



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

July 9, 2018

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mark Niedergang	Chair	Present	
Lance L. Davis	Vice Chair	Absent	
Mary Jo Rossetti	Alderman at Large	Present	
Matthew McLaughlin	Ward One Alderman	Present	
Katjana Ballantyne	Ward Seven Alderman	Present	
Jefferson Thomas ("J.T.") Scott	Ward Two Alderman	Present	
Ben Ewen-Campen	Ward Three Alderman	Present	
Jesse Clingan	Ward Four Alderman	Present	
William A. White Jr.	Alderman At Large	Present	
Stephanie Hirsch	Alderman At Large	Absent	
Wilfred N. Mbah	Alderman at Large	Present	

Others present: Sarah White and George Proakis - OSPCD Planning, Alan Bingham - Chair, Somerville Historic Preservation Commission, Peter Forcellese - Legislative Clerk.

The meeting took place in the Aldermen's Chamber and was called to order at 6:06 PM by Chairman Niedergang and adjourned at 9:28 PM.

Chairman Niedergang outlined the procedure for tonight's meeting and explained how written comments should be submitted. He also provided the website addresses where tonight's presentation by Mr. Proakis and additional information on the Demolition Delay Ordinance www.somervillema.gov/DRO and the Union Square Neighborhood Council www.somervillema.gov/usnc can be found.

Public Hearing Item 204278

204278: Requesting the replacement of Ordinance 7-28 with a new Demolition Review Ordinance. with relevant updates to Ordinance 1-11 for violations.

Alderman Ewen-Campen recused himself from all discussion and votes regarding this item.

Mr. Proakis gave a presentation and explained why this ordinance is being proposed. He compared the current regulations to those being proposed and pointed out areas that needed simplification, clarification or consistency with planning and zoning regulations. Mr. Proakis explained how the proposed ordinance would work and discussed the "significant" and "preferably preserved" designations, metrics and thresholds, exempt areas and the work of the Historic Preservation Commission (HPC).

There are eight policy issues that still need to be resolved, in Mr. Proakis' opinion, as follows:

1. Exemption of city owned buildings
2. Delay period for residential vs. commercial
3. Fines and penalties
4. Partial and serial demolition concerns
5. Expedited review for affordable housing development
6. Exempt areas
7. Timeframes
8. Peer review language

Mr. Bingham explained the process followed by the HPC and said that a designation of preferably preserved could encompass a wide range of considerations, from a complete preservation to simply preserving a piece of the structure, such as an architectural column or window. Under the proposed ordinance, renovations are allowed. Mr. Bingham stated that the HPC is pro development and works in an advisory capacity to assist the parties involved to reach fair and acceptable solutions. He would like this proposal to move forward as soon as possible.

The Public Hearing was opened at 6:40 PM

Several dozen members of the public spoke on the matter. Their comments are summarized as follows:

- delay passage until everything is explained
- what does the term 'significant' mean?
- Keep the record open until September
- Real estate markets can change overnight and adding 24 months to the process exposes lenders to more risk
- The ordinance is full of definitions that can be stretched
- nobody wins with arbitrary delays
- Preserve the things that matter
- Modify the ordinance to speed up the process
- Progress should happen, and any time extension is a mistake
- The ordinance has much to offer and is better defined and will allow developers to move forward
- Residents are the major stake-holders and will be impacted more than developers
- Demolition isn't prohibited, just delayed
- The partial demolition section is far too broad and should be clear
- the ordinance doesn't mesh with the zoning variance time period and this could cause additional delays

- develop a list of historic properties. HPC should be able to determine which homes are historical
- not in favor of an ordinance that would blunt the development of affordable housing
- increase the delay period for residential from 12 months to 24 months
- the ordinance is attempting to trade away owners' civil rights
- Extend the notification area to 500 feet
- adopt this ordinance without delay
- This will impact developers negatively, which is desirable - Somerville is not for sale
- Changing the building age criteria from 50 to 75 years is a positive step
- Concerned about the triggering mechanism
- The fine amount of \$300 is too low and the fine should be assessed for each day the violation exists
- City buildings should not be exempted
- Concerned about partial and sequential demolition and how developers may use these to sidestep the requirements of the ordinance
- property owners should be able to do what they want with their property, unless it affects someone else
- demolition should be controlled
- the current ordinance has too many loopholes
- partial demolition should not include interior structures and surfaces
- Developers should have full latitude to make changes to buildings
- proactively making the community environmentally sound is important
- developers' projects are getting 'rubber stamped' and don't preserve the character of the city
- more affordable housing needed
- The ordinance does not include an attempt to provide for affordable housing

A petition (attached) signed by 100 individuals was read into the record. The public comment period will remain open indefinitely and this matter will be discussed again in September.

