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SUSPENSION
ACCEPTED AND FILED

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Chelsea, Massachusetts March 11, 2019

A Regular meeting of the Chelsea City Council was held. The meeting was held at the Chelsea City Hall located at 500 Broadway Chelsea, Massachusetts 02150. The following Councilors were present: Councilor Garcia, Vidot, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recuperero. Councilor Avellaneda arrived at 7:05 P.M. Councilor President Vidot Presided over the meeting. The meeting opened at 7:00 p.m.

The Public Hearing on the proposed zoning amendment to create a 40R Central Avenue Smart Growth Overlay District opened at 7:03 p.m. The following came forward to speak:

John DePriest Planning and Development: spoke in favor

Melissa Booth 55 Watts Street, spoke in favor

Jeqn Fulco 55 Watts Street, spoke in favor

Ronette Slamin JJC spoke in favor

Mimi Remcatone 44 Beacon Street, spoke in favor

AL Ewing 54 Locke Street, spoke in favor

Bert Taverna 148 Grove Street, spoke in favor

Richard Pedi 21 Oakridge Circle Wilmington, Carpenters Union spoke in favor.

Kathryn Anderson 28 Warren Ave, Somerville, spoke in favor

Marianne Winship 62 Beacon Street, spoke in favor.

John Gunny 62 Beacon Street, spoke in favor.

The hearing closed at 7:28 p.m.

Public Speaking:

The public speaking portion opened at 7:29 p.m. The following came forward to speak:

Ms. Alfaro School Committee, spoke about the schools and shortfall of money.

Resident 28 Warren Avenue School Teacher, spoke about the possible shortfall of money.

Manuel Teche 893 Broadway, spoke about the school needs.

Mr. Burke Watertown School Teacher, spoke about the school needs.

Karen Miller 260 Clark Ave. School Teacher, school needs.

Resident 98 Blossom Street, school needs.

Assanti Chris. 38 Hawthorn Street, spoke about the Meridian Street Bridge the Airport Noise and also the problem with double parking.

Norieliz DeJesus 38 Louis Street, Spoke about the trash Collection and the need to educate people about the trash collection.

The public speaking closed at 7:47 p.m.

The minutes of the City Council meeting dated February 25, 2019 were approved at the request of Councilor Robinson under suspension.

The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Robinson moved the appointments to a second reading under suspension.

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 re-appointment to the Community Schools Advisory Board, Mr. Kevin Sandoval, for a new three year term expiring in 2022.

For re-appointment to the Conservation Commission, Dakeya Christmas, for a new three year term expiring in 2022.

For appointment to the Planning Board, Ms. Sylvia Ramirez, 63 Reynolds Ave., Chelsea, to fill the unexpired term of Ms. Gladys Vega. This term expires on December 15, 2020.

I respectfully request your approval of these appointments. I have attached a resume for Ms. Ramirez.

Sincerely,
Thomas G. Ambrosino
City Manager

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

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

Re: *City-Issued Trash Barrels*

Dear Councilors:

I am writing in response to the recent City Council Order requesting that, commencing on January 1, 2020, the City require the exclusive use of City issued trash barrels as trash receptacles and enforce any non-compliance through ticketing.

Based upon this Council Order, the City is prepared to enforce through ticketing the exclusive use of City issued trash barrels as of January 1, 2020. However, in order to ensure that residents have adequate notice of this change and the anticipated enforcement, we will be engaging in a marketing campaign to publicize this change. We expect to commence this publicity effort in the Summer.

Please note that our Solid Waste Regulations approved by the Board of Health do still allow, in addition to the City issued trash barrels, the use of overflow plastic bags approved by the DPW. However, we are changing the specs on these orange plastic bags to make them thicker and more durable.

Sincerely,
Thomas G. Ambrosino
City Manager

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

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

Re: *Taxation Related Issues*

Dear Councilors:

I am writing in response to two recent City Council Orders regarding taxation of property. Each Order will be addressed in turn.

Limiting Tax Increases for Seniors 70+

The first City Council Order requests that I consider a program that would eliminate any further tax increases for homeowners of single family homes and condominiums who are 70 years or older. No municipality in Massachusetts is authorized to enact such a tax break. Any such tax relief could only be imposed by the City of Chelsea if it were to secure a Home Rule Petition. In my opinion, it is unlikely the State Legislature would approve such a Petition.

However, one alternative that is within the City's authority, and which might be worth considering by the City Council, is to make the existing statutory tax deferral program more attractive to Chelsea seniors. Currently, that statutory program (Clause 41A of M.G.L. c. 59, §5) allows senior homeowners 65 or older to defer all real estate taxes on their property (as long as the total amount of taxes and interest owed does not exceed 50% of the fair market value of the property), provided they execute an agreement requiring repayment to the City upon death or sale of the property. Currently, there is not a single Chelsea senior homeowner who takes advantage of this program. One reason may be that there is a strict \$20,000 annual income eligibility limit in the statute, *and* the deferred taxes carry an 8% interest rate in favor of the City. However, the statute does allow, by local option, the City to: (1) increase the income limit up to the income limit allowed for the "circuit breaker" state income tax credit for single, non-head of household filers, which this year is \$58,000; and (3) reduce the interest rate (for example, Boston has reduced the interest rate to 4%). Making these local option changes might make this tax deferral program more attractive to seniors who are struggling to keep up with rising taxes.

In the event the City Council wishes to consider this alternative, I have attached a draft Vote making proposed local option changes to the Clause 41 Property Tax Deferral Program. Approval of such changes merely requires a majority vote of the City Council.

