



CITY OF SOMERVILLE, MASSACHUSETTS

CLERK OF COMMITTEES

March 16, 2021

REPORT OF THE LAND USE COMMITTEE

Attendee Name	Title	Status	Arrived
Ben Ewen-Campen	Chair	Present	
Lance L. Davis	Vice Chair	Present	
William A. White Jr.	City Councilor At Large	Present	
Matthew McLaughlin	Ward One City Councilor	Present	
Mark Niedergang	Ward Five City Councilor	Present	

The meeting was held via GoToWebinar and was called to order by Chair Ewen-Campen at 6:01pm and adjourned at 7:41pm.

Others present: Dan Bartman - OSPCD

Councilor McLaughlin was also attending the School Committee meeting at the same time, which is the reason for his absence from some of the votes.

Approval of the February 16, 2021 Minutes

The minutes were accepted on a roll call vote of 4 in favor (Niedergang, White, Davis, Ewen-Campen), 0 opposed and 1 absent (McLaughlin).

RESULT:	ACCEPTED
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Proposed Zoning Amendments

210940: Requesting approval of amendments to the Zoning Ordinance for new changes, corrections and clarifications.

Chair Ewen-Campen elaborated that there was no written feedback following the public hearing. Mr. Bartman shared an updated list of revisions, noting that most are clarifications and corrections. In Section 2.4, the addition of 5b is proposed to share additional factual information: Corner lots and through lots have two front lot lines and two side lot lines with no rear lot line. a). Any front lot line of a corner lot abutting a Pedestrian Street is a primary front lot line. b). For all other corner lots, the primary front lot line is designated by the property owner, with all remaining front lot lines designated as secondary front lot lines. c). Both front lot lines of a through lot are primary front lot lines. Proposed language to the same section is to clarify roof decks: Roof Features a). Roof decks are permitted only on flat roofs and must be setback at least five (5) feet from any facade, excluding building components.

Chair Ewen-Campen also highlighted the “crosswalk” provided for the MPD Overlay District, which indicates where text has been moved, and Mr. Bartman walked through the edits, particularly a few informational items: 8.3.3.b. The provisions of each MPD sub-area are applicable to real property as shown on the maps for each sub area.; 8.3.3.d. Development entitlement under this section is only applicable to real property following adoption of an urban design framework by the Planning Board for the sub-area where the property is located.; 8.3.4.a. The Planning Board shall adopt an Urban Design Framework for each sub-area specified in this Section, excluding the North Point sub-area.; and 8.3.4.b. An Urban Design Framework may be adopted as part of a more comprehensive neighborhood plan or as a stand alone policy document. Section 8.3.8 c. was clarified to exclude alleys. Councilor Davis asked whether this could create a loophole to allow for space to not be publicly available and Mr. Bartman noted that this was not an issue, and also elaborated that this does not mean the spaces must be city-owned.

Chair Ewen-Campen moved that the amended draft titled “2021 03 15 SZO Corrections (from Nov 24)” replace the draft on the agenda for discussion. The motion was approved on a roll call vote of 4 in favor (Niedergang, White, Davis, Ewen-Campen), 0 opposed and 1 absent (McLaughlin).

Chair Ewen-Campen moved to approve the amendments 1-31 in the document titled “2021 03 15 SZO Corrections (from Nov 24)”. The motion was approved on a roll call vote of 4 in favor (Niedergang, White, Davis, Ewen-Campen), 0 opposed and 1 absent (McLaughlin).

On items 33-34, Mr. Bartman shared that the updates include the language from the federal government, to better align the definitions of Recharging Station and Electrical Vehicle Charging Station. Chair Ewen-Campen added that the changes were also made with the input of the Director of the Office of Sustainability and Environment.

Councilor Ewen-Campen moved to approve the amendments 33-34 in the document titled “2021 03 15 SZO Corrections (from Nov 24)”. The motion was approved on a roll call vote of 4 in favor (Niedergang, White, Davis, Ewen-Campen), 0 opposed and 1 absent (McLaughlin).

Related to amendment 32, Chair Ewen-Campen noted that Councilor McLaughlin is working with the City to develop a more comprehensive solution that is not solely related to Assembly Square.

RESULT:	APPROVED AS AMENDED. [UNANIMOUS]
AYES:	Ewen-Campen, Davis, White Jr., Niedergang
ABSENT:	McLaughlin

211231: Requesting approval of amendments to the Zoning Ordinance for new edits, corrections, and clarifications.

Mr. Bartman shared two documents detailing the corrections.

Chair Ewen-Campen moved that the amended draft titled “2021 03 15 SZO Corrections (from Jan 27)” replace the draft on the agenda for discussion. The motion was approved on a roll call vote of 4 in favor (Niedergang, White, Davis, Ewen-Campen), 0 opposed and 1 absent (McLaughlin).

Chair Ewen-Campen moved to approve the amendments 1-2 in the document titled “2021 03 15 SZO Corrections (from Jan 27)”. The motion was approved on a roll call vote of 4 in favor (Niedergang, White, Davis, Ewen-Campen), 0 opposed and 1 absent (McLaughlin).

Mr. Bartman shared the new changes, which clarified step backs in MR5 and MR6 Districts, disallowing motor vehicle parking entrances through pedestrian streets, and timing of certificate of zoning compliance to align with the building permitting process. Councilor White asked for clarification on whether existing curb cuts would be grandfathered and Mr. Bartman confirmed they are not, as vehicular entrances have never been allowed by right onto pedestrian streets.

