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L/R

ACCEPTED AND FILED  
SUSPENSION

Chelsea, Massachusetts, November 21, 2016

A Regular meeting of the Chelsea City Council was held. The meeting was held at the Chelsea City Hall located at the 500 Broadway Chelsea Massachusetts 02150. The following Councilors were present: Councilors Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson. Councillor Frank was absent. Council President Cortell presided over the meeting. The meeting opened at 7:00 p.m.

**Memoriums and celebratory resolutions:**

The following Resolution was introduced by Councilors Rodriguez and Vidot. A motion from Councillor Rodriguez to accept under suspension was adopted.

**RESOLUTION**

**WHEREAS;** Chelsea Pop Warner Jr. Red Devils Cheerleading Team placed first earning them grand champions at the Eastern Mass Cheer & Dance Competition and also were placed 2<sup>nd</sup> in their regional division; and

**WHEREAS;** On December 6<sup>th</sup>, the talented Chelsea Jr. Red Devils will travel and compete in the National Cheer Competition in Orlando Florida after their recent win; and

**WHEREAS;** this is the first time in 46 years of Chelsea Pop Warner's existence that a cheer team has moved onto a National Cheer Championship; now therefore, BE IT

**RESOLVED;** that on behalf of the citizens of Chelsea, we the members of the Chelsea City Council congratulate the Chelsea Pop Warner Cheerleading team, staff and organization for their historic win and outstanding job in making our community proud of their accomplishments. Good luck in Florida!

**Public Speaking:**

The public speaking portion of the meeting opened at 7:24 p.m.

The following came forward to speak:

Dr. Murillo Bunker Hill Community College, gave an update on the events at Bunker Hill.

Beth Anderson Phoenix Charter School, also gave an update with regards to the C.H.S involvement With Bunker Hill Community College.

The public hearing closed at 7:30 p.m.

The minutes of the City Council meeting dated November 7, 2016 were approved at the request of Councillor Robinson under suspension.

**Communications from City Manager:**

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Robinson to accept and file was adopted under suspension.

The Honorable Chelsea City Council  
Chelsea City Hall  
500 Broadway  
Chelsea, Massachusetts 02150

Re: *TIF Agreement for Maple Hotel Company (Owner of the Wyndham Hotel)*

Dear Councilors:

The City has received a request for a Tax Increment Financing (TIF) Agreement from the Maple Hotel Company, the current owner of the Wyndham Hotel. Because this TIF will ensure a major reinvestment in this hotel, I support the TIF and urge the Council's approval.

The Maple Hotel Company proposes a significant new investment of \$9.8 million for a comprehensive interior and exterior renovation of this 15-plus year old hotel property, including a reconfiguration of the lobby, restaurant and lounge. The hotel will also be repositioned in the market as a DoubleTree by Hilton, thereby competing as a higher end lodging option for Boston area business.

You may recall that this redevelopment of the Wyndham was first conceived over a year ago with the current hotel owner as a partner in a joint venture. At that time, the City supported, and the City Council approved, a five year TIF to make the project viable. Unfortunately, for a myriad of business reasons, including some environmental issues, the joint venture could not proceed. Now, the hotel owner proposes to move forward on its own with a similar redevelopment plan and a commensurate level of investment. Maple Hotel is also seeking exactly the same TIF consideration offered to the joint venture, a relatively modest 5-year TIF on a declining scale as follows: Yr1-60%, Yr2-55%, Yr3-50%, Yr4-40%, Yr5-30%. These TIF terms are similar to TIF Agreements approved by the Council for other hotel projects.

The Council should note that, as is the case with all TIFs, the percentage exemption on taxes applies *only to the incremental increase of assessed value after the improvements*. Maple Hotel will continue to pay full real estate taxes on the existing base assessed value, which for FY17 will be a tax bill of \$390,586. As you can see from the attached analysis, notwithstanding the proposed tax relief, this large investment by Maple Hotel will still result in new tax dollars to the City in every year of the TIF Agreement. The total new tax dollars to the City during the 5 year TIF are estimated at over \$398,000.

In 2001, the Wyndham Hotel was the first hotel constructed in Chelsea, overcoming market and environmental risks to become a significant success and a catalyst for development in the Everett Avenue Urban Redevelopment District. But now, after 15 years, it is in dire need of reinvestment. This TIF will ensure that this essential reinvestment occurs, and that this highly visible and critically positioned hotel maintains its competitiveness and enhances the vitality of the City's hospitality industry.

