



City of Somerville, Massachusetts

City Council Land Use Committee

Meeting Minutes

Thursday, November 17, 2022

6:30 PM

(Posted online: 11/11/22 at 8:15 AM)

Pursuant to Chapter 107 of the Acts of 2022, this meeting of a City Council Committee will be conducted via remote participation. We will post an audio recording, audio-video recording, transcript, or other comprehensive record of these proceedings as soon as possible after the meeting on the City of Somerville website and local cable access government channels.

Copy & paste the following link into your internet browser to view this meeting live:

<https://attendee.gotowebinar.com/register/1737353043751978508>

Roll Call

This meeting was held via GoToWebinar and was called to order by Chair Ewen-Campen at 6:30 pm and adjourned at 7:16 pm. Chair Ewen-Campen moved to adjourn, and the motion was approved by roll call vote: 4 Yes and 1 Absent (Councilor McLaughlin).

Councilor Gomez Mouakad arrived late due to personal matters.

Others present: Dan Bartman - OSPCD, Gregory Jenkins - Art Council, Stephanie Widzowski - Clerk of Committees.

Present: Chairperson Ben Ewen-Campen, Vice Chair Lance L. Davis, Beatriz Gomez Mouakad, Matthew McLaughlin and Kristen Strezo

1. Committee Minutes (ID # [22-1784](#)) Approval of the Land Use Committee Minutes of October 20, 2022.

RESULT: **APPROVED**

AYE: Chairperson Ewen-Campen, Vice Chair Davis and City Councilor At Large Strezo

ABSENT: Ward Five City Councilor Gomez Mouakad and Ward One City Councilor McLaughlin

ITEMS FOR DISCUSSION

2. Order (ID # [22-1593](#))

By Councilor Ewen-Campen
That the Director of Planning, Preservation and Zoning update this Council on current draft zoning requirements of the MBTA Communities Act.

Dir. Bartman said that DHCD has revised their guidelines to allow up to a 20% affordability requirement - meaning 20% of units are considered

affordable - as well as allowing affordable housing at different price points. This is contingent upon providing a financial feasibility analysis that shows the housing requirement will not hinder development. Restrictions are still in place in other areas: for example, the district cannot have a commercial requirement. This means that Somerville zoning districts with pedestrian street designations can be disqualified. Dir. Bartman added that they are waiting for DHCD to release guidance on their feasibility analysis requirement as well as their compliance model.

Councilor Strezo asked if the city could put forward a Home Rule Petition (HRP) or city ordinance to override those standards; and if so, whether the incoming state legislature would be responsive to that. Dir. Bartman said that he was not sure of the answer, but that Somerville did become exempt from the Subdivision Control Act through an HRP. Local ordinance would never override state law, though. He added that the Administration's interest is to comply with the MBTA Communities Act to aid in becoming one of 10 communities qualified to ban fossil fuel hookups.

Councilor Davis asked why the city is not considering the NR district for compliance, as that was mentioned as a likely path in previous meetings. Dir. Bartman talked about a project by Councilor McLaughlin to pursue another pro-housing amendment. He said he was unsure it would align with the MBTA Communities Act, which raises the question of whether to use the NR district or map a new, housing-based district to use.

Chair Ewen-Campen asked for the timeline of the MBTA Communities Act and how it compares with the fossil fuel hookup legislation. Dir. Bartman said that full compliance with both is required by December 31, 2023, and that the compliance plan for the MBTA Communities Act is due by January 31, 2023, though they are waiting for details on the submission. Councilor McLaughlin commented that the city should not wait to pursue affordable housing goals and that the city will be able to comply with this law either way. There was a discussion about how to confirm compliance and what is keeping Somerville from achieving certification. Dir. Bartman said that he believes DHCD will only confirm compliance upon an appeal to a 40B application.

RESULT: KEPT IN COMMITTEE

3. Order
(ID # [22-0567](#))

By Councilor Ewen-Campen, Councilor Kelly, Councilor Wilson and Councilor Scott

That the Director of Planning & Zoning update this Council on a proposed zoning amendment to "separate and define arts and creative workspace as an Arts and Creative Enterprise (ACE) use subcategory" as recommended in the Somerville Arts Space Risk Assessment.

Dir. Jenkins explained that the Arts Council, OSPCD and MAPC convened a task force in 2021 that met monthly to review the recent zoning overhaul in relation to the arts. They started to realize that certain aspects of the overhaul needed adjustments, and there has been an ongoing conversation between Dir. Jenkins and Dir. Bartman as to what should be done through zoning versus through policy. Among the task force's recommendations was a suggestion to revisit how Arts and Creative Enterprise (ACE) set-asides were combined. Dir. Jenkins said that they are also working on a specific communication policy for developers, deliberating on the extent of the city's role in supporting artists and filling ACE spaces. He shared information about an art space connector tool that will collect data on community needs and match ACE spaces to potential artists or businesses. The tool is on the Somerville Arts Council's website (<https://somervilleartscouncil.org/spaceconnector>), and Dir. Jenkins encouraged community artists to fill it out.

Dir. Bartman added that he is concerned with the breadth of issues raised by the task force report and spoke to some other work that will inform the ACE conversation. The city identified early on a desire for permitting a buyout of the ACE requirement, especially for lab buildings. The buyout would need to be informed by a nexus study. The Brickbottom neighborhood has also entered development since the report was written, and residents there have relevant concerns, such as whether the specific ACE use lists in the Fabrication District are appropriate.

Chair Ewen-Campen said that there are a number of large scale developments in transform areas with ACE requirements, and that community concern is centered around ACE uses in that qualifying activity is much broader than desired. He expressed interest in subcategories for use spaces within ACE and asked if projects in the middle of the application process for a special permit are grandfathered in when an amendment is accepted. Dir. Bartman replied that it depends on the special permit and zoning district they develop under: for example, the master plan development special permit does freeze zoning, but its overlay district would still be impacted by amendments.

Chair Ewen-Campen said that he would like to find uses to cut in the ACE uses table, to which Dir. Bartman cautioned that changing use categories generally would affect the entire city. However, he said that there could be more requirements for specific uses in that space, similar to in Union Square. Chair Ewen-Campen requested a list of major issues and recommendations with this item, and Councilor Strezo also requested the pros and cons of each revision.

RESULT: KEPT IN COMMITTEE

ITEMS TO PLACE ON FILE

4. Order
(ID # [22-0205](#))
- By Councilor Clingan, Councilor McLaughlin and Councilor Kelly
That the City Solicitor update this Council on the previous request to seize by eminent domain, Patsy's Pastries at 182 Broadway and the East End Grill at 118 Broadway.

RESULT: RECOMMENDED TO BE PLACED ON FILE

5. Public
Communication
(ID # [22-1356](#))
- Anthony Pasquale requesting the adoption of an amendment to the Zoning Ordinance Map to change the zoning district of 34 Allen Street from Neighborhood Residential (NR) to Small Business (SB) Overlay.

RESULT: RECOMMENDED TO BE PLACED ON FILE