



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

April 14, 2020
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, Kim Wells - Assistant Clerk of Committees, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:00 PM by Chairman Ewen-Campen and adjourned at 7:30 PM.

Approval of the March 31, 2020 Minutes

RESULT:	ACCEPTED
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209771: Requesting approval of an amendment to the Zoning Ordinance to correct procedural requirements, unintended conflicts between regulations, numerical errors, or inadvertent omissions.

Mr. Bartman gave a presentation explaining the concept of Pedestrian Streets and said that the objective, tonight, is to get feedback from the Committee prior to next week's public hearing on the matter. He stated that an amendment is needed to correct procedural requirements, unintended conflicts between regulations, numerical errors, and/or inadvertent omissions. Topics covered during the presentation included:

- Intent/Purpose of pedestrian streets,
- Physical requirements,
- Use restrictions,
- Characteristics of Active Uses and Valuable Uses,
- Categories of Active and Inactive Uses, and
- Proposed locations of pedestrian streets.

Mr. Bartman explained that the purpose of pedestrian streets is not to create full neighborhoods, but rather, to bring more activity into an area.

The committee had questions regarding the Arts and Creative Enterprise active use category and Mr. Bartman explained that the category includes people who produce things, art supply stores, work bars, landscape architects, and shared work spaces, adding that the city is trying to make more space for these uses as well as civic and institutional services. If a business moved from a pedestrian street location, a 'like-kind' business would be allowed to use that space, e.g., a dentist office moving out and a podiatrist moving in, i.e., a non-conforming use can change to another non-conforming use as long as it stays in the same category. OSPCD has been reviewing the allowable uses list to determine what might be added, for example, business support services may include copying services, employment agencies, photo developing labs - basically, a business that supports another business - but the list needs to be scrutinized since the more uses allowed, the further the result is from the ultimate goal.

Chairman Ewen-Campen commented that the concept is well received from the perspective of people who want more activity in neighborhoods, but from the business perspective, the allowed use restrictions are burdensome. He would like to see health care, animal care and day care services included in the allowable list and he will be proposing some additional uses after next week's public hearing. Councilor Niedergang stated that he would tend to be less restrictive and let market conditions determine what is allowed, over time.

Councilor Davis commented that Davis Square is a prime real estate area and in large part, only well-funded businesses have survived there. He is against opening pedestrian streets to well-funded business (corporations, franchises, etc.) as this could drive up real estate prices. He does not favor including health care or day care uses, etc., on the list of allowable uses since the idea is to create active squares. He pointed out that nothing precludes those business from going into basement spaces or on floors above the ground level. An unintended consequence of attempting to expand arts in the city would be allowing a Google type business to operate under the Arts and Creative Enterprise category, but Mr. Bartman told the members that the category can be more nuanced if they feel it's too broad. Councilor Davis is concerned about what may be included, so he thinks that definitions and categories need to be fine-tuned. Mr. Bartman noted that criteria may be written for specific uses and require special permits, but the general goal of the zoning overhaul was to simplify things.

Councilor McLaughlin stated that there are day care businesses in his ward and that he would like to allow day care businesses in homes. Councilor White commented that, with all of the new buildings planned, there will be a lot of first floor space available. He is conceptually in favor of the plan but would like more definition. Mr. Bartman cautioned against designation too much property as part of a pedestrian street adding that if the proposed map has to be re-drawn, another public hearing would be necessary. He reminded the members that special uses could be allowed by special permits.

Mr. Bartman and Chairman Ewen-Campen will follow-up with Ms. Connor and Ms. Webber regarding plans for advertising next week's public hearing and providing instruction on how to participate via GoToWebinar. Mr. Bartman will begin crafting a starting point for amendments to active uses.

Councilor Davis suggested:

- allowing certain uses on certain pedestrian streets by excluding particular parcels,
- having different levels of pedestrian streets,
- having a special permit for the people caught by the zoning overhaul.

Mr. Bartman will explore these suggestions, but he noted that zoning isn't allowed to look at differences in the 'who' of an application. Councilor Niedergang stated his objection, saying that it could open 'Pandora's box'. He suggested perhaps having different criteria for Davis Square vs. other city squares.

RESULT:	KEPT IN COMMITTEE
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209790: That this Council modify or eliminate the Zoning Ordinance's Use Limitations for parcels that front a Pedestrian Street in various locations such as 4.1.13.b, 4.3.13.b, 5.1.15.b, etc.

RESULT:	KEPT IN COMMITTEE
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Handouts:

- 20200414 LUC (with 209790)
- Pages from 20191212 Adopted Somerville Zoning Ordinance (with 209790)