



**CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES**

October 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	
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	
Mary Jo Rossetti	Alderman at Large	Present	
Wilfred N. Mbah	Alderman at Large	Present	

Others present: Members of Planning Board, George Proakis - OSPCD, Alex Melo - OSPCD, Peter Forcellese - Legislative Clerk.

The meeting took place in the Aldermen’s Chamber and was called to order at 6:15 PM by Chairman Davis and adjourned at 8:07 PM.

Chairman Davis advised the members that the new zoning manuals are available and that he intends to hold a Public Hearing on the matter on October 16th.

Approval of the September 6, 2018 Minutes

RESULT:	ACCEPTED
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Public Hearing on a proposed amendment to the Somerville Zoning Ordinance, submitted by 18 registered voters, to add a new Section 17.8, regarding open space requirements for mid-rise and high-rise buildings.

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.

Co-author of the proposed amendment, Bill Shelton, spoke about the item. He noted that the city's SomerVision goal is to secure 125 new acres of open space. Mr. Shelton stated that the current open space requirement is related to lot size and he explained how this proposal would increase open space based on a requirement related to square footage over a certain height. He suggested that a decision on the matter should not be deferred until after the citywide zoning overhaul, under separate consideration by the Board, is completed and said that the city would be well served to build the open space fund rather than to secure open space in developments. He noted that the square footage requirements were based on calculations made by co-author Philip Parsons. Chairman Davis asked that Mr. Parsons provide the committee with a written response describing the thinking behind the ratios.

Kevin Lane, an Assistant Professor at Boston University's School of Public Health, spoke about urban areas seeing a decrease in contact with nature and greenness and noted that, although still developing, science literature speaks to a broad range of health benefits gained from increased green space. Mr. Lane submitted several articles that outline the state of the field with regard to the health benefits of open space.

Mr. Proakis spoke about SomerVision's goals of increasing housing units, jobs and open space and said that the city does have a plan to achieve the goal of obtaining 125 new acres of open space, with one strategy being through transformative development. The city will still need to purchase space for use as open space and funds will be needed to accomplish this. Mr. Proakis spoke about the relative legal processes for different means of requiring an open space contribution. He noted that if the city were to only impose an impact fee to generate revenue, that would require approval of a Home Rule Petition. Alternatively, if an on-site open space option is given, as is the case with this proposal, then a Home Rule Petition would not be needed. Mr. Proakis stated that when all aspects are considered, the need for a holistic solution is visible. The city needs to understand the plan to achieve 125 new acres of open space and how to get there. Mr. Proakis believes that attaching this proposal to the current zoning is not the right thing to do and he submitted an opinion of the Planning Staff to that effect. He noted that permit and linkage fees are high for commercial development. Alderman White asked if this proposal could legally apply to a 40A development and Mr. Proakis will consult with the Law Department to get an answer.

The Public Hearing was opened at 7:39 PM and several members of the public spoke on the matter. Speakers were allowed 2 minutes each to make comments. Their comments are summarized here:

- There is not enough open space and this proposal provides a mechanism to increase it now rather than waiting for the zoning overhaul
- The city is up for sale and has allowed yards to be filled in, trees to be cut down, and development to continue with no thought of how it will affect our children
- The natural world is being ignored and we should be thinking of open space first, not last
- Climate change is real and it's here
- The notion that open space is needed for well-being is attractive and a request was made that OSPCD's plan to achieve the open space goal be made public
- More playing field space is needed and the city needs to do something about the funding issue
- The city has not kept pace with the open space goal at the same rate as other SomerVision goals
- This proposal seems practical
- The green space plan in SomerVision is useless and should be discarded
- Open space in Union Square is going to be a disaster

The Public Hearing closed at 7:58 PM and the record will be kept open until noon on October 12, 2018 by both the Land Use Committee and the Planning Board to receive additional written comments. Mr. Proakis clarified that the city is has created 15 new acres of open space since SomerVision was release but confirmed that that lags behind the other goals of the plan. He cautioned that if a plan is not crafted properly, it will result in small open spaces at developed sites. Chairman Davis requested that Mr. Proakis submit any suggested changes to the proposed amendment committee, along with a written explanation of the plan to meet the SomerVision goal of 125 new acres. Chairman Davis stated his intention to take up deliberation of this item as soon as possible and that while it may be discussed in conjunction with the citywide zoning overhaul, it will be on the Agenda for independent consideration should the committee so choose. Alderman Rossetti stated that it's time to do something and that she is done with talking about this and is ready to vote on this item.

