



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

September 15, 2020
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. The Committee entered into recess at 6:05pm for the Planning Board to begin its meeting, and was called back to order at 6:07pm. The meeting was adjourned at 7:39pm.

Others present: Sarah Lewis - OSPCD; Rebecca Cooper - OSPCD

Planning Board: Michael A. Capuano, Chair; Amelia Aboff, Vice Chair; Sam Dinning, Clerk; Jahan Habib; Rob Buchanan, Alternate

Chair Ewen-Campen explained that the City Council will await recommendations from the Planning Board before acting on any of these items, but the Committee can make its own recommendations tonight if it so chooses.

Chair Capuano requested more information about the comment that 34-36 Merriam St should be addressed as two separate parcels. The Planning Board meeting adjourned at 7:08pm, noting that they will take up these items at its next regular meeting on September 17.

Public Hearings (210185, 210452, 210364, 210472, 210597)

210185: Proposing an amendment to the zoning map to change 56 Murdock Street from the Neighborhood Residence to the Urban Residence district.

Councilor Niedergang introduced the proposed amendment, on behalf of a constituent who has a single family home in an area that puts it between much larger structures. The owner would like to redevelop the property for his family and add an affordable unit. The property is also close to the coming Green Line station and there are many larger structures on the street and this one appears to have been missed.

Chair Ewen-Campen opened the Public Hearing at 6:09pm.

Imran Khan spoke on behalf of the amendment, noting that he is the property owner and has been in Somerville for 30 years and this zoning change would allow his family to develop the property and continue to live in the City. The properties on either side are zoned as UR and this change would enable the property to remain within the character of the neighborhood.

Chair Ewen-Campen closed the Public Hearing at 6:14pm.

Councilor Niedergang noted that since there was no opposition and the change is minor, he feels comfortable recommending approval.

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

210452: LaCourt Foundation LLC proposing a zoning amendment to re-zone their property at 34-36 Merriam St to UR.

Chair Ewen-Campen opened the Public Hearing at 6:15pm.

Aji Sjamsu lives in a LaCourt-owned property and is part of the tenant's union. He expressed excitement to see development in Union Square, and recognized that it brings value to the community. He noted that this property, however, may just create tight-squeezed luxury rentals and the property owner has a history of increasing rents and forcing tenants out of the City. This development does not move the City toward the future it has planned. Meredith Porter also expressed strong opposition to this proposal, adding that the application is for 34-36, which is actually two separate narrow lots, rather than a single lot, and should be two separate applications. A change to UR would also preclude the existing building types, which are two separate houses, and the lot is too narrow for the UR building types. There are other clusters of NR buildings nearby, and the neighborhood structures should be preserved. He also shared concern for the existing tenants and potential displacement, in addition to the tenants of the buildings on either side. Allison McIntyre shared that this development is not compatible with the City's goal nor is it in tenant's interests, and should not move forward if the City wants to promote secure and vibrant communities for its residents. Michael Ventura echoed the concerns, and its impact on the price of housing. He has also had bad experiences as a tenant with LaCourt. Hannah Zafar is another tenant of LaCourt and reiterated that there are many recurring issues, and LaCourt is negligent. The City should not support landlords with a history of neglect.

Chair Ewen-Campen closed the Public Hearing at 6:26pm.

Chair Ewen-Campen clarified that any property owner, or group of voters, can propose a zoning change, and the City Council is legally required to hold a public hearing. It does not mean that there will be action taken.

Councilor Davis suggested awaiting input on the legal considerations if this is two separate lots and whether this proposal meets the requirements for a zoning change. Councilor Niedergang agreed and added that he would also like legal advice on the tenancy issues and whether these considerations can be taken into account in making zoning decisions. Chair Ewen-Campen added that this area is one in which the Planning staff are actively working on creating an Overlay District, and spot-zoning in the meantime would not be advised.

Councilor Niedergang moved that the City Solicitor provide an opinion on whether issues of tenancy, affordable housing and displacement can be a factor on a decision of a zoning change proposal. The motion was approved on a roll call vote of 5 in favor (Davis, McLaughlin, Niedergang, White, Ewen-Campen) and none opposed.

RESULT:

KEPT IN COMMITTEE

210364: 15 registered voters requesting the adoption of an amendment to the Zoning map to re-zone six parcels along Medford Street between School Street and Marshall Street.

Chair Ewen-Campen recessed at 6:29pm to await Chair Capuano's return to the meeting following some technical issues. The Committee was called back to order at 6:36pm.

Ms. Lewis shared that the Gilman Square Neighborhood Association (GSNA) has been very engaged in looking at what could happen in the area, and with the proximity to the Green Line station, this could be a good opportunity for development in the area.

