



CITY OF SOMERVILLE, MASSACHUSETTS

CLERK OF COMMITTEES

October 19, 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	

Others present: Dan Bartman-OSPCD, Mike Feloney-Housing, Kelley Donato-Housing, Phil Crean-Housing, Polly Pook-resident and Kim Schmahmann-resident.

The meeting was held virtually and was called to order at 6:03 p.m. by Chairperson Ewen-Campen and adjourned at 7:13 p.m.

212305: Requesting approval of amendments to the Zoning Ordinance for payments of Certificates of Occupancy.

Mr. Bartman summarized this issue as it stands. He stated that the Administration proposes to change the timing of when fractional affordable housing payments and in lieu payments are paid to the City, to Certificate of Occupancy. At the Public Hearing, members of the Housing Division advocated on behalf of this request because for small and midsized establishments, an up-front payment could make a project impossible to finance. At the last meeting, Councilor Davis raised some concerns of the language.

Councilor Davis restated his concerns that the current language was put in place for Union Square, to ensure that major affordable housing payments occurred as early as possible in the development. He confirmed that the city was cautious about the direction in 2017 due to delay in receiving the funds for affordable housing until certify of occupancy. He raised concerns to get the funding sooner to use for affordable housing.

Chair Ewen-Campen clarified what a fractional buyout means: this is when the 20% affordable requirement creates a fraction of a unit, which is then paid as a lump sum to the City. This amendment would only apply to these payments, which represent 0-100% of one affordable unit, or possible in-lieu payments that may be contemplated in the future. Mr. Feloney confirmed this only concerns fractional payments.

Mr. Crean, Inclusionary Housing Program manager discussed how to calculate payment using fractional payments. He stated they will be getting larger payments with the market rate and trends in housing.

RESULT:	APPROVED
----------------	-----------------

212307: Requesting approval of amendments to the Zoning Ordinance for Sidewalk & Frontage Clarifications.

Mr. Bartman summarized this item is one for one replacement for language sidewalk widening. The language was found to be confusing by the development team. He changed some additional supporting language relating to frontage and corner lots. This was before the committee a few times previously.

RESULT:	APPROVED
----------------	-----------------

212048: Dean Matarazzo proposing a zoning amendment to rezone his property at 13 Garfield Ave from Fabrication to Urban Residential.

This item is in Ward One and also has been in public hearing with some discussion. The chair stated that Councilor McLaughlin held a community meeting with a little interest on this item. This lot is half commercial and there is no objection from the community.

RESULT:	APPROVED
----------------	-----------------

212337: 18 registered voters requesting the adoption of a Zoning Map amendment to change the zoning district of 51 McGrath Highway (MBL 115-B-1 and 115-B-4) from HR to MR5 and 35 McGrath Highway (MBL 115-B-5, 115-B-11, and 115-B-12) from MR5 to MR4.

Chair Ewen-Campen recused himself because his mother owns a studio at the Brickbottom artists building. Vice Chair Davis chaired the meeting for this item.

Vice Chair Davis stated there was a Public Hearing held on this item on September 28. Mr. Bartman did not have any analysis relating to proposal other than to remind the committee of the opinion provided by the City Solicitor that the proposed amendment may be subject to a challenge as spot zoning.

Vice Chair Davis sponsored two of the proponents of the amendment to speak on their proposal, Kim Schmahmann and Polly Pook. The proponents expressed concerns regarding the process that lead to the existing zoning and that the building heights allowed under the current zoning would cast shadows on and reduce the light to the Brickbottom artists building. They stated that they have a shadow study showing these impacts.

Councilor Niedergang stated he would like to see the shadow studies and anything the administration may have on this request. He also asked if the owners have any response on this matter.

Kim Schmahmann stated he can set up a Zoom meeting to share the screen. He can also send the files.

Councilor White stated any document the proponents have on spot zoning should be reviewed in a formal way with the city administration and/or city committee members. He asked if the proponents have made any effort to speak before the planning board and could submit to the planning board for review. Councilor White suggested a visual presentation would be helpful to present a visual presentation that shows what was discussed this evening such as the impact and building height to the Land Use committee.

Kim Schmahmann stated is not familiar with the planning board and their role. He has voiced concerns with developers. Polly Pook stated there were visuals attached to the application.

Vice Chair Davis is open to the proponents presenting at a future meeting. He would confirm with the solicitor's office that this would be okay to have this done in a public meeting. Councilor Niedergang agrees with Councilor White this should be a public record and reviewed by the public and the city council.

The proponents will reach out to Mr. Bartman and suggested they present to the planning board at a future meeting. Mr. Bartman will convey questions to the solicitor's office whether the proponents need a full shadow study and if there are any legal implications with the council looking at their shadow study. Mr. Bartman will provide the proponents the shadow study standards that are given to developers.

RESULT:

KEPT IN COMMITTEE