



CITY OF SOMERVILLE, MASSACHUSETTS

CLERK OF COMMITTEES

October 11, 2011

REPORT OF THE LEGISLATIVE MATTERS COMMITTEE

Attendee Name	Title	Status	Arrived
Thomas F. Taylor	Chair	Absent	
William A. White Jr.	Vice Chair	Present	
Bruce M. Desmond	Alderman At Large	Present	
John M Connolly	Alderman At Large	Present	
Rebekah Gewirtz	Ward Six Alderman	Present	
Frank Wright	City Solicitor	Present	
Matt Buckley	Asst. City Solicitor	Present	
Jason Grossfield	Asst. City Solicitor	Present	
Andrew Upton	Chair. Licensing Commission	Present	
Corey Mashburn	SCAP	Present	
Steve Mackey	Chamber of Commerce	Present	
Tom Bent	Chamber of Commerce	Present	
Brandon Wilson	Historic Preservation	Present	

189056 - An Ordinance Regarding Providing a Procedure for Reasonable Accommodation in the City's Land Use and Zoning and Building Regulations Pursuant to the Fair Housing Laws.:

The committee discussed the reason this proposal was brought forward, i.e., to ensure that individuals living in group homes, for example, are actually disabled. The proposed ordinance was reviewed and approved.

RESULT: PLACED ON FILE

189229 - Maryanne Manfra Submitting Comments Re: #188655, Amending the Local Historic District Ordinance (Group B).:

RESULT: WORK COMPLETED

189880 - That the Environmental Programs Manager investigate creating a paper/plastic recycling initiative at fast food establishments.:

RESULT: WORK COMPLETED

190445 - That the Director of SPCD meet with representatives from Federal Realty Investment Trust and the utility companies involved in Assembly Square on the Stretch Energy Code, and report back to the Committee on Legislative Matters on or before February 1, 2011.:

RESULT: WORK COMPLETED

190446 - That the Director of SPCD consult the the Boston Society of Architects about building projects with the Stretch Energy Code and report back to the Committee on Legislative Matters with any recommendations.:

RESULT: WORK COMPLETED

190686 - That the City Solicitor draft an ordinance requiring properties of a certain use and size, to obtain a permit before using an amplified sound system, and be soundproofed.:

RESULT: WORK COMPLETED

190737 - Requesting approval of an amendment to the Ordinances at Chapter 12 regarding the Placement and Maintenance of News racks.:

RESULT: KEPT IN COMMITTEE

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

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

191045 - Requesting an amendment to the Local Historic District Map to add 1 property to the existing Florence-Myrtle District (remaining unapproved property from Group D):

The property owner is opposed to being included and does not want the historic property designation.

RESULT: PLACED ON FILE

191050 - That the Director of SPCD inform this Board how the city can protect our residents when developers with a history of building or other code violations seek permits for new projects.:

The committee discussed prohibiting certain developers from working in the city and Mr. Shapiro explained that past violations could not be used to deny a permit. Vice Chairman White's motion to move into Executive Session was passed on a Roll Call vote of 4 in favor and 1 absent.

The committee returned from Executive Session and Vice Chairman White reported that no votes were taken.

Mr. Shapiro will examine the possibility of using a Home Rule Petition to accomplish the goals sought by Alderman Gewirtz

RESULT: KEPT IN COMMITTEE

Motion: To move into Executive Session to discuss issues pertaining to item #191050.

The committee moved into Executive Session. No votes were taken.

RESULT:	ADOPTED [UNANIMOUS]
AYES:	William A. White Jr., Bruce M. Desmond, John M Connolly, Rebekah Gewirtz
ABSENT:	Thomas F. Taylor

191068 - That the City Solicitor, the Chief of Police and the Director of SPCD (ISD) draft amendments to the noise ordinance to deal with organizations using enhanced sound systems in RA and RB districts and report back to the Committee on Legislative Matters at its April 26th meeting.:

RESULT: WORK COMPLETED

191351 - Sixty registered voters submitting a “Proposed Ordinance to Ensure that Development Financed with the Sale of DIF Bonds Yields Jobs for Somerville Residents.”:

RESULT: PLACED ON FILE

191563 - That the City adopt the attached Local Hiring Ordinance.:

Vice Chairman White requested that the City Solicitor email any legal decisions dealing with what type of evidence justifies the ordinance and he discussed exempting out-of-staters. Mr. Buckley stated that the out-of-state exemption is necessary to comply with the privileges and immunities clause and Mr. Shapiro discussed ways discrimination against out-of-staters could be justified. Mr. Buckley will forward his research on this matter to the full Board of Aldermen. Vice Chairman White will schedule a public hearing on the matter and will notify the Building Trades Labor Council of the date, time and place.