Tax Work-off Program Income Eligibility

The second City Council Order requests that the City consider eliminating the income eligibility requirements for seniors and veterans in the respective property tax work-off programs available in the City. I agree with this idea. The existing income eligibility requirements in our Ordinance are not mandated by the statutes authorizing these programs. We can make the programs available to any senior 60+ and any veteran regardless of income. Further, the Council should note that we have had very low enrollment in both of these programs. By eliminating the income eligibility requirements, we may generate more interest.

The elimination of the income eligibility requirements simply requires a change in our Ordinances. I have attached a proposed Ordinance change that will accomplish the goal for both the seniors' and the veterans' property tax work-off program. The change will be effective for the start of the programs in 2020.

Sincerely,
Thomas G. Ambrosino
City Mnager

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

The Honorable Chelsea City Council
Chelsea City Hall

500 Broadway
Chelsea, Massachusetts 02150

Re: *Transportation Related Issues*

Dear Councilors:

I am writing to provide you with updates on two transportation related issues and to make one specific request for an Ordinance change. The issues pertain to the dockless bike program and the City's involvement in a potential pilot for automated vehicles.

Dockless Bike Program

As you may know, since the late Summer of 2017, the City of Chelsea has been experimenting with dockless bikes, initially as a pilot with the company Ofo and then, last year, as part of a regional Metropolitan Area Planning Council contract with LimeBike. Notwithstanding some minor complaints, I believe the experiment has been successful. Last year, over 4,000 individuals utilized the dockless bikes in our community, taking almost 20,000 separate trips to meet their transportation needs.

The City would like to continue this dockless bike program in 2019. However, there has been a change in the marketplace for dockless bikes. All the companies in this arena are moving away from pedal powered bikes to electric assist bikes, including LimeBike.

LimeBike desires to continue its regional MAPC effort with Chelsea as a partner, but it will only do so if Chelsea allows electric assist bikes. These are bikes that provide an electric assist for the pedaling, allowing riders to pedal more easily. The maximum speed for the electric assist is 15 m.p.h. Once that speed is exceeded, the electric assist ceases, and the bike is solely operated by human pedal power. Unfortunately, at the moment, these electric assisted bikes are prohibited by Ordinance from operating in Chelsea.

Over the past month, we have explored the option of replacing LimeBike with another company that might offer dockless pedal only bikes, but no operator is interested with that restriction. So, if we wish to continue with a dockless bike program this year, we will need to adopt an Ordinance change to allow for electric bikes. For your convenience, I have proposed a simple Ordinance change that would allow for these bikes to operate. If approved, the City will continue its partnership with LimeBike through the MAPC contract.

You should know that this market for local transportation is changing rapidly. The next big transition appears to be toward motorized scooters. Companies are aggressively lobbying both municipalities and the Commonwealth to allow for electric scooters to operate on public ways. The Governor has actually proposed new legislation to pave the way for the legalization of such scooters. However, like electric bikes, electric scooters are currently prohibited from operating in Chelsea. I am not proposing any Ordinance change at present to accommodate such scooters. I am just alerting the Council that the use of such scooters may soon become ubiquitous in surrounding communities.

Autonomous Vehicles

Another transportation innovation that may soon be appearing in our Commonwealth is the autonomous vehicle. Right now, testing of such vehicles is underway in Boston and other communities. Again in collaboration with MAPC, MassDOT has requested that all communities in this region join in a protocol for testing autonomous vehicles in designated areas. As part of that effort, and along with other nearby communities, the City of Chelsea signed the attached Memorandum of Understanding with MassDOT that would allow, in certain circumstances and only upon further application and approval, autonomous vehicles to operate in a pilot area in the City. The pilot area in Chelsea is a loop in the Industrial District that begins on Willoughby Street, runs along Eastern Avenue to Marginal Street, from Marginal Street to Charles Street, from Charles Street to Suffolk Street, from Suffolk Street to Highland Street, from Highland Street to Marginal Street, and then back to Willoughby Street. Testing would only occur under the strict oversight of MassDOT and the City.

It is likely to be some time before autonomous vehicles actually appear on this pilot route. Again, such testing cannot occur until the City has given express permission. However, I just wanted to give the Council notice that this transportation innovation is moving forward and may someday make its way to Chelsea.

Sincerely,
Thomas G. Ambrosino
City Manager

Communications and petition to the Council:

A copy of a communication was received from City Solicitor Cheryl Watson Fisher regarding Legal Opinion on parking restrictions in TIF Agreement. A motion from Councilor Vidot to accept and file was adopted under suspension.

A copy of a communication was received from Planner and Land Use Administrator Lad Dell regarding the Proposed Zoning Amendment to create a 40R Central Avenue Smart Growth District and to add a new Section 34-184 (Revised to 34-186) to the City of Chelsea Zoning Ordinance, Chapter 34. A motion from Councilor Robinson to accept and file was adopted under suspension.

A late communication was received from John DePriest Director of Planning & Development with regards to Central Avenue Smart Growth overlay District (Ch. 40R Zoning). No objections and Councilor Robinson moved to accept and file the communication under suspension.

