



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

June 29, 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	

The meeting was held via GoToWebinar and was called to order by Chair Ewen-Campen at 6:03pm and adjourned at 7:08pm.

Others present: Dan Bartman - OSPCD

Chair Ewen-Campen reminded the Committee that the items have not received recommendations from the Planning Board and public hearings remain open, and the City Council will consider once the feedback process is complete.

Approval of the June 17, 2021 Minutes

RESULT:	ACCEPTED
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Rooftop Mechanicals

211612: Requesting approval of amendments to the Zoning Ordinance to regulate rooftop mechanical systems and mechanical penthouses.

Chair Ewen-Campen shared that there is the potential for unintended building massing issues due to the rooftop mechanicals. Mr. Bartman reminded the committee that rooftop mechanical equipment is handled uniformly across the city, and there are setback and screening requirements. The amendment would maintain that, but set a maximum height by zoning district. The standards would be included by building type, allowing for more precision. Chair Ewen-Campen expressed support for this approach, noting that the specific heights and districts are still to be determined. The feedback from the Urban Design Commission will help inform this.

RESULT:	KEPT IN COMMITTEE
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Civic Spaces Near Highways - In Lieu Payments

211433: Requesting amendments to the Zoning Ordinance as contained within.

Councilor McLaughlin emphasized that his main goal is to allocate funds for pollution mitigation near the highways. Mr. Bartman shared that the Civic Space amendments encompass three separate parts, which are severable. The first proposal creates a new discretionary special permit to authorize a payment in lieu of providing Civic Space within certain distances to certain roadways. The long-term strategy for turning McGrath Highway into McGrath Boulevard will drastically change that space, and neighborhood feedback has encouraged focusing on necessary Civic Space. The second proposal is for adjustments to the payment in lieu of Open Space and Civic Space formulas. The standards for establishing fees are outlined by the Supreme Court and must have a nexus to the item and must be similar to the cost. The court also determined that there is no mathematical formula, and must be an individualized determination, sometimes referred to as a nexus study. The third proposal is a new discretionary permit to authorize developers to provide an in-kind contribution of off-site Civic Space in the Master Plan Overlay District. The administration is exploring what the ideal strategy would be to achieve the goals of that proposal.

Councilor Niedergang shared that there is advocacy for sound walls abutting I-93, but that does not change his support for this amendment. He also shared agreement that perhaps McGrath Highway should not be included, due to impending dramatic changes. He asked why Mystic Avenue and Route 16 are not included. Mr. Bartman noted that there have been different maps from different groups, and added that the buffer for Mystic Avenue may fall within the buffer for I-93, which may be why it is not explicitly stated. The vehicle trips per day experienced on the roadway is an important metric. Councilor McLaughlin agreed that Route 16 should be considered, and added that the I-93 area should include development, which could help create a wall that would mitigate the problem, while it may be more important to protect the green space on Route 16. He asked if the rule would apply to McGrath Highway if it was no longer a highway and Mr. Bartman suggested that it may be possible to write something that would adjust the qualifications if the roadway changed. Councilor White highlighted the development in Brickbottom, noting that development may take place before the McGrath traffic is reduced, and residents would be deprived of potential Open and Civic Spaces in the meantime. Chair Ewen-Campen also expressed that it would be a disservice to discourage Open and Civic spaces in the area around McGrath. The most serious concerns are around I-93, which should be the focus. Mr. Bartman will provide more information about how the individualized determination might work.

Councilor White asked if the cost per linear foot for sound barriers could be determined to help set the rate, and also asked if a rate is set through a nexus study, would there be an adjustment mechanism. Mr. Bartman noted that there is concern about maintaining the nexus between the payment in lieu and what the funds are used for, and it is unclear whether sound and pollution mitigation have a nexus to civic space.

RESULT:

KEPT IN COMMITTEE

UR Facade

212051: Requesting an amendment to the Zoning Ordinance to revise the façade build-out dimensional standard for any Apartment Building in the Urban Residence district when abutting the Neighborhood Residence district.

Mr. Bartman shared that the side setback of 20 ft. abutting an NR District was previously added, which would necessitate the façade buildout being adjusted. This was an oversight during an amendment from 2019. Councilor Niedergang noted that the unintended consequence of zoning is that a very wide building would be needed next to an NR lot, and this change would allow apartment buildings of reasonable scale while still protecting the residential buildings. Chair Ewen-Campen confirmed that this does not change the setbacks.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	Ewen-Campen, Davis, White Jr., McLaughlin, Niedergang

Small Business Overlay: Commercial Space Width

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

Mr. Bartman explained that this would regulate the width and frontage of commercial spaces within the Small Business Overlay District, and added that he is preparing some revisions to the numbers, based on feedback. Councilor Davis reiterated that there is flexibility in the specifics, as long as it accommodates the multiple small spaces, which is the intent of the proposal.

RESULT:	KEPT IN COMMITTEE
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Cannabis Delivery - Update

211828: That the Director of Planning prepare an amendment to the Zoning Ordinance to enable Adult Use Marijuana Delivery businesses.

Mr. Bartman shared an update that the zoning standards follow the original conception of how cannabis permits were set to be issued, which has evolved over time, and the administration is interested in adapting the zoning to accommodate this. This amendment is a priority, with a proposal expected by the end of the summer. Councilor White asked if the City Ordinances would also need to be updated and Mr. Bartman will ensure that items beyond zoning are considered.

RESULT:	KEPT IN COMMITTEE
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Map Changes

211675: Scott Zink proposing a zoning amendment to re-zone his property at 471 Somerville Avenue from Urban Residential to MR4.

Chair Ewen-Campen explained that this would expand the commercial units in the ground floor commercial space.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	Ewen-Campen, Davis, White Jr., McLaughlin, Niedergang

211988: Moshe Safdie proposing a zoning amendment to extend the Small Business Overlay to his property at 92 Properzi Way.

Chair Ewen-Campen noted that there is community support for this.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	Ewen-Campen, Davis, White Jr., McLaughlin, Niedergang

212047: Senthil Kumar proposing a zoning amendment to rezone his property at 8-8A Melvin Street from Mid Rise 5 to Neighborhood Residential.

Chair Ewen-Campen shared that there was comment at the public hearing on this item. Councilors Niedergang and McLaughlin supported it, noting that it was an oversight during the zoning overhaul process.

RESULT:	APPROVED. [UNANIMOUS]
AYES:	Ewen-Campen, Davis, White Jr., McLaughlin, Niedergang

Referenced Material:

- 471 Somerville Ave - Zoning Change Request (with 211675)
- Letter to City Council (with 211988)
- Letter to City Council -2 (with 211988)
- Quick Aerial - I-93 segments (with 211433)