



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

October 30, 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	
Katjana Ballantyne	Ward Seven Alderman	Present	
Mary Jo Rossetti	Alderman at Large	Present	
Wilfred N. Mbah	Alderman at Large	Present	
Mark Niedergang	Ward Five Alderman	Present	

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

The meeting took place in the East Somerville Community School auditorium and was called to order at 6:05 PM by Chairman Davis and adjourned at 9:21 PM.

Approval of the October 4, 2018 Minutes

RESULT:	ACCEPTED
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Approval of the October 16, 2018 Minutes

RESULT:	ACCEPTED
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Public Hearing re: ADOPTION OF A NEW SOMERVILLE ZONING ORDINANCE

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.

Chairman Davis recommended that the public view the zoning presentation on the city's website at <https://www.somervillezoning.com> to familiarizes themselves with what is being proposed, and he encouraged people to submit any additional comments they may have.

Public Hearing:

Forty individuals spoke on the proposed new Zoning Ordinance and their comments are summarized, as follows:

- Supports most of the changes proposed,
- Not sure of the intent of not allowing homeowners to add a third dwelling unit in NR districts,
- Supports Accessory Dwelling Units (ADU's) but they should not take the place of actual dwelling units in NR districts as they are restrictive and will lead to displacement of tenants,
- No changes were made at the intersection of Washington and Beacon Streets and residents don't want the character of that corner to be changed. They know their neighbors and love the neighborhood and don't want three- and four-story mixed-use buildings there, so why is this being proposed when 265 residents of that area signed a petition against it?
- Kudos to all for the work that went into the proposal and for listening and including incentives for energy efficient buildings,
- The proposal is a step in the right direction,
- Find a way to finish this process without destroying anything, since it will never be perfect,
- There is much going on in Gilman Square and the plan for that area needs to be updated, possibly by adding an overlay to connect to Central Hill. Current heights are maxed out by zoning, so consideration should be given to density,
- Special permits for adding a third unit should be granted only for owner-occupied properties,
- Add a provision that if a third unit is added, it must remain affordable for 5 years,
- ADU's should not be allowed as an accessory to a condo,
- There is a lack of lab space in Somerville and bio-tech business is expanding, so provisions should be made to accommodate this industry,
- There is a bias against college students, who need affordable housing near mass transit, and highly educated young unmarried adults who work nearby, due to the limitation of unrelated persons occupying a dwelling unit,
- There is a bias against both absentee and resident landlords with respect to the sale of accessory dwellings,
- The "approve now amend later" mentality does not serve the public interest,
- ADU's will be too difficult to enforce,
- The subdivision/sale issue is a blockade,
- There are equity issues, i.e., areas of East Somerville will be transformed, but areas are being conserved in West Somerville,
- Update the zoning platform now and adjust things later,

- More density is needed at transit hubs,
- Parking should be reduced,
- The proposal used floor area ration (FAR) to set the number of units,
- The proposal doesn't do enough to build the needed density,
- There is a gap between affordable and market units,
- Square footage lot measurement would provide more flexibility for owners to build on their lots,
- The existing code is simple - the proposed code is not, as it has 5 building types, each having 14 requirements,
- It's difficult to understand the rationale behind this proposal,
- The Zoning Department becomes the boss of telling owners what can be done to their properties,
- Supportive of more affordable housing and ADU's,
- Supportive of taller mixed-use buildings along the Beacon Street corridor,
- Change is needed, and density is the way to allow people to afford to stay in Somerville,
- A glide path should be developed to assist with the immense transition predicted for the Innerbelt area,
- ADU's are not a good idea,
- There are over 2,000 2-family homes in RB districts now, but with the imposed restrictions, additional units won't be built,
- Make sure that the inclusionary requirements are enforced,
- Create an affordable housing overlay district,
- Luke - will submit comments via email
- Residents and commercial entities on the Somerville side of White Street are all in favor of the change to MR-4 (Mid-Rise 4),
- The proposal will allow a developer to create new gateway to Union Square,
- This will allow more units to be created on the same footprint,
- Design guidelines are still too restrictive and should include a mechanism to waive the guidelines,
- The design review process should be refined,
- The only way to keep people living in the city is to keep rents affordable, so there should be incentives for benevolent landlords,
- The current zoning is cumbersome and out of date,
- Examine the planned GLX sub-station planned near the Medford Street bridge to ensure that it isn't an eyesore to the neighborhood,