Unfinished Business:

Councilor Robinson moved to take from Conference the Zoning proposal for Central Avenue 40R. No objections. Councilor Robinson moved to attach the Amended version as written by Legal Counsel to the original and adopt by roll call. The roll call passed 11-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero. The following is the Zoning amendment for Central Avenue Smart Growth:

- 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 to ensure affordability in new and renovated housing developments;
- WHEREAS, The City Administration and the City of Chelsea Planning Board have recommended after a public hearing, the adoption of the amendment to revision of the City of Chelsea Zoning Ordinance - Chapter 34 Article VIII Special Districts,
- WHEREAS, the Chelsea City Council, after due notice, public hearing, and deliberation finds:
- 1) That the amendment to Section 34-186 – Central Avenue Smart Growth Overlay District (SGOD) as recommended by the Planning Board and as further recommended by the Planning Department 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 VIII Special Districts be amended by adding a new Section 34-186 – Central Avenue Smart Growth Overlay District, which shall read as follows:

SECTION 34-186: CENTRAL AVENUE SMART GROWTH OVERLAY DISTRICT (SGOD)

- (a) *Scope and purpose.* This section applies to the Central Avenue Smart Growth Overlay District (SGOD). It is the purpose of this section to establish a Central Avenue Smart Growth Overlay District and to encourage smart growth in accordance with the purpose of M.G.L. c. 40R, and to foster a range of housing opportunities that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby rail access. Other objectives of this section are to:
- (1) Promote the public health, safety and welfare by encouraging diversity of housing opportunities;
 - (2) Provide for a full range of housing choices for households of all incomes, ages and sizes in order to meet the goal of preserving municipal character and diversity;
 - (3) Increase the production of a range of housing units to meet existing and anticipated housing needs;

- (4) Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing;
 - (5) Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting; and
 - (6) Establish development standards to allow context-sensitive design and creative site planning.
- (b) *Definitions.* For purposes of this Section 34-186, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Governing Laws or this Section 34-186 (b), or as set forth in the PAA Regulations. To the extent that there is any conflict between the definitions set forth in this Section 34-186 (b), or the PAA Regulations and the Governing Laws, the terms of the Governing Laws shall govern.

Affordable Homeownership Unit – means an Affordable Housing unit required to be sold to an Eligible Household.

Affordable Housing – means housing that is affordable to and occupied by Eligible Households. Affordable housing units created within the SGOD meeting the standards set out in 760 CMR 45.03 shall count on the subsidized housing inventory, subject to the approval of the state department of housing and community development (DHCD).

Affordable Housing Restriction (AHR) – means a deed restriction of Affordable Housing meeting statutory requirements in G.L. Chapter 184, Section 31 and the requirements of Section 34-186 (g)(6) of this Ordinance.

Affordable Rental Unit – means an Affordable Housing unit required to be rented to an Eligible Household.

Applicant – means the individual or entity that submits a Project for Plan Approval.

As-of-Right – means a use allowed under Section 34-186 (e) without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Sections 34-186 (j) through 34-186 (n) shall be considered an as-of-right Project, subject to review and approval by DHCD of any Municipal 40R regulations, guidelines, application forms, or other requirements applicable to review of Projects by the Plan Approval Authority under the 40R Zoning and 760 CMR 59.00.

Department or DHCD – means the Massachusetts Department of Housing and Community Development, or any successor agency.

Design Standards – means provisions of Section 34-186 (n) made applicable to Projects within the SGOD that are subject to the Plan Approval process.

Designating Official – means the Department of Planning and Development.

Eligible Household – means an individual or household whose annual income is less than or equal to eighty percent (80%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Governing Laws - G.L. Chapter 40R and 760 CMR 59.00.

Mixed-Use Development Project – means a Project containing a mix of residential uses and non-residential uses, as allowed in Section 34-186 (e)(2), and subject to all applicable provisions of this Section 34-186.

Monitoring Agent or Administering Agent – means the local housing authority or other qualified housing entity designated by the municipality, pursuant to Section 34-186 (f)(2), to review and implement the Affordable Housing requirements affecting Projects under Section 34-186 (f).

Multifamily or Multifamily Dwelling – means a dwelling designed to accommodate four or more dwelling units.

PAA Regulations – means the rules and regulations of the PAA adopted pursuant to Section 34-186 (j)(3).

Plan Approval - means standards and procedures which Projects in the SGOD must meet pursuant to Sections 34-186 (j) through 34-186 (n) and the Governing Laws.

Plan Approval Authority (PAA) – means the local approval authority authorized under Section 34-186 (j)(2) to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

Project or Development Project - means a Residential Project or Mixed-use Development Project undertaken within the SGOD in accordance with the requirements of this Section 34-186.

Residential Project - means a Project that consists solely of residential, parking, and accessory uses, as further defined in Section 34-186 (e)(1).

SGOD – means the Smart Growth Overlay District established in accordance with this Section 34-186.

Zoning Ordinance - means the Zoning Ordinance of the City of Chelsea.

(c) *Establishment.* The Central Avenue Smart Growth Overlay District, hereinafter referred to as the SGOD, is an overlay district having a land area of approximately 2.83 acres in size that is superimposed over the underlying zoning district and is shown on the zoning map as set forth on the map entitled "Central Avenue Smart Growth Overlay District, April 18, 2017, prepared by VHB." This map is hereby made a part of this chapter and is on file in the office of the city clerk.

(d) *Applicability of SGODs – scope and authority.*

(1) *Applicability of SGODs.* An Applicant may seek development of a Project located within the SGOD in accordance with the provisions of the Governing Laws and this Section 34-186, including a request for Plan Approval by the PAA, if necessary. In such case, notwithstanding anything to the contrary in the Zoning Ordinance, such application shall not be subject to any other provisions of the Zoning Ordinance, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

(2) *Underlying Zoning.* The SGOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section 34-186.

Within the boundaries of the SGOD, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a Project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s).

- (3) *Administration, Enforcement, and Appeals.* The provisions of this Section 34-186 shall be administered by the Building Commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections 34-186 (j) through 34-186 (n) shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section 34-186 shall be governed by the applicable provisions of G. L. Chapter 40A.

(e) *Permitted Uses.*

The following uses are permitted As-of-Right for Projects within the SGOD.

- (1) *Residential Projects.* A Residential Project within the SGOD may include:

- a. Multi-family Residential Use(s);
- b. Parking accessory to any of the above permitted uses, including surface, garage- under, and structured parking (e.g., parking garages); and
- c. Accessory uses customarily incidental to any of the above permitted uses.

