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CITY OF SOMERVILLE, MASSACHUSETTS  
ELECTION DEPARTMENT

CITY CLERK'S OFFICE  
SOMERVILLE, MA

JOSEPH A. CURTATONE  
MAYOR

February 15, 2018

John J Long  
City Clerk  
Somerville City Hall  
93 Highland Avenue  
Somerville, Ma 02143

Dear Mr. Long:

We hereby certify that the petition given to us by your office contains the names of  
Fifteen (15) registered Somerville voter designated as such by a red check mark to the left of the name.

BOARD OF ELECTION COMMISSIONERS

*Anthony Albano*  
*[Signature]*  
*Louise A. McCarthy*  
*Richard P. Salerno*



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 4200 • FAX: (617) 625-5643  
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CITY OF SOMERVILLE

ORDINANCE NO. \_\_\_\_\_

CITY CLERK'S OFFICE  
SOMERVILLE, MA

IN THE BOARD OF ALDERMEN: \_\_\_\_\_

**AN ORDINANCE AMENDING ARTICLE 7 OF THE SOMERVILLE ZONING ORDINANCES TO REGULATE THE SITING OF HOUSING, SCHOOLS, PRESCHOOLS, AND LONG TERM CARE FACILITIES NEAR HEAVILY TRAFFICKED ROADWAYS**

WHEREAS a considerable body of peer reviewed research has studied the health effects of exposure to hazardous vehicular emissions, including but not limited to ultrafine particulates, and has determined that such exposure exacerbates the risk of heart and lung disease, stroke, and asthma, and is especially problematic for pregnant women, children, and older adults with compromised health; and whereas the Community Assessment of Freeway Exposure and Health (CAFEH) Study conducted in Somerville and other communities along Interstate 93 specifically linked increased risk of cardiovascular disease to exposure to ultrafine particulates;

AND WHEREAS research indicates that dangerous concentrations of ultrafine particulates and other emissions are found as far as 1,000 to 1,500 feet from heavily trafficked roadways, depending on time of day, traffic patterns, and weather and wind patterns, but that some of the highest concentrations are within 500 feet of the roadway;

AND WHEREAS with more than 143,000 average daily weekday vehicle trips,<sup>1</sup> the stretch of Interstate 93 in Somerville is the greatest source of such emissions in the City;

AND WHEREAS other less heavily trafficked but routinely congested roads, such as the Somerville portions of McGrath Highway and Alewife Brook Parkway -- each of which carries a weekday average of between 25,000 and 50,000 vehicle trips<sup>2</sup> -- also generate harmful levels of vehicular emissions, including ultrafine particulates;

AND WHEREAS vehicle emissions from roads with lower traffic volumes may nonetheless pose a health risk to nearby residents, either because of air flow patterns, or due to the nature of traffic patterns on those lower volume roads, or because the smaller roads' close proximity to other roads with heavier traffic result in higher combined levels of vehicular emissions, including ultrafine particulates;

AND WHEREAS buildings located near such heavily trafficked roadways leave their occupants vulnerable to the adverse health effects associated with exposure to such hazardous vehicular emissions, if those buildings lack adequately filtered mechanical ventilation systems, and other mechanisms for preventing the contaminated ambient air from entering the building;

AND WHEREAS the risk from such hazardous emissions may be mitigated by building and environmental design and by the use of the highest quality filtration technology, including MERV 16 filtration systems;

AND WHEREAS the effectiveness of systems in reducing the most hazardous pollutants and emissions from an indoor environment may be measured in terms of the percentage of ultrafine particulates removed, as compared to the outdoor air source, since any system that filters out ultrafine particulates also filters out larger particulates;

AND WHEREAS the effectiveness of such filtration systems depends on regular maintenance of said systems, routine replacement of filters (by the property owner, in the case of rental units, pursuant to the provisions of the Massachusetts State Sanitary Code, 105 CMR 410.351(A)), and periodic testing to assess the continuing effectiveness of such systems, and to identify any system performance deficiencies that should be addressed;

NOW THEREFORE, be it adopted by the Board of Aldermen, in session assembled, that Article 7 of the Somerville Zoning Ordinance is amended by adding a new Section 7.16 as follows:

<sup>1</sup> See Minegishi, Kaufman, Allen, & Macintosh (2008). "Assessing the impact of increased traffic-related air pollution associated with a proposed development in a densely populated urban area." Presented at the 136th Annual Meeting and Exposition of the American Public Health Association (2008).

