



CITY OF SOMERVILLE, MASSACHUSETTS CLERK OF COMMITTEES

February 1, 2018

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Mark Niedergang	Chair	Present	
Lance L. Davis	Vice Chair	Present	
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	
Wilfred N. Mbah	Alderman at Large	Present	
Stephanie Hirsch	Alderman At Large	Present	

Others present: Michael Glavin - OSPCD, Michael Feloney - OSPCD, George Proakis - OSPCD, Sarah White - OSPCD, Hannah Carrillo - OSPCD, David Shapiro - Law, Jason Grossfield - Law, Frank Wright - Law, Eileen McGettigan - Law, Mike Feloney and Hannah Carrillo - Housing, Alan Bingham - Historic Preservation Commission (HPC), Dick Bauer - HPC, Abby Freedman - HPC, Joanne Berry - Union Square Neighborhood Council (USNC), Rachel Weil - USNC, Tom Bent, Bent Electric, Tim Snyder - Mayor's Office, Annie Connor - Legislative Liaison, Rositha Durham - Clerk of Committees.

The meeting took place in the Aldermen's Chamber and was called to order at 6:00 PM by Chairman Niedergang and adjourned at 9:15 PM.

This meeting was recorded and is available for viewing on the city's website.

Approval of the January 18, 2018 Minutes

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

The Chair distributed a handout to guide the discussion, Key Discussion Points for Demolition Review Ordinance - concerns raised and discussed in previous Legislative Matters Cmte meetings.

The Committee first discussed the issue of whether City-owned buildings should be exempt from the proposed ordinance. Mr. Proakis distributed a revised section 9, City Owned Buildings, that suggested that as a compromise solution, the HPC will review and comment on any proposal by the City to demolish a City-owned building, but that the HPC's opinion would not be binding. The draft ordinance, which the Historic Preservation Commission has not yet officially commented on, states that historic City-owned buildings should not be required to go before the HPC. The present High School building is historic and the project to build a new high school could not go forward without approval from the HPC, due to the funding from the state. The Committee expressed its interest in the HPC reviewing the draft ordinance and sending any comments to the Board before the next meeting of the Committee when it discusses this agenda item, most likely March 1st.

In response to a concern that Ward 3 Alderman Ewen-Campen had raised, Mr. Proakis will look into whether there is a way to expedite the review policy for residential projects where the majority of the housing will be affordable.

The Committee discussed having different delay periods for residential (24 months) and commercial (12 months) properties. A question was raised whether allowing different periods could lead to a claim of a violation of property rights. Mr. Proakis gave his rationale for why it would be desirable for a shorter demo delay period for commercial buildings. He stated that the historical issues around commercial buildings are often less complicated and that many of the commercial buildings in Somerville have much less historic value than residential buildings. Also, he said, commercial buildings are more often in transitional areas that are desirable for redevelopment, while most residential properties are in neighborhoods that the City goal is to conserve, not redevelop.

Mr. Proakis, speaking about the penalty for performing an unauthorized demolition, said the \$300 fine could not be increased due to state law, however, it would be possible to extend the period of not granting the offender building permits from three to five years. He suggested a period of between three and five years, with discretion by the Director of Inspectional Services.

Members discussed Sec 2.10.2 regarding serial demolition and considered allowing owners of two- and three-family homes to do minor projects to provide better living space, such as adding a door, window, dormer or changing the shape of the roof, without triggering the 25% review. Mr. Proakis distributed a revised section on the definition of demolition, titled Renovations of Neighborhood Houses, suggesting that specific minor residential projects not trigger demolition review. Ward 2 Alderman Scott, who had raised the concern about serial demolitions interfering with homeowners' adapting and renovating their properties, stated that he was comfortable with this change.

Regarding the provisions of Sec. 2.12 (a), which exempts certain areas of the City, members were informed that the exemption for the Assembly Square and Union Square areas were for areas that have official redevelopment plans. Mr. Proakis will update the BOA on some parcels in the Brick Bottom area that he wants to not be exempt at the next meeting.

A change to the peer review language in Sec. 6.4 was recommended based on the provisions in the state law (MGL 44, 53G), making it the city's responsibility to pay for peer reviews rather than the property owner's.

RESULT:

KEPT IN COMMITTEE

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

RESULT:

KEPT IN COMMITTEE

204954: Requesting approval of a Home Rule Petition to authorize the City to impose a Real Estate Transfer Fee.

The Chair distributed a document listing six key questions to guide discussion on this matter. The Committee began by discussing the public's involvement in the process, the timeline and possibly bundling this HRP with other Home Rule Petitions for submission, such as the right of first refusal. The Chair stated that a public hearing might be held on this matter as soon as February or March. Mr. Snyder explained that a HRP should be submitted in April at the latest if the Legislature is going to have time to seriously consider it.

The amount of the transfer fee was discussed and although some members favored higher rates, there seemed to be agreement that a 1% rate would be more palatable to the legislature when seeking approval of the petition.