- (2) *Mixed-use Development Projects.* A Mixed-use Development Project within the SGOD shall include:

- a. Multi-family Residential Use(s), provided that the minimum allowable As-of-Right density requirements for residential use specified in Section 34-186 (h) shall apply to the residential portion of any Mixed-use Development Project;
- b. Any of the following Non-residential uses: Bakery, delicatessen, candy, fish including accessory food service; Book, stationary, gift, clothing, dry goods, hardware, jewelry, or variety store; convenience store with hours of operation not to exceed 5:00am to 11:00p.m.; restaurant, including service of alcoholic beverages; Professional, business and governmental offices; Bank, financial agency; Personal service establishment.
- c. Parking accessory to any of the above permitted uses, including surface, garage- under, and structured parking (e.g., parking garages); and
- d. Accessory uses customarily incidental to any of the above permitted uses.

- e. The total gross floor area devoted to Non-residential uses within a Mixed-use Development Project shall not exceed fifteen percent (15%) of the total gross floor area of the Project.

(f) *Housing and housing affordability.*

(1) *Number of Affordable Housing Units.* For all Projects containing at least ten (10) residential units, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. The PAA may approve individual Projects of fewer than ten (10) units within the SGOD which have less than twenty percent (20%) Affordable Housing units, provided that the total number of Affordable Housing units in the SGOD shall not be less than twenty percent (20%) of the total number of approved housing units in the SGOD. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit shall be deemed to constitute a whole unit. A Project shall not be segmented to evade the Affordability threshold set forth above.

(2) *Monitoring Agent.* A Monitoring Agent which may be the local housing authority or other qualified housing entity shall be designated by the Department of Planning and Development (the "Designating Official"). In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a Building Permit for a Project within the SGOD, and on a continuing basis thereafter, as the case may be:

- a. prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
- b. income eligibility of households applying for Affordable Housing is properly and reliably determined;
- c. the housing marketing and resident selection plan conform to all requirements, have been approved by DHCD specifically with regard to conformance with M.G.L. c.40R and 760 CMR 59.00, and are properly administered
- d. *Marketing Plan.* Prior to granting Plan Approval for housing within the SGOD, an Applicant for such approval must submit a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly. No less than ten percent (10%) of the residential units within a project shall be three-bedroom units and notwithstanding anything to the contrary in this section, this requirement shall not be reduced. These documents in combination, to be submitted with a site plan application shall include details about construction related to the provision, within the development, of units that are accessible to the disabled. Such housing marketing and resident selection plan is subject to DHCD approval.

- e. sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
 - f. Affordable Housing Restrictions meeting the requirements of this section are approved by DHCD specifically with regard to conformance with M.G.L. c.40R and 760 CMR. 59.00, recorded with the proper registry of deeds.
- (3) *Submission Requirements.* As part of any application for Plan Approval for a Project within the SGOD submitted under Sections 34-186 (j) through (n), the Applicant must submit the following documents to the PAA and the Monitoring Agent:
- a. evidence that the Project complies with the cost and eligibility requirements of Section 34-186 (g):
 - b. Project plans that demonstrate compliance with the requirements of Section 34-186 (f); and
 - c. a form of Affordable Housing Restriction that satisfies the requirements of Section 34-186 (g)(6).
- (4) *Submission contents.* A site plan application for Plan Approval shall show each of the following for the entire site, whether or not the Development Project is to be phased, unless items are waived, in writing, by the director of planning and development:
- a. Location map at six hundred (600) feet per inch.
 - b. Survey of lot indicating property boundaries, metes and bounds, existing structures, locations of all easements, rights-of-way, grades at intervals of three (3) feet, utilities, the owners of the property and adjacent lot owners.
 - c. Photographs eight (8) inches by ten (10) inches of sufficient quality and detail to indicate the environmental features of the site, including, but not limited to, topography, views of the Boston skyline, adjacent or nearby open space and adjacent structures and/or uses of land.
 - d. Schematic design plans including:
 - 1. A site plan which accurately locates all existing and proposed buildings and structures with their proposed uses, as well as gross and usable floor areas, parking areas, driveways, driveway openings, service areas, usable open space, landscaped areas and the proposed treatment thereof (including fences, walls, planting areas and walks), all facilities for storm drainage, sewerage, refuse, other waste disposal and other utility systems.
 - 2. A ground floor plan indicating major dimensions, gross and net floor area, proposed uses of interior areas in appropriate scale, access points for pedestrian and service areas.

3. Typical floor plan indicating major dimensions, gross and net floor area, proposed uses and vertical circulation for upper level floors.
4. All data required to enable the PAA to determine the amount and frequency of traffic volumes generated and the extent of compliance with off-street parking and loading requirements.
5. A sign plan indicating location, size, illumination and design of all signs on the site.
6. Elevations defining heights, proposed entrances, fenestration, signage, all materials, finishes, colors and features of the entire Project.
7. Documentation of the Project's compliance with the requirement that twenty percent (20%) of the units in the Project are affordable.
8. Documentation of the Project's ability to accommodate a range of ages and family sizes.
9. A plan for the phasing of the Development Project and the reasonable time of completion of each phase.
10. A circulation plan showing the street system and circulation patterns within and adjacent to the proposed Development Project including any special engineering features, such as, but not limited to, median strips, overpasses and underpasses and major pedestrian paths.
11. At the discretion of the PAA, the submittal of a development impact statement (DIS) may be required. The DIS shall be prepared by an interdisciplinary team including a registered landscape architect or architect, a registered professional or civil engineer, and a registered surveyor and shall include:

e. *Physical environment.*

1. Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geological, archaeological, scenic and historical features or structures, location of significant viewpoint, stone walls, trees over sixteen (16) inches in diameter, trails and open space links, and indigenous wildlife.
 2. Describe how the Project will affect these conditions, providing a complete physical description of the Project and its relationship to the immediate surrounding area.
- f. *Surface water and subsurface conditions.*
1. Describe the location, extent and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the site.
 2. Describe any proposed alterations of shorelines, marshes or seasonal wet areas.
 3. Describe any limitations imposed on the Project by the site's soil and water conditions.
 4. Describe the impact upon groundwater and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer and other activities within the site.
- g. *Circulation systems.* Project the number of motor vehicles to enter or depart the site per average day and peak hour and state the number of motor vehicles to use streets adjacent to the site per average day and peak hour. Such data shall be sufficient to enable the PAA to evaluate:
1. Existing traffic on streets adjacent to or approaching the site;
 2. Traffic generated or resulting from the site; and
 3. The impact of such additional traffic on all ways within and providing access to the site, as determined in accordance with standard traffic and transportation planning methodologies. Actual study results, a description of the study methodology, and the name, address, and telephone number of the person responsible for implementing the study, shall be attached to the DIS.
- h. *Support systems.*
1. *Water distribution.* Discuss the types of wells or water system proposed for the site,

means of providing water for firefighting and any problems unique to the site.

2. *Sewage disposal.* Discuss the type of on-site or sewer system to be used, suitability of soils, procedures and results of percolation tests and evaluate impact of disposal methods on surface water and groundwater.
3. *Refuse disposal.* Discuss the location and type of facilities, the impact on existing city refuse disposal capacity, hazardous materials requiring special precautions.
4. *Fire protection.* Discuss the type, location, and capacity of fuel storage facilities or other flammables, distance to fire station, and adequacy of existing firefighting equipment to confront potential fires on the proposed site.
5. *Recreation.* Discuss the distance to and type of public facilities to be used by residents of the proposed site and the type of private recreation facilities to be provided on the site.

i. *Phasing.* Describe the following:

1. Methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation or covering of stockpiles.
2. Approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.
3. Phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.

(g) *Cost and Eligibility Requirements.* Affordable Housing shall comply with the following requirements:

- (1) Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- (2) For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.

- (3) For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
- (4) Prior to the granting of any Building Permit for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the City of Chelsea.
- (5) *Design and Construction.* Units of Affordable Housing shall be finished housing units. With respect to the minimum required number for a given Project, units of Affordable Housing shall be equitably integrated and proportionately dispersed throughout the residential portion of the Project of which they are part, across all residential buildings, floors and unit types in accordance with the Affordable Housing Restriction and marketing and tenant selection plan approved by DHCD and be comparable in initial construction quality, size and exterior design to the other housing units in the Project. Unless expressly required otherwise under one or more applicable state or federal housing subsidy programs, the bedroom-per-unit average for the Affordable Housing must be equal to or greater than the bedroom-per-unit average for the unrestricted/market-rate units. The total number of bedrooms in the Affordable Housing shall be at least proportionate to the total number of bedrooms in all the units in the Project of which the Affordable housing is part, provided that at least ten percent (10%) of the three-bedroom units within the Project shall be Affordable Housing
- (6) *Affordable Housing Restriction.* Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:
 - a. specification of the term of the Affordable Housing Restriction which shall be no less than thirty (30) years;
 - b. the name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;
 - c. a description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity, initial unit designations and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a

Project with the initially designated Affordable Rental Units identified in, and able to float subject to specific approval by DHCD in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and DHCD's AFHMP guidelines

- d. reference to an affirmative fair housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. Such plan shall be consistent with DHCD guidance and approved by DHCD. Consistent with DHCD guidance, such plan shall include a preference based on need for the number of bedrooms in a unit and a preference based on need for the accessibility features of a unit where applicable, and may only provide for additional preferences in resident selection to the extent such preferences are also consistent with applicable law and approved by DHCD.
- e. a requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
- f. reference to the formula pursuant to which rent of an Affordable Rental Unit or the maximum resale price of an Affordable Homeownership Unit will be set;
- g. a requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Monitoring Agent;
- h. provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;
- i. provision that the AHR on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
- j. provision that the AHR on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
- k. provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Monitoring Agent, in a form specified by that agent certifying

compliance with the Affordability provisions of this Ordinance and containing such other information as may be reasonably requested in order to ensure affordability; and

1. a requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.
- (7) *Costs of Housing Marketing and Selection Plan.* The housing marketing and selection plan may make provision for payment by the Project Applicant or owner of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half percent (0.5%) of the amount of rents of affordable rental units (payable annually) or one percent (1%) of the sale or resale prices of affordable homeownership units (payable upon each such sale or resale), as applicable
- (8) *Age Restrictions.* Nothing in this Section 34-186 shall permit the imposition of restrictions on age upon Projects unless proposed or agreed to voluntarily by the Applicant. However, the PAA may, in its review of a submission under Section 34-186 (f)(3), allow a specific Project within the SGOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units.
- (9) *Phasing.* For any Project that is approved and developed in phases in accordance with Section 34-186 (l)(4), the percentage of Affordable units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under Section 34-186 (f)(1). Where the PAA and DHCD have expressly granted written approval for the percentage of Affordable Housing to be other than uniform across all phases, the unit dispersal and bedroom proportionality requirements under Section 34-186 (g)(5) shall be applied proportionate to the Affordable Housing provided for in each respective phase
- (10) *No Waiver.* Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 34-186 (g) shall not be waived unless expressly approved in writing by DHCD.
- (h) *Dimensional and Density Requirements.*
- (1) *Table of Requirements.* Notwithstanding anything to the contrary in this Zoning Ordinance, the dimensional requirements applicable in the SGOD are as follows:
 - (2) *Dimensional and density requirement.*