For all of the above reasons, I respectfully ask that the City Council approve this TIF proposal. The appropriate Order is attached.

Sincerely,  
Thomas G. Ambrosino.  
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councillor Robinson to accept and file was adopted under suspension.

The Honorable Chelsea City Council  
Chelsea City Hall  
500 Broadway  
Chelsea, Massachusetts 02150

Re: *Request for Approval of Union Contract with Teamsters Local 25 (Dispatchers-E911)*

Dear Councilors:

Pursuant to Section 4-3(1) of the Chelsea City Charter, I am writing to request City Council approval for the cost items of the new collective bargaining agreement negotiated with Teamsters Local 25 covering Emergency Management Department E911 Dispatchers for the period July 1, 2016 through June 30, 2019. A copy of the Memorandum of Agreement is attached.

There are four significant cost items to this Memorandum.

The first are annual raises in the following amounts: FY17-2.5%, FY18-2.75%, and FY19-3%. The total cost of this item is approximately \$50,000.

The second is the provision allowing for double time for all hours worked on all Holidays. Currently, E-911 employees only receive this benefit on three of the eleven Holiday (Thanksgiving, Christmas, and New Year's Day). The total cost of this benefit is approximately \$15,000 annually in additional overtime costs.

The third item is an increase of \$50 per year, in each of the three years, for the Clothing Allowance. The total cost is \$1,950.

The final cost item is the increase in sick leave buyback of an additional \$100.00 per quarter Assuming all members of the bargaining unit qualify for this benefit, the total cost is \$4,800 annually.

I respectfully ask that the City Council approve the cost items of this contract, as well as a transfer from the Salary reserve Account in the amount of \$16,734.00 to accommodate the FY17 costs. A copy of the proposed Order is attached.

Sincerely,  
Thomas G. Ambrosino.  
City Manager

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councillor Robinson to accept and file was adopted under suspension.

The Honorable Chelsea City Council  
Chelsea City Hall  
500 Broadway  
Chelsea, Massachusetts 02150

Re: *Request for Approval of Union Contract with Teamsters Local 25 (DPW)*

Dear Councilors:

Pursuant to Section 4-3(1) of the Chelsea City Charter, I am writing to request City Council approval for the cost items of the new collective bargaining agreement negotiated with Teamsters Local 25 covering the DPW for the period July 1, 2016 through June 30, 2019. A copy of the Memorandum of Agreement is attached.

There are three significant cost items to this Memorandum.

The first are the annual raises in the following amounts; FY17-2.5%, FY18-2.75% and FY19-3%. The total cost of this item is approximately \$58,000.00.

The second is the provision creating two new pay Grades: Grade 2 Senior Licensed Public Work Specialist, and Grade 4 Sr. Foreman. By contract, the City will be required to have two persons in Grade 2 by FY18 and 2 additional persons in Grade 2 by FY19. The Grade 4 position is an automatic advancement once a foreman completes ten years of service as a foreman. It is anticipated that one employee will be promoted to Grade 4 by FY19. The total cost of this new pay system is \$2,722 in FY18 and \$7,596 in FY19.

The final cost item is the increase in sick leave buyback of an additional \$300.00 annually. Assuming all members of the bargaining unit qualify for this benefit, the total cost is \$4,800 annually.

I respectfully ask that the City Council approve the cost items of this contract, as well as a transfer from the Salary Reserve Account in the amount of \$19,138.00 to accommodate the FY17 costs. A copy of the proposed Order is attached.

Sincerely,  
Thomas G. Ambrosino  
City Manager

*The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councillor Robinson to accept and file was adopted under suspension.*

The Honorable Chelsea City Council  
Chelsea City Hall  
500 Broadway  
Chelsea, Massachusetts 02150

Re: *Request for Approval of Union Contract with Library Employees (AFSCME Local 708)*

Dear Councilors:

Pursuant to Section 4-3(1) of the Chelsea City Charter, I am writing to request City Council approval for the cost items of the new collective bargaining agreement negotiated with AFSCME Local 708 covering Library Employees for the period July 1, 2016 through June 30, 2019. A copy of the Memorandum of Agreement is attached.