<sup>2</sup> According to a 2013 study of McGrath Highway (pp.76-86), average daily traffic on that road is less than 40,000 trips. Traffic count data from the City of Cambridge suggests that Alewife Brook Parkway may have average daily traffic as high as 45,000 trips.

**ARTICLE 7: PERMITTED USES****Section 7.16 - Siting of housing, schools, preschool facilities, and long term care facilities, including skilled nursing facilities near heavily trafficked roadways.**

(1) **Purpose.** The purpose of this Section is to regulate the siting of housing, schools, preschool facilities, and long term care facilities, including skilled nursing facilities, in locations where occupants are likely to be at risk of exposure to hazardous vehicular emissions, including but not limited to **ultrafine particulates**, as a result of the proximity of said building or facility to a **heavily trafficked roadway**, as defined herein.

Specifically, the provisions of this Section would prohibit the construction of such buildings and facilities, any part of whose footprint is within the herein specified **buffering distance** from the roadway, unless:

(a) The building design and building systems have the capacity to **adequately mitigate exposure by occupants to hazardous vehicular emissions**, including ultrafine particulates, emanating from vehicles on said roadways; and

(b) Such construction is accompanied by an ongoing and enduring commitment to maintain adequate mitigation measures with respect to occupants' exposure to such hazardous vehicular emissions, as described herein.

(2) **Definitions.** For the purposes of this Section, the following terms shall have the following meanings:

(a) "**Heavily trafficked roadways**" shall mean the Somerville portions of Interstate 93, Monsignor McGrath Highway, and Alewife Brook Parkway, and the portion of Mystic Avenue between Grand Union Boulevard/Mount Vernon Street and Moreland Street, which because of its proximity to Interstate 93, effectively functions with Interstate 93 as a combined source of vehicle emissions; provided that pursuant to the provisions of paragraph (7), the Board of Aldermen may, from time to time, so designate other roadways -- for example, one or more of the roadways carrying traffic to or from Union Square -- based on their levels of traffic and congestion, and/or based on other factors that contribute to their being a source of hazardous levels of vehicular emissions;

(b) For Interstate 93 and the coterminous portion of Mystic Avenue, as described in (2)(a), the "**buffering distance**" shall be 500 feet, measured from the portion of the building footprint that is closest to the roadway to the nearest edge of the closest travel lane in that roadway. For McGrath Highway and Alewife Brook Parkway, the **buffering distance** shall be 250 feet, similarly measured. For any roadway designated as a heavily trafficked roadway by the Board of Aldermen pursuant to paragraph (7), the buffering distance shall be set by the Board of Aldermen, informed by the recommendations of the Health Department, the Director of Health and Human Services, and the testimony of scientists, researchers, and other recognized authorities with relevant expertise.

(c) "**Section 7.16 Covered Project**" shall mean the construction of housing, a school, preschool facility, or long term care facility, such as a skilled nursing facility, or the substantial renovation and/or re-purposing of an existing building for one of those uses, if all or part of the footprint of the building or facility is or would be within the specified buffering distance of a heavily trafficked roadway, as defined herein.

(d) "**Ultrafine particulates**" shall mean particulate matter with a diameter no greater than 0.1 micrometers, or equivalently, a diameter no greater than 100 nanometers.

(e) "**Adequately mitigating exposure to hazardous vehicular emissions**" shall mean implementation of a system consisting of one or more mitigation strategies, including but not limited to filtration, that sufficiently reduces the concentration of ultrafine particulates in the indoor environment as compared to the outdoor air, as measured by a properly calibrated condensation particle counter over a period of 72 consecutive weekday hours, as part of an independent assessment conducted by a reputable, technically qualified entity; provided that:

(i) **Buildings that have yet to receive a certificate of occupancy.** For buildings that have yet to receive a certificate of occupancy, a determination that a mitigation system adequately mitigates the exposure to hazardous vehicular emissions shall require a finding that the system reduces indoor ultrafine particulate levels by 80% relative to the particulate levels in the untreated outdoor air that would enter through an open window; provided that:

(A) In the case of residential buildings that have yet to receive a certificate of occupancy, such a determination shall require separate assessments of the concentration of ultrafine particulates in apartments in different parts

of the building, with an emphasis on apartments in locations where occupants would likely have a higher risk of exposure to hazardous emissions in the absence of a well-performing mitigation system; and provided further that the number and locations of apartments so assessed shall be determined in consultation with the Inspectional Services Department (ISD), the Director of Health and Human Services, and/or their designee.