- Downzoning is inconsistent with affordable housing,
- Limiting ADU's to owner-occupied properties is discriminatory,
- The city is under development pressure and at the same time, makes it difficult for developers. The rate of change going on in the city is going to be catastrophic and the changes proposed will accelerate the changes to the city,
- Somerville has the greatest shortage of jobs per population,
- Not sure that the proposed new zoning will deliver SomerVision's goal of 125 new acres of open space,
- The proposal for the D-2 block in Union Square is the worst seen in 30 years - there should be open space there, but a garage is planned, instead, and the High-Rise district completely surrounds a residential area,
- This proposal is just a prescription for builders to build more,
- Do not pass this new zoning,
- The city is losing middle school aged children and the people who advocate for density don't see the benefits of raising children, e.g., seeing others as neighbors and friends. The new zoning doesn't encourage this type of family living and its passage would accelerate the change to the city,
- Somerville is a city of elegance,
- Would like the corner lot at Tufts and Glen Streets to be a park.

The Public Hearing was closed at 7:33 p.m.

Several dates for closing the comment period were discussed by both the Planning Board and the Land Use Committee, considering their meeting schedules and recommendation timelines, i.e., the BOA will have 90 days from the close of the comment period to act on the proposal.

Alderman Niedergang stated that he doesn't see a problem if the work on this proposal doesn't get done in time and another round of discussions is necessary. He doesn't want to be rushed through this process. Alderman McLaughlin advocated for more time and asked that the committee try to allow the maximum amount of time for deliberation. Mr. Proakis would like to leave enough time in case another public hearing becomes necessary. Alderman Scott commented that deliberations can't commence until the comment period closes.

The Planning Board will close the period to receive written comments on Monday, November 26, 2018 at the close of business.

The Land Use Committee will close the period to receive written comments on December 13, 2018 at the close of business.

The meeting was recessed at 7:59 p.m.

RESULT:	KEPT IN COMMITTEE
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206285: City Solicitor submitting Zoning Ordinance Amendments regarding Adult Use Marijuana Establishments.

The meeting resumed at 8:11 p.m. with Alderman White chairing the remainder of the meeting. Aldermen Davis and Scott recused themselves from all discussion and votes on the agenda's remaining four items (206285, 206657, 206736 and 206838).

Chairman White's motion to substitute the map distributed this evening in place of the map previously used, was approved.

Alderman McLaughlin explained the comments he made at the committee's prior meeting and said that some medical marijuana establishments have been removed and some retail stores have been added, behind closed doors. He pointed out that Broadway is being shown as the densest area for marijuana businesses. He went on to say that liquor stores abide by a 500-foot rule and he proposed treating marijuana businesses the same as alcohol, essentially doing away with the marijuana overlay district and allowing marijuana businesses wherever liquor licenses are allowed.

Mr. Proakis presented three maps: map 1 reflects the last changes made, map 2 is a liquor license comparison and map 3 shows places where marijuana businesses would be allowed. He also distributed an updated ordinance, dated October 30, 2018, that contained language for buffer zones, should the committee move to include them. Mr. Proakis stated that when medical marijuana rule was passed, Somerville said it would use the overlay rather than the state standards, thereby eliminating the school buffer zone. Alderman Ewen-Campen commented that locations should be selected according to a blanket policy, not by picking and choosing.

