



# CITY OF SOMERVILLE, MASSACHUSETTS

## CLERK OF COMMITTEES

October 29, 2019

### REPORT OF THE LAND USE COMMITTEE

| Attendee Name        | Title                     | Status  | Arrived |
|----------------------|---------------------------|---------|---------|
| Lance L. Davis       | Chair                     | Present |         |
| William A. White Jr. | Vice Chair                | Absent  |         |
| Katjana Ballantyne   | Ward Seven City Councilor | Present |         |
| Stephanie Hirsch     | City Councilor At Large   | Absent  |         |
| Mary Jo Rossetti     | City Councilor at Large   | Present |         |
| Mark Niedergang      | Ward Five City Councilor  | Present |         |

The meeting was held in the Council Chamber and was called to order by Chair Davis at 6:07pm and adjourned at 9:38pm.

Councilor Niedergang was appointed to the Committee to fill in for Councilor White, who was sick. Councilor Hirsch was absent to attend another community meeting.

Others present: Dan Bartman - OSPCD; Sarah Lewis - OSPCD; Kimberly Wells - Assistant Clerk of Committees

#### **208702 - Requesting the adoption of a New Zoning Ordinance (v4.0 update) to supersede the current Zoning Ordinance as originally adopted on March 23, 1990.:**

Mr. Bartman's presentation can be found, along with other information, at [somerillezoning.com](http://somerillezoning.com) or directly at <http://3pb8cv933tuz26rfz3u13x17-wpengine.netdna-ssl.com/wp-content/uploads/sites/2/2019/10/20191029-v4-Discussion.pdf>. He reminded everyone that the public comment period closes on Friday.

There appears to be some confusion about lot coverage. The existing definition exempts all ground-level patios and garages and carports. In the new code, impermeable patios will count against lot coverage. The reality of ground coverage in the existing code allows for greater ground coverage, due to the ability to build surface-level patios and garages. The new ordinance goes further to reduce stormwater impermeability with a minimum pervious area increase. As an example, in a 3600 sq.ft. lot, all accessory structures or other impermeable surfaces could only add up to 2160 sq. ft. Councilor Niedergang asked how this minimum was determined, and it is based on the ability to reproduce the character of the neighborhoods without burdening the lots.

Mr. Bartman shared MAPC's fact sheet on permeable paving, which summarizes types, cost, and maintenance. The types include porous asphalt and pervious concrete (which are essentially the same thing) and pavers. These designs must all be laid on top of an open-graded base and sub-base of stone. These are designed to let water through but catch particles suspended in the water.

The voids between the stones provide space for the water to sit in. The reservoir underneath the surfaces is just as important as the surface itself. The green score awards more points for a deeper reservoir. Mr. Bartman suggested adjusting the language of permeable surfaces to be more specific in naming what types of materials are permitted (i.e. porous asphalt; pervious concrete; paving stones; grass pavers). Councilor Ballantyne expressed reservations about encouraging asphalt due largely to the heat island effect. There is a metric requiring a certain albedo (ability to reflect solar radiation) rating, and the color can be adjusted from the traditional black. Councilor Rossetti and Chair Davis suggested that there could be an additional green score adjustment to discourage asphalt use.

Mr. Bartman also suggested that the measuring standard for lot coverage be adjusted to be calculated using the runoff coefficient provided by the material manufacturer. The runoff coefficient is a number relating the amount of stormwater runoff to the amount of precipitation received. Larger values indicate low permeability and higher storm water runoff and lower values indicate higher infiltration permeability and lower storm water runoff. This takes the sub-base into consideration and eliminates the need for additional requirements. The variables for the calculation would be slope, area, and material including its sub-base. Chair Davis suggested including more narrative to explain the calculation, but this approach would encourage better choices. Councilor Niedergang asked about crushed stone and plastic, which are seen throughout the city. Plastic is a type of grass paver and crushed stone/gravel would have a similar impact, but would have less even weight distribution and harder to maintain the reservoir capacity. Councilor Niedergang asked as well about enforcement and Mr. Bartman shared that permeable surfaces should be vacuum-cleaned once or twice per year, which is currently not enforced at all. The Inspectional Services Department does not currently have the capacity to do this type of enforcement. Buildings over three units are inspected however, and this could possibly be included in those inspections. During the construction and installation of these surfaces, there is the capability to inspect during site plan approval, building permitting, and certificate of occupancy granting. It would be the monitoring over time that would require creation of new capacity.