The Public Hearing was closed at 7:57 PM

RESULT:

KEPT IN COMMITTEE

Public Hearing - Item 206293

206293: Submitting the Union Square Neighborhood Council's application for designation as the negotiating entity for a Community Benefits Agreement for the Union Square neighborhood.

Representatives from the Union Square Neighborhood Council (USNC) addressed the committee and gave a presentation explaining how the council was founded through a public process. The council has over 700 members from all walks of life. Initial meetings were held as an informal group and bylaws were developed. An election was held with 40 candidates vying to fill the council's 15 Board seats. 712 eligible voters cast ballots during that election.

The council has held 28 meetings and has formed a team to negotiate a Community Benefits Agreement with the master developer of Union Square, US2. Members of the council were given a walking tour of the development area. The council believes that a large part of its mission is to facilitate communication with developers, residents and the Board of Aldermen. The council looks forward to beginning negotiations for a community benefits agreement with US2 in July.

The presentation continued with an explanation of how the council met the requirements that were set in the Community Benefits Ordinance. It was noted that the council is not a public body and is therefore not subject to the state's Open Meeting Law, however, the council is conducting its meetings in public and is complying with the requirements of the Open Meeting Law as much as possible.

The Public Hearing began at 8:30 PM

Several members of the public spoke on the matter. Their comments are summarized as follows:

- every step has been undertaken with transparency and ethics
- it appears that the council has both executive and legislative functions and this should be reviewed
- the city won't get development without displacement unless there is a community benefits agreement in place
- the is the kind of broad based community participation that is needed
- the council's designation should have been addressed prior to the selection of a master developer
- The possibility of an ethics violation was raised since it was previously stated that it was the BOA's intention to approve this item. Why then, is a public hearing being held?

Mr. Bill Cavellini, co-chair of the USNC, reported that members of the negotiating team are in the midst of a 3-week training program to review the 8 issues raised at their summit in preparation for negotiating with the master developer, US2.

The Public hearing was closed at 8:59 PM, and after some discussion with members, Chairman Niedergang declared that the public comment period would be left open until 5:00 PM tomorrow, July 10, 2018.

Several members expressed their desire to discuss and vote on the matter this evening and Alderman Rossetti commented that if the record was being kept open, that a vote shouldn't be taken until the comment period was closed, since the purpose of public hearing is to hear from public. Chairman Niedergang stated that it made sense to deliberate at this meeting, therefore, he changed his previous decision and closed the record and public comment period at 9:07 PM.

Ms. Taylor (from the USNC) informed the committee that the state has issued their non-profit designation and that the council is in the process of applying for the federal designation. She will forward the relevant information to Chairman Niedergang for inclusion into the record of tonight's meeting.

Alderman Ewen-Campen's motion to approve the item was approved unanimously on a voice vote.

RESULT:	APPROVED
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204422: Alan Bingham submitting comments re: #204278, the Demolition Review ordinance.

RESULT:	KEPT IN COMMITTEE
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205151: Alan Bingham submitting comments re: the draft Demolition Review Ordinance.

RESULT:	KEPT IN COMMITTEE
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205791: Chamber of Commerce submitting comments re: #204278, the proposed demolition review ordinance.

RESULT:	KEPT IN COMMITTEE
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205484: That the Administration draft an ordinance to designate a Neighborhood Council as soon as possible.

RESULT:	WORK COMPLETED
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205483: That the Administration vigorously renegotiate the Development Covenant with U2, consistent with the request of this Board and without additional material provisions that favor US2.

RESULT:	WORK COMPLETED
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205201: That the Administration work with US2 to amend the Development Covenant to allow this Board to recognize a Neighborhood Council to negotiate a CBA and discuss the amendment with this Board prior to execution.

RESULT:	WORK COMPLETED
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Handouts:

- Presentation - Demo 7-9-18
- Key discussion points for demo 7-9-18
- Comments - P Abreu
- Petition - Somerville Historic Limitations
- Public Comments re Demolition Review
- Public Comments re USNC
- Building stock data
- State Form - USNC