RESULT: KEPT IN COMMITTEE

191671 - That the Director of SPCD (Planning) report to this Board on the feasibility of changing the zoning ordinance to allow shared-car space as a use in the RA and RB districts, as the current ordinance prohibits most residents from renting a driveway space to ZipCar.:

The Committee is awaiting a response from OSPCD's George Proakis.

RESULT: KEPT IN COMMITTEE

191744 - Requesting an amendment to the Local Historic District Map to create 4 new Districts (Winter Hill, Hinckley-Magoun, College Ave. Corridor of Faith, and Teele Sq.) and add 17 properties to these Districts, and to add 1 property to an existing District (East Somerville) (Group E).:

Ms. Wilson told the members that there were no objections to the proposal raised at the public hearing on this matter. The item was tabled. The item was removed from the table.

Ms. Wilson told the members that notifications were sent via certified mail and she offered the following information:

- 16 Lincoln St - no opposition
- 29-33 Sargent Ave - the family is strongly opposed
- 55-63 Adams St - 3 unit owners in favor, 1 opposed
- St. Ann Church - in favor of designation
- 4-6 Berwick St. - owners attended the 2007 public hearing and have since moved. The certified mail card has not been returned.
- 10 Henderson St - in favor of designation

- 13 Henderson St - in favor of designation
- 21 Henderson St - owner did not respond to notification
- 23 Henderson St -
- 16 Hinckley St - in favor of designation
- 80 Hinckley St - in favor of designation
- 84 Hinckley St - owner opposed
- 278-282 Lowell St - owner opposed
- 308 Lowell St -
- 45 College Ave - Ms. Wilson spoke to the Reverend in 2007
- 1170 Broadway - a representative of the church spoke in favor
- 7 Clarendon Ave - a representative of the church spoke in favor

Alderman Connolly's motion to sever 29-33 Sargent Ave. from the item was approved.

Alderman Connolly's motion to sever 55-63 Adams St. from the item was approved.

Alderman Connolly's motion to sever 4-6 Berwick St. from the item was approved.

Alderman Connolly's motion to sever 21 Henderson St. from the item was approved.

Alderman Connolly's motion to sever 23 Henderson St. from the item was approved.

Alderman Connolly's motion to sever 84 Henderson St. from the item was approved.

Alderman Connolly's motion to sever 278-282 Lowell St. from the item was approved.

Alderman Connolly's motion to sever 308 Lowell St. from the item was approved.

Alderman Gewirtz's motion to sever 45 College Ave. from the item was approved.

All properties not severed were approved for historic designation. The owners of the severed properties will be sent a follow up letter from the City Clerk.

RESULT: APPROVED AS AMENDED

191788 - Requesting approval of a Home Rule Petition authorizing the increase of the number of liquor licenses that the Licensing Commission may issue.:

Mr. Upton spoke about the proposal and stated that there are many deserving individuals who would like to obtain licenses but are unable to do so due to the limited number available. Mr. Grossfield explained that the licenses in the Home Rule Petition would be non-transferrable and would revert back to the city when no longer in use. The licenses currently in existence are transferable, adding to their value, therefore, the addition of these new licenses would not financially impact the value of existing licenses, currently valued at \$65,000 to \$95,000 each.

Several individuals in the restaurant business spoke about how liquor licenses enhance opportunities business by leveling the playing field.

Alderman Connolly's motion, that the Licensing Commission consider amending its licensing regulations to require that new liquor license applicants undergo a training program dealing with the sale of alcohol to underage individuals, was approved.

RESULT: APPROVED

191931 - That the City Solicitor draft an ordinance fining homeowners and contractors who remove a Stop Work order posted by the City on buildings undergoing unauthorized construction work.:

Mr. Shapiro informed the members that the city has this right under existing building codes, already. Vice Chairman White directed the City Solicitor to send a communication to the Superintendent of Inspectional Services, informing him that ISD already has the authority to issue fines and for inspectors to act accordingly.

RESULT: WORK COMPLETED

192033 - William Campbell submitting comments re: H1972, An Act Regulating Election Primaries.:

RESULT: PLACED ON FILE