The Memorandum of Agreement outlines the changes to the contract terms. Most are relatively minor changes to improve and clarify the terms of the contract.

The essence of the cost items of this particular Agreement are the annual raises in the following amounts: FY17--2.5%, FY18--2.75%, and FY19--3%. Because this union has just 4 members, the total cost of all the wage increases over these three years is less than \$17,000.00.

I respectfully ask that the City Council approve the cost items of this contract, as well as a transfer from the Salary Reserve Account in the amount of \$7,724.00 to accommodate FY17 costs. A copy of the proposed Order is attached.

Sincerely,  
Thomas G. Ambrosino  
City Manager

#### **Communications and petitions to the Council:**

A copy of a communication was received from President of the Conservation Law Foundation, Bradley M. Campbell, in response to the Council's resolution to build a pedestrian/bike bridge along the Maurice J. Tobin Memorial Bridge. A motion from Councillor Robinson to accept and file was adopted under suspension.

#### **Second Readings:**

The following communication from City Manager Thomas G. Ambrosino with regards to appointments to Boards and Commissions were read for the second time. A motion from Councilor Robinson to affirm the appointments by roll call passed 10-0-1-0. Voting yes were Councillors Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson. Councilor Frank was absent.

The Honorable Chelsea City Council  
Chelsea City hall  
500 Broadway  
Chelsea, Massachusetts 02150

Re: *Appointments to Boards and Commissions.*

Dear Councilors:

Pursuant to Section 4-2 of the Charter of the City of Chelsea, I am writing to recommend the following individuals to Boards and Commissions in the City.

For appointment to the re-constituted Chelsea Historical Commission, the following seven individuals:

1. Ilana Ascher, 100 Commandants Way, #301, Chelsea, for a three year term expiring in 2019.

2. Ronald Robinson, 11 Congress Avenue, Apt. 309, Chelsea, for a three year term expiring in 2019.
3. Lee Farrington, 441 Washington Avenue, #201, Chelsea, for a three year term expiring in 2019.
4. Ms. Christine Swistro, 99 Clark Avenue, Chelsea, for a two year term expiring 2018.
5. Mr. George Ostler, 35 Murray Street, Chelsea, for a two year term expiring in 2018.
6. Ms. Frances Mascolo, 45 Breakwater Drive, Chelsea, for a one year term expiring in 2017.
7. Ms. Allison Greenbaum, 60 Dudley St. #228, Chelsea, for a one year term expiring in 2017.

For re-appointment to the Chelsea Zoning Board of Appeals, Mr. Arthur Arsenault, 75 Garland St. Chelsea, for a new three year term expiring on February 28, 2019.

For re-appointment to the Chelsea Zoning Board of Appeals, Ms. Janice Tatarka, 100 Boatswains Way, #306, Chelsea, for a three year term expiring on February 28, 2019.

I respectfully request your approval of these appointments. I have attached resumes for persons who have not previously served on these Boards.

Sincerely,  
Thomas G. Ambrosino  
City Manager

The following order was introduced by Councillor Robinson and read for the second time. A motion from Councilor Robinson to adopt by roll call passed 10-0-1-0. Voting yes were Councillors Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell and Robinson. Councilor Frank was absent.

WHEREAS, the City Council's Employment Agreement with the City Manager calls for yearly evaluations and potentials cost of living increases;

WHEREAS, the Council President created a Special Sub-Committee for the City Managers evaluation of Councilors Robinson, Frank and Avellaneda;

WHEREAS, The Special Sub-Committee held three public meetings established an online evaluation survey for community participation and held a public hearing;

WHEREAS, the City Manager's evaluation found him exceeding in all areas of responsibilities at the October 25, 2016 and November 7, 2016 public meeting where upon the entire City Council was invited to attend;

WHEREAS, this evaluation process encompasses more than one year of the contract term;

NOW, THEREFORE BE IT HEREBY ORDERED; that the City Council of Chelsea approves the evaluation presented by the Special Sub-Committee and grants a 2.5 percent cost of living increase as of July 1, 2016 to the City Manager.

BE IT FURTHER ORDERED; that the City Council of Chelsea approve a 2.75 percent cost of living increase as of July 1, 2017 to the City Manager.