(B) In the case of schools, preschool facilities, and long term care facilities that have yet to receive a certificate of occupancy, such a determination shall require separate assessments of the concentration of ultrafine particulates in rooms in different parts of the building, with an emphasis on locations in the building where occupants would likely have a higher risk of exposure to hazardous emissions in the absence of a well-performing mitigation system; and provided further that the number and locations of rooms so assessed shall be determined in consultation with the ISD, the Director of Health and Human Services, and/or their designee.

(ii) **Apartment Buildings that have already received a certificate of occupancy.** The procedures and requirements for assessing the adequacy of mitigation systems in tenanted apartment buildings shall be the same as those for assessing the adequacy of mitigation systems in apartment buildings that have not yet received their certificate of occupancy, except that: (A) All such assessments shall be performed during the winter months; and (B) In the case of occupied apartments, a concentration of ultrafine particulates in any such apartment that exceeds the level specified in subparagraph (i) shall not be deemed as evidence of an inadequately performing mitigation system, if the higher concentration of ultrafine particulates in that apartment can be reasonably and fully explained by human activity, which shall be documented in the report accompanying the assessment.

(iii) **Schools, preschool facilities, and long term care facilities that have already received a certificate of occupancy.** The procedures and requirements for assessing the adequacy of mitigation systems in schools, preschool facilities, and long term care facilities that are in regular use shall be the same as those for assessing the adequacy of mitigation systems in such buildings or facilities that have not yet received their certificate of occupancy, except that: (A) All such assessments shall be performed during the winter months; and (B) A concentration of ultrafine particulates in any room or building location that exceeds the level specified in subparagraph (i) shall not be deemed as evidence of an inadequately performing mitigation system, if the higher concentration of ultrafine particulates in that room or building location can be reasonably and fully explained by human activity, which shall be documented in the report accompanying the assessment.

(iv) The Director of Health and Human Services, in consultation with the Board of Health and Inspectional Services Department (ISD), shall periodically, but no less frequently than every five years, provide the Board of Aldermen with a brief report summarizing the capability and cost of current technology for mitigating exposure to hazardous vehicular emissions in proximate buildings; making recommendations as to the appropriateness of the standard of mitigation herein established; and suggesting any modifications thereto.

(3) **Requirements.** The Special Permit Granting Authority (SPGA) shall make a determination as to whether a project seeking a special permit meets the definition of a Section 7.16 Covered Project. Notwithstanding any other provisions of the Zoning Ordinances, the SPGA shall not approve an otherwise satisfactory application for a special permit for a Section 7.16 Covered Project, and the ISD shall not approve an otherwise satisfactory application for a building permit for a Section 7.16 Covered Project, nor shall the ISD approve an otherwise satisfactory application for a Certificate of Occupancy for a Section 7.16 Covered Project unless the following conditions have been met, except as provided for in paragraph (3)(d):

(a) **Special Permit:** In addition to the requirements established elsewhere in this Ordinance, the applicant for a special permit for a Section 7.16 Covered Project shall be required to submit:

(i) A plan (hereinafter "**mitigation plan**"), developed and signed by a reputable, technically qualified entity and approved by the ISD and/or Department of Health and Human Services -- incorporating, for example, building design, natural and structural barriers, air filtration, and/or other technologies -- to adequately mitigate exposure by building or facility occupants to hazardous vehicular emissions, including ultrafine particulates;

(ii) An executed Covenant, filed with the Middlesex South Registry of Deeds, or filed with the Land Registration office, committing the Applicant to compliance with the requirements stated herein, and binding its affiliates,

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successors, and assigns to those same obligations, for as long as the building is used for a purpose which made it subject to this Section; and

(iii) An executed Covenant, filed with the Middlesex South Registry of Deeds, or filed with the Land Registration office, committing the Applicant (and its affiliates, successors, and assigns) to annually provide to the ISD the name and contact information of the property owner or a locally available responsible party; documentation about any trainings provided to building management staff pursuant to (3)(b)(ii); documentation about the scope and findings of any assessments conducted pursuant to (3)(b)(iii); documentation about any routine maintenance of the mitigation system, pursuant to (3)(b)(iv); and documentation about any steps taken to remediate system performance deficiencies, pursuant to (3)(b)(v) or to remedy inspection findings pursuant to paragraph (5); provided, however, that such documentation shall be available during normal business hours for review by the public at the office of the ISD.