Chair Ewen-Campen opened the Public Hearing at 6:39pm.

Aaron Weber expressed support and noted that it could be zoned even higher. Adam Dash spoke on behalf of Malta Realty Trust, LLC, which owns a building in the area that would be zoned MR4 in between the proposed MR6 zoning. His client, the Malta Temple, does not want to be in between these taller buildings. The change would allow 50% increase in height and the setbacks are not sufficient. Christine Carlino, a Steering Committee member for GSNA, noted that the sections that remain MR4 were such with the expectation that there would be a community benefits agreement. These developers have worked extensively with the neighborhood association and built many benefits into the building. Richard DiGirolamo spoke on behalf of the proposed developer of the Good Gas site, adding that this amendment would allow the development of that site into 52 units of residential rental housing. The development has received substantial neighborhood input through at least four community meetings. There is a substantial amount of remediation needed that a 6-story structure would make economically feasible. Stani Iordanova also represented the GSNA Steering Committee and noted that the developer has been exemplary and has the neighborhood's support. The process was meaningful and incorporated the residents' wants and needs, including green elements, more two-bedroom units, more commercial space, engaging with the artist community, and creating a vibrant streetscape. Jim Kaplan owns the Malta Temple and shared a concern that this needs more consideration, as his historical building would be buried amongst six story buildings, and the large windows would be obstructed by walls. He encouraged significant setbacks.

Chair Ewen-Campen closed the Public Hearing at 6:54pm.

Councilor Davis acknowledged that a process for a density bonus was put on hold due to the pandemic and the goal remains to move forward on that. That tool would be the preferred model due to the concerns about setbacks and from abutters. He suggested that the Solicitor's office might share whether there are other paths to consider. Councilor McLaughlin agreed with the intent of this change but would like to await more information as well as input from the Ward Councilor. Councilor Niedergang also supported the intent of up-zoning the area but would like to determine whether it could work without such a negative impact on the FAB building and its artists. Ms. Lewis will request a shadow study update to provide a better understanding of the impact on the Malta building. Councilor Niedergang also asked

if there was a mechanism to change setback requirements. Ms. Lewis will research that as part of the study, which will be a more comprehensive examination than the name shadow study implies. Councilor White commended the neighborhood group for their advocacy on this issue and noted that this is a priority issue. Chair Ewen-Campen expressed support for this and also urged it as a priority. He added that the dedicated planning process should include the property across the street at 360 Medford St to get a better understanding of how those parcels can work together.

RESULT:

KEPT IN COMMITTEE

210472: Proposing zoning map changes to 8 properties on McGrath Hwy between 368 and 414 McGrath Hwy, as listed within.

Chair Ewen-Campen filed this amendment to standardize and up-zone a section of McGrath Highway. This area was initially zoned based on existing buildings, not on its potential. The area is close to a new Green Line station, and is appropriate for additional density. The single-family homes are on a steep hill, but a larger building could provide shielding from McGrath Highway.

Chair Ewen-Campen opened the Public Hearing at 6:58pm.

Tim Talon expressed concern that there is a lack of awareness of this proposal.

Chair Ewen-Campen closed the Public Hearing at 6:59pm.

Chair Ewen-Campen noted that this does not seem time-sensitive and he is open to additional community engagement and awareness.

RESULT:

KEPT IN COMMITTEE

210597: Submitted by Acting Mayor McLaughlin, requesting approval of an amendment to the Zoning Ordinance to the standards of Subsection 9.2.4.d for Cannabis Retail Sales uses.

Councilor McLaughlin is recused from this, as Acting Mayor on marijuana policy.

Ms. Lewis clarified that this allows marijuana establishments to apply for a permit if they are close to a daycare facility. If this is not allowed, such establishments will be effectively banned in the City. It was an inadvertent oversight in reconciling the language in various versions of the ordinance. The term “pre-primary” refers to many small establishments, and was not the intent of the original ordinance. These are not fixed educational institutions.

Chair Ewen-Campen opened the Public Hearing at 7:01pm.

Derrick Rice supported this change, noting that the zoning should be updated to reflect the current times.

Chair Ewen-Campen closed the Public Hearing at 7:05pm.

Chair Ewen-Campen elaborated that this is to clarify that the distance requirements around schools do not apply to daycare facilities. This is clarifying an error to make the current zoning consistent with the City Council’s intentions.

RESULT:	APPROVED. [4 TO 0]
AYES:	Ewen-Campen, Davis, White Jr., Niedergang
RECUSED:	McLaughlin

Handout:

- Land Use Committee 091520 comments_Redacted