

**NOTICE: This is NOT the official version of the Committee Report as APPROVED by the Board of Aldermen. While reasonable efforts have been made to assure that this is the Committee Report that was presented at a meeting of the Board of Aldermen, you should check the Minutes of that meeting in order to confirm its approval, rejection or amendment. Do not rely on the accuracy of this information without first checking with the City Clerk.**

May 1, 2007

**REPORT OF THE COMMITTEE**  
**ON LAND USE**

The Committee on Land Use held a meeting on May 1, 2007, with Vice Chairman Maryann Heuston presiding and Committee Member Alderman Thomas Taylor also present and voting. Also present were Aldermen Bruce Desmond, William White and Sean O'Donovan, (who recused himself), as well as City Solicitor John Gannon, Special Counsel Anne Thomas, Phil Ercolini and Steve Winslow from SPCD, Developer Stephen Smith and several interested members of the public.

The committee met to discuss the covenant regarding the Clyde Street development.

Mr. Ercolini told the members that the covenant, dated 5/1/07, reflects changes made at prior meetings. Mr. Winslow stated that he met with the design review committee and the covenant was re-crafted to include their recommendations, as well. Chairman Heuston said that she was interested in having the Fire Department give a general opinion on the covenant, as it pertains to cut through traffic and physical impediments, by the next Land Use Committee meeting, scheduled for May 16<sup>th</sup>. Chairman Heuston also requested that the Law Department provide a legal opinion as to whether or not the city has jurisdiction over the access connections referred to in section B(2)(d).

Mr. Smith told the members that the intention is to build 3 or 4 story buildings and that the language in section C(2), dealing with height, was included to allow for design flexibility in the event that the Planning Board reduced the height of a portion of the development. The committee requested that Ms. Thomas redraft the language for this section.

Alderman Taylor recommended that section C(3), dealing with acoustics, include all phases of development and Alderman White requested that the Law Department provide an opinion, in writing, of how the Planning Board could govern the use of materials or methods of construction for sound attenuation. Specifically, Alderman White's question is: under state law and the Somerville Zoning Ordinance, what powers would the Planning Board have to condition or restrict a proposed PUD if evidence provided to the Planning Board showed that there would be an increase in noise resulting from the proposed buildings deflecting train noise that impacted surrounding neighborhoods?

Alderman Desmond asked for information on the acoustic effects if the development were allowed to build over 40 feet.

With regard rodent control, as referenced in section F(1), Chairman Heuston indicated that she would prefer that a local exterminator be used. Mr. Gannon said that the city could change the language to require any exterminator selected to have experience in handling local conditions. Chairman Heuston also asked if the vendor's exterminator could provide service to residents during the demolition and construction or if there might be mitigation to help the city provide service to residents.

Chairman Heuston said that section F(2), Project Amenities, needs clarification from the Law Office regarding whether the developer could close the open space or prohibit bicycles and/or dogs from the area. She also requested to know how public open space in a PUD is regulated, i.e., by the developer or the city?

There was a discussion regarding what might happen to rest of property if only phase 1 is built, as another developer could come in and build on the underlying zoning. Ms. Thomas said that the covenant is binding on successors and heirs and told the members that she would get answers to these questions and to the number of units that could be built beyond the 199 under the PUD?

Alderman Desmond asked that the senior center be included in the development and Mr. Smith said that the neighborhood did not want that use.

No Papers were acted on.

---

Alderman Maryann Heuston, Vice Chairman  
Committee on Land Use

**COMMITTEE REPORT**

Report of the Committee on Land Use, May  
1, 2007

In Board of Aldermen

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

Clerk