



# CITY OF SOMERVILLE, MASSACHUSETTS

## CLERK OF COMMITTEES

September 1, 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 6:00 PM by Chair Ewen-Campen and adjourned at 7:33 PM on a roll call vote of 5 in favor (Councilors White, McLaughlin, Niedergang, Davis and Ewen-Campen), 0 against and 0 absent.

### **Approval of the June 29, 2021 Minutes**

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

<b>RESULT:</b>	<b>ACCEPTED</b>
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### **Small Business Overlay**

#### **211693: Requesting approval of proposed amendments to the Zoning Ordinances at Article 8.2 - Small Business Overlay District, and to the Zoning Map.**

Mr. Bartman told the members that this item timed out last Thursday, therefore, a new version was submitted. The new version contains changes that simplify the process while achieving the same results as the previous version. A line item has been added to the table of uses and a measurement number of 30 is being proposed to simply commercial space calculations. Using that proposed number, a 240' building would have 8 commercial spaces. Other restrictions have been included for corners, etc. Wider spaces are being proposed for food and beverage establishments. New definitions have been added, but everything else is pretty much the same. Overall, the changes would result in smaller commercial spaces.

Chair Ewen-Campen stated that the proposed version just discussed by Mr. Bartman this evening was submitted to the City Council last week, on August 26<sup>th</sup>, but didn't make it onto tonight's agenda. He noted that the version on tonight's agenda called for 6 commercial spaces for every 100' of building length.

Councilor Davis stated that the proposed version undercuts the intent of the original ordinance (211693), e.g., not allowing more than 1 commercial space over 35' and having a minimum of 6 commercial spaces in a 100' run. The aim was to keep spaces smaller to keep rents manageable for small businesses. He's not in favor of replacing 211693 with newer version submitted last week.

Chair Ewen-Campen commented that the committee could focus on the number (30) and change it if desired. He agreed with Councilor Davis re: rental affordability. He'll put the revised version on a future agenda for discussion, thereby giving Councilor Davis and Mr. Bartman time to work out their differences. Councilor Davis stated that he wants to hear from the public on this matter, as well, noting that he envisions amendment to applying across the city at some point.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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### Historic Districts

**211930: That the Director of SPCD draft a zoning amendment enabling owners of homes in historic districts to add up to 4 additional units to discourage the demolition of historic homes and to create additional affordable housing.**

Chair Ewen-Campen recused himself from all discussion of this matter and Councilor Davis assumed the Chair.

Councilor Niedergang commented that there are many large old homes in the city and developers usually opt to demolish them and to create new buildings. This proposal is to allow additional units to be built on existing historic properties, thereby preserving them, while at the same time creating additional housing units. Councilor Clingan, the primary sponsor of this item, addressed the committee saying that many of the homes in the city have historic value and this proposal would give those owners a way to preserve the character of the house while balancing out the need for additional living units. At this point, it's a concept to be molded and he's open to suggestions. Councilor Niedergang, a co-sponsor of the item, said that he likes the incentive idea and thinks it's a win-win situation, adding that he'd like to hear from Dan Bartman on the matter.

Councilor Davis, a co-sponsor of the item, said that the intent is to increase the historic envelope. Mr. Bartman noted that Planning staff is working on this and that they are less concerned about adding density than they are with historic building regulations. The objective seems to be that for an undesignated building, rather than demolish it, would go through the historic designation process.

Councilor Clingan interjected that it's about fairness. Mr. Bartman explained that the word "district" is used for multiple buildings and that an historic district is not the same as an historic building. He thinks this would lead to unintended consequences and not bear fruit, noting that the state has a process for determining if an asset can be designated as historic. Mr. Bartman stated that if the state doesn't approve of individual lots becoming historic districts, there may be a conflict. He thinks that there is a lack of understanding within the zoning department about the historic designation process. Councilor Niedergang thinks that state only has power to review historic districts, but not to nix them. Councilor White spoke about the process of historic designation over the years.