Chair Ewen-Campen moved to approve the amendments 3-6 in the document titled “2021 03 15 SZO Corrections (from Jan 27)”. The motion was approved on a roll call vote of 5-0 (Niedergang, McLaughlin, White, Davis, Ewen-Campen).

RESULT:	APPROVED. [UNANIMOUS]
AYES:	Ewen-Campen, Davis, White Jr., Niedergang
ABSENT:	McLaughlin

211195: That the Director of SPCD work with the City Solicitor to determine if in lieu payments for civic space along highways can be directed toward pollution mitigation.

Councilor McLaughlin emphasized that a major goal is to address air pollution related to Interstate 93. The amendment introduced on the administration’s behalf would focus specifically on the funds from development near the highway, where open space should not be built due to air pollution, to be used for pollution mitigation. Funds from other developments would be used for other open space purposes.

RESULT:	KEPT IN COMMITTEE
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211432: That the City Solicitor and the Director of SPCD perform a nexus study to determine the viability of a home rule petition requiring developers who receive special permits to make contributions to mitigate pollution.

Mr. Bartman noted that this is in the beginning stages and is ongoing work. Councilor McLaughlin clarified that the goal is to ensure it is done well rather than quickly.

RESULT:	KEPT IN COMMITTEE
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211433: Requesting amendments to the Zoning Ordinance as contained within.

Mr. Bartman noted that the language proposed for Assembly Square could be moved within the ordinance to address any area within a certain distance from a highway. Proposed new language includes any land site located within five hundred (500) linear feet of the centerline of Interstate 93 Northern Expressway or three hundred (300) linear feet of the centerline of Massachusetts Route 28 (McGrath Highway). Chair Ewen-Campen also elaborated that there will be no action taken without a public hearing. He also noted that the proposed amendments do not address how the money is spent. The intent is defined as: To mitigate the potential long term public health impacts associated with

exposure to airborne ultrafine particulates. If approved as-is, the funds would be diverted into the Open Space Acquisition fund, but how those funds could be utilized is still being researched.

Mr. Bartman also noted that the approval does not rely on the outcomes of the studies; the buyouts and payments section could be further updated to identify additional funds or how the money can be utilized, but none of the language in the proposed amendments is reliant on that research. Councilor Niedergang agreed that pollution mitigation is a greater need than open space in some areas. He asked whether funds collected now could be repurposed for pollution mitigation if a specific fund is approved at a later date and Mr. Bartman will research that with the Solicitor's office. Councilor Davis also expressed frustration about the lack of options to address the detrimental effects of the highway. Councilor White asked for a map of the areas that would be affected, and whether this would prevent a park from being created in the area near Target, which was proposed in the Union Square Neighborhood Plan. Mr. Bartman noted that the details of that have not yet been determined, and would also depend on the source of the funds, but there is a possibility that it would be impacted somehow. Chair Ewen-Campen also emphasized that this is an important issue and the City need to use whatever tools it has available to address it.

Chair Ewen-Campen also asked about the multiplier for the buyout and Mr. Bartman shared that both the in-lieu payment for open space and the formula for the payment in lieu of civic space have been updated. The 5x multiplier was intended to try to recoup some of the value from the time the money is received and when it is spent due to rising land value and inflation, but this is not permitted. The fee has to have a rational nexus to the thing being bought out and the amount must be roughly proportional to the cost. The ordinance specifies that: The Director of Public Space & Urban Forestry shall calculate, publish on the City website, and annually update a fee schedule for the payment in lieu of both open space and civic space.

RESULT:

KEPT IN COMMITTEE

Unrelated Adults: Discussion

198641: That the Director of SPCD and the City Solicitor advise this Board in writing by March 30 whether the proposed zoning ordinance complies with state law regarding the co-habitation of 4 unrelated adults and how much authority a municipality has in this regard.

Councilor Niedergang shared that this was an issue he wanted to review, as the zoning ordinance may allow some special permits for allowing more than four unrelated adults in a dwelling. There are some houses in the City that could support this, and it would be an approach toward creating affordable housing and allowing young people to live in the City. Councilor Davis shared that he previously expressed opposition, due to the inclination of landlords to take advantage. He suggested that it is not for the government to define a family, and this revolves around that attempt. Councilor White agreed with the right of people to live together, and suggested more study of the impacts of absentee landlords, impacts on neighborhoods and parking, and how to protect individuals. Councilor Ewen-Campen agreed and added that this is difficult to enforce. Councilor McLaughlin explained that the concerns were largely that developers would gut properties to pack rooms and individuals in, and those concerns will need to be addressed. Councilor White added that there was a Supreme Court case that upheld a similar restriction, and the history should be considered.

RESULT:

KEPT IN COMMITTEE

198777: Assistant City Solicitor responding to #198641 re: a legal opinion of the city's requirements for unrelated adults residing in a dwelling unit.

See 198641.

RESULT:

KEPT IN COMMITTEE

201376: MIT Graduate Student Council submitting comments re: the city's restriction prohibiting more than 4 unrelated persons from sharing a single dwelling unit.

See 198641.

RESULT:

KEPT IN COMMITTEE

Referenced Material:

- MPD Amendments Crosswalk 2021 03 15 (with 210940)