



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

TO: Board of Alderman
Planning Board

FROM: George Proakis, Director of Planning

DATE: September 6, 2018

SUBJECT: ORDINANCE AMENDING THE SOMERVILLE ZONING ORDINANCE
REGARDING AIR QUALITY MITIGATION FOR DEVELOPMENT NEAR
HEAVILY TRAVELLED ROADWAYS

A proposed amendment to the Somerville Zoning Ordinance (SZO) has been submitted to the City Clerk by 15 registered voters. The proposed amendment would add a new section under Article 7, Permitted Uses, of the SZO that would establish regulations regarding the siting of housing, schools, preschools, and long term care facilities near heavily trafficked roadways. The proposal describes buffering distances from I-93, Mystic Avenue, McGrath Highway, and other heavily traveled roadways where new development/redevelopment would be required to include systems that have the capacity to adequately mitigate exposure to occupants from hazardous vehicular emissions.

The proposal requires that buildings that have yet to receive a Certificate of Occupancy receive a determination that a mitigation system adequately reduces the exposure to hazardous vehicular emissions. This mitigation shall require a finding that the system reduces indoor ultrafine particulate levels by 80% relative to the particulate levels in the untreated outdoor air that would enter through an open window. The proposal also includes various methodologies for studying particulate levels and specific requirements for different types of buildings at different stages in the development process. Additionally, the proposal includes provisions to exempt owner-occupied housing and condominium apartments, provisions for municipal school buildings and preschool facilities, fines, and a periodic review of the proposed ordinance.

Overall, Planning and Zoning Division of OSCP Staff understands and agrees with the science that vehicular emissions especially affect those living and working closer to heavily travelled roadways and is supportive of the idea to require future development/redevelopment to include robust air filtration systems. Planning Staff has recommended conditions to the Zoning Board of Appeals and the Planning Board that would require such systems on projects that are close to the heavily travelled roadways identified within the proposal. The condition, as written, usually requires applicants to make best efforts to mitigate air and noise pollution by using augmented air filtration systems and triple-glazed window

where appropriate. Planning Staff has consulted with local scientists on ensuring that the systems included in developments have actually been designed to mitigate particulate matter from entering these developments.

However, two issues remain; first, there has been some debate as to whether or not a zoning ordinance can regulate air systems as MGL 40A does not permit zoning to regulate or restrict the use of materials, or methods of construction of structures regulated by the State Building Code and we are seeking further legal advice on this issue. And secondly, experts have also debated the metrics and the methodology for analyzing the particulate matter that enters buildings near heavily traveled roadways. Planning Staff ultimately recommends that the Boards allow time for Staff to coordinate with the scientists to determine the best metrics and methods of study to effectively measure interior air quality in occupied units.