



CITY OF SOMERVILLE, MASSACHUSETTS

CLERK OF COMMITTEES

April 7, 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	Present	
Matthew McLaughlin	Ward One City Councilor	Present	
Kristen Strezo	City Councilor at Large	Present	

Others present: George Proakis - Executive Director - OSPCD, Sarah White - Senior Planner, Dan Bartman - Deputy Director - Planning and Zoning, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:35 PM by Chair Ewen-Campen and adjourned at 9:50 PM on a roll call vote of 5 in favor (Councilors Strezo, McLaughlin, Gomez Mouakad, Davis and Ewen-Campen), none against and none absent.

The meeting was recessed at 6:37 PM to convene the meeting of the Planning Board, then reconvened at 6:40 PM in joint session with the Planning Board. Chair Ewen-Campen explained the process for the public hearings. The Planning Board adjourned its meeting at 8:12 PM and the Land Use Committee meeting recessed at 8:12 PM and reconvened at 8:17 PM.

Approval of the March 3, 2022 Minutes

RESULT:	ACCEPTED
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Public Hearing

213007: Vivaldo Meneses Sr. requesting the adoption of an amendment to the Zoning Ordinance Map to change the zoning district of 86 Prospect Street from UR to MR5.

This is the first public hearing on this item. Attorney Jennifer Schultz spoke on behalf of the applicant and told the members that this proposal is supported by the buyer of the property and that the application has been through neighborhood and community meetings, resulting in the buyer making a proposal to satisfy the concerns of residents. The project will be mainly residential with ground floor businesses. Community benefits have been proposed by the developer along with property restrictions.

The buyer, Julian Lewis, explained how the map amendment came about. He spoke about a petition circulated against the up-zone and corrected some of the untruths contained in it.

The public hearing was opened at 6:55 PM

Six people stated their opposition to the item, commenting that:

- further conversations should be held with the city,
- the developer should not be given carte blanche to develop what he wants,
- the sale is based on acceptance of this zoning change,
- the change would allow a larger building to be built that could be all commercial,
- the property is in a residential neighborhood with little green space,
- more community interaction is needed,
- looks like the city is aiding and abetting properties to be flipped,
- the zoning change is given to the property, not the developer, causing concern that the property might be sold by the buyer to another developer who might have a different plan,
- there is no guarantee of what will happen with the property and
- the developer allegedly has a problematic track record.

Four people stated their approval of the item, commenting that:

- the developer has plan for creating mainly residential units,
- the proposal seems to be a gift to the city, i.e., it's a green building and would provide additional revenue to the city,
- the plan is in keeping with the city's mission of building much needed housing,
- the site is steps from Union Square where there is already commercial space and
- the city is changing and needs to respond in kind.

Chair Ewen-Campen will keep the written comment period open until noon on April 15, 2022.

The public hearing was closed at 7:16 PM

Deputy Director Dan Bartman explained that a private agreement is not one of the things that can be considered for a zoning change.

RESULT:	KEPT IN COMMITTEE
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Public Hearing

213088: Powderhouse Living, LLC requesting a Zoning Text Amendment to the Permitted Uses Table 7.2.7 of the Powderhouse School Special District.

This item has been withdrawn at the request of the applicant.

Public Hearing

213243: Proposing a zoning map amendment to change the zoning district of the contiguous parcels containing 250-256 Somerville Avenue and 5-27 Allen Street (odd side only: 5-7, 9, 11, 13, 17, 21-23, and 27) from Urban Residence (UR) to Neighborhood Residence (NR).

Items 213243 and 213244 were discussed together and a single public hearing was conducted for both items.

Chair Ewen-Campen noted that Councilor Scott was in the virtual audience, but due to the Open Meeting Law, was unable to comment on the matter at this time. Councilor Scott will be able to fully participate in the discussion when the item is before the City Council. Director Proakis told the members that there are challenges to the proposal for the administration. This block has been a topic of conversation and planning during the development of Union Square. The proposal (for item 213244) would prohibit housing development at 37 Allen Street. The city tried to purchase some of the lots (listed in (213243) for development of housing. Director Proakis cautioned that there is the possibility of being called out for spot zoning. Chair Ewen-Campen asked how this would overlap with affordable housing and Director Proakis stated that the Planning and Zoning Department could delve into that further. Planning Board member Amelia Aboff asked for more information regarding the impetus of these proposals and Councilor Gomez Mouakad commented that backup information is lacking. Chair Ewen-Campen commented that the intent tonight was to conduct a public hearing, adding that the matter will be deliberated in committee at a later time.

