



## CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

November 13, 2018  
REPORT OF THE LAND USE COMMITTEE

| Attendee Name                   | Title               | Status  | Arrived |
|---------------------------------|---------------------|---------|---------|
| Lance L. Davis                  | Chair               | Present |         |
| William A. White Jr.            | Vice Chair          | Present |         |
| Stephanie Hirsch                | Alderman At Large   | Present |         |
| Matthew McLaughlin              | Ward One Alderman   | Present |         |
| Jefferson Thomas ("J.T.") Scott | Ward Two Alderman   | Present |         |
| Ben Ewen-Campen                 | Ward Three Alderman | Present |         |
| Jesse Clingan                   | Ward Four Alderman  | Absent  |         |
| Mark Niedergang                 | Ward Five Alderman  | Present |         |
| Katjana Ballantyne              | Ward Seven Alderman | Present |         |
| Mary Jo Rossetti                | Alderman at Large   | Present |         |
| Wilfred N. Mbah                 | Alderman at Large   | Present |         |

Others present: George Proakis - OSPD, Michael Glavin - OSPD, Melissa Woods - OSPD, Dan Bartman - OSPD, Rositha Durham - Clerk of Committees.

The meeting took place in the Aldermen's Chamber and was called to order at 6:18 pm by Chairman Davis and adjourned at 9:10 pm.

### **205244: 15 registered voters proposing an amendment to the Zoning Ordinances by adding a new Ordinance 7.16 regulating certain buildings near heavily trafficked roadways.**

Mr. Proakis stated the staff supports this amendment but requests the committee's continued patience. He has been having ongoing conversations with the drafters of the amendment and other groups involved in the issue, working to revise the proposal to both fit well with existing and proposed zoning and also work effectively in a way that will guide the development community on exactly what we're looking for, including a series of changes made by the drafters themselves. The Planning Board has held back on a recommendation awaiting Mr. Proakis' follow up meeting with the drafters. He expects that the Planning Board will take up the proposal at their next meeting and he would like to have a better version in front of the committee as soon as possible. He noted that he does not believe that, at this time, there are pending applications that would be within the areas that would be affected by this proposed amendment. The members expressed their support for the concept behind this proposal and urged Mr. Proakis to finalize his revisions as soon as possible. The members also asked Mr. Proakis to ensure that the proposal provides that the air quality mitigation requirements would run with the property in the event of any sale. Mr. Proakis noted that they have prepared maps to make clear exactly what properties would be covered by the proposal.

**RESULT:****KEPT IN COMMITTEE****206481: 18 registered voters submitting a proposed Zoning Ordinance amendment to add a new Section 17.8 re: open space requirements for mid-rise and high-rise buildings.**

Mr. Proakis noted that the Planning Board expressed that this strategy is important and recommend that it be included in the zoning overhaul, rather than this stand-alone amendment. He expressed concern that the requirement does not also include some benefit to the builder and could be awkward to implement in a separate amendment. He noted that the Solicitor's office advised that, because the proposal allowed the option to provide open space onsite or make a payment in lieu into a fund to procure open space, it would be permitted and could be done without a home rule petition. The Planning Staff anticipates that, if this were passed, it seems likely that more developers would opt to make that payment in lieu and expressed that that may not be a bad outcome as it would help the city acquire larger parcels for use as open space. There was discussion about the current status of the Somervision goal of 125 new acres of open space. Mr. Proakis noted that, to date, only 17 have been created. The members expressed the urgency of moving forward on this without delay. Mr. Bartman conveyed that he's been looking into the experiences in New York City and would like to be able to complete that research and be able to better advise the committee on the impact of the proposal. There was discussion of the timing of the proposal and the impact of a vote by the full Board to adopt this proposal either at its scheduled December 13<sup>th</sup> or January 10<sup>th</sup> meetings. Mr. Proakis confirmed that there would be no impact. Based on that, the members agreed to keep the item in committee so that Mr. Bartman can continue his research and report back at one of those future meetings.

**RESULT:****KEPT IN COMMITTEE****206489: Proposing a Zoning Ordinance amendment for Slope Protection to require a Special Permit for developments on steeply sloped parcels, as attached.**

Mr. Proakis discussed an analysis concluding that there are approximately 2,600 parcels throughout the city to which the proposed amendment would apply due to their slope. He reported that, even after eliminating city owned lots, institutional properties, etc, there are still hundreds of residential lots that would apply. Not surprisingly, these lots are concentrated around the city's hills. He discussed the question of determining whether there is a legitimate planning purpose for the proposed amendment. He noted that, though there are issues that would be addressed through engineering and ensuring that a plan will physically hold back a slope, how one implements those engineering solutions and the specifics of the plan design have implications to the public and the impact of those decisions does create a legitimate public purpose for the proposed amendment. Mr. Proakis summarized the recommendation voted by the Planning Board at their meeting the prior week. Alderman Niedergang, as the drafter of the proposal, urged the members to move forward with this amendment without delay and, additionally, to also incorporate the necessary changes in the draft zoning overhaul. Several members expressed their general support of the proposal. There was discussion about the specifics of the process - how it would work and when it would apply, as well as follow up on questions raised after the previous meeting. There was some discussion of the exemptions in the proposal that would allow de minimus changes to a one or two unit building. Alderman Rossetti moved to amend the proposal to extend that exemption to three family homes as well. Alderman Scott moved to amend the proposed amendment to extend the exemption to all building types regardless of number of units. A motion by Alderman McLaughlin to call the previous question on Alderman Scott's amendment carried by a unanimous vote. That amendment then passed by a vote of 8 to 2 with Alderman Niedergang and Alderman Rossetti in opposition. The members then voted in favor of Alderman Rossetti's amendment, as amended by Alderman Scott's amendment, to apply the exemptions to all building types. That motion passed by a vote of 9 to 1 with Alderman

Niedergang in opposition. Alderman McLaughlin called the question on the proposed zoning amendment as amended. After five minutes debate on that motion, the motion failed by a vote of 9 to 1 with Alderman McLaughlin in favor. The members further discussed the proposal, including the parameters for consideration of the Special Permit by the Special Permit Granting Authority and certain drafting fixes. A motion by Alderman Niedergang to recommend approval of the proposed amendment passed unanimously.

**RESULT:**

**APPROVED AS AMENDED**

**206747: Requesting the adoption of a New Zoning Ordinance (9/2018 update) to supersede the current Zoning Ordinance as originally adopted on March 23, 1990.**

The Chair is looking forward to dedicating some time to the overhaul on November 27 and December 4<sup>th</sup>. Ald. Ballantyne is going through the binder and has concerns about the degree to which the proposal influences design. Ald. Niedergang questioned the balance of triple decker's allowed in residential zone. He would like the planning staff's response about the triple deckers and the accessory units. Ald. Mbah requested a single document to identify the changes in the binder. The chair suggested the planning staff collapse the slide deck to identify the changes in the draft binder. Mr. Bartman suggests the committee let the planning staff know in advance what questions they may have so they can come to the meeting with the information. Mr. Bartman provided a brief presentation and said there are still some things that need to be addressed: tree protection, air quality, adult marijuana, affordable housing, neighborhood meetings, design review in Union Square, slope protection, and regulation of signs. Public comment period is still open. The slides shared by Mr. Bartman will be available on the planning website. Or you can go to [planning.somervillema.gov](http://planning.somervillema.gov).

**RESULT:**

**KEPT IN COMMITTEE**

Handouts:

- Memo - Planning (with 206481)
- Memo - Planning (with 206489)