slope ordinance from zoning is also required by the MBTA Communities Act.

RESULT: RECOMMENDED TO BE APPROVED

AYE: Chairperson McLaughlin, Vice Chair Davis, Ward Three City Councilor Ewen-Campen, Ward Five City Councilor Gomez Mouakad and City Councilor At Large Wilson

4. Mayor's Request (ID # [23-1489](#))

Requesting ordainment of an amendment to the Somerville Zoning Ordinances to replace the text of Section 9.1.11 Residential Use Categories and revise Table 9.1.1 Permitted Uses and the corresponding permitted use table of each zoning district, in accordance with changes to Table 9.1.1, to replace the two residential use categories.

Planner Graminski explained that this amendment replaces the current residential housing uses from “Household Living” and “Group Living” and converts them to “Residential Housing” and “Institutional Housing,” and, in turn, removes the rule regarding household members have a familial relationship. Planner Graminski continued that Residential Housing will consider any number of individuals living together as a single housekeeping unit, and Institutional Housing is housing run by an organization. Planner Graminski also noted that Community and Group Residence classifications will remain because they are protected by federal law.

Councilor Davis expressed support for this amendment, and emphasized that the government should not be defining what a “family” or “relative” means for individuals.

Councilor Ewen-Campen expressed strong support for this amendment, and noted that the ordinance as it is currently written has the potential for abuse, and also that even if this change was not required under the MBTA Communities Act, it would still be something the Council would be changing at this time.

Councilor Wilson expressed support for this amendment, and reiterated that even if the MBTA Communities Act did not require it, it is something the city should be doing.

Councilor Gomez Mouakad expressed support for this amendment, and

noted that this will also benefit the city’s immigrant community, who often migrate to the area and live together as a cost saving measure.

Chair McLaughlin asked what safeguards are in place to prevent overcrowding if this amendment is passed, and Planner Graminski explained that state law governs the building and sanitation codes, which regulate square footage requirements. Planner Graminski added that enforcement can be difficult on existing homes, as opposed to new construction, but that situations will be evaluated on a case-by-case basis. Chair McLaughlin asked if, in a hypothetical situation, a developer could place several bedrooms in a kitchen area, and Planner Graminski replied that things like that would be caught in the approval and inspection process, and that the building code itself would prevent that.

Chair McLaughlin explained that he voted for the original language in the original ordinance prior to the present proposed amendment, and noted that he is glad to have an opportunity to correct it.

RESULT: RECOMMENDED TO BE APPROVED

AYE: Chairperson McLaughlin, Vice Chair Davis, Ward Three City Councilor Ewen-Campen, Ward Five City Councilor Gomez Mouakad and City Councilor At Large Wilson

5. Mayor's Request (ID # [23-1198](#))

Requesting ordainment of an amendment to the Somerville Zoning Ordinances, Sections 3.1 Neighborhood Residence and 3.2 Urban Residence, to permit the house and triple decker building types without any conditions, and to repeal the lot depth, dwelling units per lot, and development benefits requirements.

Director Bartman explained that the Item description matches the primary substance of this amendment, and noted that the main points of feedback have been the repeal of the development benefit, removal of the location criteria for triple decker houses, and changing the depth standard for lots. Director Bartman continued that this amendment permits triple deckers as of right with no preconditions, and would only permit a fourth unit on these lots if said fourth unit is a backyard cottage that fits within the lot setback.

Councilor Davis asked if these changes are required for the MBTA Communities Act, and if the main change is the removal of the development benefit, which Director Bartman confirmed.

Councilor Davis asked about whether these changes would result in less open space in the form of backyards, and Director Bartman explained that it would not because the majority of the lots in Somerville already have residential building on them, and that, as a result, most backyards are already in place. Director Bartman continued that this amendment also would not repeal and open space or Green Score requirements. Councilor Davis clarified that this amendment will not allow building to the back wall of

properties, and Director Bartman confirmed this to be correct. Councilor Davis commented that removing the development benefit will not likely result in the construction of fewer affordable housing units.

Councilor Gomez Mouakad asked if “triple decker” refers to the building typology or the number of units permitted in the structure, and Director Bartman replied that it would permit both the building typology and the number of units inside, but that if someone wanted to put two units in a triple decker building typology, that would also be permitted under this amendment. Councilor Gomez Mouakad commented that this amendment would not change the architectural character of the city, and may provide for additional green opportunities, such as new construction with flat roofs capable of supporting solar heat pumps.

Councilor Ewen-Campen expressed strong support for this amendment and commented that, based on evidence from the past several years of development in the city, approving it would be unlikely to result in fewer affordable units or cause an increase in population density. Councilor Ewen-Campen also commented that it is a common misconception among the public that recent changes to Somerville zoning have and will result in less green and open space.

Councilor Wilson stated that, although there is concern that removing the affordable unit requirement in buildings with three units, during the past four years in which this requirement has been in effect, zero of those units have been constructed.

Councilor Gomez Mouakad expressed support for this amendment and explained that it could result in more affordable housing being created organically, for example by using prefabricated units for triple deckers in the city, as opposed to new construction.

Chair McLaughlin expressed support for the amendment, and noted the historical opposition to the third unit as of right. Chair McLaughlin noted that his own view regarding the amendment has evolved over time, that he supports the development of affordable housing units, and that if neighboring communities adopt similar changes under the MBTA Communities Act, more overall units will be developed, which could have a positive overall impact on pricing in the region. Chair McLaughlin also noted that some community concerns about adding a third unit to properties pertaining to population density and nuisance have not come to fruition and are generally not supported by evidence.