**(b) Building Permit:** In addition to the requirements established elsewhere in this Ordinance, the applicant for a building permit for a Section 7.16 Covered Project shall be required to submit an executed Covenant, filed with the Middlesex South Registry of Deeds, or filed with the Land Registration office, committing the Applicant (and its affiliates, successors, and assigns) affirming the applicant's commitment to retain the entity that developed the mitigation plan in (3)(a)(i) or another reputable, technically qualified entity:

(i) To ensure adherence to the mitigation plan with respect to design and construction of the building or facility and any structural or natural barriers, and installation of the air filtration system and/or other technologies included in the mitigation plan;

(ii) To train and periodically, but not less often than every two years for as long as the building or facility is operated as housing, a school, preschool, or long-term care facility, refresh the training of appropriate building or facility management staff in the ongoing operation and maintenance of the mitigation system;

(iii) To periodically, but not less often than every two years for as long as the building or facility is operated as housing, a school, preschool, or long-term care facility, arrange for, and report on the results of, an independent assessment of the performance of the mitigation system, conducted and evaluated in accordance with the provisions of paragraph (2)(e)(ii) or (2)(e)(iii), depending on the type of building or facility;

(iv) To ensure and oversee the completion of all routine maintenance necessary to the proper functioning of the mitigation system, including timely replacement of filters and other consumable materials, in accordance with manufacturer specifications, for as long as the building or facility is operated as housing, a school, preschool, or long-term care facility; and

(v) To consult with ISD, the Director of Health and Human Services, and/or their designee regarding the results of, and potential need for remedial action pursuant to, any assessments conducted pursuant to (3)(b)(iii) in which the documented level of mitigation failed to meet the standard specified in subparagraph (2)(e)(ii) or (2)(e)(iii), depending on the type of building; and to ensure the prompt completion of repairs and/or maintenance needed to address deficient performance identified by any such assessments, or by any inspections conducted pursuant to paragraph (5).

**(c) Certificate of Occupancy:** In addition to the requirements established elsewhere in this Ordinance, the applicant for a Certificate of Occupancy for a Section 7.16 Covered Project shall be required to submit:

(i) A signed affidavit by the reputable, technically qualified entity(s) cited in (3)(b) certifying that:

(A) Design and construction of the building or facility and any structural or natural barriers included in the mitigation plan, and installation of the air filtering system and/or other technologies included in the mitigation plan were completed in compliance with said mitigation plan; provided that if there was any deviation from that mitigation plan, the signed affidavit shall include a description of such deviation, the reasons for such deviation, and an explanation of why such deviation will not result in any lesser protection for the building occupants; and

(B) Appropriate building or facility management staff members have been trained in the ongoing operation and maintenance of the mitigation system; and

(ii) A signed affidavit by a reputable, technically qualified entity that conducted an independent assessment of the performance of the mitigation system, affirming that said assessment was conducted in accordance with the provisions of (2)(e); conveying the results of that assessment; and concluding that based on those results, the system could be said to adequately mitigate exposure to hazardous vehicular emissions, as defined in (2)(e)(i).

(d) **Exemption of owner-occupied housing and condominium apartments not used for rental purposes:** Units of housing, including condominium apartments, that are occupied by their owners and not used for rental purposes shall not, once they have met the conditions in (3)(c) for a certificate of occupancy, be subject to the requirements in (3)(b)(iii), (3)(b)(iv), or (3)(b)(v); the inspections described in paragraph (5); or the fines described in paragraph (6); provided, however that the owners of such condominium apartments shall be advised by the applicant (or its affiliate, successor, or assign) and by the relevant condominium association that all of those requirements and provisions would become applicable if and when their units were used for rental purposes.

**(4) Municipal School Buildings and Preschool Facilities.**

(a) No municipally-owned school or preschool facility shall be constructed, and no existing building shall be substantially renovated and re-purposed for use as a municipally-owned school or preschool facility, if such school or preschool facility would meet the definition of a Section 7.16 Covered Project, unless a reputable, technically qualified entity, under contract with the School Department, has developed a plan, approved by the Superintendent and School Committee, for adequately mitigating exposure by building occupants to hazardous vehicular emissions, including ultrafine particulates, coming from said roadway.

