



## CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

June 16, 2022  
REPORT OF THE LAND USE COMMITTEE

Attendee Name	Title	Status	Arrived
Ben Ewen-Campen	Chair	Present	
Lance L. Davis	Vice Chair	Present	
Beatriz GomezMouakad	Ward Five City Councilor	Absent	
Matthew McLaughlin	Ward One City Councilor	Present	
Kristen Strezo	City Councilor at Large	Present	

Others present: Dan Bartman - Deputy Director of Planning and Zoning, members of the Planning Board, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:31 PM by Chair Ewen-Campen and adjourned at 7:56 PM on a roll call vote of 3 in favor (Councilors Strezo, Davis and Ewen-Campen), none against and 2 absent (Councilors McLaughlin and Gomez Mouakad).

The Land Use meeting was recessed at 6:34 (to allow the Planning Board to convene it's meeting), and re-convened at 6:37 PM.

### Approval of the May 5, 2022 Minutes

<b>RESULT:</b>	<b>ACCEPTED</b>
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### Public Hearing on Item 213601

#### **213601: Proposing an amendment to the Zoning Ordinances, Section 3.1.6.d, Residence District, to permit the Backyard Cottage accessory building type by right.**

Director Bartman explained that the context for permitting backyard cottages was originally by right and was later changed to require site plan approval. That change has caused some applicants to face resistance with the arduous process and has produced procedural challenges for the Design Review Committee. In one case, there appears to be a discrepancy over the impact of the building on the public realm. For these reasons, the Planning Department feels that it's best to return to the original method of permitting, i.e., by right. Director Bartman noted that doing so would not change any of the metrics, it just changes the permitting process. The administration supports this change.

The Public Hearing was opened and there were 4 speakers in favor of the amendment. They felt that the amendment was in line with SomerVision goal to increase housing and that it would make housing easier to build. Although in favor of the amendment, one speaker expressed concern about

green space and bypassing neighborhood feedback. There being no other speakers, the Public Hearing was closed. The record will remain open until noon on July 29, 2022, to receive written comment.

Councilor Strezo inquired about 3 units and Director Bartman explained that, usually, cottages are a 2nd unit, however, if it is a 3<sup>rd</sup> unit, then it has to be an affordable unit, and the owner can decide whether to sell or rent it.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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#### **Public Hearing on Item 213807**

##### **213807: Vivaldo Meneses Sr. requesting the adoption of an amendment to the Zoning Ordinance Map to change the zoning district of 82-84 Prospect Street from MR5 to UR.**

Jordan Smith introduced the item saying that this involves two side by side properties, with common ownership, which were put into split zoning. The neighborhood was concerned about lot coverage and increased height, but he believes that the proposal before the committee will satisfy the neighbors. Director Bartman agrees and thinks the permitting process will now be smoother.

The Public Hearing was opened and there were no speakers on the item. The Public Hearing was closed. The record will remain open until noon on July 29, 2022, to receive written comment.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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#### **Public Hearing on Item 213705**

##### **213705: Three owners requesting the adoption of an amendment to the Zoning Ordinance Map to change the zoning district of 129R Highland Ave from UR to NR.**

Applicant Matthias Machowinski told the committee that the property was purchased 10 years ago and is land locked.

The property has a restriction imposed on it so that it can't be built upon. He spoke with neighbors about the issue and told the committee that there is support for the proposed change.

Director Bartman said the administration has no objection to the amendment but he still doesn't think the lot could be developed and adjusting the zoning map would better represent the zoning of the area. He commented that this was not an intentional re-mapping and he thinks it's an issue of normalizing setbacks.

The Public Hearing was opened and there were no speakers on the item. The Public Hearing was closed. The record will remain open until noon on July 29, 2022, to receive written comment.

Councilor Davis inquired about the portion of the lot that abuts NR and asked if that would change the setbacks. Director Bartman will look at it more closely before he provides a response at a future meeting.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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#### **Public Hearing on Item 213430**

##### **213430: Requesting a text amendment to the Somerville Zoning Ordinance to repeal all references to a Certificate of Zoning Compliance and replace with a requirement for the Building Official to conduct a zoning compliance review and maintain a public record of**

**such reviews for all development.**

Director Bartman explained that this is joint proposal from the Planning and Inspectional Services Departments. The concept for the Certificate of Zoning Compliance was that it would be a document posted with the building permit, however, it's being seen as requiring a separate permit and is creating confusion and slowing down the process. Director Bartman pointed out that zoning compliance has always taken place and now, it is being digitally recorded in CitizenServe. This amendment would remove the reference(s) to a Certificate of Zoning Compliance and could reduce the permitting time by 30%.

Councilor Davis stated his concern about whether a project is actually in compliance. He thinks the wording is ambiguous and may result in the city losing some of the structure around the process.

Director Bartman would like to discuss this further at the next meeting when the Director of Inspectional Services can be present. He also want to re-read the text for potential problems.

The new text being added is in Sec 15.7, 1., a, ii.

The Public Hearing was opened and there were no speakers on the item. The Public Hearing was closed. The record will remain open until noon on July 29, 2022, to receive written comment.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**Public Hearing on Item 213886**

**213886: Thomas J. Cooke requesting the adoption of an amendment to the Zoning Ordinance Map to change the zoning district of 14 White Street Place from NR to MR4.**

Applicant Tim Curley spoke on the item saying that this involves a merged lot with 2 parcels on it that came under common ownership in 1999. The buildings on the NR lot are dilapidated and the MR4 lot has nothing on it. He wants to replace what's there with residential housing in fastidious compliance with city codes and would provide some affordable housing. He has discussed the matter with Ward 5 Councilor Gomez Mouakad and told her that the project would not displace anyone. Director Bartman wants to hear from the public on this matter prior to formulating an opinion.

The Public Hearing was opened and there were no speakers on the item. The Public Hearing was closed. The record will remain open until noon on July 29, 2022, to receive written comment.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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