



# City of Somerville, Massachusetts

## City Council Land Use Committee

### Meeting Minutes

Thursday, September 1, 2022

6:30 PM

The meeting took place virtually via GoToWebinar and was called to order at 6:34 PM by Chair Ewen-Campen and adjourned at 7:22 PM on a roll call vote of 5 in favor (Councilors Strezo, McLaughlin, Gomez Mouakad, Davis and Ewen-Campen), none against and 0 absent.

#### Roll Call

**Present:** Kristen Strezo, Matthew McLaughlin, Beatriz Gomez Mouakad, Ward Six City Councilor Lance L. Davis and Ward Three City Councilor Ben Ewen-Campen

1. Ordinance  
(ID # [22-0825](#))

By Jake Wilson

Proposing an amendment to the Zoning Ordinances, Section 3.1.6.d, Residence District, to permit the Backyard Cottage accessory building type by right.

Executive Director of the Office of Strategic Planning and Community Development, Dan Bartman, explained that many of the procedures required for a site plan approval really don't align with backyard cottages. As a result, the Design Commission found itself faced with conflicts during some of the review processes. Feedback was received by OSPCD staff and this change was proposed to allow backyard cottages to be built by right. With this change, neighborhood meetings would not be required for backyard cottages. Mr. Bartman stated that backyard cottages come with their own set of dimensional standards, e.g., setbacks. Building permits are required and green scores would still have to be met.

Councilor Davis moved to approve the item

**RESULT:** **RECOMMENDED TO BE APPROVED**

**AYE:** City Councilor At Large Strezo, Ward One City Councilor McLaughlin, Ward Five City Councilor Gomez Mouakad, Ward Six City Councilor Davis and Ward Three City Councilor Ewen-Campen

2. Public  
Communication  
(ID # [22-1110](#))

Thomas J. Cooke requesting the adoption of an amendment to the Zoning Ordinance Map to change the zoning district of 14 White Street Place from NR to MR4.

This item was withdrawn by the petitioner.

**RESULT:** **RECOMMENDED TO BE WITHDRAWN**

- 3. Public Communication (ID # [22-1031](#))

Vivaldo Meneses Sr. requesting the adoption of an amendment to the Zoning Ordinance Map to change the zoning district of 82-84 Prospect Street from MR5 to UR.

This item involves two side by side properties, with common ownership, which were put into split zoning. A public hearing was held on this item on June 16, 2022.

Chair Ewen-Campen moved for approval.

**RESULT: RECOMMENDED TO BE APPROVED**

**AYE:** City Councilor At Large Strezo, Ward One City Councilor McLaughlin, Ward Five City Councilor Gomez Mouakad, Ward Six City Councilor Davis and Ward Three City Councilor Ewen-Campen

- 4. Mayor's Request (ID # [22-0654](#))

Requesting a text amendment to the Somerville Zoning Ordinance to repeal all references to a Certificate of Zoning Compliance and replace with a requirement for the Building Official to conduct a zoning compliance review and maintain a public record of such reviews for all development.

Executive Director of the Office of Strategic Planning and Community Development, Dan Bartman, said this is basically a clerical cleanup. The changes proposed still maintain what the certificate of Zoning Compliance does but removes references to it in the zoning ordinance to make the process less confusing.

Currently, without this proposed change, the ordinance is only supposed to document that ISD had confirmed that the project was in compliance, i.e., that a compliance review was performed. The lack of clarity in the ordinance resulted in tying up staff and extending the process by several weeks. CitizenServe is now capable of handling the compliance portion of the ordinance, thereby speeding up the process. Prior to the pandemic, the Planning Dept worked on a manual system, however, since then, the process has been digitized and modernized. This proposed change takes away the confusion that exists currently.

Councilor Davis noted that the language in Sec. 15.7; 1; A; ii doesn't actually say that the compliance review must be passed. Director Bartman explained that the language exists in the state building code and that Somerville's language is in addition to existing state law. He told the members that a certificate of compliance cannot be issued if a project is not in compliance. He went on to say that nothing in the operation will change other than the users' understanding of what is required. Compliance reviews originally performed by building inspectors; now however, this function is being carried out by OSPCD zoning review planners.

Councilor Davis commented that he is a little nervous because zoning compliance issues do arise occasionally.

Chair Ewen-Campen moved for approval.

**RESULT:**      **RECOMMENDED TO BE APPROVED**  
**AYE:**            City Councilor At Large Strezio, Ward One City Councilor  
 McLaughlin, Ward Five City Councilor Gomez Mouakad,  
 Ward Six City Councilor Davis and Ward Three City  
 Councilor Ewen-Campen

- 5.      Public  
       Communication  
       (ID # [22-0929](#))

Three owners requesting the adoption of an amendment to the Zoning Ordinance Map to change the zoning district of 129R Highland Ave from UR to NR.

Chair Ewen-Campen noted that this parcel is land-locked and undevelopable. It shares a small part of another property (125 Highland Avenue) being considered for an affordable housing project. Director Bartman explained that there were questions about setbacks and how this could impact surrounding parcels, however, he doesn't foresee any detrimental effects to surrounding properties.  
 Councilor Davis noted that the property at 125 Highland Avenue was designated as an historic district, so additions would have to be made in the back or side of the existing building.  
 Chair Ewen-Campen said the relevant issue is setbacks for any future projects and since this amendment won't have an impact on the affordable housing project, he moved to approve.

**RESULT:**      **RECOMMENDED TO BE APPROVED**  
**AYE:**            City Councilor At Large Strezio, Ward One City Councilor  
 McLaughlin, Ward Six City Councilor Davis and Ward  
 Three City Councilor Ewen-Campen  
**ABSENT:**      Ward Five City Councilor Gomez Mouakad