



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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EXECUTIVE DIRECTOR

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AMELIA ABOFF, *VICE CHAIR*
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JAHAN HABIB
ERIN GENO
DEBBIE HOWITT EASTON, *ALTERNATE*

4 November 2021

The Honorable City Council
City Hall, 93 Highland Avenue
Somerville, MA 02143

Dear Honorable City Council:

In keeping with its lawful responsibilities, the Somerville Planning Board submits to your Honorable Council its recommendation on the following proposed amendments to the Somerville Zoning Ordinance (items 212308 and 212337).

On 28 September 2021, at 6:30 p.m. the Planning Board and Land Use Committee of the City Council held a duly advertised virtual joint public hearing. The purpose of the hearing was to solicit public comments on the proposed amendments to the Somerville Zoning Ordinance and to evaluate the proposals in the context of testimony received and the findings and analysis of the Staff to the Planning Board. On 21 October 2021, the Board convened at their regularly scheduled meeting to deliberate on the agenda items. On 4 November 2021, the Board reconvened at their next regularly scheduled meeting to review additional materials requested by the Board.

PLANNING BOARD RECOMMENDATION

On item 212308 (Requesting approval of amendments to the Zoning Ordinance for Rooftop Mechanicals), the Board reviewed materials submitted by the City Solicitor and heard further testimony requested of Staff. In their deliberations, members of the Board noted concerns that can be generally characterized as urging for clarity and transparency in communicating standards and requirements for the Special Permit requirement, and in ensuring that resulting findings and proposed regulations are contextually appropriate and in keeping with the intent and purpose of both the zoning district and building type as follows:



At the suggestion of Vice Chair Aboff, the Board recommended that any proposed regulations should be carefully considered so as to appropriately calibrate the need for a special permit with typical development timelines and permitting pathways. Chair Capuano noted that it would be highly desirable that any applicant be fully aware of the standards and regulations concerning any potential proposal and any zoning relief necessary prior to beginning work on an application.

Mindful of the City's sustainability goals, Vice Chair Aboff called for the Board to support the recommendation that any new regulation of rooftop mechanical equipment and enclosures exempt renewable energy technologies such as photovoltaic panels, solar thermal, and wind generation devices from the height restrictions.

The Board further noted that questions of regulating proposals which may seek to under build permitted occupiable floor space in favor of providing larger mechanical space while still remaining within the maximum building height for a given district and building type are potentially best left to individual development teams, as they will be best positioned to weigh costs against potential fiscal and workforce benefits. However, the Board recommended that this concern called for further study and consideration.

In establishing standards to ensure that new development is contextually appropriate and in keeping with the intent and purpose of the City's zoning district designations and building use types, the Board concurred with recommending the following standards:

For the City's High Rise and Commercial Core districts, where taller and more intense commercial development is expected, mechanical equipment and penthouse enclosures be permitted to extend to a height of twenty (20) feet, except when adjacent to Neighborhood Residence or Urban Residence districts, or to a Local Historic District, where the maximum permitted height would drop to fifteen (15) feet.

For the City's mixed use Mid Rise districts, primarily located in the City's centers and squares and along main streets, Apartment and General Building proposals would be permitted mechanical equipment and penthouse heights of ten (10) feet, while Commercial building proposals would be permitted a mechanical equipment and penthouse height of fifteen (15) feet.

In evaluating what required findings might be considered appropriate for the regulation of rooftop mechanical equipment and penthouses, the Board agreed to recommend the use of findings established elsewhere in the Ordinance for the mitigation of mechanical noise, exhaust, and cast shadows. Member Geno suggested that the Committee conduct further research on potential impacts of research, development, and laboratory uses when adjacent to Neighborhood Residence or Urban Residence districts, or to a Local Historic District, noting that many may require equipment with high noise levels or direct venting, or high levels of internal lighting that could potentially impact neighboring buildings and spaces.


Following due consideration, Chair Michael A. Capuano, Esq. made a motion to recommend that the proposed amendment to the Somerville Zoning Ordinance be adopted by the City Council, with the additional concerns and considerations discussed during the Board's deliberations and listed above. The motion was seconded by Vice Chair Amelia Aboff, and approved unanimously by the Board, 5-0.

On item 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), the Board discussed the case and

supporting documentation, and noted that they would continue to follow their established precedent in not making a recommendation on map change proposals where the City Solicitor has advised that the proposal is likely vulnerable to legal challenge. However, the Board did advise the Land Use Committee to take note of the differential impact of shadows cast by buildings on the parcels included in the map change proposal, with the most profound shadows being cast by a potential High Rise building on the parking area to the west of and associated with the parcel at 51 McGrath Highway and, to a slightly lesser degree for 51 McGrath Highway itself, while less impact would be felt by potential buildings proposed at 35 and 15 McGrath Highway.

Following due consideration, Chair Michael A. Capuano, Esq. made a motion that the Board make no recommendation on the proposed map change amendment. The motion was seconded by Clerk Rob Buchanan, and was approved unanimously by the Board, 5-0, with Vice Chair Amelia Aboff recused from the discussion and vote.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. A. Capuano". The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Michael A. Capuano
Chair of the Planning Board