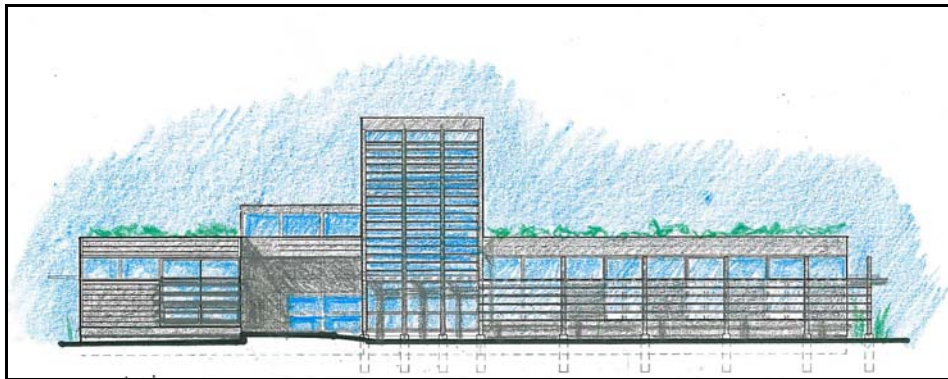
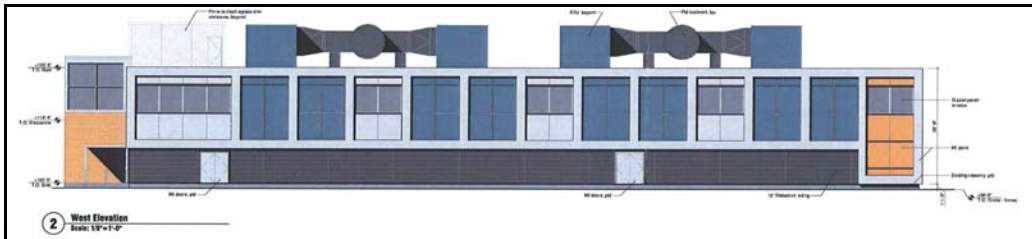




CITY OF SOMERVILLE, MASSACHUSETTS  
OFFICE OF STRATEGIC PLANNING AND COMMUNITY DEVELOPMENT (OSPCD)  
JOSEPH A. CURTATONE, MAYOR



**Planning Division  
Annual Report  
2009**



18 Fellsway West (top left), 74 Cedar St (top right), 70 Inner Belt Rd (middle), 1366 Broadway – Clarendon Hill Towers (bottom)

This Annual Report of the Planning Division of the Office of Strategic Planning & Community Development (OSPCD), outlines the accomplishments of the Division in Calendar Year 2009. The purpose of the Annual Report is to document the Planning Division's efforts and achievements in current planning (cases), long range planning (zoning changes), and process improvements.

Building on the accomplishments outlined in the 2008 Annual Report, the Planning Division has pressed on with its goals in 2009, despite having the Director of Planning position vacant for more than half of the year. Divisional goals are listed below and details on accomplishments are in the following pages.

GOAL 1: Increase Public Information.

GOAL 2: Streamline Processes.

GOAL 3: Make the Somerville Zoning Ordinance better balance the goals of protecting the community and promoting development.

GOAL 4: Improve public confidence in the process and consistency of outcomes and decisions.

GOAL 5: Maintain accurate land records and efficient systems of retrieval.

## **CURRENT PLANNING**

The principal responsibility of the Planning Division is to review and make recommendations to the Special Permit Granting Authorities (SPGAs)—the Planning Board and the Zoning Board of Appeals (ZBA)—on requests for zoning approval. This role is governed by Chapters 40A and 40B of the Massachusetts General Laws, the Somerville Zoning Ordinance (SZO), and the Rules and Regulations of the Permit Granting Authorities.

The types of zoning relief that may be sought include:

- Special Permit
- Special Permit with Design Review
- Special Permit with Site Plan Review (SPSR)
- Variance
- Site Plan Approval—Subdivision
- Site Plan Approval—Overlay Development
- Planned Unit Development (PUD)—Preliminary Master Plan
- SPSR for Planned Unit Development
- Planned Unit Development for Assembly Square (PUD-A)
- SPSR for Assembly Square (SPSR-A)
- Revision to Permit
- Administrative Appeal

Each permit type has its own set of information and review requirements, and there are three different protocols for Board review of various permit types. These include:

1. Zoning Board, as Special Permit Granting Authority (SPGA), renders decision.
2. Planning Board reviews and renders recommendation to ZBA; ZBA (as SPGA) renders decision.
3. Planning Board (as SPGA) renders decision.