The public hearing opened at 7:36 PM

Eight people stated their opposition to the items, commenting that:

Item 213444

- there was a lack of process in notifying people about this,
- CB district is similar to a strip mall and would effectively render the property,
- it's spot zoning.

Item 213243

- in Sec 15.3 (e) of the city's zoning, there is a requirement for consideration of map changes,
- this map change is contrary to plans developed by the city in 2019,
- the impacts to property owners could be detrimental,
- there is concern that the Allen Street developers are not taking care of the property they bought,
- there were plenty of opportunities for councilor to reach out to people about this,
- the developers never engaged with the neighborhood about what to build,
- owners had the rug pulled out from underneath them by the city,

- during work on the Union Square Plan, a promise was made that this neighborhood would not be changed,
- the developer is working through some final points regarding permitting and if this is downzoned to NR, there would be no affordable housing units,
- the administrative process for noticing was not being followed,
- planning has been going on for some time and it seems like this is an insider trading scenario,
- some owners felt that they were lied to by the developer and pressured into selling their homes,
- new housing is needed near transit locations,
- this could lead to a lawsuit against the city and
- the US2 development is on one side and the Boynton Yards development on the other, causing people in the neighborhood to feel that they're losing their identity.

Dr. Christopher Ulrich, a veterinarian, spoke in favor of item 213244 saying that he is purchasing 34 Allen Street - contingent upon approval of this amendment - and wants to locate his veterinary clinic there.

RESULT:	KEPT IN COMMITTEE
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Public Hearing

213244: Proposing a zoning map amendment to change the zoning district of the contiguous or abutting-across-a-public-way parcels of 29-31, 33-35, and 37-39 Allen Street (odd side only) and 34 Allen Street from Urban Residence (UR) to Commercial Business (CB).

See item 213243

RESULT:	KEPT IN COMMITTEE
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213399: Executive Director of the Office of Strategic Planning and Community Development requesting to review the proposed First Universalist Church Local Historic District (LHD) at 125 Highland Avenue.

Director Proakis spoke about the Historic Preservation Commission's (HPC) process prior to making a recommendation to the City Council. He pointed out that a Local Historic District (LHD) actually protects the building and although this particular building is on the national register of historic buildings, it is not protected. The property was sold to a developer who wants to demolish it. If it does not get the LHD designation, it will be demolished and new development will be built on the site, providing 40 housing units with 8 of them being affordable.

A possibly challenging alternative to demolition is to find another developer willing to keep the front of the building and demolish other parts and apply for tax credits. By doing that, an affordable housing developer might be able to build 36 affordable units. Director Proakis stated that it would take some time to come up with a plan and to estimate the associated cost. Although this looks good on paper, it's not a definite since a structural analysis has not yet been performed. The administration is trying to provide the best information it has on the matter.

Senior Planner Sarah White reviewed the timeline regarding this matter and provided the following significant dates:

- April 26, 2021 - 125 Highland Avenue is determined “Preferably Preserved” by the HPC
- April 27, 2021 - first day of demo delay
- June, August, November 2021 - Memorandum of Agreement meetings
- October 15, 2021 - Administration signals interest in designating property as a Local Historic District (LHD)
- November 17, 2021 - Staff informs the applicant team that the City is pursuing LHD designation for the property
- January 21, 2022 - Staff submits Preliminary Study Report to Massachusetts Historical Commission (MHC)
- March 1, 2022 - City sends legal notice to 125 Highland Ave. property owner of record regarding 3/28 public hearing. Notice also posted on city’s website
- March 2, 9, 18, 23 - Legal notice published in newspaper.
- March 9, 2022 -The MHC voted to not recommend establishment of the LHD.
- March 16, 2022 - City staff held a follow-up meeting with MHC
- March 23, 2022 - The HPC public hearing agenda is posted on the City website
- March 28, 2022 - HPC holds public hearing. Votes to endorse establishing LHD at 125 Highland Ave. Votes to send the recommendation on to the City Council.

Ms. White noted that the MHC review and vote is advisory only and MHC approval is not needed to create an LHD. Creation of an LHD lies with the local political body, in this case, the City Council. The next steps will be submission of the Final Study Report to the City Council followed by a City Council vote on the matter. If the matter fails, the process ends. If the matter passes, the map of the district is recorded with the Registry and City Clerk and the final report and recording documents are remitted to the MHC staff.