(b) No such constructed or renovated and re-purposed building or facility shall be used for its designated purpose as a school or preschool facility, unless a reputable, technically qualified entity, under contract with the School Department, has (i) monitored the construction of said building or facility to ensure satisfactory implementation of the mitigation plan described in subparagraph (a); (ii) trained and periodically, but not less often than every two years, refreshed the training of appropriate School Department staff in the ongoing operation and maintenance of the mitigation systems; (iii) assessed the performance of such mitigation systems and certified that they adequately mitigate exposure by building occupants to hazardous vehicular emissions; provided that such assessments shall be conducted prior to the inaugural use of the building, and not less often than every two years thereafter during the winter months, for the entire useful lifetime of the building or facility; and provided further that such assessments shall, in accordance with the applicable provisions of paragraph (2)(e), measure and compare to the outside air the concentration of ultrafine particulates in different rooms and locations of the building or facility, including rooms and locations where occupants might reasonably be expected to be at higher risk of exposure to hazardous emissions in the absence of a well-functioning mitigation system; and provided further that the findings from such assessments and documentation of the steps taken to remedy any mitigation-related deficiencies identified by such assessments shall be reported and available for public inspection.

(c) The Superintendent shall annually report to the School Committee on compliance with these requirements.

(5) **Inspection of Buildings Not Municipally Owned.** In order to ensure that their mitigation systems are achieving an adequate level of mitigation, and that their building or facility is in compliance with requirements defined herein and with commitments in the Covenants executed and recorded pursuant to the provisions of paragraph (3), the ISD will regularly, but not less often than every two years, review the documentation submitted pursuant to subparagraph (3)(a)(iii); conduct a supplemental inspection of residential buildings, schools, preschool facilities, and long term care facilities whose construction or substantial renovation and re-purposing qualified them as Section 7.16 covered projects; notify the property owner or locally available responsible party of the results of that document review and inspection and of any deficiencies which must be addressed; and publicly report on the findings of such document review and supplemental inspection.

**(6) Fines.**

(a) **Instances of Non-Compliance.** Except as provided for in paragraph (3)(d), each of the following shall constitute an instance of non-compliance by a privately owned residential property, school, preschool facility, or long term

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care facility subject to the provisions of this Section, which if not promptly corrected, will result in a fine assessed by the ISD as a lien on that property, as described below:

- (i) Failure to train and periodically -- but not less often than every two years for as long as the building or facility is operated as housing, a school, preschool, or long-term care facility -- refresh the training of appropriate building or facility management staff in the ongoing operation and maintenance of the mitigation system;
- (ii) Failure to periodically -- but not less often than every two years for as long as the building or facility is operated as housing, a school, preschool, or long-term care facility -- arrange for, and report on the findings of, an independent assessment of the mitigation system's performance, consistent with the requirements of (3)(b)(iii);
- (iii) Failure to complete all routine maintenance necessary to the proper functioning of the mitigation system, including timely replacement of filters and other consumable materials, as specified by their manufacturer, for as long as the building or facility is used as housing, a school, preschool, or long-term care facility; and
- (iv) Failure to engage in timely consultation with the ISD, Director of Health and Human Services, and/or their designee, if required pursuant to (3)(b)(v), or failure to promptly complete repairs and/or maintenance needed to address deficient performance identified by an assessment conducted pursuant to (3)(b)(iii) or an inspection by the ISD, pursuant to paragraph (5).

(b) **Notice of Violation.** The ISD shall issue an initial notice of violation to the property owner and/or locally available responsible party for each instance of non-compliance, as defined in (6)(a). From the date of such notice, the owner or responsible party will have 10 business days to cure an instance of non-compliance. If an instance of non-compliance is not cured within that time, a violation shall be recorded as of the 10<sup>th</sup> business day following the initial notice of violation, and a separate violation shall be recorded for each subsequent day that the instance of non-compliance is not cured; provided, however, that the burden of proof for demonstrating that an instance of non-compliance has been cured shall rest with the owner or other responsible party.

(c) **Assessment of Fines.** In accordance with §1.1.7 Fines and Penalties, the Building Official shall assess a fine of \$300 for each such violation, as defined in subparagraph (b).