**New Business:**

The following order was introduced by Councilor Cortell. Councilor Robinson moved to adopt by roll call. The roll call passed 10-0-1-0. Voting yes were Councillors Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson. Councilor Frank was absent.

- WHEREAS, It is the express purpose of municipal zoning to promote the health, safety, and general welfare of the inhabitants of the City of Chelsea; and,
- WHEREAS, A specific objective of the City of Chelsea's Zoning Ordinance states the need to encourage the most appropriate use of land throughout the City of Chelsea; and,
- WHEREAS, The City Administration and the City Council wish Chelsea to be designated a Green Community by the Commonwealth;
- WHEREAS, The City Administration and the City of Chelsea Planning Board has recommended after a public hearing, the adoption of the amendment to revision of the City of Chelsea Zoning Ordinance - Chapter 34, Article X Definitions, Section 34-241 as to Dog Kennels;
- WHEREAS, the Chelsea City Council, after due notice, public hearing, and deliberation finds:
- 1) That the amendment to Section 34-241 advances legitimate aspects of public interest;
  - 2) That it further promotes the health, safety, and general welfare of the inhabitants of the City of Chelsea; and
  - 3) That it encourages the most appropriate use of land throughout the City of Chelsea;

**NOW, THEREFORE, BE IT ORDAINED,** that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

That Chapter 34, Article X Definitions, Section 34-241, be amended by adding to the end of the definition of Kennel the following phrase:

"but this definition shall not include any business that meets the definition of Dog Kennel/Dog Daycare."

And be it further amended by as follows:

By changing the term "Dog Kennels and dog daycare" to "Dog Kennel/Dog Daycare".

The following order was introduced by Councilor Cortell. A motion from Councilor Robinson to adopt passed 10-0-1-0. Voting yes were Councillors Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson. Councilor Frank was absent.

- WHEREAS, It is the express purpose of municipal zoning to promote the health, safety, and general welfare of the inhabitants of the City of Chelsea; and,
- WHEREAS, A specific objective of the City of Chelsea's Zoning Ordinance states the need to encourage the most appropriate use of land throughout the City of Chelsea; and,
- WHEREAS, The City Administration and the City Council wish Chelsea to be designated a Green Community by the Commonwealth;
- WHEREAS, The City Administration and the City of Chelsea Planning Board has recommended after a public hearing, the adoption of the amendment to revision of the City of Chelsea Zoning Ordinance - Chapter 34, Article X Definitions, Section 34-241 as to Substance Abuse Counseling Center.

- WHEREAS, the Chelsea City Council, after due notice, public hearing, and deliberation finds:
- 1) That the amendment to Section 34-241 advances legitimate aspects of public interest;
  - 2) That it further promotes the health, safety, and general welfare of the inhabitants of the City of Chelsea; and
  - 3) That it encourages the most appropriate use of land throughout the City of Chelsea;

**NOW, THEREFORE, BE IT ORDAINED**, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

That Chapter 34, Article X Definitions, Section 34-241, be amended by adding the definition of *Substance Abuse Counseling Center* as follows:

*Substance Abuse Counseling Center* shall mean any facility that provides substance abuse counseling practiced by a Massachusetts licensed professional, on an outpatient basis. A substance abuse counseling center shall **not** include any dispensing of medication to treat substance use disorders. The term substance abuse counseling center does not include hospitals, medical marijuana treatment centers, or substance abuse treatment centers. Any facility that dispenses any medication for the treatment of substance use disorders shall be determined to be a Substance Abuse Treatment Center and subject to that definition.

*The following order was introduced by Councilor Cortell. A motion from Councilor Robinson to adopt by roll call passed 10-0-1-0. Voting yes were Councillors Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson. Councillor Frank was absent.*

WHEREAS, It is the express purpose of municipal zoning to promote the health, safety, and general welfare of the inhabitants of the City of Chelsea; and

WHEREAS, A specific objective of the City of Chelsea's Zoning Ordinance states the need to encourage the most appropriate use of land throughout the City of Chelsea; and

WHEREAS, The City Administration and the City Council wish Chelsea to be designated a Green Community by the Commonwealth;

WHEREAS, The City Administration and the City of Chelsea Planning Board has recommended after a public hearing, the adoption of the amendment to revision of the City of Chelsea Zoning Ordinance - Chapter 34, Article X Definitions, Section 34-241 Light Industry or Light Manufacturing;