Chair Ewen-Campen sponsored Cynthia Sherman, representing the property owners, to address the committee. She inquired about the Executive Session process and the Chair responded that all of the questions should be able to be discussed tonight in open session. Ms. Sherman said there are a lot of "what ifs" and her understanding is that the building is not suitable for housing in its present condition. She reminded the members that establishing the property as a LHD doesn't make the condition of the building any better, but it will lower the value of the building. She said that her client should have been involved in the city's discussions. She believes that the purpose of seeking a LHD designation is to reduce the price to favor development. She noted that in 2011, the property was put forth as a LHD and nothing was done, but now there is a rush to do this. Lastly, Ms. Sherman noted that it's the City Council who decides on the designation, not the HPC.

Chair Ewen-Campen stated that he supports the designation based on constituents' communications. Mr. Proakis noted that it's not unusual to seek a LHD designation just prior to scheduled demolition. He noted that if the property becomes an LHD, development would still be permitted, but would require approval by the Somerville Historic Commission. He commented that it comes down to the cost to rehabilitate and to keep required parts of the building, i.e., what's visible from the public way. Ms. White gave several examples of LHD properties that have undergone such changes. Chair

Ewen-Campen asked if the city turned down an offer to purchase the building and Director Proakis said the owners approached the Somerville Housing Authority who then approached former Mayor Curtatone who then referred the matter to OSPCD.

Chair Ewen-Campen asked if the structure was beyond rehabilitation and Director Proakis replied that there is no engineer's report on the building and Ms. White said there have been claims about the building being unsafe but no report to that end has been produced. The city would need to see a report from an engineer specializing in buildings of this type of construction.

Ms. White explained that if a property is on the national register of historic buildings, it automatically is designated as historic locally. Director Proakis noted that some preferentially preserved buildings have been demolished. He commented that there are two threshold challenges for developers, i.e., the condition of the building and the placement of the building on the lot. In this particular case, if the building is demolished, it creates a larger space for the new building since the setback of the current building is greater than what is required now.

Councilor McLaughlin queried what could be done with the property if it were determined that it's not feasible for affordable housing. Director Proakis replied that it's a privately owned building and if the developer decides that it's too expensive to proceed, they may decide not to pursue the project. Director Proakis feels that the building can be rehabilitated but said the cost is unknown. He also said that the HPC could vote to allow demolition, but he thinks that would unlikely.

Chair Ewen-Campen, speaking as ward councilor, made some remarks. He said that assertions that he was acting out of animosity for the developer were untrue. He thinks that there are many paths forward for this project. He referenced comments made about the architect being racist, so tearing this structure down would be analogous to tearing down statues of racist people, which he stated resulted from a long-standing social movement. He doesn't agree with the architect rational but does agree with the statue scenario. Chair Ewen-Campen commented that there are two sources that provided information about the building's architect, noting that one was about another person, and the other was contained in a 500-page dissertation whose author provided a response (see attachment "Somerville Letter").

Councilor Strezo asked if parts of the project could be severed if a federal grant were received for the project and Ms. White replied that they could be severed if CPA funds were used. Where federal money is involved, considerations are given to prominent and less prominent portions of a building. Asked what the maximum height of the development could be, Ms. White stated that the maximum would be 7 stories.

RESULT:	PLACED ON FILE
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Reference Material:

- Public Comment (with 213007)
- Communication re 86 Prospect St (with 213007)
- Public Comment (with 213243)
- Public Comments (with 213243)
- Public Comment - J Justus (with 213243)
- Letter_of_Opposition_Wang (with 213243)

- Letter of Opposition ID #28246 (with 213243)
- Public Comment - 2022-04-06 11-14 (with 213243)
- Public Comment received after deadline (with 213243)
- Letter Regarding Ordinance No 213243 (with 213243)
- Somerville Letter (with 213399)
- General Timeline (with 213399)
- Letter to City Council Land Use Committee 4.6.2022 (with 213399)
- First Universalist Church LHD Preliminary Study Report (with 213399)
- 2022 03 28 DRAFT, INCOMPLETE Public Hearing Minutes (with 213399)
- Petition - Opposition to Proposed First Universalist Church Local Historic District (with 213399)