



# CITY OF SOMERVILLE, MASSACHUSETTS

## CLERK OF COMMITTEES

March 22, 2011

### REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Thomas F. Taylor	Chair	Present	
William A. White Jr.	Vice Chair	Absent	
Bruce M. Desmond	Alderman At Large	Present	
John M Connolly	Alderman At Large	Present	
Rebekah Gewirtz	Ward Six Alderman	Absent	
Maryann M. Heuston	Ward Two Alderman	Present	
Omar Boukili	Administrative Assistant	Present	
Matt Buckley	Asst. City Solicitor	Present	
George Proakis	OSPCD	Present	

#### **190072 - That the City Solicitor Draft an Ordinance to Regulate and Require Permits for Paving on Residential and Commercial Properties.:**

Mr. Proakis gave an overview of the ordinance. At the present time, there is no incentive provided for the installation of permeable driveways nor is there a way for the city to regulate run off from private properties. Run off from impervious surfaces overburden sewer and drainage systems, impact neighboring properties, increase temperatures and are generally unsightly to the community. OSPCD has developed a comprehensive ordinance to address the areas of permitting, registration, limiting run off and curb cuts. As proposed, the City Engineer will establish regulations and the Inspectional Services Department will issue permits. A registration system would be established and contractors would be required to post bonds to perform work. No impervious area may be constructed if it would increase the amount of stormwater runoff. A fine structure has been proposed for instances where a property owner paves without first securing a permit. The committee requested that Mr. Proakis report back on the number of curb cut permit requests.

Residents addressed the committee on this subject expressing concern about regulating the number of cars that would be allowed to park on a property, regulating drainage to prevent it from running onto a neighbor's property and permits for the removal of a cement driveway.

<b>RESULT:</b>	<b>WORK COMPLETED</b>
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**190596 - City Solicitor responding to #190451 re: Lowell's paving ordinance, and submitting a draft paving ordinance.:**

**RESULT: PLACED ON FILE**

**190781 - Requesting an amendment to the Code of Ordinances to establish regulations for paving driveways and other impervious surfaces.:**

**RESULT: KEPT IN COMMITTEE**

**190758 - That this Board amends Ordinance Section 2-355, aka The Responsible Employer Ordinance, as noted within. (see attachment):**

Mr. Buckley explained the Law Department's opinion on this matter stating that such an ordinance, as it applies to privately funded projects that use public funds, would violate the privileges and immunities clause of the U. S. Constitution. Inquiries were made about the legality of adding a provision for the hiring of Somerville residents to the Memorandum of Understanding (MOU) and it was Mr. Buckley's opinion that such a provision would be unconstitutional. There was a discussion about the use of a Project Labor Agreement (PLA) and Mr. Buckley told the members that there could be legal issues involved, but that he would research the matter.

The committee asked Mr. Buckley to provide the legal opinions from the Cities of Lowell and Worcester on this matter and to review those cities' ordinances on this subject and provide an opinion to this committee.

**RESULT: KEPT IN COMMITTEE**