In 2009, the Planning Division received 80 applications for zoning relief. Below are some details on these cases:

### **ZBA Review**

The Zoning Board of Appeals heard 71 cases as SPGA.

- 63 cases were reviewed by the Planning Board (in an advisory capacity) before the ZBA decision. The most common requests (which are not mutually exclusive and may occur together under a single application) were:
  - Alteration or expansion of a non-conforming structure: approximately 62% of all cases (39 cases) included this request. Notable requests were to construct a clubhouse at Clarendon Hill Tower - 1366 Broadway and to alter the façade of 212 Elm Street in Davis Square.
  - Establishment of a use: approximately 27% (17 cases). Notable requests were for a mixed use building at 377 Summer St in Davis Square and a residential use at 100 Fellsway West.
  - Allowing additional units where inclusionary units are provided on larger lots, in RA and RB districts (under SZO §7.2 and §7.3): approximately 3% (2 cases). A notable request was for the construction of two structures with a total of four units at 9-11 Harvard Place.
  - Variance: approximately 6% (4 cases). A notable request was for the construction of an aboveground pool.
  - Parking, access, or loading requirements: approximately 13% (8 cases).

- Wireless communications facilities: approximately 8% (5 cases).<sup>1</sup>
- There were no Administrative Appeals.
- There were no 40B Comprehensive Permits applications.
- Seven cases were revisions to earlier permits.<sup>2</sup> These cases did not require Planning Board review. Notable projects included revisions to the Armory conditions and alterations to the site plan and phasing for St. Polycarps.

### **Planning Board Review**

In addition to making recommendations on 63 cases to the ZBA, the Planning Board heard 6 cases, 3 revisions, and 1 subdivision (to be voted on in 2010) in their capacity as SPGA.

- Three approvals permitted revisions to the approved SPSR-A for Phase 1AA of the Assembly Square Planned Unit Development in order to:
  - Revise plans for gateway elements and landscaping at the intersection of Assembly Square Drive and Mystic Avenue, and associated improvements serving Phase 1AA
  - (1) incorporate "gateway" elements at the intersection of Assembly Square Drive and Route 28, (2) revise the interior of the traffic circle at the intersection of Assembly Square Drive and A Street in order to incorporate up to 13 flag poles at up to 80' in height, (3) revise Assembly Square Drive in order to locate trees along the western edge of the right of way near Route 28, (4) revise Assembly Square Drive to reduce the size of the median and associated landscaping at the intersection of North Union Street (discontinued), and (5) revise the IKEA flag circle to incorporate "gateway" elements
  - Extend the timeframe of the permits
- A new SPSR-A for Phase 1AA of the Assembly Square Planned Unit Development including a Special Permit for signage.
- A new SPSR-A for Phase 1AAA of the Assembly Square Planned Unit Development to locate trees and other landscaping elements in the area between the northernmost parking lot and the intersection of Middlesex Avenue and Route 28.
- Signage and façade changes to two buildings in a CCD.
- Expansion of Taza Chocolate at 561 Windsor Street in a TOD District.
- Co-location of a wireless communications facility in the Assembly Square Mixed Use District.

### **Design Review Committee**

In June of 2009, the Board of Alderman adopted zoning amendments to combine the two Design Review Committees (Citywide and Assembly Square) into a single committee. In their advisory capacity to the Planning Board and the Zoning Board of Appeals, the Design Review Committee held meetings as requested and coordinated by Planning Division staff. Minutes and recommendations were prepared by Staff and forwarded to the board. In 2009:

- The DRC met 6 times, providing recommendations on 8 projects.

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<sup>1</sup> All of the applications were for co-location for new companies or alterations or expansions of existing companies' equipment.

<sup>2</sup> This is a count of revisions to permits that had not received certificates of occupancy. See comments on "Revisions to Permits" zoning amendments for more information.

## **Administrative Review**

In addition to Board review of projects, the Somerville Zoning Ordinance enables some administrative review of projects by Planning Division staff. In 2009, staff approved 1 minor project subdivision and approved 12 *de minimis* changes to previously approved plans. Projects included revisions to the location and type of windows and door placement at 70-80 Webster Ave (Union Place Development), revisions to the size of windows and location of windows at 184 Summer St (Agassiz Preschool), and the height of the elevator penthouse at 32 Linden Ave, which would continue to meet the height requirements under the SZO.

## **LONG RANGE PLANNING**

### **Comprehensive Planning**

The past year has involved considerable focus on long-range planning. Planning Division staff has actively participated in the Visioning process as part of the citywide Comprehensive Plan effort. The completion of this plan will guide additional long-range work completed by the Planning Division. Planning Division staff expects that, upon completion of this plan, actions and policies will guide future long-range planning goals for the division, as well as the other divisions of OSPCD.

