



City of Somerville, Massachusetts

City Council Land Use Committee

Meeting Minutes

Thursday, March 30, 2023

6:30 PM

This meeting was held via GoToWebinar and was called to order by Chair McLaughlin at 6:30 p.m. and adjourned at 7:15 p.m. on a Roll Call Vote: 5 in favor (Councilors Ewen-Campen, Gomez Mouakad, Wilson, Davis, McLaughlin), 0 opposed, 0 absent.

Others present:

Michael Potere – Assistant Clerk of Committees; Daniel Bartman – Deputy Director of Planning & Zoning.

Roll Call

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

1. Committee Minutes (ID # [23-0264](#)) Approval of the Minutes of the Land Use Committee Meeting of February 16, 2023.

RESULT: ACCEPTED

AYE: Chairperson McLaughlin, Vice Chair Davis, Ward Three City Councilor Ewen-Campen, Ward Five City Councilor Gomez Mouakad and City Councilor At Large Wilson

The next item, #22-1769, has been withdrawn by the applicant.

2. Public Communication (ID # [22-1769](#)) David Einis requesting the adoption of an amendment to the Zoning Ordinance Map to change the zoning district of 14 White Street Place from Neighborhood Residence (NR) to Mid-Rise 4 (MR4).

This item was withdrawn by the applicant.

RESULT: RECOMMENDED TO BE WITHDRAWN

AYE: Chairperson McLaughlin, Vice Chair Davis, Ward Three City Councilor Ewen-Campen, Ward Five City Councilor Gomez Mouakad and City Councilor At Large Wilson

3. Mayor's Communication (ID # [23-0356](#)) Conveying the Somerville Linkage Nexus Study Final Report.

Director Bartman stated that the consultant hired to prepare this study was not able to attend this meeting to discuss it, and recommended discussing this agenda item at the next Land Use Committee meeting.

Councilor Ewen-Campen asked if there would need to be a zoning change and public hearing to implement the recommendations in the Report, and Director Bartman confirmed that the normal amendment process would be implemented.

Councilor Gomez Mouakad expressed a desire to move the process on this item along as quickly as possible and before the summer recess.

Chair McLaughlin asked if the consultant could present at a Land Use meeting in two weeks, to which Councilor Davis replied that public hearings require at least two weeks advance notice. Chair McLaughlin stated that the goal will be to have this Report presented in a public hearing in May.

RESULT: KEPT IN COMMITTEE

- 4. Mayor's Request (ID # [23-0506](#))

Requesting ordainment of an amendment to Section 12.2 of the Zoning Ordinances to reflect the recommendations in the 2022 Somerville Linkage Nexus Study.

Chair McLaughlin stated that this item was related to Item 4 (ID # 23-0506).

RESULT: KEPT IN COMMITTEE

- 5. Order (ID # [22-0669](#))

By Councilor Gomez Mouakad
That the Superintendent of Inspectional Services review the durability and structural stability of materials used to comply with Section 10.8 of the Zoning Ordinances and explore rewriting that section to provide more specific requirements.

Councilor Gomez Mouakad stated that there is an error in the agenda item description, and that the correct citation to the Zoning Ordinance at issue is Section 10.7.4, not Section 10.8.

Councilor Gomez Mouakad stated that the purpose of this agenda item is to address the issue of some building projects in the city failing to use the same mechanical material on roofs that is used in the building itself, but that some developers are using lower quality materials that may pose a risk of becoming dislodged during a power storm. Director Bartman responded that a meeting is intended with the city's Inspectional Services Department to discuss how they interpret the requirements of the code and whether there are discrepancies between that and the materials developers are using in practice. Director Bartman stated that this item will be further discussed at a later meeting.

RESULT: KEPT IN COMMITTEE

6. Resolution
(ID # [22-0822](#))

By Councilor Ewen-Campen, Councilor Kelly, Councilor Burnley Jr., Councilor Gomez Mouakad, Councilor Clingan and Councilor Wilson That the Directors of Infrastructure and Asset Management, Engineering, Public Works, and the Office of Strategic Planning and Community Development, along with any other appropriate departments, work to develop a binding, equitable, citywide Electrical Infrastructure Master Plan to guide the location and design of electrical substations and other infrastructure.

