



# CITY OF SOMERVILLE, MASSACHUSETTS

## CLERK OF COMMITTEES

December 4, 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	
Wilfred N. Mbah	Alderman at Large	Present	
Mary Jo Rossetti	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	Present	
Mark Niedergang	Ward Five Alderman	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	

The Committee met as a Committee of the Whole.

Others in attendance: George Proakis, Dan Bartman, Alex Mello, Sara Lewis, Melissa Woods, Frank Wright, Wig Zamore, Bill Shelton.

The meeting started at 6:05 p.m. and ended at 8:30 p.m.

### **207039: Planning Director submitting an updated amendment to the Zoning Ordinance regarding adult-use marijuana establishments, with an updated map.**

Aldermen Scott, Rossetti and Davis recused themselves due to the close proximity of their properties to the proposed map, as per the ethics commission.

Mr. Mello presented the new zoning map that had been advertised to the Committee. Ald. Ballantyne moved to prohibit marijuana retailers with the exception of existing registered marijuana dispensaries seeking to convert to a marijuana establishment for adult use marijuana, with 500 feet of a main entry door of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. This motion failed. In support of her Motion, Alderman Ballantyne discussed a school committee meeting that had addressed the impact of risky behavior among youth. Vaping tracked over the last few years is up 17% and in many communities is banned under the age of 21. Alderman Ballantyne stated that Colorado and Denver have a 1,000 feet set back from their schools. Ald. Ballantyne talked about the influence of having retail sales establishments so close to children. Ald. Clingan stated he would not support changing the map showing the dispensaries. Alcohol is more often a gateway drug and more harmful to the body. The amendment failed.

Ald. Hirsch moved to amend the ordinance to prohibit marijuana retailers, with the exception of existing registered marijuana dispensaries seeking to convert to a marijuana establishment for adult use marijuana,

within 300 ft. of a main entry door of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Also, the special permit granting authority must make a finding that the proposed marijuana retailer is not detrimental to the educational and spiritual activities of that school for applicants within 500 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. Ald. Ewen-Campen then moved to amend Ald. Hirsch's amendment to be within 500 feet of a main entry door of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. This amendment was approved and then the main amendment by Ald. Hirsch was approved.

Ald. Ballantyne moved to remove a series of parcels from the proposed overlay map. This motion did not pass.

Ald. McLaughlin moved to add the Assembly Square Mixed use District to the proposed overlay map, which was approved.

Ald. Hirsch moved to amend the proposed Section 7.16.6 .c by adding a buffer distance of 300 feet between two retailers. This motion did not pass.

Ald. Hirsch moved to amend the proposed Section 7.16.6.c by adding a buffer distance of 200 feet between two retailers. This motion did not pass.

Ald. White motioned and it was accepted to approve the proposed overlay, as amended, and the zoning language as amended, with striking out the proposed Section 7.16.6.c.

<b>RESULT:</b>	<b>APPROVED WITH CONDITIONS</b>
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**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.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**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.**

For discussion of this item, see #206747.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**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 stated that items 3 and 4 would be considered together.

Slides presented at this meeting are available on the city's website. Mr. Bartman provided an executive summary for this discussion. He talked about the present road map for 125 acres and review zoning petition. There were discussions about launching SomerVision 2040. Twenty acres has been created since 2010. It was stated that it will cost \$550M to create 88.25 acres. This cost is too much for the city to handle alone. The city is forming a taskforce on this matter with 6-8 city staff and the BOA to appoint members. Topics discussed were public open space as a percent of land area and to inform open space per 1,000 residents 1.75 acres per 1,000 residents and rates. Somerville was compared to Allston, Brighton and South Boston in the slides. Somerville has 1,945 acres. SomerVision recommended 3.3 acres per 1,000 residents. Planning for public space, for six weeks now, Ms. Woods has been leading a team working with MAPC. Mr. Bartman stated that residents should be no more than ¼ mile from a park. This

