



CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES

February 27, 2018  
REPORT OF THE LAND USE COMMITTEE

Attendee Name	Title	Status	Arrived
Lance L. Davis	Chair	Present	
William A. White Jr.	Vice Chair	Present	
Stephanie Hirsch	Alderman At Large	Present	
Matthew McLaughlin	Ward One Alderman	Present	
Jefferson Thomas ("J.T.") Scott	Ward Two Alderman	Present	
Ben Ewen-Campen	Ward Three Alderman	Present	
Jesse Clingan	Ward Four Alderman	Present	
Mark Niedergang	Ward Five Alderman	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	
Mary Jo Rossetti	Alderman at Large	Present	
Wilfred N. Mbah	Alderman at Large	Present	

Others present: Planning Board members Prior, Gay, Cooper and Amaral, George Proakis - OSPCD, Peter Quinn - Architect, Attorney Adam Dash, Charles Sillari - Clerk of Committees.

The meeting took place in the Aldermen's Chamber and was called to order at 6:12 PM by Chairman Davis and adjourned at 8:42 PM.

This meeting was recorded and is available for viewing on the city's website.

**Approval of the January 30, 2018 Minutes**

**RESULT: ACCEPTED**

**Approval of the January 31, 2018 Minutes**

**RESULT: ACCEPTED**

**Approval of the February 13, 2018 Minutes**

**RESULT: ACCEPTED**

**PUBLIC HEARING - #204570**

**204570: 35atSummer LLC proposing a zoning amendment to re-zone their property at 3-5 Summer St to NB.**

Let the record show that Ald. White and Ald. Mbah recused themselves from this item.

Vicki I, owner of 3-5 Summer Street, sought to change the zoning of the subject lot to Neighborhood Business in order to build 5 additional units on the property for a total of 7 units. There is currently a 2 family house on the lot. She is represented by Adam Dash, Esquire who spoke on the owner's behalf at the meeting.

The proposed project will create housing units that have a restriction that will keep the units under market value in perpetuity. The purpose is to create units for people who can't afford market value homes, but make too much money to qualify for inclusionary units to be able to afford to stay in Somerville.

Neighbors were notified and community meetings took place. Attorney Dash stated that the proposed zoning change was well received by neighbors. Once the proposed zoning change takes place, then the owner will be able to go through the planning approval process.

The owner testified that she lives in the city and has decided to create market value units to give back to her community. If the zoning is approved and the project permitted, a deed restriction will be recorded at the registry of deeds keeping the units under market value. There are already people lined up to purchase the units.

The project will comply with the current inclusionary housing requirements and there is no public money going into this project. This will be the first project of this type in the city where a property owner is voluntarily putting an affordability restriction on their property.

Aaron Webber of Summit Avenue spoke in favor of the item.

The planning board recommended approval. The vote was unanimous.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**204638: Requesting an amendment to Zoning Ordinance Article 7 to institute a study period to review recreational marijuana facilities prior to permitting them.**

A proposed timeline for the City's review of recreational marijuana facilities, including public discussion, was presented by Mr. Proakis. The Cannabis Control Commission, a state agency, has a system to fast track the application process for medical facilities to also be permitted for recreational sales. As a result of the public process involved in the permitting of the existing medical facilities, the operators made agreements with the City to comply with any City requirements for the permitting of recreational facilities in the event that these medical facilities wished to sell recreational marijuana in the future. One reason for the study period is to establish a zoning ordinance that will govern these facilities as well as future facilities that wish to sell recreational marijuana.

Without the proposed zoning amendment for a study period, there would be no zoning in place to address recreational marijuana sales. The Planning Staff has a concern that the current zoning ordinance contains some loopholes that could be problematic. There is a retail category and some industrial categories in the table of uses of our current zoning ordinance that people could try to use to claim the right to sell or cultivate recreational marijuana under our current zoning

ordinance. In order to avoid these issues, the Planning Staff has requested the study period to prepare a proposed zoning amendment to address these potential loopholes and have a clear and predictable ordinance in place.

Ald. Rossetti said that in her opinion residents do not want this process unduly delayed so she recommended an amendment to the item changing the ending date of the study period from December 21, 2018 to December 13, 2018.

*Motion by Ald. Rossetti to amend December 21, 2018 to December 13, 2018 in the 2nd sentence of the last paragraph. Approved*

Roll call vote 8-2-1 approved as amended.

<b>RESULT:</b>	<b>APPROVED AS AMENDED. [8 TO 2]</b>
<b>AYES:</b>	Davis, White Jr., Hirsch, Clingan, Niedergang, Ballantyne, Rossetti, Mbah
<b>NAYS:</b>	Scott, Ewen-Campen
<b>ABSENT:</b>	McLaughlin

**205228: Planning Board submitting recommendations re: #204638, amending the Zoning Ordinance for a recreational marijuana study period.**

<b>RESULT:</b>	<b>PLACED ON FILE</b>
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**204669: Eric Schwartz submitting comments re: zoning for cannabis that supports small local business owners.**

<b>RESULT:</b>	<b>PLACED ON FILE</b>
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**204893: Requesting the adoption of a zoning amendment to Amend Article 16 to establish that owners or developers of future PUD projects may not seek a waiver of any change to affordable housing requirements.**

<b>RESULT:</b>	<b>APPROVED</b>
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**205229: Planning Board submitting recommendations re: #204893, a zoning amendment regarding PUD waivers.**

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**Note: #204159 – (Property owner of 125 Lowell Somerville LLC submitting a proposed zoning map amendment for certain parcels on Lowell Street, Belmont Street, Summer Street, and Highland Avenue) will not be taken up at this meeting, despite previously being advertised.**