



CITY OF SOMERVILLE, MASSACHUSETTS
MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT
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December 18, 2014

The Honorable Board of Aldermen
City Hall
93 Highland Avenue
Somerville, MA 02143

Re: An ordinance amending the zoning ordinance of the City of Somerville to prohibit the damage or destruction of any shade or fruit trees during the conversion of a single-family or two-family dwelling.

Dear Honorable Board of Aldermen:

In keeping with its lawful responsibilities, the Planning Board submits to your Honorable Board its recommendation on an ordinance to prohibit the destruction of trees during conversion of single- and two-family dwelling units. This amendment was addressed in a memo provided to your Honorable Board dated December 11, 2014.

On December 11, 2014, at 6:00 p.m. the Planning Board and Land Use Committee of the Board of Aldermen jointly held a duly advertised public hearing in at the Community Room at the VNA, 259 Lowell Street. The purpose of the hearing was to solicit public comments on the proposed amendment and to evaluate the amendments in the context of testimony received and the findings and analysis of the Planning Staff.

This report from the Planning Board to the Board of Aldermen will focus on the discussions at the December 11, 2014 meeting and its final recommendation.



DISCUSSION DURING HEARING

At the public hearing on December 11, 2014, George Proakis, Director of Planning, explained the proposal as well as communication with the City Solicitor's Office. Planning Staff did not make any recommendations on the proposal since the proposed ordinance, as reviewed by the City Solicitor, is highly vulnerable to successful legal challenge on the grounds that it constitutes a potential taking, is unreasonable, and violates the uniformity clause in MGL c. 20A §4.

Several constituents spoke in support of the proposal. Most Planning Board members expressed concerns about the destruction of mature trees but acknowledged that Planning Staff have been working on a new zoning code that will incorporate some regulation. The Board chose to recommend referring the topic to Planning Staff to be incorporated into the new zoning code.

PLANNING BOARD RECOMMENDATION

Following due consideration, Kevin Prior made a motion to refer the issue of tree conservation to be incorporated into the new zoning code. Joe Favaloro seconded the motion, which carried 5-0.

The Land Use Committee closed the written record on December 18, 2014.

Sincerely,



Kevin Prior
Chair