is a balancing act; neither the city nor developer can absorb the cost to develop enough open space. He said there are approximately 230 people on the community garden wait list. There are 3,000 requested hours not permitted on the city's athletic field. There were discussions about creating open space in Gilman Square, Winter Hill, Union Square and Somerville Junction. There were be 193 acres available if remove recently permitted projects in Boynton Yards, Union East and Grand Junction, Brick Bottom, Inner Belt and Assembly Square. The estimated cost to create open space today, acquisition \$4M, design and construction would be \$2.2 M for a total of \$6.2 M. The costs continue to increase every month. The total CIP (Capital Improvement Plan) would cost \$1.13 Billion. There are ongoing maintenance increase costs for existing public space. Mr. Bartman did not recommend adopting the proposal as is now. He will work over the break to work on a proposed revision to the proposal. There are significant enough changes and will need to re-advertise for a public hearing. The first Land Use meeting in the New Year will have the edited zoning based on this proposal as a baseline with justifiable challenges. In conclusion, Mr. Bartman stated that SomerVision 2040 will improve the plan for the city. Ald. Scott suggested approve now and amend later. December 13 was the written comment closure. The 90 day clock starts when the comment period closes and would be January 12<sup>th</sup>. The first BOA meeting will be January 10<sup>th</sup>. The committee asked if they recommend and finish up between now and the proposed meeting, is there a way to advertise after December 20. The President of the BOA will assign new chairs for the committees after the first of the New Year and will work with the city clerk, city solicitor and Mr. Proakis on dates for the next Land Use meeting. Formal submission to BOA on January 10, place ad Friday after board meeting. It is the city solicitor's opinion the proposed revised text and maps must be available at the time of publication. Ald. Rossetti asked about the use of green roofs for green, open space. It was stated that some cities allow green roofs to count but Somerville has prioritized actual green ground space. Ald. Rossetti followed up with a question on whether 50% could be green roofs to help meet Somerville's requirements. Ald. Niedergang asked if the green roofs would be accessible for the public. Mr. Bartman will take a look at green roofs to get to the 88.25 acres. The open space taskforce will reach out to the petitioners. The planning staff is not sure how the task force will function yet. Ald. Rossetti suggested that one or two of the petitioners be encouraged to sit at the table for the task force.

Ald. Rossetti motioned and it was accepted to encourage one or two authors of the citizens petition be considered to be on the open space task force. Ald. Clingan moved to amend the motion that the BOA president appoint one of the members be from the community. Ald. Clingan withdrew his amendment.

Ald. Hirsch talked about parks/playgrounds and neighborhoods that are underserved. Benefit to have more people in the park for people watching, kids playing basketball creates a lot of energy. Create open space that has multiple purposes, creating connectivity and cut through pedestrian paths to communities. Mr. Proakis talked about 17 Somerville Ave open space and this property needs a title search and appraisal. He hopes to have the information for the next meeting. Ald. Niedergang sponsored Mr. Shelton, one of the authors, to speak at tonight's meeting. Mr. Shelton stated he trusts that Mr. Bartman will make their petition better. The first petition was done 11 months ago and wanted to get a place holder not to miss any opportunities. Ald. Niedergang talked about Inner Belt being zoned for industrial development and can be a big part of getting the open space goal. Ald. Ballantyne supports the idea of looking at physical conditions (25 parks over the next 10 years) and the task force. It was stated that the City of Somerville does not budget enough funds to maintenance. She suggested having a neighborhood group to help maintain the parks. Additionally, a sustainability goal for Route 16, high water table flooding all the time. She also supports blocking all the streets that have hills and have sledding parties and other snow activities. It's creative way to use the streets on weekend as temporary open spaces. Ald. Clingan asked how much open space is being used on any given day. He talked about using the space under 93 like the South End does to have neighborhood activities. Ald. Davis suggested to Mr. Bartman to look at building heights and green roofs. To also keep what we have in the proposal. There is also a good amount of work that is being outsourced outside of municipal employees relating to parks. There are some gaps for parks where communities are underserved.

Ald. White motioned and it was accepted to request the administration revise the proposal to specifically include some of the suggestions from the presentation, suggestions made at this meeting and to advertise if appropriate. This motion also includes to work with the president on dates for the public hearing and to move forward with the public hearing as soon as allowed.

**RESULT:**

**KEPT IN COMMITTEE**

#### **COMMITTEE MEETING HANDOUTS**

1. Adult Use Marijuana PB Rec 11.29.18
2. Marijuana Overlay 11.27.18
3. SZO Zoning update 1
4. Ward maps