



CITY OF SOMERVILLE, MASSACHUSETTS  
CLERK OF COMMITTEES

December 12, 2017  
REPORT OF THE LAND USE COMMITTEE

Attendee Name	Title	Status	Arrived
Lance L. Davis	Chair	Present	
Mark Niedergang	Vice Chair	Present	
William A. White Jr.	Alderman At Large	Present	
Matthew McLaughlin	Ward One Alderman	Present	
Maryann M. Heuston	Ward Two Alderman	Present	
Robert J. McWatters	Ward Three Alderman	Present	
Tony Lafuente	Ward Four Alderman	Absent	
Katjana Ballantyne	Ward Seven Alderman	Present	
John M. Connolly	Alderman At Large	Absent	
Mary Jo Rossetti	Alderman at Large	Present	
Dennis M. Sullivan	Alderman At Large	Present	

Others present: George Proakis - OSPCD, Tom Galligani - OSPCD, Tim Snyder - Mayor's Office, Charles Sillari - Clerk of Committees.

The meeting took place in the Aldermanic Chamber and was called to order at 6:16 PM by Chairman Davis and adjourned at 7:36 PM.

This meeting was recorded and is available for viewing online.

**204399: Requesting the adoption of an amendment to Zoning Ordinance Article 15 to establish a Project Mitigation Fee for Job Creation and Retention.**

**RESULT: KEPT IN COMMITTEE**

**204400: Requesting the adoption of an amendment to Zoning Ordinance Section 15.5 to update the Project Mitigation Contribution for Affordable Housing.**

**RESULT: KEPT IN COMMITTEE**

**204524: 18 registered voters submitting a proposed amendment to Zoning Ordinance Article 15 to update the housing linkage fee.**

**204525: 18 registered voters submitting a proposed amendment to Zoning Ordinance Article 15 to update the housing linkage fee and create a jobs creation and retention linkage fee.**

Mr. Proakis told the committee that the relevant documents are available online for public viewing. He distributed copies of and discussed the Planning Board's recommendation for this item. There were discussions about Sec. 15.5.c and the recalculation date being replaced. Alderman Rossetti asked if the language would negate an intent for an annual inflation adjustment and Mr. Proakis said he doesn't want to negate it as much as get the language right.

Alderman White asked if recalculating every three years means that there would also need to be a new Nexus study every 3 years. Alderman Niedergang would like to make sure the inflation adjustment is reinserted and would like recalculation every 3 years instead of every 5 years.

Chairman Davis discussed the process of recommending revisions and he proposed an amendment. Alderman Rossetti said the recommendation of the Nexus study is in line with the amendment and she is ready to support this. Alderman McWatters said this isn't his first choice, but he is willing to compromise to move the process forward, adding that his constituents recommended the linkage fees being due when developers get financing for construction. He is comfortable with the percentages, but is concerned about the timing of payments.

Mr. Proakis discussed the public hearing process and said that the administration will take a measured approach because they want to make sure the commercial development will happen. Mr. Proakis said the last sentence in Sec. 15.3 is the language in question. Alderman Rossetti asked if the city is privy to know when a developer gets financing. She suggested a motion to accept the current proposal, subject to a further amendment.

Chairman Davis discussed a 2 phase payment; one at the earlier of a building permit or financing, and the second at the later of the 2. Mr. Proakis stated that logistically that would be putting it on the applicant to inform the city of the events taking place to trigger the payments. He explained why the issuance of a building permit doesn't necessarily mean that financing is in place. Mr. Galligani discussed when funds would be sent to a training program and noted that funds must be built up first and there needs to be a sufficient amount available. Alderman McLaughlin said financing isn't the best trigger and he asked for an example of how the payment schedule would work on big projects. Mr. Proakis explained the way linkage payments would be made for affordable housing and jobs linkage. Alderman Heuston said the Nexus report recommended that jobs linkage fees should be paid in full upon issuance of a building permit. Alderman Niedergang is willing to split it 50/50, e.g., 50 % due at permit issuance and 50% when the foundation is finished.

Meeting recessed at 7:12 PM to allow the Board of Aldermen meeting to commence. The meeting reconvened at 7:20 PM.

Alderman Niedergang's motion **to amend the proposal in the final paragraph of Sec. 15.3 so that jobs linkage fees would be paid in 2 installments as follows: 50% at initial building permit issuance and 50% at Certificate of Occupancy issuance**, was approved.

Chairman Davis's motion to amend the 4th paragraph of Sec. 15.3 to read "the first of which shall be Certificate of Occupancy, 2 equal payments on each anniversary of the first payment", was approved.

A marked up version of the ordinance, showing all edits/amendments, is attached.

<b>RESULT:</b>	<b>APPROVED AS AMENDED</b>
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**204707: Planning Board submitting recommendations re: #204399, #204400, #204524, and #204525, four zoning ordinance proposals for affordable housing linkage fees and/or jobs creation and retention linkage fees.**

This item was received by the BOA on December 12, 2017 and referred to the Land Use Committee for consideration during the deliberations of items 204399, 204400, 204524 and 204525.

<b>RESULT:</b>	<b>KEPT IN COMMITTEE</b>
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**Attachment:**

- Combined Housing and Jobs Linkage - UPDATED (with 204525)