



CITY OF SOMERVILLE, MASSACHUSETTS

CLERK OF COMMITTEES

December 6, 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	

1. Approval of the November 15, 2018 Minutes

RESULT:	ACCEPTED
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205420: Assistant City Solicitor submitting an updated Condominium/Cooperative Conversion Ordinance.

The committee discussed the two condo conversion items, #202523 and #205420, together. The next step may be a public hearing. Aldermen Davis and McLaughlin felt that the Board had already heard a lot from the public on this issue during the Real Estate Transfer Fee public hearings so there is no need for another public hearing. Others felt there should be an opportunity for residents to speak specifically on this matter. The Chair said that he will consult with other Board members on this but that his inclination at this time is to continue according to plan and to hold a public hearing in late January or early February.

The Committee reviewed the second half of the proposed draft ordinance for changes that might be desired before a public hearing. A number of changes were suggested either by Ms. Shachter for the Administration or by Committee members.

Ms. Shachter had distributed a memo "Alternative notice and relocation requirements" regarding ways to give a break to benevolent landlords from some of the requirements to help tenants who would be displaced through a condominium conversion. The Committee agreed to include recommended language from Ms. Shachter that reduced by two years benevolent landlords' obligations to find displaced tenants a new apartment.

The Administration also proposed changes to the language about the City's and non-profit affordable housing organizations' right to purchase units if the tenants are not interested in doing so and a separate document was distributed to the committee with that new language. This document is attached to the minutes.

Ald. Davis talked about avoiding displacing people who were living in the units. He also stated that the price for a unit, if purchased by tenants or a non-profit affordable housing developer, needs to be fair and not higher than fair market value. Changes will be made to the language in the proposed ordinance to

make sure that this will be the case. Ald. Davis will work with Ms. Shachter to make the changes and review with the law office.

The Chair raised a concern about handicap language which he said is overly broad and vague. Ms. Shachter stated that this definition comes directly from the federal government about eligibility for federal social security disability benefits.

The Chair asked about the number of members on the Condominium Review Board (CRB). He said that there have been quorum issues with only five members and asked would it be better to have seven members? Ms. Carillo responded that there had been an issue when two members left the CRB at the same time. She said that six people have applied for the two open positions on the CRB so she sees no need to increase the number of members. Ald. McLaughlin suggested the term for CRB members should be two years, not three years. It was stated that Planning and Zoning Board of Appeals members' terms are five years. Ald. McLaughlin withdrew his motion on this matter. Ald. Davis would not support reducing to two years but would like to hear the rationale for the number of years.

Next steps will be to prepare for a public hearing and put the slightly revised proposed ordinance and other documents on the website. It was suggested to provide a Questions and Answers (FAQ) sheet and an Executive Summary in the beginning of the draft ordinance as it is too long to expect most people to read it through.

RESULT:	KEPT IN COMMITTEE
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202523: That the City Solicitor prepare a draft ordinance to amend or replace the current Condominium Conversion Ordinance, and incorporate the strongest parts of relevant state law.

For discussion of this item, see #205420.

RESULT:	KEPT IN COMMITTEE
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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.

Planning Dept. staff Sarah White presented and the Committee reviewed a significant number of changes that the Administration had made to the previous version of their proposed revised ordinance following the Public Hearing on the previous draft that was held in July.

Before looking at the revised draft ordinance, the Chair asked staff to respond to suggestions from the public that the City should develop a comprehensive historic property inventory. Ald. Ballantyne said that a number of people in the community had raised the issue of a historic property inventory and that residents do not understand why the City doesn't have a complete one. If the City did, then everyone would know whether their property is historic or not. She said that the City already knows a lot about the buildings that exist due to the tax assessment records in the Assessors' Office. Ms. White from OSPCD Planning Dept stated that there is no complete inventory and that to provide one would be prohibitively expensive. She cited an email sent by Historic Preservation Commission (HPC) Chair Alan Bingham in which he explained in detail why it did not make sense financially to inventory all the properties in the City. The only inventory that exists, Ms. White said, is a small and superficial one. It was done in 1985 and was the only time the city did a study on buildings in Somerville with the purpose of creating a list.

Ms. White described the information needed to determine if buildings can be torn down or are "preferably preserved." This information is different and far more extensive than what the tax assessors have in their database. She described the research that HPC staff perform and said each building requires 6-10 hours of

research to determine its historical significance. She said that the demolition review ordinance has been operational since 2003, and that only a few dozen properties come before the Commission each year, so there is no need to spend millions of dollars to inventory and research every single property in the City.

Ms. White outlined a number of changes made to the draft ordinance by the Administration since the Public Hearing on July 10th. One of the changes was to increase the punishment for an illegal demolition, No building permit issued for three years, now changed to four years after the date of unauthorized demolition.” She stated that the sections on serial demolition and partial demolition had been deleted, and instead there is now proposed that 50% or more of the exterior surface area being demolished would trigger historical review. Demolition does not include removing siding or re-shingling a house or many other routine repairs. It was suggested to use the word “integrity” and to add “structural” for a better explanation. There were questions about what is meant by “demolition by neglect.” This is of concern to Committee members if there is an elderly person who cannot make repairs and Committee members said that this should not be punishable. Committee members agreed that Section 2.10 a-f, which describes what is NOT considered to be demolition, is confusing and should be removed from the ordinance.

Ms. White described changes to section 5.4 for public notice and hearing to complete the historical review process within thirty-five days of opening the public hearing. The Chair asked the planning staff to streamline Sections 5.4 and 6.3. Ald. Ballantyne requested a diagram, a visual map to help people understand the timeline.

There was discussion regarding the Administration’s proposal in the draft ordinance for a maximum of 24 months for the demo review period. Some Aldermen felt that this would be an unfair burden to property owners, would hinder their ability to get loans to redevelop or add an addition to their property. Ms. White stated that the City of Somerville has been using a 9-month period for a while. Mr. Proakis feels that more than 9 months is needed to give the Historic Preservation Commission and staff leverage to get developers to preserve important historic parts of buildings or to memorialize them. Nine months, he said, is just part of the cost of doing business for many developers and will not deter them from waiting and then demolishing an historic building, which would then be lost forever. The Chair voiced strong support for a 24 month period.

A Committee member asked what the timeline is for the building permit phase. Ms. White will look at the average timeline and provide the information to the Committee. The Committee discussed the Administration’s recommendation that City-owned buildings be exempted from the ordinance. Mr. Proakis said that the City cannot dispose of buildings without the approval of the BOA, and that the new revised draft of the ordinance requires that the HPC be given time to develop and share their opinion about the historic value of any City building that was proposed to be developed. In terms of exempt areas of the City, such as Assembly Square, Innerbelt, the Union Square D blocks, and others, Joy Street Studios and Brick Bottom artist lofts were removed from the exemptions map.

Next steps are for Ms. White to come back to the Committee with another revised draft of the ordinance for the Committee to go through it line by line.

RESULT:	KEPT IN COMMITTEE
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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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206483: Somerville YIMBY Committee submitting comments re: #204278, the Demolition Review ordinance.

RESULT:	KEPT IN COMMITTEE
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206484: Justin Rank submitting comments re: #204278, the Demolition Review ordinance.

RESULT:	KEPT IN COMMITTEE
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COMMITTEE MEETING HANDOUTS

1. Condo Conversion edits 202523, 205420
2. Condo Conversion memo 202523, 205420
3. Demo draft ordinance 204278
4. Demo comment 204278
5. Demo before-after 204278
6. Demo Report 662-664 Boston Ave 204278