Councilor Davis commented that he is less concerned about the mechanism and more concerned with providing incentives and protection to property owners to achieve getting additional housing units to be built.

Councilor McLaughlin is favorable to the idea if it creates more affordable housing and he would like Mr. Bartman to provide feedback on the feasibility of proposal, the number of units, what's involved, etc., when he comes back to discuss this with the committee. Councilor Davis stated

anything that facilitates a streamlined process would be appreciated since it's important to have something as easy and uncomplicated as possible.

On a side note, Mr. Bartman informed the committee that he has assumed the position of Deputy Director of Planning, and as such, he will be able to focus more on these types of matters.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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### Administration Proposals

#### **212050: Requesting an amendment to the Zoning Ordinance to repeal Section 10.5 - Outdoor Café Seating.**

Councilor Ewen-Campen resumed chair.

This item has had a public hearing and has been recommend by the Planning Board. Mr. Bartman explained that this amendment would strike in its entirety, Section 10.5 Outdoor Café Seating, from the city's zoning ordinances, thereby leaving the Licensing Commission as the permitting authority for outside cafe seating.

Councilor Niedergang, noting that the main concern has been about enforcement rather than the permit processing, supports this change. Councilor Davis commented that he is in favor of making it easier to allow outdoor seating as a means to strengthening the fabric of the community. ADA accessibility is seen as a problem and Mr. Bartman said there is a venue to address concerns before a public body, i.e., Licensing Commission meetings. He would have to research how issues are addressed after a permit has been granted.

Councilor Niedergang noted that when a license is issued, the owner may be called before the Licensing Commission as a result of a complaint.

Chair Ewen-Campen suggested that Mr. Bartman provide an outline of: 1) how ADA access is reviewed when an application is received and, 2) how ADA access is handled after a permit has been issued. Mr. Bartman explained that the Engineering Department is charged with reviewing ADA plans and the Urban Forestry/Open Space Department also reviews the outdoor seating permit. Councilor Niedergang noted that the problem has been with the implementation of the plans, as some restaurants' areas have not been ADA accessible.

Councilor Niedergang moved for approval of the item. Councilor White asked about site plan approval for existing permits and Mr. Bartman stated that the Mayor's COVID executive Order waived that requirement.

<b>RESULT:</b>	<b>APPROVED. [UNANIMOUS]</b>
<b>AYES:</b>	Ewen-Campen, Davis, White Jr., McLaughlin, Niedergang

#### **212052: Requesting adoption of an amendment to the Zoning Ordinance Section 2.1 - Glossary and the provisions of multiple permitted building components.**

Mr. Bartman gave a brief explanation of frontages and said it was easier to merge them all into building components. The majority of edits are about porches on the backs and sides of buildings. In 2019, the code did not recognize back porches, thus they weren't regulated as stringently. Applying the code to all sides of a building caused unintended consequences. These proposed changes will streamline the process and help Inspectional Services to understand things more clearly. Mr. Bartman also noted that some other items were tweaked or removed from the code, adding that the main impetus of the proposal is to

understand porches and decks when proposed on the rear of a building. He continued on by reviewing the changes to the Balcony section (K) and explained that the city doesn't want unused space on balconies used for storage, so this amendment would properly balconies for active use. Additionally, Mr. Bartman reviewed changes to Gable and Shed Dormers and explained the slopes would be less regulated, thereby allowing people to add dormers where the roof is not normal.

A typo in the balcony depth dimension was discovered in the version of the document before the committee, so Mr. Bartman will submit a corrected version to the City Clerk to replace the document before the committee. (Note: the amended version was received on September 9th and is attached to this item.)

Chair Ewen-Campen moved for approval of the item.

<b>RESULT:</b>	<b>APPROVED AS AMENDED. [UNANIMOUS]</b>
<b>AYES:</b>	Ewen-Campen, Davis, White Jr., McLaughlin, Niedergang

**Referenced Material:**

- 2021 09 01 LUC - Building Components (with 212052)