



CITY OF SOMERVILLE, MASSACHUSETTS

CLERK OF COMMITTEES

February 21, 2019

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mark Niedergang	Chair	Present	
Lance L. Davis	Vice Chair	Absent	
Matthew McLaughlin	Ward One City Councilor	Present	
Jesse Clingan	Ward Four City Councilor	Present	
Katjana Ballantyne	Ward Seven City Councilor	Present	

Others present: Dan Bartman - OSPCD, Tom Galligani - OSPCD, Brad Rawson - OSPCD, Cortney Kirk - OSPCD, Lauren Drago - OSPCD, Frank Wright - Law, Eileen McGettigan - Law, Jason Grossfield - Law, Annie Connor - Legislative Liaison, Rositha Durham - Clerk of Committees.

The meeting took place in the Committee Room and was called to order at 6:00 PM by Chairman Niedergang and adjourned at 7:30 PM

The Chair announced agendas for some upcoming meetings:

- Chair's top priorities are Condo Conversion Ordinance, Demolition Delay Ordinance and Short-Term Rentals Ordinance and those will be on the agendas for all or most of upcoming meetings
- Public hearings on 16-17 year-old voting in municipal elections @ 3pm and 6pm on Thursday, April 4th
- Stormwater and pervious surfaces ordinances in the spring
- Native trees and planting agenda items in April/May
- Surveillance ordinance also in the spring

Approval of the January 31, 2019 Minutes

Amended the first sentence in the third paragraph of item #205420 by replacing

"The proposed updates would change the notice period from one year to between two and five years."
with

"The proposed updates would change the notice period for vulnerable tenants from two to five years."

RESULT:	ACCEPTED AS AMENDED
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Approval of the February 7, 2019 Minutes

RESULT:	ACCEPTED
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205807: That the City Solicitor draft an ordinance to establish the city's current green space as a minimum allowed amount, as described within.

Items 3 & 4 were discussed together. Mr. Bartman, Ms. McGettigan, Mr. Wright and Mr. Rawson appeared before the Committee. President Ballantyne said that her intent is to require that if a green space is lost then at least the same amount of green space would replace it in another location. In discussions with the Administration, an ordinance was developed to do this that is on the agenda as item #7.

RESULT:	WORK COMPLETED
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206885: Assistant City Solicitor responding to #205807 with a draft Ordinance to establish and preserve the amount of green space in the City.

See 205807

RESULT:	WORK COMPLETED
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206769: That the City Solicitor draft an ordinance requiring that projects above a certain size include an impact statement regarding trees and green space, with updates at all stages of design, and prohibiting this Board from authorizing funds for any project that does not include this impact statement.

Mr. Grossfield spoke with Councilor Mbah because he needed more direction before creating an ordinance. This could be part of the zoning ordinance. The City cannot require the state to submit an impact statement. Councilor McLaughlin said that this item is currently covered in other ordinances such as the tree ordinance and the ordinance in item #7 on the agenda, so it is not necessary to consider it separately.

RESULT:	WORK COMPLETED
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207371: That the City Solicitor work with the Director of Sustainability and Environment to draft an ordinance requiring solar renewable energy installation in new commercial development.

Councilor Ballantyne motioned and it was accepted to discharge this item to the Land Use Committee as this is being covered as part of the zoning overhaul.

RESULT:	WORK COMPLETED
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207480: That the City Solicitor review the legal standing of each site identified in Sec. 12-

131 of the proposed Public Space Conservation Ordinance to identify if there are any terms by which each site was acquired, or is held, that would prevent it from being dedicated to the public.

This ordinance originated with #205807. Mr. Bartman said that he was directed by the Mayor's office to help with this request. He said that what he drafted had not been reviewed yet by the City's law office. Special Counsel McGettigan explained that Article 97 is a state law that declared publicly dedicated land cannot be taken away unless replaced somewhere else with the same amount of green space. If grass is replaced with artificial turf, that open space would have to be replaced somewhere else. Ms. McGettigan cautioned the Committee that they may be tying their hands until perpetuity with the proposed ordinance as it stands. If the City needed to make changes, Article 97 would prevent that. Some possible changes to open space could include an ADA ramp or expanding a school building and needing to remove grass. In such a situation, someone could sue the City based on Article 97. Ms. McGettigan said that the City has concerns about including school yards on the list in the ordinance. Councilor Ballantyne talked about some public spaces that are already dedicated. A lot of playgrounds already fall under Article 97. Mr. Bartman stated 41 out of the 68 spaces on the list already have some form of protection. Ms. McGettigan said that one big problem that needs to be addressed is that City Hall does not have accurate records for many of the open spaces and playgrounds that the City owns. She said that title searches would be necessary before moving forward on the ordinance. Questions were asked how long it would take and how much it would cost to do a title search of the properties. The law office will work with the Purchasing Department to start the process of contracting with a title examiner. The Committee agreed this is a high priority and expressed a willingness to vote additional funds to realize these goals.

RESULT:

KEPT IN COMMITTEE

206046: That the City Solicitor draft a vacant properties ordinance similar to the one in Arlington.

Ms. McGettigan appeared tonight in place of Mr. Shapiro. She distributed a copy of the City's existing vacant property ordinance, which was dug up by the Economic Development Dept. and had not previously been shared with the Committee, and a revised draft ordinance based on the Town of Arlington's ordinance. There were questions as to how this ordinance will be enforced and who will enforce it. It was stated that ISD will enforce the ordinance. The property owner would register at ISD and any commercial businesses would also register with OSPCD. It was also stated that the ordinance will not cover vacant land, this is just about vacant buildings. Mr. Galligani said that he had not had a conversation with ISD yet on this matter and would like to discuss it with them before the Committee approves anything, in case there is a need to fine tune the ordinance. It was also stated that there does not need to be a fee in the ordinance and it can be set as a later date. SomerStat is working on a fee structure for this request.

RESULT:

WORK COMPLETED

206612: City Solicitor responding to #206046 re: an ordinance for the registration and maintenance of vacant commercial and industrial buildings.

(See discussion in item 8 above.)

RESULT:

KEPT IN COMMITTEE

206308: That the City Solicitor draft a food truck ordinance amendment to permit food trucks with minimal disruption to current businesses.

Mr. Wright and Mr. Galligani were not quite ready to report out on this item. They are tabulating feedback and should have guidance at the next meeting when it is on the agenda.

RESULT:

KEPT IN COMMITTEE

205918: That the Administration submit a Home Rule Petition similar to Boston's "Jim Brooks Act," but with less rigid language, to encourage passage by the State.

RESULT:

KEPT IN COMMITTEE

Handouts:

- Draft Ordinance (with 205807)
- Draft Ordinance (with 206046)