- WHEREAS, the Chelsea City Council, after due notice, public hearing, and deliberation finds:
- 4) That the amendment to Section 34-241 advances legitimate aspects of public interest;
  - 5) That it further promotes the health, safety, and general welfare of the inhabitants of the City of Chelsea; and
  - 6) That it encourages the most appropriate use of land throughout the City of Chelsea;

**NOW, THEREFORE, BE IT ORDAINED**, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

That Chapter 34, Article X Definitions, Section 34-241, be amended by changing the definition of *Light Industry* or *Light Manufacturing* as follows:

1. Change subsection 1(b) to read: Laboratory or research establishments, including renewable or alternative energy research and development facilities.



2. Add a new subsection 1(f) to read: Renewable or alternative energy manufacturing facilities.

The following order was introduced by Councilor Cortell. A motion from Councilor Robinson to adopt by roll call passed 10-0-1-0. Voting yes were Councillors Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson. Councilor Frank was absent.

- WHEREAS, It is the express purpose of municipal zoning to promote the health, safety, and general welfare of the inhabitants of the City of Chelsea; and,
- WHEREAS, A specific objective of the City of Chelsea's Zoning Ordinance states the need to encourage the most appropriate use of land throughout the City of Chelsea; and,
- WHEREAS, The City Administration and the City Council wish Chelsea to be designated a Green Community by the Commonwealth;
- WHEREAS, The City Administration and the City of Chelsea Planning Board has recommended after a public hearing, the adoption of the amendment to revision of the City of Chelsea Zoning Ordinance - Chapter 34, Article III – Use Regulations, Section 34-52 as to Retail Business District.
- WHEREAS, the Chelsea City Council, after due notice, public hearing, and deliberation finds:
- 7) That the amendment to Section 34-52 advances legitimate aspects of public interest;
  - 8) That it further promotes the health, safety, and general welfare of the inhabitants of the City of Chelsea; and
  - 9) That it encourages the most appropriate use of land throughout the City of Chelsea;

**NOW, THEREFORE, BE IT ORDAINED**, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

That Chapter 34, Article III Use Regulations, be amended by adding a new Section 34-52 as follows:

**Section 34-52 Retail Business (BR) District**

- (a) Residential dwelling units within the Retail Business (BR) and Retail Business 2 (BR2) Districts shall be prohibited from being located in the basement and ground floor.

The following order was introduced by Councilor Cortell. A motion from Councilor Robinson to adopt by roll call passed 10-0-1-0. Voting yes were Councillors Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson. Councilor Frank was absent.

- WHEREAS, It is the express purpose of municipal zoning to promote the health, safety, and general welfare of the inhabitants of the City of Chelsea; and,
- WHEREAS, A specific objective of the City of Chelsea's Zoning Ordinance states the need to encourage the most appropriate use of land throughout the City of Chelsea; and,
- WHEREAS, The City Administration and the City Council wish Chelsea to be designated a Green Community by the Commonwealth;
- WHEREAS, The City Administration and the City of Chelsea Planning Board has recommended after a public hearing, the adoption of the amendment to revision of the City of Chelsea

Zoning Ordinance - Chapter 34, Article IV – Dimensional Regulations, Section 34-77 as to Retail Business.

- WHEREAS, the Chelsea City Council, after due notice, public hearing, and deliberation finds:
- 10) That the amendment to Section 34-77 advances legitimate aspects of public interest;
  - 11) That it further promotes the health, safety, and general welfare of the inhabitants of the City of Chelsea; and
  - 12) That it encourages the most appropriate use of land throughout the City of Chelsea;

**NOW, THEREFORE, BE IT ORDAINED**, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

That subsection (a) of Chapter 34, Article IV Dimensional Regulations, Section 34-77, be deleted. Subsection (a) reads as follows:

- (a) Retail Business (BR) District. A residential use or business use with dwelling permitted in the Retail Business District shall conform to the requirements of height, lot size, yard, useable open space, and floor area ratio as provided for in the R2 district.

The following order was introduced by Councilor Cortell. A motion from Councillor Robinson to adopt by roll call passed 10-0-1-0. Voting yes were Councillors Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson. Councillor Frank was absent.