Councilor Ewen-Campen stated that this item, which is related to the discussion regarding Union Square, is being worked on separately and does not require additional discussion in this committee.

RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED

AYE: Chairperson McLaughlin, Vice Chair Davis, Ward Three City Councilor Ewen-Campen, Ward Five City Councilor Gomez Mouakad and City Councilor At Large Wilson

7. Order
(ID # [22-0050](#))

By Councilor Clingan and Councilor Ewen-Campen That the Administration present specific plans to this Council to advance the long-awaited affordable housing components of the Union Square redevelopment on the "D2.4" and "D4.3" parcels.

Director Bartman stated that a rewrite of the Union Square overlay district is being worked on, specifically regarding the two parcels listed in this agenda item, but that doing so requires consideration of the governing agreements and covenants, which is why progress has been delayed. Director Bartman continued by stating that this agenda item is a top priority and that further discussion can be anticipated in one of the next two Land Use Committee meetings.

RESULT: KEPT IN COMMITTEE

8. 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.

Director Bartman stated that significant progress is being made on this agenda item in conjunction with the Arts Council and a planner hired by the Arts Council. Director Bartman explained that the work being done on this item extends beyond the existing Fabrication District and Arts Council uses, and that the way other cities like Boston have engaged in this type of zoning revision. Director Bartman stated that a further update could be expected in the summer.

RESULT: KEPT IN COMMITTEE

9. 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.

Director Bartman indicated that there is overlap between the MBTA Communities Act dwelling requirements and zoning changes that are already being pursued by the City Council. Specifically, Director Bartman stated that the City Council is already pursuing zoning amendments that would change the rule requiring a maximum of four unrelated persons living together in the same dwelling, and the minimum district density requirement of three units, which are similar to those required by the MBTA Communities Act. Director Bartman continued by explaining that the department is considering implementing these zoning changes to the whole city, which would bring it into compliance with the Act. Director Bartman stated that this work will continue into the summer due to the departure of a staff member.

Chair McLaughlin asked if there is a deadline in the MBTA Communities Act, and Director Bartman confirmed that there is a deadline of December 31, 2023.

Chair McLaughlin asked for clarification about the overlap between the MBTA Communities Act and Somerville's discussed zoning changes, and Director Bartman stated that the state law requires only one district in a city adopt these zoning changes, but Somerville could also make them city-wide, and in so doing would be in compliance with the state law. Councilor Davis added that taking the "no more than four" rule off the books, as addressed in Agenda Item 10 (ID # 23-0052) would make it easier for the city to comply with the state law.

Councilor Ewen-Campen asked if there was any reason to wait to repeal the "no more than four" rule to be in compliance with that aspect of the state law sooner, and Director Bartman responded that investigations regarding the impact of repealing that rule are still being completed, and a report drafted by a staff member in the department would be presented shortly. Councilor Ewen-Campen stated that it makes sense to investigate and have policies in place regarding the repealing of the rule, but that it was a question of "when," and not "if" the rule will be repealed.

Councilor Davis expressed support for repealing the "no more than four" rule, and emphasized its lack of utility, particularly given that it is rarely enforced. Chair McLaughlin stated an awareness of the rule being enforced occasionally, but that in either event it needs to be repealed. Chair Davis added that part of the purpose of repealing the "no more than four" rule is to remove a definition of a family from the city's zoning ordinances.

Councilor Wilson asked if the department's report would also address the city's upcoming implementation of a rental registry, and Director Bartman

indicated that was part of the analysis because it will help the city better understand the housing market and population density.

Chair McLaughlin concluded by stating that the goal is to have the “no more than four” rule repealed this year.

