



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

September 28, 2021
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	

Others present: Dan Bartman-OSPCD, Michael Capuano-Planning Board, Amelia Aboff-Planning Board, Rob Buchanan-Planning Board, Jahan Habib-Planning Board and Deborah Howett-Easton-Planning Board, Kelley Donato-Housing, Phil Crean-Housing, Dick Galvin-CB Properties, Roger Levy-community leader from 80 Webster Street, Joyce Wu, 80 Webster Street resident, Meredith Porter, 104 Josephine Ave resident, Seth Hurwitz 12 Maple Ave resident, Jack Harmening Somerville resident, Attorney Ann Vigorito, Welch Liles, Lee Auspitz 17 Chapel Street resident, Joe K. Herbert Street resident, and George O'Shea 36 Hawthorne Street resident

The meeting was held virtually and was called to order at 6:33 p.m. by Chairperson Ewen-Campen and adjourned at 8:37 p.m.

This was a joint hearing with Planning Board and the Land Use meeting was in recess during the Planning Board portion of the meeting.

Approval of the September 1, 2021 Minutes

RESULT:	ACCEPTED
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Boynton Gateway - Public Hearing

212309: Requesting approval of amendments to the Zoning Ordinance for MPD + Boynton Sub Area.

This was submitted by the city in response to residents.

Ms. Aboff from the Planning Board recused herself from this item.

Mr. Bartman presented slides on the MPD Overlay. He stated that June 17 was the public hearing for zoning amendments proposed by 80 Webster. The slides detailed the timeline for this request. Please see attached slides for details.

Mr. Bartman shared updates on the maps which replaces the MR5. The Boynton overlay has an unlimited height. There are new texts on the design standard which are highlighted in yellow on the slides.

Mr. Dick Galvin President CB properties, is the codeveloper of the property. He believes this is a good process to meet everyone's concern and meet the goals of the City of Somerville. They have reduced the height of the overall building substantially.

Mr. Roger Levy community leader from 80 Webster, lives at 80 Webster Avenue 3A and is one of the spokespeople for this location. He commented that the preferred options presented by CB properties stating their preferred option. They do not have signed joint agreements from both sides. The conceptual design is supported; however, the extension of high-rise zoning cannot be supported at this time because they do not have a signed agreement.

Ms. Joyce Wu, resident of 80 Webster is working closely with Roger Levy and Dick Galvin to negotiate the agreement.

Meredith Porter, 104 Josephine Ave, expressed appreciation for the work that everyone has done and supports the position of 80 Webster group.

The public hearing was closed and will remain open for written comment until Friday, October 15th. Comments can be sent to planning@somervillema.gov and cityclerk@somervillema.gov.

51 & 35 McGrath Voter Petition - Public Hearing

212337: 18 registered voters requesting the adoption of a Zoning Map amendment to change the zoning district of 51 McGrath Highway (MBL 115-B-1 and 115-B-4) from HR to MR5 and 35 McGrath Highway (MBL 115-B-5, 115-B-11, and 115-B-12) from MR5 to MR4.

Chair Ewen-Campen recused himself from this item because his mother lives at Brick Bottom.

Vice Chair Lance Davis lead the meeting for this item.

The administration requested legal counsel on this analysis. Mr. Bartman read the analysis for the record from David Shapiro to George Proakis. Please see attached.

Mr. Roger Levy form 80 Webster Ave 3A, commented this seems to be a situation of the new zoning ordinance that would impact residents in close proximity that residents were not aware of. He also stated they that the city should make the community knows there is potentially a severe impact on the community.

Meredith Porter endorsed Mr. Levy's comments on this matter.

Seth Hurwitz 12 Maple Ave, in Somerville. He read the letter written by residents and appreciate their concerns. He commented that this area should be built as densely as possible. This would be a great opportunity to develop a significant number of units within walking distance to the Green Line.

Jack Harmening resident commented he agrees with the previous speaker. With respect to the petitioner, he hopes this does not go through.

Public hearing was closed, with the written comment period remains open until Friday, October 15th.

Map Change Amendment Proposals - Public Hearings

212048: Dean Matarazzo proposing a zoning amendment to rezone his property at 13 Garfield Ave from Fabrication to Urban Residential.

Ms. Ann Vigorito and the applicant were in the meeting. She read from her June 1st email to the council. She stated the property is currently an industrial warehouse with Dean's Pasta adjacent to the location. The applicant would like to convert the cinderblock to a building for rental, not condos. There are no plans to add any addition or to change the footprint of the building.

