

John Long

From: William_McLaughlin@avalonbay.com
Sent: Tuesday, March 30, 2010 10:06 AM
To: John Long
Subject: Objection to IA zoning amendments #188847
Attachments: Letter Monica Lamboy 3 30 10.doc

To the City Clerk of Somerville

Attached pls find a comment letter objecting to both the process as well as the content of the proposed zoning revisions in the IA district

William M. McLaughlin

WILLIAM M. MCLAUGHLIN
Board Of Managers, JWF LLC.
30 B DANE STREET

SOMERVILLE MASSACHUSETTS 02143
TELEPHONE:(617) 510 6107

March 30, 2010

Ms Monica R. Lamboy
Executive Director, Office of SPCD
City of Somerville
93 Highland Avenue
Somerville MA 02143

Re: Proposed changes in Industrial A zoning district

Dear Monica,

As you are aware, I serve on the Board of Managers of JWF, LLC, the owner of the approximately eight acres of industrial property which is presently occupied by Ames Safety Envelope Company, among other firms. Ames, once the City's largest private employer, has enjoyed a good working relationship with Somerville for more than seven decades. Ames and JWF are affiliated companies with significantly common ownership. I am writing today to object to both the process and content of the proposed zoning amendments which adversely impact the IA zoning district.

We were shocked to hear from others in the community (but not from anyone at City Hall) that after the zoning hearing had concluded, and without proper notice or consultation with JWF or other industrial property owners, the City proposed significant additional amendments to the IA zoning district, including changes to telecommunications uses from a use permitted by right to one permitted only by special permit. Other changes further limit "bread and butter" General Industrial uses to be permitted only by Special Permit for tenants or users of any reasonable size. Changes to General Industrial are proposed so that they mirror the requirements for Light Industrial uses. If anything, by right Light Industrial uses should be expanded/relaxed to match the current General Industrial permitting requirements.

Before addressing the potential harm such changes would have on our ability to revitalize the economic activity at this important property, let me first suggest that subverting and circumventing the public process by tacking these changes on at the last moment is unacceptable and unlikely to withstand a legal challenge.

Further, if such changes were to be incorporated at some point in the future, after proper public input, they would constitute such a foreclosure of as-of-right zoning for the IA district (given the nature and size of the industrial space in the City) as to risk being deemed unenforceable. Most municipalities in the Commonwealth allow broad uses (almost any use by default) in Industrial districts with the special permit review process

reserved for uses requiring public policy matters such as junk yards, incinerators, substance abuse centers, outside storage and the like. From a practical perspective, requiring a special permit process for virtually every tenant in the marketplace will effectively eliminate Somerville as an option for all but the very largest and most sophisticated users/employers. The City's unintended consequence of over-regulating its industrial areas will be to create an economic and employment boon for Everett, Chelsea, Malden, Medford, Woburn and Billerica, to name a few.

Given the lack of notice and due process that has characterized the rezoning efforts so far, and the potentially fatal flaws in its drafting, I strongly urge you to start over and develop a zoning amendment which is the product of collaboration between the owners of industrial land and the City.

Respectfully yours,

JWF LLC

William M. McLaughlin, Manager.