- a. All Projects are subject to site plan/design review as detailed in subsection (h) of this section.
- b. The dimensional requirements applicable in the SGOD are as follows:

<u>Minimum lot area (to be calculated over the total acreage of all of the parcels within a project)</u>	
Per dwelling unit	350 square feet MIN
But not less than	5,000 square feet
Minimum density	20 units per acre
Minimum frontage	40 feet
Maximum floor area ratio (to be calculated over the total acreage of all of the parcels within a project)	2.75
Maximum height	75 feet
Maximum number of stories	Six
<u>Required yards</u>	
Front yard	10'-0" MIN
Side yard	10'-0" MIN.
Rear yard	10'-0" MIN.

Maximum percent of lot covered	75 percent (75%)
Minimum usable open space per unit	135 square feet (a minimum of fifty percent (50%) of open space must be at grade; private balconies, decks and rooftop spaces can account for a maximum of twenty-five percent (25%) of the required open space; common balconies, decks and rooftop spaces can be used to satisfy the remaining requirement)
Principal structures per lot	Two

(i) *Parking requirements.*

The parking requirements applicable for Projects within the SGOD are as follows.

(1) *Number of parking spaces.* Unless otherwise approved by the PAA,

- a. A minimum of 0.50 and a maximum of 0.75 off-street parking spaces shall be provided for each residential unit, inclusive of the parking spaces within any garages.
- b. For nonresidential uses, off-street parking shall be in conformance with Section 34-283 of the Chelsea Zoning Ordinances.

(2) *Layout.* The minimums are as follows:

- a. Setback requirement from all property lines is five (5) feet;
- b. Aisle width is twenty-one (21) feet;
- c. Individual space dimensions are eight and one half (8.5) feet by eighteen (18) feet.
- d. Subcompact spaces may be provided, but cannot be used to meet the minimum number of spaces required.

(3) *Interpretation of parking table.*

- a. Unless otherwise approved by the PAA, a minimum of 0.50 and a maximum of 0.75 off-street parking spaces shall be provided for each residential unit, inclusive of parking spaces within garages. The PAA may allow for additional visitor parking spaces beyond the 0.75 maximum spaces per unit if deemed appropriate given the

design, layout and density of the proposed residential or other development. The PAA may allow for a decrease in the required parking as provided in 34-186 (i)(3)(c) of this section.

- b. *Shared Parking*. Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted in 34-186 (i)(1) of this section, above that occur at different times of day is strongly encouraged. Minimum parking requirements above, in 34-186 (i)(1) of this section, may be reduced by the PAA through the Plan Approval process, if the Applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).
- c. Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced upon a demonstration to the reasonable satisfaction of the PAA that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:
 - 1. The availability of surplus off-street parking in the vicinity of the use being served and/or the proximity of a bus or an MBTA transit station;
 - 2. The availability of public or commercial parking facilities in the vicinity of the use being served;
 - 3. Shared use of off-street parking spaces serving other uses having peak user demands at different times;
 - 4. Age or other occupancy restrictions which are likely to result in a lower level of auto usage;
 - 5. Impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
 - 6. Such other factors as may be considered by the PAA.
- d. The PAA may allow for additional visitor parking spaces beyond the 0.75 maximum spaces per unit if deemed appropriate given the design, layout and density of the proposed residential or other development. The PAA may allow for a decrease in the required parking as provided in Sections 34-186 (i)(4) below.

(4) *Reduction in parking requirements.* Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process, if the Applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- a. the availability of surplus off -street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
- b. the availability of public or commercial parking facilities in the vicinity of the use being served;
- c. shared use of off-street parking spaces serving other uses having peak user demands at different times;
- d. age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- e. impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- f. such other factors as may be considered by the PAA.

(5) *Location of Parking.* Any surface parking lot shall, to the maximum extent feasible, be located at the rear or side of a building, relative to any principal street, public open space, or pedestrian way.

(j) *Plan approval of projects: general provisions.*

(1) An application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections 34-186 (g) through (n). Such Plan Approval process shall be construed as an As-of-Right review and approval process as required by and in accordance with the Governing Laws. The following categories of Projects shall be subject to the Plan Approval process:

- a. Any Residential Project;
- b. Any Mixed-use Development Project;

(2) *Plan Approval Authority (PAA)*. The Zoning Board of Appeals, consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (the "PAA"), and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions for Projects proposed within the SGOD.

(3) *PAA Regulations*. The Plan Approval Authority may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations and any amendments thereof must be approved by the Department of Housing and Community Development.

(4) *Project Phasing*. An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the PAA. Any phased Project shall comply with the provisions of Section 34-186 (l)(4).

(k) *Plan approval procedure*.

(1) *Preapplication*. Prior to the submittal of a Plan Approval submission, a "Concept Plan" may be submitted to help guide the development of the definitive site plan Project buildout and individual elements thereof. Such Concept Plan should reflect the following:

- a. Overall building envelope areas;
- b. Open space and natural resource areas; and
- c. General site improvements, groupings of buildings, and proposed land uses.

The Concept Plan is intended to be used as a tool for both the Applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the SGOD.

(2) *Required Submittals*. An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA and approved by DHCD, along with application fee(s) which shall be as set forth in the PAA Regulations. The application shall be accompanied by such plans and documents as may be required and set forth in the PAA Regulations. For any Project that is subject to the Affordability requirements of Section 34-186 (f), the application shall be accompanied by all materials required under Section 34-186 (f)(3) and (f)(4). All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be

prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the PAA.

