



CITY OF SOMERVILLE, MASSACHUSETTS
CLERK OF COMMITTEES

October 5, 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, Peter Forcellese - Legislative Clerk.

The meeting took place virtually via GoToWebinar and was called to order at 6:03 PM by Chair Ewen-Campen and adjourned at 8:10 PM on a roll call vote of 4 in favor (Councilors White, Niedergang, Davis and Ewen-Campen), 0 against and 1 absent (McLaughlin).

ROOFTOP MECHANICALS

212308: Requesting approval of amendments to the Zoning Ordinance for Rooftop Mechanicals.

This is the most recent revision. Mr. Bartman noted that some additional changes were made since the last discussion and are noted in the slide presentation given this evening. Chair Ewen-Campen supports the general direction this item is pursuing. The primary concerns he has heard are casting shadows, blocking views, noise and exhaust fumes and he would like these addressed. A resident previously made a suggestion that if rooftop mechanicals encompass a certain square footage, they should be treated as additional floors. Mr. Bartman spoke about the reasoning applied for not including that consideration in the plan. Councilor Niedergang believes that the system seems reasonable and said that height should be regulated across the board. Chair Ewen-Campen thinks that considering rooftop mechanicals as a floor, might make development impossible. Councilor McLaughlin has concerns about where lab space may be built.

RESULT:	KEPT IN COMMITTEE
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211349: That the Committee on Land Use consider regulating the height of rooftop mechanicals on commercial buildings that abut Neighborhood Residence and Urban Residence districts.

RESULT:	KEPT IN COMMITTEE
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211612: Requesting approval of amendments to the Zoning Ordinance to regulate rooftop mechanical systems and mechanical penthouses.

RESULT:	KEPT IN COMMITTEE
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SMALL BUSINESS OVERLAY

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

This is the most recent revision. Mr. Bartman presented slides having further clarity with respect to dimensional standards. Councilor Davis noted that clarification is needed in the calculation of entry spaces. He will be meeting with Mr. Bartman and Mr. Galligani from OSPCD to discuss options. Mr. Bartman suggested that if the goal is to maximize commercial space, then the committee might want to consider regulating mechanical rooms.

RESULT:	KEPT IN COMMITTEE
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211693: Requesting approval of proposed amendments to the Zoning Ordinances at Article 8.2 - Small Business Overlay District, and to the Zoning Map.

RESULT:	KEPT IN COMMITTEE
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210782: That the Director of SPCD present zoning recommendations addressing the size of ground floor commercial spaces produced by development, to ensure that street level development in certain areas maintains multiple smaller-sized commercial spaces to enhance the pedestrian experience.

RESULT:	KEPT IN COMMITTEE
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**EXCESS PARKING IN BOYNTON YARDS AND
OTHER MASTER PLANNING OVERLAYS**

212471: That the Zoning Ordinances be amended by striking all language from section 8.3.1.10.c to prevent parking maximums in Master Planned Development areas being exceeded by Special Permit.

This would also apply to other Master Plan areas. Chair Ewen-Campen commented that there was a set number of parking spaces for the district. Now, there is a rush to develop this area, which will lead to a lack of parking for future development in the district, which in turn will lead to a decrease in development. He is concerned about setting a precedent to waive the parking limits and want to remove the ability to seek a special permit to increase parking. Councilor McLaughlin supports a reduction in parking spots. Councilor Niedergang said that increasing parking spaces will lead to gridlock and he believes that the city is doing developers a favor by restricting their parking spaces. Councilor White would like data on the traffic impacts of marginally increasing parking spaces.

Mr. Bartman explained that each sub-area can have its own parking maximum. If the Planning Board grants a special permit to exceed the parking maximum, then a mobility management

organization must come in to manage the parking spaces. Developers are seeking increased parking since there is essentially no residential development in the area. Chair Ewen-Campen commented that the 1500 space number was based on expected development, which has now been estimated to be higher. He would like to determine what the proper number of allowable parking spaces should be. Councilor Niedergang said that the more commercial development in Boynton Yards, the better. He's willing to consider raising the parking cap above 1500 but he is not willing to allow the Planning Board to have discretion over parking via special permits. He also thinks that a mobility management association ought to be instituted immediately for Boynton Yards. Councilor McLaughlin commented that with increased commercial development comes the need for increased housing.