RESULT:

KEPT IN COMMITTEE

Public Hearing on a proposed amendment to the Somerville Zoning Ordinance regarding slope protection, to require a Special Permit for developments on steeply sloped parcels.

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

Alderman Niedergang spoke about the zoning amendment he submitted that relates to properties with steep slopes and said that the goal is not to stop by-right development, but to allow it with a special permit to ensure a public process. He spoke about the dangers of erosion, flooding, and damage to neighboring properties and said that parcels that previously would have been ignored for development because they weren't worth the cost of development, are now being developed due to the significant increase in housing demand and property values.

Mr. Proakis and Mr. Melo were present. The proposed ordinance is based on an ordinance from the City of Melrose and the key concept is that it relates to a specific slope of greater than 25 degrees over a horizontal distance of 30 feet. Currently, a review is performed to insure the integrity of any wall where the slope is leveled, and Mr. Proakis stated that would still be done. The proposal before the committee tonight would require 12 items that need to be submitted with an application for a special permit.

Mr. Proakis stated that, overall, the general concept of the proposal is acceptable, however there are some areas of concern. Chairman Davis requested that Mr. Proakis submit his recommendations to the Land Use Committee for review.

Mr. Proakis was asked how many parcels this proposal would apply to and he replied that he would try to get that information. Alderman Ewen-Campen noted that some exemptions are allowed and he inquired if there's a rationale for the numbers. Alderman Niedergang stated that he made the numbers larger than the Melrose ordinance because he thinks this would allow smaller projects to be done without a special permit. Alderman Ewen-Campen asked if there's a reason to trigger a public process rather than just laying out specific requirements and Alderman Niedergang explained that each parcel has its own unique characteristics, so a 'cookie cutter' approach won't work. Alderman Mbah inquired about building around a slope and Mr. Proakis said that would be a matter of

determination of the proposal's definitions. At the request of Planning Board Chair Capuano, Mr. Proakis will request that the Solicitor's office advise as to any potential legal concerns.

The Public Hearing was opened at 6:47 PM Speakers were allowed 2 minutes each to make comments.

Attorney Adam Dash, representing the owner of the property at 21 Eastman Road stated that zoning should be a planning tool and not a weapon against a particular development. He realizes that some neighbors oppose his client's development, but this isn't the way to go about it. The requirements for dealing with slopes are already governed by the Engineering Department.

Resident Peter Reardon believes that by-right development has been abused and that this proposal will provide oversight of sloped development. He stated that development has been going on without notice to neighbors and that the character of neighborhoods shouldn't be dictated by developers.

Other comments included:

- Questions of how this proposal might effect homes already built that have retaining walls and might be developed
- This proposal would help economically
- A planned development on a steeply sloped parcel at 21 Eastman Road will impact the neighborhood and property values and has a dangerous configuration
- The development of sloped spaces present environmental challenges. Each site is unique and poses its own challenges
- Review would give voice to neighbors to ensure that best practices are applied
- There is much development going on in city and it's difficult to keep up and be aware of what's going on, so this proposed amendment would be helpful because it's important for the neighborhood to have a say in development
- This proposal will bring beauty, clean air, butterflies and insect back to the city
- Property owners should receive a tax benefit

The Public Hearing was closed at 7:10 PM and the record will be kept open until noon on October 12, 2018 by both the Land Use Committee and the Planning Board to receive additional written comments.

RESULT:

KEPT IN COMMITTEE

Handouts:

- Memo (with 206481)
- Submitted Articles (with 206481)
- Comments - R Scott (with 206481)
- Memo (with 206489)
- Comments - A Dash (with 206489)
- Photos (with 206489)

- Comments - T Antonino (with 206489)
- Comments - T Antonino #2 (with 206489)