- (3) *Filing.* An Applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the City Clerk and a copy of the application including the date of filing certified by the City Clerk shall be filed forthwith with the PAA.
 - (4) *Circulation to Other Boards.* Upon receipt of the application, the PAA shall immediately provide a copy of the application materials and the expected date of the public hearing for the application to the City Council, Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, the Monitoring Agent (for any Project subject to the Affordability requirements of Section 34-186 (f), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 30 days of its receipt of a copy of the plan and application for approval. A reviewing board may provide written comments to the PAA prior to the close of the public hearing.
 - (5) *Hearing.* The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G.L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the City Clerk, within 120 days of the receipt of the application by the City Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the City Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application and the site plan.
 - (6) *Peer Review.* The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, Section 11(a). Such fees shall be held by the City in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.
- (l) *Plan approval decisions.*
- (1) *Plan Approval.* Plan Approval shall be granted where the PAA finds that:

- a. the Applicant has submitted the required fees and information as set forth in the PAA Regulations; and
- b. the Project and site plan as described in the application meets all of the requirements and standards set forth in this Section 34-186 and the PAA Regulations, or a waiver has been granted therefrom; and
- c. any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the Affordability requirements of Section 134-186 (f), compliance with condition Section 34-186 (l)(1)(b) above shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied. The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section 34-186, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

(2) *Plan Disapproval.* A Plan Approval application may be disapproved only where the PAA finds that:

- a. the Applicant has not submitted the required fees and information as set forth in the Regulations; or
- b. the Project as described in the application does not meet all of the requirements and standards set forth in this Section 34-186 and the PAA Regulations, or that a requested waiver therefrom has not been granted; or
- c. it is not possible to adequately mitigate significant adverse Project impacts on nearby properties by means of suitable conditions.

(3) *Waivers.* Upon the request of the Applicant and subject to compliance with M.G.L. c. 40R, 760 CMR 59.00 and Section 34-186 (g)(10), the Plan Approval Authority or its designee may waive dimensional and other requirements of Section 34-186, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section 34-186.

(4) *Project Phasing.* The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased for the purpose of coordinating its development with the construction of Planned Infrastructure Improvements (as that term is defined under 760 CMR 59.00), or to mitigate any

extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, unless otherwise explicitly approved in writing by the Department in relation to the specific Project, the proportion of Affordable units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under Section 34-186 (f)(1).

- (5) *Form of Decision.* The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the City Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the City Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the City Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the City Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.
 - (6) *Validity of Decision.* A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.
- (m) *Change in plans after approval by PAA.*
- (1) *Minor Change.* After Plan Approval, an Applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the City Clerk.

- (2) *Major Change*. Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new or amended application for Plan Approval pursuant to Sections 34-186 (j) through (n).

(n) *Design Standards – general.*

- (1) *Adoption of Design Standards*. Any Project undergoing the Plan Approval process shall be subject to design standards as set forth below in this Section 34-186 (n) (“Design Standards”).

- (2) *Purpose*. The Design Standards are adopted to ensure that the physical character of Projects within the SGOD:

- a. will be complementary to nearby buildings and structures;
- b. will be consistent with the Comprehensive Housing Plan, an applicable master plan, an area specific plan, or any other plan document adopted by the City; and
- c. will provide for high-density quality development consistent with the character of building types, streetscapes, and other community features traditionally found in densely settled areas of the City or in the region of the City.

(3) *Design Standards.*

a. *Site design and building orientation.*

1. Buildings and landscape elements should be sited to reinforce the street edge by aligning building faces and taller vertical landscape elements along the setback line. The setback should be generous enough to allow for tree plantings but shallow enough that the buildings help create a coherent street wall that will inform future patterns of development.
2. Required open space should be sited such that it is visually accessible from the street, thereby creating a visual amenity for the community, where possible.
3. In order to strengthen and define street form, corner buildings should align to both street frontages.
4. Parking areas should be located within buildings to the extent possible. Any surface parking should be located behind or to the side of buildings and should be screened from the sidewalk and street by decorative fencing or landscaping.

Garage entries facing streets should have doors designed to be compatible with a pedestrian scale and aesthetic, characterized by windows, panels or other articulations.

5. All curb cuts should be designed so that driveways slope up from the street to the level of the sidewalk to promote a safer pedestrian environment. Curb cuts should not be designed so that the drive is set at the street elevation. Sidewalks are meant for safe passage of pedestrians. Curb cuts set at the street elevation not only require pedestrians to step down at every cut, but also promote vehicles entering and exiting the drive at faster speeds than those that would be used if the sidewalk were designed so that the pedestrian had the right-of-way.

b. *Building character and architectural design.*

1. Building heights should be tallest east of Willow Street, and should step down in building height from Willow Street west toward Highland Street.
2. To support the pedestrian scale of the district and reflect the pattern and character of the surrounding neighborhood, new buildings should include articulations such as cornices, bay windows, shadow lines, or other design elements that add interest and dimension to the building facades. Vertical and horizontal articulation of building facades should be used to reflect the neighborhood scale, minimize the apparent mass of buildings by reducing the perception of distance/length, provide structure to the arrangement of fenestration, enhance pedestrian orientation, and add visual interest to the public realm.
3. Buildings should have the primary entrance oriented to the street on which the building fronts.
4. Windows should be individual punched openings in the facade, rather than band windows.
5. Materials:
 - i. The palette of wall materials and colors used for a building should be kept to a minimum, preferably three. Similar wall materials as found on adjacent or nearby buildings should be used to strengthen district character and provide continuity and unity between buildings of divergent size, scale, and architectural styles.
 - ii. Acceptable wall materials include horizontal or vertical board siding (composite materials, wood,), brick, and heavy gage metal panel. High-

quality, durable, low maintenance wall materials should be used where pedestrians closely encounter and interact with buildings.