RESULT:

KEPT IN COMMITTEE

CANNABIS ZONING UPDATES

211827: That this Council review the results of Ordinance 2-221 regarding Adult Use Marijuana licensure, and consider additional modifications as needed.

Mr. Bartman gave a brief overview of cannabis regulation and permitted uses with respect to districts. The city is trying to determine how/where delivery services might be allowed. Councilor McLaughlin is curious how delivery services have worked in other cities and Mr. Bartman will obtain the information and pass it along. Councilor Niedergang asked how independent retailers would be affected and Mr. Bartman replied that a separate license would be needed for those retailers who are not essentially dispatch services or wholesale distributors. Councilor Davis urged the administration to not make this matter more difficult than it needs to be. Mr. Bartman commented that delivery could be offered as an incentive for certain types of businesses and operators, e.g., equity applicants. Chair Ewen-Campen would like the administration to submit an item specifically dealing with cannabis delivery.

Councilor Davis made a ***motion that the administration advise the City Council, and provide the language to allow cannabis delivery in the simplest way possible.***

The motion passed on a roll call vote of 5 in favor (Councilors White, McLaughlin, Niedergang, Davis and Ewen-Campen), 0 against and 0 absent.

Councilor McLaughlin noted the delay in opening cannabis stores in the city.

RESULT:

KEPT IN COMMITTEE

211828: That the Director of Planning prepare an amendment to the Zoning Ordinance to enable Adult Use Marijuana Delivery businesses.

RESULT:

KEPT IN COMMITTEE

ADMINISTRATION REQUESTS

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

Chair Ewen-Campen is happy to advance this item out of committee. Mr. Bartman reminded the committee of the change. Councilor Davis commented that this was a sticking point in the development of Union Square. Mr. Bartman noted that the city would be leaving money on the table and he said that the Housing Division could provide more detailed information on this matter. Chair

Ewen-Campen asked that the Housing Division provide a memo with additional clarifying information.

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

Chair Ewen-Campen is happy to advance this item out of committee. Mr. Bartman reminded the committee of the change. Councilor Davis commented that this relates to the primary facade, which he believes is at the discretion of the property owner. Mr. Bartman said that some owners to retain discretion while others may not.

RESULT:	KEPT IN COMMITTEE
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ITEMS TO PLACE ON FILE AND/OR EXPIRED ITEMS

212189: Planning Board conveying its recommendations on #'s 211170, 211433, 211611, 211612, and 211693, all requests to amend the Zoning Ordinances.

RESULT:	PLACED ON FILE
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212285: Planning Board conveying its recommendations on items 211675, 211890, 211988, 211889, 212047, 212050, 212051, and 212052, all requests to amend the Zoning Ordinances.

RESULT:	PLACED ON FILE
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210930: That the Director of SPCD commission independent Community Impact Studies for each upcoming Neighborhood Plan and large-scale redevelopment effort, to quantify possible displacement, rent increase, and other negative outcomes, and to propose mitigation strategies.

RESULT:	PLACED ON FILE
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211133: That the Director of SPCD discuss with the Land Use Committee the fair housing amendment recently passed in Boston that requires new developments to be reviewed for impacts on displacement and housing discrimination.

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

RESULT:	PLACED ON FILE
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209735: George and Maria Hatzis proposing a zoning amendment to re-zone their property at 248 Somerville Ave to MR5.

RESULT:	PLACED ON FILE
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209419: Alessandro & Elaine T. Leccese Family Trust proposing a zoning amendment to re-zone their properties at 198 Washington Street to MR5.

RESULT:	PLACED ON FILE
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209342: Providing compiled property and zoning relief application data, to inform the affordability requirements built into the zoning overhaul.

RESULT:	PLACED ON FILE
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208951: 29 Washington Street Realty Trust proposing a zoning amendment to re-zone their property at 29 Washington St to MR4 or MR5.

RESULT:	PLACED ON FILE
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209034: Washington TN LLC proposing a zoning amendment to re-zone their property at 373 Washington St to UR.

RESULT:	PLACED ON FILE
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209338: Jack Saade withdrawing a zoning amendment he proposed on 9/12/19, #208899, to re-zone his property at 453 Somerville Ave.

RESULT:	PLACED ON FILE
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Reference Material:

- 2021 10 05 LUC - Various Amendments