



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
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MICHAEL A. CAPUANO, ESQ.  
DANA LEWINTER, ALT.

April 1, 2010

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

RE: PROPOSED AMENDMENTS TO THE SOMERVILLE ZONING ORDINANCE SUBMITTED BY SOMERVILLE RESIDENTS FOR SENSIBLE DEVELOPMENT ON JANUARY 12, 2010

Dear Honorable Board of Aldermen:

In keeping with its lawful responsibilities, the Planning Board submits to your Honorable Board its recommendation on proposed amendments submitted by Somerville Residents for Sensible Development. The proposed ordinances would change the Special Permit Granting Authority (SPGA) for all special permits to the Board of Alderman, downzone land near Park Street, establish new special permit review criteria, temporarily suspend density bonuses, and change application requirements.

On March 4, 2010, at 6:00 p.m. the Planning Board held a duly advertised public hearing jointly with your Board's Land Use Committee in the Aldermanic Chambers, City Hall, 93 Highland Ave. The purpose of the hearing was to solicit public comments on the proposed amendments and to evaluate the amendments in the context of testimony received and the findings and analysis of the Planning Staff. The Planning Board kept the record open for written comment until March 12, 2010, and deliberated on the matter at their meetings on March 18 and April 1, 2010. At the April 1 meeting, following deliberation, the Planning Board voted to **NOT RECOMMEND APPROVAL** of the proposed amendments.



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## FORMAT OF REPORTS

The amendments have been discussed at length in a prior staff report that was submitted to your honorable board on February 25, 2010.

For their meeting on March 18, 2010, staff submitted a report to the Planning Board (see Attachment I). The report contained a summary of the spoken at the public hearing and written testimony (see Attachment II), as well as staff responses.

This report from the Planning Board to the Board of Aldermen will focus on discussion at the March 18 and April 1, 2010 meetings of the Planning Board and its final recommendation.

## PLANNING BOARD DISCUSSION

### *March 18, 2010*

Discussion centered around the proposal to change the application form to address disclosure issues as an alternative to an amendment. The Board discussed the need to be sure that conflict of interest was not an issue, whether it is real or perceived, and felt that the change to the application form would be sufficient to gather enough information for this to be true. There was also discussion about how there are many people involved with development projects, some of whom are chosen after the special permit process, and as long as the Planning Board has the best information available to them at the time, they will be informed of any conflicts that they may have. Staff stressed that the information is for disclosure for conflict of interest purposes because the character and reputation of the applicant cannot be a basis for evaluating an application.

The Board chose to vote on the amendments at the next meeting when more than three members would be present.

### *April 1, 2010*

James Kirylo asked about an issue that came up in the comments from the public. The issue is if 44 Park Street was related to the amendments. Staff explained that there was a proposed amendment on Senior Housing in the past, which is not related to the amendments before the Board. The Land Use Committee has not voted on that amendment and decided to revisit solutions for senior housing in the future due to citizens concerns.

Michael Capuano and Elizabeth Moroney reiterated from the last meeting that they wanted to make sure that the Board members themselves know when they have a conflict of interest and should recuse themselves; however, they found that the most appropriate place to put this information is in the application form and not change the ordinance. Joseph Favaloro and Dana LeWinter agreed and Dana added that the information is for disclosure purposes and not to evaluate a proposal. The case law is clear that the character and reputation of an applicant is not a legal basis for evaluating an application. The City's legal staff can come to a future meeting to further discuss the issue if needed.

Next, the Board discussed the amendment related to the Board of Alderman becoming the Special Permit Granting Authority. Only a small number of communities have this structure.

Elizabeth Moroney stated that independent boards, such as the Planning Board, are better insulated from political concerns when making decisions.

Staff reviewed the information in the report to the Planning Board for each of the five amendments.

### PLANNING BOARD RECOMMENDATION

Following discussion, the Board took the following votes:

1. Change the Special Permit Granting Authority (SPGA) for all special permits to the Board of Alderman;

Dana LeWinter made a motion to not recommend approval of the proposed amendment. Joseph Favaloro seconded the motion, which carried 5-0.

2. Downzone land near Park Street;

Elizabeth Moroney made a motion to not recommend approval of the proposed amendment. James Kirylo seconded the motion, which carried 5-0.

3. Establish new special permit review criteria;

Elizabeth Moroney made a motion to not recommend approval of the proposed amendment. Michael Capuano seconded the motion, which carried 5-0.

4. Temporarily suspend density bonuses; and,

Michael Capuano made a motion to not recommend approval of the proposed amendment. James Kirylo seconded the motion, which carried 4-0. Dana LeWinter recused herself due to her involvement with affordable housing for the City in the past.

5. Change application requirements

Elizabeth Moroney made a motion to not recommend approval of the proposed amendment. Dana LeWinter seconded the motion, which carried 5-0.

The Planning Board did NOT RECOMMEND APPROVAL of the attached zoning amendments.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth Moroney". The signature is fluid and cursive, with a large loop at the end of the last name.

Elizabeth Moroney  
Acting Chair

- Enclosures:
1. Report to the Planning Board
  2. Written comments received by the Planning Board
  3. Proposed Application Form with cover letter