Who - seller or buyer -- should bear the responsibility of paying the fee remained an open question and the Committee requested information about how this is handled by the Town of Provincetown and other communities. The administration distributed a copy of Provincetown's HRP which has the purchaser as the payor of the fee. Alderman Ballantyne stated that if the seller pays this penalizes women and women seniors in particular. A similar measure is being considered by the Town of Nantucket, with funds to be used for affordable housing. The Committee asked the Administration to prepare an analysis and memo on other HRP efforts for a transfer fee with a focus on any lessons learned from the many failures and few successes. Mr. Feloney agreed to do this analysis.

Another consideration discussed was whether the fee could be used as an anti-speculation measure by applying it only to those who hold onto a property for a year or a few years. Alderman Hirsch and Alderman Rossetti suggested that the fee should be set up so as to penalize developers who flip houses for profit as these developers are harming the quality of life in our neighborhoods.

RESULT:

KEPT IN COMMITTEE

203098: Assistant City Solicitor submitting an Ordinance to create a Community Benefits Committee.

Ms. McGettigan discussed her memo, addressing questions that were raised previously about City recognition of the newly-elected Union Square Neighborhood Council (USNC) and recognition of the USNC as the designated party to negotiate a Community Benefits Agreement

with US2, the Master Developer of Union Square . The questions and responses are attached in the document titled: Memo - E McGettigan (with 203098)

Ms. McGettigan answered many questions about her memo. She said that currently, due to language in the Development Covenant about a Community Benefits Agreement (CBA) being negotiated by a Neighborhood Council recognized through a process laid out in a Community Benefits Ordinance (CBO), there was no mechanism for negotiating a CBA. The Chair asked if either an expedited ordinance that did not go into the great detail of a CBO could be enacted or if the Development Covenant could be amended. Alderman Scott suggested that if just a couple of lines requiring a CBO for recognition of a Neighborhood Council and negotiation of a CBA could be struck out of the Development Covenant, then the BOA could move forward in recognizing the USNC to negotiate a CBA. He asked if the Mayor and the Administration would be willing to negotiate to this end with US2. Alderman Rossetti reminded everyone that changes to the Development Covenant would now require BOA approval.

Alderman Davis made a motion 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 with this Board prior to execution. The motion was approved unanimously. Members inquired about a timeline for completing action on this item and it was noted by the Chair that the CBO is a complicated issue and that the previous BOA worked on this item for approximately eight months. He suggested that a process in which the BOA could recognize the USNC to negotiate a CBA before a full CBO is passed would therefore be a reasonable step to move things forward in Union Square.

RESULT:	KEPT IN COMMITTEE
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203555: The Chamber of Commerce, Union Square Main Streets, and Somerville Local First submitting comments re: the Union Sq proposed zoning, the US2 Covenant, and the Community Benefits Ordinance.

RESULT:	KEPT IN COMMITTEE
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203556: The Maurice and Jane Sugar Law Center for Economic and Social Justice submitting comments re: #203098, the Community Benefits Ordinance.

RESULT:	KEPT IN COMMITTEE
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204999: Congratulating the elected Board members of the Union Square Neighborhood Council on their formation and acknowledging their role in securing the long-term success of the Union Square redevelopment plan.

Alderman Ewen-Campen introduced this item and explained that the rationale for the resolution was simply to appreciate the formation of the Union Square Neighborhood Council (USNC), congratulate the USNC members on their election, and acknowledge the USNC's existence. He said that the intention was not at this point to formally recognize the USNC to negotiate a Community Benefits Agreement or for any other purpose. He said that there had been some misunderstanding about the intent of the resolution due to some of the wording and one particular clause. Thus he made three motions to amend the resolution:

- 1) In the final Whereas clause, to change the word “recognition” to “acknowledgement.” This amendment was adopted unanimously.
- 2) In the first Resolve, to change the word “recognizes” to “acknowledges.” This amendment was adopted unanimously.
- 3) To strike the final Resolve #4 in its entirety. This amendment was adopted unanimously.
The resolution as amended was then approved unanimously by the Committee.

RESULT:	APPROVED AS AMENDED
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203097: Assistant City Solicitor submitting the US2-City Development Covenant.

RESULT:	WORK COMPLETED
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203192: Union United submitting comments re: the Union Square Development Covenant.

RESULT:	WORK COMPLETED
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Handouts:

- Peer Review (with 204278)
- Key Points (with 204278)
- Sec 2, Sec 9 (with 204278)
- Delay Periods (with 204278)
- Provincetown HRP (with 204954)
- Discussion Points (with 204954)
- CBO Summary Sheet (with 203098)
- Payment Option Summary Sheet (with 203098)
- Memo - E McGettigan (with 203098)
- Mark up draft (with 203098)
- Misc (with 203098)
- Public vs. Private (with 23098)
- Email re USNC (with 204999)
- Email - P Parsons