RESULT: **RECOMMENDED TO BE APPROVED**

AYE: Chairperson McLaughlin, Vice Chair Davis, Ward Three City Councilor Ewen-Campen, Ward Five City Councilor Gomez Mouakad and City Councilor At Large Wilson

6. Zoning Ordinance (ID # [23-0791](#)) By Councilor Ewen-Campen and Councilor Wilson Amending the Zoning Ordinances Section 10.3, Development Standards, and Table 10.4.1. to include vegetated roofs.

Prior to this meeting, Councilor Ewen-Campen submitted a further amended version of this proposed amendment to the Clerk's Office, which reads as follows:

“8. Vegetated Roofs

- a. Construction of a new principal building or the substantial renovation of an existing principal building with a flat roof in the Mid-Rise, High-Rise, Assembly Square Mixed-Use, or Commercial zoning districts must include a vegetated roof for eighty percent (80%) of the available roof area.
 - i. Roof area for roof mounted cellular, radio, and internet transmission equipment; vents or exhausts; photovoltaic (PV) devices; and any equipment required to support the operation of the building is exempt.
 - ii. Balconies and roof area for outdoor amenity space and required open space is exempt.
 - iii. Non-habitable architectural features, required screening, and unobstructed areas required by the Massachusetts State Building Code are exempt.
 - iv. Development subject to the Affordable Housing overlay district is exempt.”

Councilor Ewen-Campen explained that this amendment will be located in the landscaping section of the development standards, and that it is designed in conjunction with the city's Green Score to incentivize the construction of vegetated roofs while at the same time not interfering with other critical elements of new rooftop construction, such as the addition of solar panels, electrical requirements, and cellular equipment, etc. Councilor Ewen-Campen continued that the specific Green Score multiplier was chosen to encourage the development of vegetated rooftop space, but that the number itself had not yet been thoroughly evaluated or analyzed by city staff.

Councilor Wilson further explained that this amendment would only impact new construction, that it is important to bring this into effect as soon as possible to provide for as much impact as possible. Councilor Wilson added that, to the extent changes need to be made in the future, it will be better to pass this amendment sooner, and then go back and amend as necessary.

Councilor Davis expressed support for this amendment, and asked where the 80% coverage number came from. Councilor Ewen-Campen explained that the 80% figure was borrowed from Cambridge, and the 0.8 Green Score multiplier was Councilor Ewen-Campen's proposal but that it was open to feedback. Director Bartman explained that the 0.8 multiplier was selected based on the city's pattern with rewarding both vegetated rooftops and solar paneling.

Councilor Davis asked about the text that provides an exception for “any equipment required to support the operation of the building,” and if that language would be susceptible to broad interpretation and potential abuse. Director Bartman replied that the building design proposal would make clear to the department what equipment could be deemed essential based on the building’s proposed occupancy. Councilor Gomez Mouakad later expressed support for the language as written, and noted that developers would be unlikely to incur the cost of unnecessary fixtures simply to avoid adding green space.

Councilor Davis asked what “Non-habitable architectural features” means and if that is a term of art or something that is ambiguous and could be open to interpretation and abuse. Director Bartman replied that another section of the code, Article 2, lists features that would fall into this category, which by way of example and not limitation includes clock towers, turrets without rooms, and gargoyles.

Councilor Davis suggested that the 80% calculation could be more clearly explained by including language to the effect that the 80% figure is determined after subtracting the exceptions in subsections (i), (ii), and (iii).

Councilor Davis asked for clarification regarding the definition of “vegetated roof with solar facilities” in the proposed amended Green Score, and Director Bartman replied that the definition is based on the plain language and usage of those terms.

Councilor Davis noted that some confusion is created by the use of “photovoltaic (PV) devices” in the proposed amendment and “vegetated roof with solar facilities” in the proposed amended Green Score. Councilor Ewen-Campen responded that the same definition was intended between the terms, and Councilor Davis recommended that the same terms be used in both places to avoid confusion. Director Bartman recommended the use of “photovoltaic (PV) devices” to replace “solar facilities” in the proposed Green Score amendment. Councilor Gomez Mouakad stated that “photovoltaic” refers to the conversion of sunlight into energy, but if the amendment would like to include solar hot water heaters, the broader term “solar systems” should be used, not “photovoltaic.”

Councilor Davis asked if “vegetated roof with solar facilities” means solar panels over a vegetated roof, and Councilor Ewen-Campen confirmed that to be correct.

Councilor Gomez Mouakad asked if the proposed changes to the Green Score would take away from green spaces in locations other than the roof of a building, and Councilor Ewen-Campen replied that the preliminary consensus among staff was that the proposed score modifier of 0.8 would

not be sufficiently large to incentivize overdevelopment of green spaces on rooftops at the expense of other green spaces closer to locations in which people interact. Director Bartman suggested, in response, that perhaps the Green Score modifier could account for the physical height of the green space, with additional credit being offered for taller installations, to which Councilor Gomez Mouakad expressed support.

Councilor Gomez Mouakad proposed adding language for the required path of travel for maintenance access.

Councilor Gomez Mouakad proposed renumbering subsection “(iv)” to subsection “(b)” to reflect the categorical shift between the first three subsections representing physical building features and subsection (iv) representing a type of zoning.

Councilor Ewen-Campen asked that this amendment be kept in committee to allow for further development prior to the final meeting of this committee before the end of the calendar year.

RESULT: KEPT IN COMMITTEE

- 7. Public Communication (ID # [23-1381](#))

Four residents submitting comments re: item #23-0791, amending the Zoning Ordinances to include vegetated roofs.

RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED

Referenced Documents:

- Land Use - 2023-11-16 Vegetated roofs amendment 10.31.23-2 (with 23-0791)