(7) **Periodic Review of This Ordinance.** From time to time, and no less often than every five years, the Board of Aldermen shall hold a public hearing to receive testimony from the Director of Health and Human Services, the Board of Health, the Director of the Traffic Department, and/or other persons or organizations with relevant expertise on levels of traffic or congestion, on scientific research or data pertaining to vehicular emissions and/or the risk they pose to people, and/or on technological developments pertaining to the mitigation of exposure to such vehicular emissions, to determine whether this Ordinance should be amended in one of the following ways: (a) whether the definition of heavily trafficked roadways in paragraph (2)(a) should be amended to add roadways or portions of roadways not already listed in that definition, and to define a buffering distance pertaining to such newly designated roadways, or to remove currently listed roadways or portions of roadways; (b) whether the definition of buffering distance in paragraph (2)(b) should be amended to increase or decrease the buffering distance for any heavily trafficked roadways; and (c) whether the definition of adequately mitigating exposure to hazardous vehicular emissions in paragraph (2)(c) should be amended, so as to establish a different standard.

Printed Name	Signature	Somerville Street Address
✓ Frederic Berman	<i>Frederic Berman</i>	25 Cherry St. 53
✓ Robert Buchanan	<i>Robert Buchanan</i>	16 Wesley Park 31
✓ Anne Tate	<i>Anne Tate</i>	140 Sycamore St. 43
✓ David Gibbs	<i>David Gibbs</i>	9 Linden Pl. 53
✓ Victoria Antonino	<i>Victoria Antonino</i>	65 Boston St Apt 10

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care facility subject to the provisions of this Section, which if not promptly corrected, will result in a fine assessed by the ISD as a lien on that property, as described below:

- (i) Failure to train and periodically -- but not less often than every two years for as long as the building or facility is operated as housing, a school, preschool, or long-term care facility -- refresh the training of appropriate building or facility management staff in the ongoing operation and maintenance of the mitigation system;
- (ii) Failure to periodically -- but not less often than every two years for as long as the building or facility is operated as housing, a school, preschool, or long-term care facility -- arrange for, and report on the findings of, an independent assessment of the mitigation system's performance, consistent with the requirements of (3)(b)(iii);
- (iii) Failure to complete all routine maintenance necessary to the proper functioning of the mitigation system, including timely replacement of filters and other consumable materials, as specified by their manufacturer, for as long as the building or facility is used as housing, a school, preschool, or long-term care facility; and
- (iv) Failure to engage in timely consultation with the ISD, Director of Health and Human Services, and/or their designee, if required pursuant to (3)(b)(v), or failure to promptly complete repairs and/or maintenance needed to address deficient performance identified by an assessment conducted pursuant to (3)(b)(iii) or an inspection by the ISD, pursuant to paragraph (5).

(b) **Notice of Violation.** The ISD shall issue an initial notice of violation to the property owner and/or locally available responsible party for each instance of non-compliance, as defined in (6)(a). From the date of such notice, the owner or responsible party will have 10 business days to cure an instance of non-compliance. If an instance of non-compliance is not cured within that time, a violation shall be recorded as of the 10<sup>th</sup> business day following the initial notice of violation, and a separate violation shall be recorded for each subsequent day that the instance of non-compliance is not cured; provided, however, that the burden of proof for demonstrating that an instance of non-compliance has been cured shall rest with the owner or other responsible party.

(c) **Assessment of Fines.** In accordance with §1.1.7 Fines and Penalties, the Building Official shall assess a fine of \$300 for each such violation, as defined in subparagraph (b).

(7) **Periodic Review of This Ordinance.** From time to time, and no less often than every five years, the Board of Aldermen shall hold a public hearing to receive testimony from the Director of Health and Human Services, the Board of Health, the Director of the Traffic Department, and/or other persons or organizations with relevant expertise on levels of traffic or congestion, on scientific research or data pertaining to vehicular emissions and/or the risk they pose to people, and/or on technological developments pertaining to the mitigation of exposure to such vehicular emissions, to determine whether this Ordinance should be amended in one of the following ways: (a) whether the definition of heavily trafficked roadways in paragraph (2)(a) should be amended to add roadways or portions of roadways not already listed in that definition, and to define a buffering distance pertaining to such newly designated roadways, or to remove currently listed roadways or portions of roadways; (b) whether the definition of buffering distance in paragraph (2)(b) should be amended to increase or decrease the buffering distance for any heavily trafficked roadways; and (c) whether the definition of adequately mitigating exposure to hazardous vehicular emissions in paragraph (2)(c) should be amended, so as to establish a different standard.