WHEREAS, It is the express purpose of municipal zoning to promote the health, safety, and general welfare of the inhabitants of the City of Chelsea; and

WHEREAS, A specific objective of the City of Chelsea's Zoning Ordinance states the need to encourage the most appropriate use of land throughout the City of Chelsea; and

WHEREAS, The City Administration and the City Council wish Chelsea to be designated a Green Community by the Commonwealth;

WHEREAS, The City Administration and the City of Chelsea Planning Board has recommended after a public hearing, the adoption of the amendment to revision of the City of Chelsea Zoning Ordinance - Chapter 34, Article II – Zoning Districts, Section 34-29 as to the Zoning Map;

- WHEREAS, the Chelsea City Council, after due notice, public hearing, and deliberation finds:
- 1) That the amendment to Section 34-29 advances legitimate aspects of public interest;
  - 2) That it further promotes the health, safety, and general welfare of the inhabitants of the City of Chelsea; and
  - 3) That it encourages the most appropriate use of land throughout the City of Chelsea;

**NOW, THEREFORE, BE IT ORDAINED**, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

That Chapter 34, Article II Zoning Districts, Section 34-29 and the accompanying Zoning Map be amended as follows:

Extend the Light Industrial/Office 2 (LI2) District from Parcel 59-54 and Parcel 59-68 to Parcel 59-42 and Parcel 59-69.



The following order was introduced by Councilor Cortell. A motion from Councilor Robinson to adopt by roll call passed 10-0-1-0. Voting yes were Councillors Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson. Councillor Frank was absent.

WHEREAS, It is the express purpose of municipal zoning to promote the health, safety, and general welfare of the inhabitants of the City of Chelsea; and,

WHEREAS, A specific objective of the City of Chelsea's Zoning Ordinance states the need to encourage the most appropriate use of land throughout the City of Chelsea; and,

WHEREAS, The City Administration and the City Council wish Chelsea to be designated a Green Community by the Commonwealth;

WHEREAS, The City Administration and the City of Chelsea Planning Board has recommended after a public hearing, the adoption of the amendment to revision of the City of Chelsea

Zoning Ordinance - Chapter 34, Article XIII – Table of Principle Uses Regulations,  
Section 34-300.

- WHEREAS, the Chelsea City Council, after due notice, public hearing, and deliberation finds:
- 1) That the amendment to Section 34-300 advances legitimate aspects of public interest;
  - 2) That it further promotes the health, safety, and general welfare of the inhabitants of the City of Chelsea; and
  - 3) That it encourages the most appropriate use of land throughout the City of Chelsea;

**NOW, THEREFORE, BE IT ORDAINED**, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

That Chapter 34, Article XIII, Table of Principle Use Regulations, Section 34-300 be amended as follows:

	R1	R2	R3	BR	BR2	BH	B	SC	W	I	LI	LI2	NHR	NHC
Bakery, delicatessen, candy, fish, including accessory food service	N	N	N	Y	Y	Y	SP	Y	Y	N	SP	SP	N	Y
Food Handling and Preparation Facilities	N	N	N	N	N	N	N	N	N	SP	SP	SP	N	N
Restaurant, including service of alcoholic beverages	N	N	N	Y	Y	Y	Y	Y	SP	SP	SP	SP	Y	Y
Bank, financial agency	N	N	N	Y	Y	Y	SP	Y	Y	Y	SP	SP	Y	Y
Dog Kennel/Dog DayCare	N	N	N	N	N	SP	SP	SP	SP	SP	SP	SP	N	N
Convenience store with hours of operation not exceed 5:00 am to 11:00 pm	N	N	N	SP	SP	SP	SP	SP	N	SP	N	N	N	SP
Gasoline sales with convenience store	N	N	N	N	N	SP	SP	SP	N	SP	N	N	N	N
Substance abuse	N	N	N	N	N	SP	N	SP	N	SP	N	SP	N	N

counselling center														
Assisted and/or independent living facility	N	SP	SP	SP	SP	N	N	N	SP	N	N	N	SP	N
Bed and Breakfast	SP	SP	SP	N	SP	N	N	N	N	N	N	N	N	N

The following g order was introduced by Councilor Cortell. A motion from Councillor Robinson to adopt by roll call passed 10-0-1-0. Voting yes were Councillors Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson. Councillor Frank was absent.