Mr. Seth Hurwitz, 12 Maple Ave, stated he supports this request to make it residential. He also supports this location for a potential mixed-use property.

Meredith Porter 104 Joseph Ave, he supports this change and it makes good sense.

Public hearing was closed with written comments open until Friday, October 15th at 12 noon.

212301: AP Davis Square Plaza, LP requesting the adoption of an amendment to the Zoning Ordinance Map to re-zone four parcels in Davis Square Plaza from MR-4 to Civic and CC-4.

This is a resubmission that has timed out.

Welch Liles, is overseeing this project. He outlined the proposed zoning amendment. This was part of a previous application that was heard by this committee last April that has timed out. Nothing has changed in the request.

Lee Auspitz asked about the CC4 and if it will be a lab building, not an office building. He also asked what kind of lab will abut residents.

Welch Liles stated he would happy to add language to the amendment forbidding animal testing and could probably be life science and/or technology.

Anyone wishing to watch the video on this presentation can be found on the city's website for Land Use Committee meeting on April 29, 2021.

Joe K. lives on Herbert St across from the proposed property. He mentioned the loading zone concerns with Herbert Street that is used primarily for loading zone in Davis Square. There are some concerns with the width of the sidewalk. He also talked about an open issue on noise and moving the dumpster.

George O'Shea 36 Hawthorne Street, talked about the MR4 that supposed to be Davis Square and now proposes for labs on both sides of Elm Street. He does not think people have bought into this and there needs to be some discussion about the use of research and development.

Public Hearing was closed with written comment open until 12 noon, Friday, October 15th.

Proposed Text Amendments - Public Hearings

212305: Requesting approval of amendments to the Zoning Ordinance for payments of Certificates of Occupancy.

Joint Hearing presentation from Mr. Bartman on Zoning Ordinance. This will be on line tonight on the city's website. Mr. Crean, the Inclusionary Housing manager, spoke on the fractional and in-lieu payments changes relating to Certificate of Occupancy.

Joseph Flaherty real estate developer from Boston commented that a small to mid-sized developer having to come up with fractional payment at the time of permitting, along with the upfront costs, could be prohibited.

Meredith Porter, 104 Josephine Ave, commented that this is a sensible change. He also commented that there are some projects that do not require a certificate of occupancy.

The public hearing was closed and the written will remain open until Friday, October 15th.

RESULT:

KEPT IN COMMITTEE

212306: Requesting approval of amendments to the Zoning Ordinance for Commercial Spaces.

Items 212306, 212307 and 212308 were discussed together.

Mr. Bartman shared slides on a resubmittal of the multiple commercial spaces. The slide defines a commercial space, along with a commercial space factor. See slides.

There was a slide clarifying sidewalks and frontages, showing how primary front lot lines work.

Councilor Davis commented he was the initial proponent of this item and have been working with Mr. Bartman for a while. He stated this is a conceptual proposal. It could be something applied to anywhere with pedestrian streets to maintain an ecosystem that will help small businesses survive. He will not be supporting this as drafted and supports the original draft document. He will propose an amendment.

Ms. Amelia Aboff asked about the rooftop mechanicals and rooftop height limits.

Lee Auspitz 17 Chapel Street had concerns about small business overlay on College Ave. He stated this was never discussed in all meetings regarding neighborhood plans. This would completely change the character of the street. Currently this street is filled with businesses and churches.

George O'Shea stated that the have large mechanicals would be abutting residences with potential noises from these buildings.

Meredith Porter 104 Josephine Ave had a question on item 8 curb setbacks and buildings potentially hanging over the new sidewalks.

Closed public hearing and will keep written comment open until 12 noon Friday, October 15th.

Councilor Davis responded to Lee Auspitz stating the amendment does nothing to College and Winslow.

Chair Ewen-Campen responded it's meant to be more general on the rooftop mechanicals.

Mr. Bartman stated the planning division and city clerk's office is working on a new way of presenting the ordinance by the end of the year. Mr. Bartman has met with the new city clerk on this matter.

RESULT:	KEPT IN COMMITTEE
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212307: Requesting approval of amendments to the Zoning Ordinance for Sidewalk & Frontage Clarifications.

Items 212306, 212307 and 212308 were discussed together.

RESULT:	KEPT IN COMMITTEE
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212308: Requesting approval of amendments to the Zoning Ordinance for Rooftop Mechanicals.

Items 212306, 212307 and 212308 were discussed together.

RESULT:	KEPT IN COMMITTEE
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Referenced Material:

- 2021 09 28 JOINT HEARING - Various Amendments (with 212306, 212307, 212308, 212309)
- Memo (with 212337)