



**CITY OF SOMERVILLE, MASSACHUSETTS  
SOMERVILLE REDEVELOPMENT AUTHORITY**

**JOSEPH A. CURTATONE  
MAYOR**

*NANCY A. BUSNACH*  
*CHAIR*

**MINUTES**

Somerville Redevelopment Authority  
Thursday, March 7, 2019 at 5:00 p.m.  
Somerville High School, Library  
81 Highland Ave

Present from the Somerville Redevelopment Authority (SRA): Nancy Busnach (Chair), Iwona Bonney (Secretary), William Gage, Phil Ercolini and Ben Ewen-Campen. Also present were Eileen McGettigan as Special Counsel, Thomas Galligani as Director of Economic Development, and Sunayana Thomas as Senior Economic Development Planner.

Nancy Busnach, Chair, called the meeting to order at 5:00PM. Open session commenced. A quorum was present.

**Documents and Other Exhibits Used at the Meeting**

- i. Notice of Meeting and Meeting Agenda
- ii. Draft February 7, 2019 Minutes
- iii. OSPCD Housing Division Memo
- iv. D-2 Block Development Phase Approval and Estoppel Certificate
- v. 90 Washington Order of Taking
- vi. Handwritten Note to William Gage from Jacob Kramer

**Discussion and Actions Taken**

**1. Approval of February Minutes:**

- Motion by William Gage, seconded by Iwona Bonney
- No discussion
- Unanimously approved

**2. Assembly Square Update**

Sunayana Thomas provided the update for Assembly Square.

- Assembly Row Update

- Block 5A
    - La Cucina restaurant and “grab and go” opened in February.
  - Block 5B
    - Puma – lease signed for 150,000 square feet out of 275,000 square feet of total building. Anticipated number of employees is 550.
  - Block 3
    - Levi’s – opening in May
  - Block 11
    - Ruth’s Chris – opening in Quarter 4 of 2019.
    - Parelli Optical – opening in August
    - AR Nail Bar – opening in April
  - Alloy – affordable housing lottery completed and all units occupied.
  - Construction continues on Blocks 8 and 5B
- Ms. Thomas reported that the estimated total number of employees at Assembly including Partners is currently 6,000.

### **3. Union Square Update:**

Greg Karczewski, President of US2, gave updates on Union Square.

- US2 continues to work diligently on their project by implementing the elements of the Neighborhood Plan. They submitted the MEPA Draft Environmental Impact Report (DEIR) on January 15, 2019 with revisions as suggested from the SRA. The comment period was extended at the community’s request and closed on March 1<sup>st</sup>. A final EIR is the next step in the process.
- The Design Site Plan Review application was submitted to the City and will be reviewed by the Planning Board.
- Meetings continue with the MBTA, the GLX contractor, and the City regarding logistics and scheduling construction for site access. The GLX contractor anticipates beginning construction for Union Square station in August 2019.
- US2 reports positive progress in its work with the Neighborhood Council for a Community Benefits Agreement (“CBA”). The parties are identifying areas of commonality and updating the term sheet.
- Mr. Ewen-Campen asked what the MEPA certification provides and whether it was possible to provide a timeline to when the negotiations for a CBA would be completed.
  - Mr. Karczewski explained that the MEPA certificate outlines scope and the agency reviews the application with comments from state agencies and stakeholders. The certificate synthesizes the comments and provides the scope of response necessary in a final EIR.
  - He reported that they are making good progress with the CBA; however, it is difficult to estimate a timeline because the Neighborhood Council has to vote to decide whether an agreement is acceptable to its members.

- D2.1 will include 180,000 square feet of total commercial space at the corner of Prospect and Somerville Ave. The project will generate 400 jobs and \$1 million in commercial tax revenue and is important to activate the area during the day.
- US2 announced and introduced their life science development partner, Skanska and provided the board with a packet of information that included Skanska's experience, financial background, project examples, etc.
- Mr. Ewen-Campen commended the team for bringing on Skanska and helping to achieve a citywide goal to attract this specific industry into Somerville because of our proximity to Kendall and Harvard Squares. He was encouraged that Skanska was interested to bring life science businesses into Union Square and by the jobs that will be generated.
- Mr. Ewen-Campen requested an explanation of how these types of development partnerships are executed; whether it materially changes any agreements with US2, the MLDA or covenant.
- Mr. Karczewski explained that presuming that they close an agreement with Skanska; it would be a joint venture to implement the project together. US2 would continue to work with their partners to make sure there is continuity with the master plan and all other agreements.
- Ms. McGettigan explained that this agreement does change the MLDA in that it takes the MLDA and divides the obligations among the entities implementing the phases of the project. For example, Skanska will be responsible for those obligations related to D2.1. US2's special purpose entities will be responsible for their respective obligations on D2.2/2.3 and D2.4. US2, the Master Developer, will be responsible for any remaining obligations. The reverter clause applies to all parcels regardless of ownership. Under the terms of the MLDA, the SRA does not have the authority to withhold or delay approval of the phasing of the project but it does have the right, in its sole discretion, to object to an assignment of the agreement to a new entity.
- Mr. Gage asked whether we have a time frame for how the phasing will be implemented.
- Mr. Karczewski explained that the intention is to purchase the D2 Block from SRA and start construction on the entire block in the fall and complete construction by the end of 2021 in conjunction with the GLX opening in 2021.
- US2 will continue to finalize the CBA, not Skanska.
- Skanska will finance the lab portion of the project (D2.1).
- Jacob Kramer, a Union Square Neighborhood Council board member, gave a note to SRA member William Gage during the meeting. That note was passed to three other members of the board. Legal counsel interjected and read aloud the note in accordance with open meeting law requirements. The note

requested recognition of the Union Square Neighborhood Council at the meeting.

