

# SENATE NO. 2167

## **AN ACT** ESTABLISHING A PROJECT MITIGATION CONTRIBUTION ("LINKAGE") PROGRAM FOR OPEN SPACE AND HISTORIC PRESERVATION IN THE CITY OF SOMERVILLE

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. *Findings and Purpose.* Whereas, the City of Somerville is undergoing a period of  
2 substantial growth in real estate development and this growth is attracting an increasing number of  
3 workers and residents to a city that is already one of the most densely populated urban areas in the  
4 United States; and

5 *Whereas*, this growth is having direct and indirect impacts on the city's open space and recreational  
6 facilities and historic buildings and places;

7 *Now Therefore*, the purpose of this Act is to ensure that developers shall contribute a fair share to the  
8 direct and indirect impacts of future development on the City of Somerville's open space and  
9 recreational facilities and on the City of Somerville's historic buildings and places

10 SECTION 2. Establishment of a Linkage Fee Ordinance for Open Space and Historic Preservation.

11 (A) The City of Somerville may, by ordinance, require the payment of an open space/historic  
12 preservation linkage fee for any project that (1) requires zoning relief, including without limitation, a

13 special permit, special permit with site plan review, a variance, and/or site plan approval; and (2)  
14 contains a single use or combination of uses exceeding a square foot threshold to be determined from  
15 time to time by the Board of Aldermen. The ordinance shall specify the dollar amount of the linkage  
16 fee; the method by which it shall be increased from time to time; and the types of uses to which it shall  
17 apply.

18 (B) The City shall have the authority to create a distinct and separate revolving fund account into  
19 which open space/historic preservation linkage fees shall be paid, and no such fee shall be paid to the  
20 City's general treasury or used as general revenues subject to the provisions of section fifty-three of  
21 chapter forty-four of the General Laws. The funds in such revolving fund account shall be  
22 administered by the trustees of a municipal open space/historic preservation trust fund established by  
23 the Board of Aldermen for the purposes of constructing and maintaining open space and recreational  
24 facilities and preservation of historic buildings and places.

25 SECTION 3. This Act shall be effective upon passage.