RESULT: KEPT IN COMMITTEE

- 10. Order (ID # [23-0052](#))

By Councilor Ewen-Campen, Councilor Pineda Neufeld, Councilor Burnley Jr., Councilor Clingan, Councilor Davis, Councilor Gomez Mouakad, Councilor Kelly, Councilor McLaughlin, Councilor Scott, Councilor Strezo and Councilor Wilson

That this City Council's Committee on Land Use work with the Director of Planning, Preservation and Zoning to draft an amendment to the Zoning Ordinances to remove the prohibition on more than four unrelated adults living together.

Chair McLaughlin stated that a substantive discussion of this item took place during the discussion of Agenda Item 9 (ID # 22-1593), and noted that there were no additional questions or comments.

RESULT: KEPT IN COMMITTEE

- 11. Order (ID # [23-0174](#))

By Councilor McLaughlin

That the Director of Planning, Preservation and Zoning provide the Ward 1 City Councilor with all materials pertaining to the proposed Zoning Overhaul, introduced in 2014.

Chair McLaughlin stated that the purpose of this item is to use the planning materials related to an ambitious zoning overhaul that was proposed in 2014 to inform planning of a similar type of overhaul to be conducted at present, which would avoid a duplicative process and save effort and resources.

Chair McLaughlin noted that Clerk Wells was able to locate these materials, and asked Director Bartman to compare the 2014 plan to current plans and provide the Committee with an update.

RESULT: RECOMMENDED TO BE MARKED WORK COMPLETED

AYE: Chairperson McLaughlin, Vice Chair Davis, Ward Three City Councilor Ewen-Campen, Ward Five City Councilor Gomez Mouakad and City Councilor At Large Wilson

- 12. Order (ID # [23-0458](#))

By Councilor Ewen-Campen, Councilor McLaughlin, Councilor Burnley Jr., Councilor Clingan, Councilor Davis, Councilor Gomez Mouakad, Councilor Kelly, Councilor Pineda Neufeld, Councilor Strezo and Councilor Wilson

That the Director of Economic Development update this Council on the implementation of the Union Square Covenant, which includes local and veterans preference in hiring.

Chair McLaughlin stated that other members of the city staff were needed to

discuss this item, which will occur at a later date.

RESULT: KEPT IN COMMITTEE

13. Order
(ID # [23-0459](#))

By Councilor McLaughlin

That the Director of Planning, Preservation and Zoning update this Council on the status of the property on Palmer Court, purchased by the city for the purpose of creating green space.

Director Bartman stated that the Director of Public Space at Urban Forestry has a written statement on this but has yet to transmit it, so this item will be discussed at a later date.

RESULT: KEPT IN COMMITTEE

14. Order
(ID # [23-0503](#))

By Councilor Scott

That the Director of Planning, Preservation and Zoning and the City Solicitor assist the City Council to draft language requiring that departmental review conditioned by the Planning Board contains a requirement for public outreach when concerning modifications by private developers within the public realm.

Director Bartman stated that additional discussion with Councilor Scott was needed to properly prepare a response to this item.

Councilor Davis explained that the item is intended to address an issue where a development project is approved by the public but then the final outcome differs from what was previously discussed, causing frustration to city residents, and that this item seeks to develop further transparency among city officials, developers, and the public.

RESULT: KEPT IN COMMITTEE

15. Order
(ID # [23-0505](#))

By Councilor Scott, Councilor Wilson, Councilor Davis and Councilor Strezo

That the Director of Planning, Preservation and Zoning assist the City Council in modifying the density incentives for NetZero/Passive House development in light of the recently adopted Specialized Stretch Code.

Councilor Davis asked if a potential density bonus for developers could be allowing the construction of additional stories or units in developments in exchange for broader community benefits. Director Bartman responded that the recently enacted Specialized Stretch Energy Code removed the bonus associated with developers building sustainable buildings because effectively every building now must comply with those requirements, and added that looking for additional ways to change programs to encourage the creation of additional community benefits associated with these projects is worth further consideration.

RESULT: KEPT IN COMMITTEE