- Jacob Kramer then interrupted the meeting and demanded that he be permitted to comment on the agenda.
- Ms. McGettigan noted that allowing Mr. Kramer to speak would be entirely at the discretion of the Chair, as the meeting was a public meeting, not a public hearing, and therefore public comment was not on the agenda.
- Ms. Busnach emphasized that each City board has different roles and decision-making authority within a project. It is not the practice of the SRA to open Board discussions to public comment unless a public comment period is noted on the agenda. She emphasized that the purpose of the meeting is to talk about Skanska and project phasing, not community benefits.
- Mr. Ewen-Campen stressed that the board should recognize a brief statement from the gentleman.
- Mr. Ercolini emphasized that the Chair would be in a better position to open the meeting to public comments if private notes were not circulated to the board.
- Ms. Busnach provided Mr. Kramer two minutes to make a statement.
  - Jacob Kramer introduced himself as a board member of the Union Square Neighborhood Council (“USNC”) and a member of the negotiating committee. He stated that USNC is not supportive of any further entitlements or approvals of US2’s project until the CBA is agreed upon and signed. He shared that he agrees that shovels should be in the ground as soon as possible however USNC is not comfortable with the currently proposed designs and would like for US2 to incorporate parking underground. He suggested that Skanska should provide the funding for the underground parking as a community benefit. He indicated that at this moment, the SRA has the ability to stand with the USNC and not give US2 the permission to partner with Skanska.
- Mr. Ewen- Campen requested Mr. Karczewski to talk about the design alternatives Mr. Kramer mentioned.
- Mr. Karczewski stated that they are aware there is interest in underground parking. It is costly to construct and inconsistent with the approved CDSP plan. They are willing to cooperate as necessary with the community to see if there is a way the alternative designs can be feasible financially and not delay US2’s current construction timeline and obligations.
- Russell DeMartino, a representative from Skanska, was present and explained to the board that they do not have an agreement signed yet with US2. He congratulated Somerville and the SRA for continually pushing the city forward because it’s what keeps companies like theirs interested to be a part of this joint venture.

**VOTE:** To execute D-2 Block Development Phase Approval and Estoppel Certificate

- Motion by Phil Ercolini, seconded by Iwona Bonney. No discussion.
- 3 in favor, 2 opposed (Ewen-Campen and Gage).

#### **4. 90 Washington Street**

Ms. McGettigan provided the update for 90 Washington

- City Council approved the Demonstration Project Plan and Memorandum of Understanding with no revisions.
- City Council approved a pro tanto payment of \$8,778,000 for the taking of the property.

**VOTE:** Order of Taking

- Motion by William Gage, seconded by Phil Ercolini,
- No discussion, 5 in favor, none opposed.

#### **5. Video Recording of Future SRA Meetings**

- Mr. Ewen-Campen inquired if it was possible to video record the SRA meetings as a transparency measure considering the City Council is also video recorded.
- Ms. McGettigan explained that the SRA is legally bound by the Open Meeting Law in how it conducts its meetings. The only requirement of the Open Meeting Law is to have written minutes. The minutes do not need to be verbatim but it's very close to it right now. Under the Open Meeting Law, members of the community are able to record the meetings but they have to tell the Chair and be in an area that is not an obstruction while recording.
- Mr. Galligani added that there are practical issues to video recording. Meeting locations and room logistics typically do not allow for video recording. He suggested that the meetings could be recorded through a voice recorder.

#### **6. SRA Communication Protocols**

- Mr. Ewen-Campen added this item to the agenda to propose the creation of a centralized email so that all SRA members had immediate access to all comments directed to the board.
- Ms. McGettigan explained that the current process to collate the comments received for the SRA is best practice because it avoids the risk of violating the Open Meeting Law. It is what is done for other boards of the City. The danger of direct emails to SRA or other members of a board like the City Council is that a board member may hit reply all and that is considered to be a violation of the open meeting law. Sequential forwarding of an email that eventually reaches a quorum of the board is also a violation of the open meeting law. During the master developer selection process, comments were received by staff, collated and then the board was provided with all of the comments received as part of that process.

- Mr. Ercolini added that people approach members with information that other members of the board are not privy to. It's an ex parte issue.
- Mr. Ewen-Campen agrees that it is possible that a member of a board could inadvertently email all but regardless of how communications are sent to them, it is important that the members of that board see the direct communication.
- Ms. McGettigan emphasized that her role as the SRA's lawyer is to make sure that the Open Meeting Law and other laws are not violated. It is why these protocols are in place.
- Mr. Ewen-Campen expressed that the general sense of the community is that this Board and the development process are resistant to community feedback.
- Ms. Busnach emphasized that the administration has paved a new approach to the SRA by adding a Council member to the Board but that the Board should be careful and cautious to make sure that it is clear what the role of the SRA is.

#### **7. Other Business Not Reasonably Anticipated by the Chair**

- SRA Member Update
  - Ms. McGettigan provided an update regarding the member selection process. Patrick McCormick and Emily Hedeman have been put forth to fill the vacant spots in the SRA. Their candidacies will be taken up at the Confirmation of Appointments Committee meeting on March 18, 2018. Nancy Busnach continues to serve until her successor is qualified. One vacant position remains and has been advertised.

#### **8. Selection of Date for Next Meeting:**

- Next regular meeting will be April 25, 2019 at 5:30.

#### **9. Adjournment**

- Motion by Phil Ercolini and seconded by Iwona Bonney at 5:58.