The Visioning and Comprehensive Planning process is being conducted with the support of a 60+ member Steering Committee, including membership from the Planning Board, Zoning Board of Appeals and Board of Aldermen. OSPCD staff supports the Steering Committee. Planning Division staff has been providing support to the steering committee and the Neighborhood Subcommittee. The Neighborhood Subcommittee is tasked with working on long range planning to preserve and enhance the neighborhoods.

From May to October 2009, OSPCD hosted a series of information sessions, presented research findings and sought feedback on population, economic development, housing, and transportation and infrastructure trends in the City. Trends reports were issued for each of the subject areas. Approximately 300 residents participated in the public meetings. In the fall of 2010, a series of public visioning meetings were held using a World Café format, allowing residents to provide input in the future vision of the City of Somerville. Early in 2010, the Steering Committee and Subcommittees are beginning the process of developing a vision statement, goals, actions and policies that will serve as the guiding document for the future of Somerville and guide the long range planning efforts of OSPCD.

### **Zoning Amendments**

While the long range planning process is ongoing, there still has been a need to make zoning changes in 2009 to ensure that the City improves the development process and prepares for the arrival of the Green Line. The Planning Division participated in the development of a number of amendments that were approved and others that remain in progress.

### **Approved Amendments**

In 2009, Planning Division staff worked in concert with the Economic Development Division of

OSPCD to draft 5 amendments that were later approved by the Board of Aldermen:

- Union Square rezoning: OSPCD drafted revised zoning for Union Square which included new Transit-Oriented and Corridor Commercial Districts. In developing the new language, Planning and Economic Development convened a Focus Group that met eight times and contributed useful feedback on the text and maps. Following a kick-off Community Meeting in June (which had approximately 89 attendees), nine topical community meetings (including three hosted in other languages—Spanish, Portuguese, and Haitian Creole), final meetings of the Focus Group and the community at large, the new language was submitted to the Board of Aldermen in October of 2008. The Planning Board unanimously recommended adoption of the proposal, as amended. The amendment was passed by the Board of Aldermen unanimously in April of 2009.
- Consolidation of Design Review Committees: In response to imbalanced workloads and difficulties meeting a quorum, the Planning Division drafted language to combine the Citywide and the Assembly Square design review committees, enabling more effective contribution from all members. The Planning Board unanimously recommended adoption of the proposal. The amendment was approved by the BOA in June of 2009.
- Historic Bed & Breakfast: In response to the need for additional lodging capacity, as well as the need to balance the costs of owning a historic structure with certain benefits, the Planning Division worked with the Economic Development Division to establish a new use that enables historic structures (and their historic outbuildings) to be used as Bed and Breakfast facilities, with up to 6 or 9 rooms depending on the zoning district, subject to design review and other oversight. In addition, the new regulations enable more successful lodging operations than previous regulations. The Planning Board unanimously recommended adoption of the proposal, as amended. The amendment was approved by the BOA in June of 2009.
- Winter Hill Moratorium: Planning Division staff prepared a moratorium to limit changes of use, construction, expansion, and new development in a portion of Winter Hill while the Planning Board and BOA considered proposed zoning changes to the Broadway Corridor. The moratorium allowed for the completion of the rezoning study without its potential interruption by unplanned development. The Board of Alderman approved a 90 day moratorium in Oct 2008. After focus group meetings and community meetings, staff needed additional time to develop the final zoning amendments. After the moratorium expired, another public hearing was held in April 2009 to extend the moratorium by 60 days. The Board of Aldermen approved the extension in June 2009. An additional proposed extension was sent to the Board of Aldermen in December 2009 in the event that the Broadway rezoning did not pass early in 2010.
- Altering Uses in IA, IB and IP with associated map changes: To ensure that land is available to implement the Mirror H alternative for the maintenance facility for the green line extension, this ordinance established the limits on uses that would be allowed in the IB district, and adjusted the map accordingly. The Planning Board unanimously recommended adoption of the proposal, as amended. The amendment passed in November 2009.

### **Amendments Under Consideration**

- Broadway from Winter Hill to Sullivan Square: The Planning Division worked in concert with the Economic Development Division to create a zoning amendment for the Broadway corridor from Winter Hill to Sullivan Square. Staff in collaboration with a focus group and neighbors, tailored the new Transit-Oriented and Corridor Commercial Districts for this area. Also, several parcels were proposed to be zoned residentially to better match the building environment and

existing uses. The Planning Division and Economic Development Division convened a Focus Group that met four times and contributed useful feedback on the text and maps. Following three community meetings in March and May, three neighborhood specific community meetings, and a final community at large in August, the new language was submitted to the Board of Aldermen in September of 2009. Following a joint public hearing with the Land Use Committee, the Planning Board recommended adoption of the proposal, as amended in November 2009. The Board of Aldermen voted on the amendment in 2010.