Alderman Ballantyne didn't have a problem with Alderman McLaughlin's concept, but she questioned the accuracy of the new maps and wants additional time to review them, adding that her understanding was to cover the entirety of Teele Square's commercial buildings. Mr. Proakis said that he could adjust the map, but if Alderman McLaughlin's proposal is approved, the point becomes moot. Alderman Niedergang said that his initial reaction was that new map added a lot of residential areas in Ward 5 and he also would like more time to review the maps. Aldermen Mbah and Clingan voiced their support of Alderman McLaughlin's proposal. Alderman Hirsch supports Alderman McLaughlin's proposal and Alderman Ewen-Campen's logic but prefers having the school buffer and favors having a proximity component. She thinks that another public hearing would be needed since the current map is different than the map used at the time of the public hearing. Chairman White stated that, with these changes and the proposal put forth by Alderman McLaughlin, he thinks that another public hearing is probably required by state law. He added that it makes sense to schedule another meeting, after getting an opinion from the City Solicitor whether a new public hearing would be required. Mr. Proakis told the committee that if another public hearing is to be held, he will need three weeks to advertise it. Chairman White noted that it appears that the consensus of the committee is that Alderman McLaughlin's proposal is acceptable. After discussing which of the three maps presented tonight should be used when advertising another public hearing, the decision was made to use map 3, which is based on the proposed new zoning.

Aldermen Rossetti and Hirsch still don't want marijuana businesses near schools and want something written into the ordinance to that effect, however Alderman Hirsch does want the buffer zones removed from the map and favors a formula-based approach to approving locations. Chairman White noted that if the buffer zones are excluded from the map, the Licensing Commission may have no discretion in denying a permit because of a location near a school. Alderman McLaughlin stated that regulating marijuana like alcohol makes more sense, since most economic empowerments are going to have a tough time setting up shop in Assembly, Davis or Union Squares, where rents are high. State law provides a 500-foot buffer for alcohol near a school unless the local community's zoning is passed to allow it. If an additional public hearing is held, Mr. Proakis will advertise map 3

using only one color to indicate where marijuana facilities would be allowed. Also, buffer zones would not be shown on the map.

The committee discussed the issue of setting a cap on the number of licenses granted and Alderman Niedergang noted that the City Solicitor's Office gave an opinion saying that the BOA could set a cap if it desired to do so. Alderman Rossetti questioned the last sentence of Article 7.16, Sec 6 c, which reads: "*A conversion includes not only replacing the operation of a medical marijuana facility entirely with the operation of a marijuana establishment, but also to address adding marijuana establishment operations to the operations of a medical marijuana facility.*" and wants to review the proceedings from another meeting to clear up the confusion. Alderman Hirsch stated that she supports a buffer zone between marijuana businesses of 500 or 750 feet in combination with not setting a cap. Alderman Ewen-Campen commented that nobody really knows how the marijuana issue will work out and said that setting artificial barriers might stop something that may be good for the city. Alderman Ballantyne voiced her support for buffer around schools and Alderman Clingan voice his objection to them.

Mr. Proakis will consult with the City Solicitor about re-advertising a public hearing and will email all members when he has an answer. Chairman White asked members to think about what was discussed tonight in preparation for the next meeting of the committee.

RESULT:	KEPT IN COMMITTEE
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206657: Ananda Lowe submitting comments re: #206285, proposed zoning for adult use marijuana establishments.

RESULT:	KEPT IN COMMITTEE
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206736: Eric Schwartz submitting comments re: #206285, a proposed Adult Use Marijuana Zoning Ordinance.

RESULT:	KEPT IN COMMITTEE
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206838: Planning Board conveying its recommendations re: #206285, zoning ordinance amendments regarding adult use marijuana establishments.

RESULT:	KEPT IN COMMITTEE
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Handouts:

- Combined Comments (with 206747)
- Comments - J Amaral (with 206747)
- Comments - S Schloming (with 206747)
- SZO Zoning update 1-1 (with 206285)
- Marijuana Overlay 10.30.18-1 (with 206285)
- Liquor License Map (with 206285)
- Commercial Not in Overlay (with 206285)