

March 12, 2010

Somerville Board of Aldermen
c/o John Long, City Clerk
City Hall
93 Highland Avenue
Somerville, MA 02143

Somerville Planning Board
c/o Dawn Pereira
City Hall
93 Highland Avenue
Somerville, MA 02143

Dear Planning Board Members and Members of the Board of Aldermen,

I am writing with regard to the various zoning amendments filed by the group known as SomeSense. My comments are linked to the specific proposals, as follows:

An ordinance amending the zoning ordinance to establish the Board of Aldermen as the Special Permit granting authority.	<p>Although I understand the concerns of the sponsors of this Amendment, I am concerned that the Board of Aldermen simply does not have the capacity or time to serve as the City's Special Permit Granting Authority (SPGA), even though that is allowed by Mass General Laws.</p> <p>Rather than assigning responsibility to the Board of Aldermen for reviewing all requests for Special Permits, I would recommend amending the existing ordinance to require the Board of Aldermen to review specific decisions by the Zoning Board of Appeals, upon receipt by the City Clerk of a timely petition, that is, within 10 business days of the ZBA decision, by five unrelated Somerville residents requesting such a review. Any such review by the Board of Aldermen should include a public hearing to ensure that the aggrieved residents have adequate opportunity to explain their opposition to the ZBA's decision.</p>
An Ordinance amending the zoning map....	No comment.
An ordinance requiring certain development projects to be subject to independent water and sewer and traffic studies and providing for the assumption of costs by the project proponent.	<p>Although I understand the concerns of the sponsors of this Amendment, I am concerned that the proposal would add undue cost to proposed projects as a matter of routine course. I also wonder about the feasibility of requiring that such studies be done by firms that have not done business with the City or represented a project seeking a special permit from the City for a period of seven years.</p> <p>Rather than routinely requiring the set of studies called for in the proposed legislation, I would recommend amending the existing ordinance to require the Board of Aldermen to review specific decisions by the Zoning Board of Appeals, upon receipt by the City Clerk of a timely petition, that is, within 10 business days of the ZBA decision, by five unrelated Somerville residents requesting such a review. Any such review by the Board of Aldermen should include a public hearing to ensure that the aggrieved residents have adequate opportunity to explain their opposition to the ZBA's decision. The petition shall specifically indicate the petitioners' request for the kind of water,</p>

	sewer, and/or traffic studies called for in the proposed legislation. The Board of Aldermen shall vote to approve the petitioners' request for one or more such studies unless (a) it finds that the petitioners' request is frivolous and ungrounded, or (b) it finds that studies already presented to the Zoning Board of Appeals in conjunction with the request for a Special Permit adequately addressed the concerns of the petitioners.
An ordinance temporarily suspending the operation and effect of the density bonus....	Although I understand the concerns of the sponsors of this Amendment about abuses by developers of the density bonus provisions in the Zoning Code, as a strong advocate for affordable housing, I am opposed to a preemptive suspension of those provisions. However, I would support a directive to the City's Office of Strategic Planning and Community Development to conduct the kind of comprehensive review of the use of the density bonus called for in the proposed ordinance. If such a study were to find that the density bonus provisions had been abused by developers, or that a less generous density bonus could result in an equal or greater number of affordable units being created by private developers, I would support the enactment of corrective legislation by the Board of Aldermen.
An ordinance requiring the full disclosure of the name and address of every person who holds any interest in an application for special permit or variance.	I support this proposal. It is outrageous that proposals can be submitted and considered and even approved without full disclosure of the benefitting parties. Without such full disclosure, there is no ability to assess conflict of interest. To limit the number of parties that need to be disclosed, perhaps the legislation could establish a 5% threshold, such that only parties with at least a 5% beneficial interest or share of ownership need be listed.

Thank you for your consideration of my comments.

Fred Berman
25 Cherry St.
Somerville, MA 02144
Ph: 617-776-0503
C: 617-501-1404
E: fredlori@rcn.com