- Senior Housing: In recognition of the unique needs of senior housing, the Planning Division reviewed best practices in order to establish unique zoning standards that would reflect the particular needs of seniors. Items for consideration include increased landscaping requirements, design guidelines for landscaping and community amenities, increased density allowances, and reduced parking requirements. Amendments were submitted to the Board of Aldermen in October 2009. A public hearing was held in December 2009 and the Planning Board recommended approval. Further research on this topic will continue in 2010.

### **Zoning Studies in Progress**

- Carriage Houses: There are several historic carriage houses in the city that owners are not able to utilize due to the current use regulations. Without having an allowed use for these structures, owners neglect to preserve them. Staff are drafting a zoning amendment that would allow for carriage houses that are historically designated to be used for home occupations. The allowed use(s) would provide an incentive for home owners to preserve carriage houses; however, the design and operation of the home occupations would be regulated to mitigate any negative impacts to neighbors.
- Analysis of Residential Zoning: The Planning Division is working on the first phase of a study of the Residence A and Residence B zoning districts. Phase I of this study is data analysis indicating a high degree of nonconformity of development in residence districts. Phase II of the study will examine alternative methods of preserving desired neighborhood character.
- Parking Regulations: In 2007, a student study found that the City's parking requirements under zoning create obstacles to other stated principles of the ordinance, including promoting pedestrian activity in central business districts, conserving the value of buildings and land, protecting the natural environment and encouraging mixed-use development. Planning Division staff have been working with Harvard Kennedy School of Government students to further study parking regulations and recommend updated and revised standards.

### **PROCESS IMPROVEMENTS**

This past year was challenging for the Planning Division. With the departure of Director of Planning Madeleine Masters in May of 2009, the division was without a director for more than half of the year. Nonetheless, with the support of Planning Division staff, additional administrative changes were implemented in 2009, improving the process by which projects are approved.

Planning Division staff continues to take feedback from community members, Board members, Applicants, and other City agencies. As part of this effort, the Planning Division developed an Action Plan with five basic goals:

1. Increase Public Information.

2. Streamline Processes.
3. Make the Somerville Zoning Ordinance better balance the goals of protecting the community and promoting development.
4. Improve public confidence in the process and consistency of outcomes and decisions.
5. Maintain accurate land records and efficient systems of retrieval.

Each of these goals has a set of associated Action Items—individual tasks with tangible results. Some of these can be accomplished administratively, while policy changes will be developed and implemented in cooperation with the Planning Board, Zoning Board of Appeals, and the Board of Aldermen.

### **Administrative Changes--Completed**

Many changes are administrative in nature and have already been completed or begun by staff. In order to:

- Increase public information, we have:
  - Continued *improvement of the website*, including posting more plans.
  - Ordered a second round of Special Permit and Variance signs that applicants post on their property to inform neighbors of potential actions on the site.
  - Undertaken extensive efforts in all rezonings, but particularly with both the Union Square and Broadway rezonings, to assemble groups and individuals with a stake in the outcome of the proposals to participate and have input into the crafting of the ordinance changes. This was done through neighborhood meetings, individual discussions, focus groups and other means.
  - Participated in OSPCD's SomerVision open house which provided the public the opportunity to see and discuss with city staff proposals for future development in Somerville in an informal weekend setting.
  - Continued to work with the Neighborhoods Sub-Committee as a part of the visioning and comprehensive plan development process.
- Enable accuracy and efficiency in permitting and enforcement, we have:
  - Begun requiring that all applications must be complete and ready to move through the board process before official public notice is given and items are placed on the agenda. This reduces the need for continuance requests from the applicants, makes the board hearings more efficient and makes the notice more accurate regarding when the hearing will occur for each case.
  - Continued to improve our communication with ISD to ensure enforcement of special permit conditions, to decide necessary zoning permits required and to address issues with existing properties as they arise.
  - Completed the project to scan all prior zoning records and re-file them in a compressed file system for easy electronic and physical access. This multi-month project has greatly improved access to files which are now consolidated in City Hall instead of being located in two buildings. This improves access for staff and public information requests. This effort was made possible through receipt of a 43D Priority Development Sites grant from the Commonwealth.