The Green Score is a performance-based environmental landscape standard intended to increase the amount and quality of landscaping in a dense urban environment while allowing flexibility for property owners and designers to efficiently use their land. This can include a bonus point system to emphasize things that the city could benefit from more of (e.g. desirable trees). Rather than strictly a percentage of lot area covered, there is a weighted score for various landscape elements. The total of all of the various landscape features divided by the lot area produces the green score. Councilor Rossetti noted that there have been no changes to the multipliers, but native species plantings may be worth consideration for awarding more points, as they are a priority for the city. Currently, native species earn a 10% bonus multiplier. A high value species would add an additional 10% to the base calculation. The stacking of these to modify the base allows the ability to have a significant impact. There is an index of tree species to determine which are the high value species, based on four factors of ecosystem services that are important to the city. There is a significant level of nuance that can be detailed in a guide for developers. Public Space and Urban Forestry is prepared to produce these criteria. Chair Davis expressed reservations that this will adequately incentivize planting, and removing the landscaping requirement is a concern. The emphasis is on a broader focus on environmental sustainability, rather than just plants. The runoff coefficient can be improved through engineered landscaping instead of natural grass. Councilor Niedergang confirmed that as part of the ordinance, the City Council would need to amend any changes to multipliers. The guide is administrative and would not require City Council approval. The incentive to de-pave seems low, but the de-paving would

be combined with soil, ground cover, plants, and any other bonuses to stack the score. Chair Davis wondered if runoff and permeability are getting too much weight in these calculations. Councilor Ballantyne noted that she will have more conversations about this with advocates in this field to better understand the scope of sustainability of all land. Mr. Bartman added that based on tests of the formula, it is difficult to attain the required Green Score without planting large trees. He will re-evaluate driveways and whether they should be excluded from the calculation, as they are from the definition of landscaping. Mr. Bartman noted that lack of maintenance could result in a fine for a zoning code violation, but would likely rely on complaints from other residents rather than proactive inspections. Landscaping is not covered under the building code, so this may require authorization during the application process to allow for inspections.

*Councilor Rossetti moved that the administration advise this Committee as to how compliance with zoning is and will be monitored and enforced post-certificate of occupancy.*

*The motion was approved.*

Mr. Bartman noted that the side setback for properties abutting the NR or any local historic district (LHD) was increased from 5 feet in version 3 to 10 feet in version 4. This also addresses some current issues to provide a buffer between new developments and existing houses. There is also a rear setback of 15' required for buildings with no alley abutting NR and LHD. There are no step-backs included for MR3 and MR4 Districts because the juxtaposition to a neighboring house is not deemed a detrimental one. For the MR5 and MR6 District, any building that exceeds four stories in height must step-back at the 5th story as indicated for each building type. Buildings on any lot less than sixty-five feet deep are exempt from the upper story step-back requirement. Councilor Niedergang suggested that this step-back requirement begin at a lower height. There are a number of properties in the Fabrication District (FAB) that abut residential properties. There were a number of models done for buildings in Davis Square to determine where the shadows from additional floors will have an impact, and the step-back requirements can often almost eliminate these effects. Chair Davis suggested that for any districts abutting an NR or LHD, nothing above a third story should be allowed within 30 feet of the adjacent building. Further, the full step-back should not be required where the building abuts another district that allows the additional building height, so as not to restrict development. Councilor Ballantyne offered support for front setbacks to encourage green space and landscaping. She asked further how external staircases would impact the setback calculations. Egress stairs are permitted by the building code to project into setbacks to some extent. The zoning ordinance would reiterate the building code requirements. Mr. Bartman cautioned that setbacks should be relative to the lot sizes, which in the city are not generally very large. He also reiterated that it is the perspective of the planning staff that four stories next to an NR building are not typically seen as detrimental. Councilor Ballantyne shared that constituent feedback is that density and height are a burden.

Upper story step-backs are measured from the property line on the side and rear, and from the facade on the front, to eliminate the ability for the entire building to have a setback and then be built straight up. Chair Davis recommended adding language related to cornices to avoid destroying any effect that a step-back would achieve. Mr. Bartman noted that properly proportioned cornices are appropriate.

The Use Table for permitted building uses eliminates the additional rows for buildings over 10,000 square feet. It is noted that those buildings require a special permit. This could be how Formula Businesses are addressed as well. This would not be a prohibition on these businesses, but would only require that they get a special permit to ensure that there is a public process and

that there is a way to make that business part of the community. The Committee supported this idea.

The two existing sections for benefits are affordable housing and linkage. Mr. Bartman suggested adding sections to include the references to buyouts and payments as well as density bonuses. Councilor Niedergang confirmed that any buyouts and payments would be included in the same sub-section. The Committee supported this as well.

**RESULT:**

**KEPT IN COMMITTEE**

**Handouts:**

- 20191029-v4-Discussion (with 208702)
- Comments - M Niedergang (with 208702)
- Comments (2) - M Niedergang (with 208702)
- LID\_Fact\_Sheet\_-\_Permeable\_Paving (with 208702)