

NOTICE: This is NOT the official version of the Committee Report as APPROVED by the Board of Aldermen. While reasonable efforts have been made to assure that this is the Committee Report that was presented at a meeting of the Board of Aldermen, you should check the Minutes of that meeting in order to confirm its approval, rejection or amendment. Do not rely on the accuracy of this information without first checking with the City Clerk.

November 29, 2007

REPORT OF THE COMMITTEE ON LAND USE
MEETING IN JOINT SESSION WITH THE PLANNING BOARD

The Committee on Land Use met in Joint Session with the Planning Board on November 29, 2007, with Chairman Sean O'Donovan presiding and Committee Members Aldermen Maryann Heuston and Thomas Taylor also present and voting. Also present were Alderman Rebekah Gewirtz, Dennis Sullivan and William White as well as City Solicitor John Gannon, Chief Assessor Richard Brescia, members of the Planning Board and interested members of the public.

A public hearing was held to receive public comments regarding 3 proposals, as follows:

- **#184229 - Amendment to provide a procedure for a Special Permit to be revoked**

Mr. Gannon cited relevant statutes and told the members that it was the city's opinion that this amendment creates a conflict and therefore, the city would not be able to do it. Mr. Gannon explained that there are certain situations where a special permit may be denied. Alderman Taylor stated that the Board of Appeals may revoke a special permit at any time. Alderman Heuston discussed how some residents have been negatively impacted by ZBA decisions and did not have the financial means to appeal. Alderman Gewirtz stated that she believes that there are reasons to support the proposal and discussed instances where it would be helpful. Alderman Sullivan also expressed support for the proposal. George O'Shea and Nancy Iappini spoke in favor of the proposal. There were no members of the public speaking against the proposal.

- **#184230 - Amendment to prevent issuance of a building permit when taxes are overdue or a lien on a property has not been disclosed**

Mr. Gannon stated that the city already has an ordinance to accomplish this and he explained the protocol involved. There was a discussion about the specific wording of the law, i.e., the use of "may" vs "shall", and Mr. Gannon stated that the state law is an enabling statute that allows cities and towns to have the ability to deny permits. Alderman Heuston suggested that the current ordinance be reworded and discussed at the next regular meetings of the Board of Aldermen and the Legislative Matters Committee. Chairman O'Donovan requested that Alderman Heuston forward a draft of the new language to the City Treasurer.

George O'Shea, Dr. Hanif Butt and Nancy Iappini spoke in favor of the proposal. There were no members of the public speaking against the proposal.

Alderman Taylor's motion *that the City Solicitor draft a letter to all permit granting Authorities and Boards for the City of Somerville, instructing them to enforce the existing Ordinance pertaining to back taxes, fees, licenses and fines, such that no person(s), organization, or business will be granted a permit or license without the payment unpaid fees, fines, etc. to the City of Somerville,* was approved.

- **Amendment to clarify the role of the Planning Board in Planned Unit Development (PUD) applications and districts**

Members of the Planning Board explained that the purpose of this proposal was to make implied powers explicit. There were no comments from the public.

The committee discussed matters before it and took action on the following 2 items:

184229: Ordinance - Ten Registered Voters submitting an Ordinance to provide a procedure for a Special Permit to be revoked.

RECOMMENDATION: Should be placed on file

VOTE: 2 - 1 in favor

184230: Ordinance - Ten Registered Voters submitting an Ordinance to prevent issuance of a Building Permit when taxes are overdue or a lien on a property has not been disclosed

RECOMMENDATION: Should be placed on file

VOTE: Unanimous, 3 - 0 in favor

Alderman Sean T. O'Donovan, Chairman
Committee on Land Use

COMMITTEE REPORT

Report of the Committee on Land Use,
meeting in Joint Session with the Planning
Board, November 29, 2007

In Board of Aldermen

Clerk