- Improve public confidence in process and consistency of outcomes, we have:
  - Required strict compliance with variance standards when developing staff recommendations on variance applications.
  - Continued to recommend that applicants attend community meetings if proposals may have neighborhood impacts that need neighborhood review and mitigation strategies, so that neighbors may be involved with a development that will affect their community.

### **Policy Changes - Completed**

In efforts to remove unnecessary delay and improve coordination within the zoning review process, the Planning Division has researched possible changes to the Rules and Regulations of the Permit Granting Authorities (adopted by those boards); and the Somerville Zoning Ordinance (adopted by the Board of Aldermen).

#### *Rules and Regulations of the SPGAs—Completed*

The Planning Division has been working with a Subcommittee of the Planning Board and the ZBA, which is charged with updating the Rules and Regulations dating from 2003. Changes recently adopted include:

- The creation of chapter 7, which established rules and regulations for the Design Review Committee. This provides clarity to interested citizens, improved coordination with city staff and committee members, assures an orderly conduct of business matters by the DRC, makes for a more efficient DRC and facilitates the decision-making processes of the DRC.
- Fees were increased to address the time City staff spent on various types of applications

#### *Somerville Zoning Ordinance—Completed*

As previously described, the Planning Division has worked with the Board of Aldermen to adopt a zoning amendment that consolidated the Design Review Committees into a single committee that reviews all relevant proposals for design recommendations.

### **NEXT STEPS**

In 2010, Planning Division staff will continue to move forward on the goals in the action plan. Entering 2010 with a full staff, the Planning Division is participating in the completion of the new Comprehensive Plan and preparing to implement its recommendations. In preparation for that, Planning Division staff is continuing to implement procedural improvements based upon its own master plan.

Below are some of the additional initiatives already planned and moving forward:

- To Increase Public Information, staff will:
  - Adjust application forms to require applicants to provide more detailed information about the owner, applicant and agents for a project, and have owners certify that both applicants and agents can represent them before boards
  - Require applicants to provide detailed environmental filings for any reports with the Massachusetts Department of Environmental Protection to the City as part of application reviews

- Continue to provide more information about projects and zoning amendments on the City's website
- Seek out additional strategies for civic engagement in planning
- To Streamline Processes, staff will:
  - Submit the formal rezoning proposal to eliminate the Planning Board's present advisory role in Zoning Board of Appeals cases. Both boards have acknowledged the merits of this change and discussion with the Land Use Committee regarding the merits of this change has also taken place. Such a change can take place since the Zoning Board now regularly receives recommendations directly from Planning Division staff, as well as the Planning Board's increasing role as a Special Permit Granting Authority in the CCD and TOD zoning districts. Staff are drafting amendments to the Rules and Regulations of the Permit Granting Authorities and Somerville Zoning Ordinance that would remove the requirement for this advisory role; these would be adopted subsequent to BOA action.
  - Identify opportunities to reduce the need for continuances of special permits, allowing for decisions to be made in a more timely manner.
  - Establish a more formal system of pre-application meetings with city department heads for any significant projects.
- Make the Somerville Zoning Ordinance better balance the goals of protecting the community and promoting development, staff will:
  - Continue to work with the Neighborhoods Subcommittee in the Comprehensive Plan process, identifying action steps and policies that may require zoning studies.
  - Continue work on the zoning studies outlined on page 6 of this report.
- Improve public confidence in the process and consistency of outcomes and decisions, staff will:
  - Continue to increase collaboration among the Planning Division, ISD, and other departments that review development projects, instituting weekly meetings between ISD and Planning Division staff, trainings for ISD on new zoning changes and regular communication and cooperation in project review; and
  - Explore ways to make public participation more effective without increasing the burden of attendance at numerous evening meetings.
  - Continue work with a local architects group to create a set of dormer guidelines that will assist applicants in designing dormer additions and provide consistency in staff recommendations.
- Maintain accurate land records and efficient systems of retrieval, staff will:
  - Complete the process of scanning and filing all land records for electronic retrieval and distribution
  - Continue to work with intern staff to scan large plans for projects
  - Identify a schedule and strategy for implementing the MUNIS permit tracking module that will link GIS spatial data with electronic project files.

The Planning Division looks forward to continuing to work with the Mayor, the Board of Aldermen, the City staff, the Planning Board, Zoning Board of Appeals, and Design Review Board on these important initiatives in 2010.

## **CONCLUSION**

2009 has been a dynamic year for the Planning Division. With a full staff in January of 2010, Planning Division staff look forward to further collaborating with other departments, the SPGAs, and the Board of Aldermen on efforts to improve our processes, and our City.

Any questions about this report can be directed to George Proakis, Director of Planning, at 617.625.6600 x 2500.