WHEREAS, It is the express purpose of municipal zoning to promote the health, safety, and general welfare of the inhabitants of the City of Chelsea; and,

WHEREAS, A specific objective of the City of Chelsea's Zoning Ordinance states the need to encourage the most appropriate use of land throughout the City of Chelsea; and,

WHEREAS, The City Administration and the City Council wish Chelsea to be designated a Green Community by the Commonwealth;

WHEREAS, The City Administration and the City of Chelsea Planning Board has recommended after a public hearing, the adoption of the amendment to revision of the City of Chelsea Zoning Ordinance - Chapter 34, Article V – General and Supplemental Regulations 34-111.

WHEREAS, the Chelsea City Council, after due notice, public hearing, and deliberation finds:

- 1) That the amendment to Section 34-111 advances legitimate aspects of public interest;
- 2) That it further promotes the health, safety, and general welfare of the inhabitants of the City of Chelsea; and
- 3) That it encourages the most appropriate use of land throughout the City of Chelsea;

**NOW, THEREFORE, BE IT ORDAINED**, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended and adopted as follows:

That Chapter 34, Article V General and Supplemental Regulations be amended by adding a new Section 34-111 Community Improvement Trust Fund which shall read as follows:

**(A) The Community Improvement Trust Fund.**

In any case where the Zoning Board of Appeals (ZBA), with the exclusion of single, two-, and three-family dwellings, grants a special permit or variance resulting in an increase in intensity of use, the ZBA shall require the applicant to make a payment into a Community Improvement Trust Fund only for that portion of the new structure or structures which: (1) extend into the area of required open space from which the developer received relief; or (2) exceed the number of units, the FAR, the height, or the maximum building coverage beyond what is currently nonconforming within the district in which they are located. The ZBA may waive the requirements of this Section upon a recommendation from the Department of Planning and Development.

Payments shall be made to the Community Improvement Trust Fund in two equal installments in a sum equal to three percent of the total construction cost beyond what percent of construction is currently nonconforming. The first installment shall be made prior to the granting of any foundation or building permit, and the second installment shall be made prior to issuance of any temporary or permanent occupancy permit. The construction costs shall be determined by the Applicant and for the review and approval of the Department of Planning and Development. In determining the construction costs, the Applicant shall use median square foot construction costs in the Boston metropolitan area as defined by any generally accepted construction cost estimating publication.

**(B) Administration of the Fund.**

The Community Improvement Trust Fund shall be established in the City Treasurer and shall be kept separate and apart from other moneys. Any moneys deposited in said fund shall be expended only at the direction of the City Manager as approved by the City Council for the purposes mentioned below. The City Treasurer shall be the custodian of the fund and may deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of saving banks under the laws of the Commonwealth or in federal savings and loan associations situated in the Commonwealth. Any interest earned thereon shall be credited to and become part of such Fund. The Fund shall be administered by the Department of Planning and Development.

**(C) Expenditure of Funds.**

Any moneys in the Fund may be expended only by a majority vote of the entire membership of the City Council and shall be appropriated only for the following purposes: infrastructure and public facilities directly impacted by the project which are included in the City of Chelsea's Capital Improvement Plan; traffic signalization improvements; sewer, water and drainage improvements; recreation and open space areas and the support of athletic programs; fire protection facilities and equipment; crime prevention facilities and equipment; school buildings and educational programs; and library improvements. Community Improvement Trust Funds may also be appropriated to support affordable housing initiatives and economic development activities in accordance with any of the City of Chelsea's housing and/or economic development plan. No moneys in this Fund shall be used for any purposes not included or directly related to the purposes listed above.

The following order was introduced by Councilor Cortell. A motion from Councilor Robinson to adopt by roll call passed 10-0-1-0. Voting yes were Councilors Vidot, Rodriguez, Recupero, Murphy, Lopez, Tejada, Garcia, Avellaneda, Cortell, and Robinson. Councilor Frank was absent.

WHEREAS, It is the express purpose of municipal zoning to promote the health, safety, and general welfare of the inhabitants of the City of Chelsea; and,

WHEREAS, A specific objective of the City of Chelsea's Zoning Ordinance states the need to encourage the most appropriate use of land throughout the City of Chelsea; and,

WHEREAS, The City Administration and the City Council wish Chelsea to be designated a Green Community by the Commonwealth;