Printed Name	Signature	Somerville Street Address
DAVID PAHLBACK	<i>David Pahlback</i>	25 HANCOCK ST. Somerville 3-1
Renee Scott	<i>RS</i>	63 Boston St., #23 3-1
David Scott	<i>David Scott</i>	63 Boston St #2 3-1
<del>M. Hansen</del>	<i>M. Hansen</i>	26 Warren Ave. 3-1
William T. Gage	<i>William T. Gage</i>	58 Columbus Ave. 3-1



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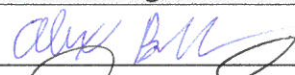
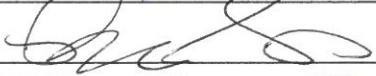
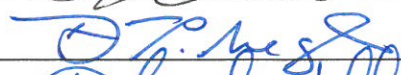
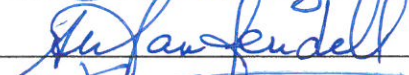
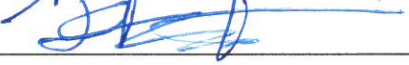
care facility subject to the provisions of this Section, which if not promptly corrected, will result in a fine assessed by the ISD as a lien on that property, as described below:

- (i) Failure to train and periodically -- but not less often than every two years for as long as the building or facility is operated as housing, a school, preschool, or long-term care facility -- refresh the training of appropriate building or facility management staff in the ongoing operation and maintenance of the mitigation system;
- (ii) Failure to periodically -- but not less often than every two years for as long as the building or facility is operated as housing, a school, preschool, or long-term care facility -- arrange for, and report on the findings of, an independent assessment of the mitigation system's performance, consistent with the requirements of (3)(b)(iii);
- (iii) Failure to complete all routine maintenance necessary to the proper functioning of the mitigation system, including timely replacement of filters and other consumable materials, as specified by their manufacturer, for as long as the building or facility is used as housing, a school, preschool, or long-term care facility; and
- (iv) Failure to engage in timely consultation with the ISD, Director of Health and Human Services, and/or their designee, if required pursuant to (3)(b)(v), or failure to promptly complete repairs and/or maintenance needed to address deficient performance identified by an assessment conducted pursuant to (3)(b)(iii) or an inspection by the ISD, pursuant to paragraph (5).

(b) **Notice of Violation.** The ISD shall issue an initial notice of violation to the property owner and/or locally available responsible party for each instance of non-compliance, as defined in (6)(a). From the date of such notice, the owner or responsible party will have 10 business days to cure an instance of non-compliance. If an instance of non-compliance is not cured within that time, a violation shall be recorded as of the 10<sup>th</sup> business day following the initial notice of violation, and a separate violation shall be recorded for each subsequent day that the instance of non-compliance is not cured; provided, however, that the burden of proof for demonstrating that an instance of non-compliance has been cured shall rest with the owner or other responsible party.

(c) **Assessment of Fines.** In accordance with §1.1.7 Fines and Penalties, the Building Official shall assess a fine of \$300 for each such violation, as defined in subparagraph (b).

(7) **Periodic Review of This Ordinance.** From time to time, and no less often than every five years, the Board of Aldermen shall hold a public hearing to receive testimony from the Director of Health and Human Services, the Board of Health, the Director of the Traffic Department, and/or other persons or organizations with relevant expertise on levels of traffic or congestion, on scientific research or data pertaining to vehicular emissions and/or the risk they pose to people, and/or on technological developments pertaining to the mitigation of exposure to such vehicular emissions, to determine whether this Ordinance should be amended in one of the following ways: (a) whether the definition of heavily trafficked roadways in paragraph (2)(a) should be amended to add roadways or portions of roadways not already listed in that definition, and to define a buffering distance pertaining to such newly designated roadways, or to remove currently listed roadways or portions of roadways; (b) whether the definition of buffering distance in paragraph (2)(b) should be amended to increase or decrease the buffering distance for any heavily trafficked roadways; and (c) whether the definition of adequately mitigating exposure to hazardous vehicular emissions in paragraph (2)(c) should be amended, so as to establish a different standard.

Printed Name	Signature	Somerville Street Address
✓ Alex Bob		8 Brastow Ave 3L 33
✓ Barbara Steiner		29 Quincey St # 2 02143-1
✓ DONALD NEGRO		6 STANLEY HILL TR 02143-3
✓ Susan Fendell		39 Simpson Ave # 2 13
✓ David Tisel		5 Lester Terrace 1