6. Exterior Insulation and Finish Systems (EIFS) should never be used.
 - i. Wall materials appearing visually heavier in weight should be used below wall materials appearing visually lighter in weight.
 - ii. If a building's massing and pattern of fenestration is complex, simple or flat wall materials should be used. If a building's massing and pattern of fenestration is simple, walls should include additional texture and surface relief.
 - iii. Side and rear building elevations that are visible from the public realm should have a level of trim and finish that is compatible with the primary façade of the building.
 - iv. Balconies should have metal railing guardrail systems.
 7. Building tops should be shaped with attention to their view against the sky and to adjacent structures. Mechanical penthouses and other projections or roof elements that are visible from the street should be architecturally integrated with the overall building design.
 8. In order to enhance security, interior living spaces, wherever possible, should be oriented so that windows give visual access to either the street or any on-site open spaces.
- c. *Streetscape and landscape design.*
1. Where space allows, sidewalks should be ten feet from curb to back of sidewalk. Sidewalk width should transition to match adjacent parcels, but never less than a minimum width of five (5) feet.
 2. Street trees should be planted curbside in a continuous four-foot tree lawn or individual four-foot tree pits in the sidewalk. These should be at least three feet deep and provide adequate uncompacted soil for healthy root growth. Where sidewalks are less than eight (8) feet, street trees or other landscaping should be planted in the front setback to create a greener street edge.
 3. Landscaping should be planted at a sufficient density to make an immediate impact on the pedestrian environment. Trees should be at least three inches in

caliper when planted and should be pruned or “limbed up” to a height of at least eight feet.

4. In order to promote a sustainable and natural landscape environment, plant materials should be limited to native and noninvasive species.
5. Ground level open spaces created in the district should be physically and visually accessible from the sidewalk. Open space design should incorporate Crime Prevention Through Environmental Design (CPTED) techniques to enhance safety and universal design to accommodate all users.
6. In order to visually screen any surface parking, trash collection areas, outdoor storage areas, and utility equipment from the street without reducing visual access and security:
 - i. Except to allow egress to the property at driveways and walkways, where possible, these areas should be screened from the street by continuous planting strips a minimum of five feet deep and planted at a density sufficient to create a continuous screen, with plantings at least thirty (30) inches but no more than four (4) feet tall.
 - ii. As an alternative to planted screens or in addition to them, continuous fencing may be installed on the street side of the planting strip. Fencing should be a good quality opaque material fence to adequately screen the area aligning with architectural elements of the adjacent building facade.
 - iii. Trees may be planted within planting strips provided they do not disrupt the continuity of the required screening, and that limbs are removed below a height of eight (8) feet.

(o) *Severability.*

- (1) If any provision of this Section 34-186 is found to be invalid by a court of competent jurisdiction, the remainder of Section 34-186 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 34-186 shall not affect the validity of the remainder of the City’s Zoning Ordinance.

A map of the proposed Zoning 40R District was received from the Planning Director John DePriest. Councilor Robinson moved to accept the map which outlines the R2 Zoning and the Proposed 40R Zoning District by roll call. The roll call passed 11-0-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero.

Second Readings:

The following order was introduced by Councilor Brown. A motion from Councilor Brown to approve by roll call passed 11-0-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero.

ORDERED, that pursuant to Section 3-5 of the City of Chelsea Ordinances, and pursuant to Chapter 44 sec 53A of the Massachusetts General Laws, the City Council hereby accepts the gift to the Chelsea Public Library to support the Children's Library in the amount of \$100.00 from Cristina Caruso.

The following three orders were introduced by Councilor Brown. A motion from Councilor Brown to adopt by roll call passed 11-0-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero.

ORDERED, that in accordance with M.G.L Ch. 44, Section 64, budget management procedures, whereby costs incurred in FY18 were not paid and are owed to the vendor, and to meet this obligation funds are required from the current year FY19 budget, that the City Council authorizes the expenditures of \$126.45 from the Parking Department expenditure line to satisfy the unpaid meter part balance to MacKay Meters, Inc. from a prior year.

ORDERED, that in accordance with M.G.L Ch. 44, Section 64, budget management procedures, whereby costs incurred in FY18 were not paid and are owed to the vendor, and to meet this obligation funds are required from the current year FY19 budget, that the City Council authorizes the expenditure of \$415.00 from the Human Resources Department expenditure line to satisfy the unpaid medical bill balance to Professional Health Services, Inc. from the prior year.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$250,000 from Free Cash to Account #5000400-497100 Chapter 90 Other—Transfer from General Fund.

The following order was introduced by Councilor Brown. Councilor Brown added as an amendment the words "From Free Cash" and moved roll call. The roll call passed 11-0-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$15,563.00 from Free Cash to supplement the Fiscal Year 2019 Regional School Account #0130156-566200 for student tuition.

The following order was introduced by Councilor Brown. A motion from Councilor Brown to adopt by roll call passed 11-0-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$1,500 from Free Cash to the FY2019 Legislative Rent/Lease Expense Account #0111052-523200.

The following four orders were introduced by Councilor Brown. A motion from Councilor Brown to adopt by roll call passed 9-2-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, and Robinson. Voting no were Councilors Bishop and Recupero.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$31,500 from Free Cash to the FY2019 Emergency Management Department Other Supplies Expense Account #0123052-549000.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$10,500 from Free Cash to the FY2019 Emergency Management Department Alarm Box Maintenance Expense Account #0123052-524300.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$7,000 from Free Cash to the FY2019 Emergency Management Department Vehicle Maintenance Expense Account #0123052-524400.

ORDERED, that the Chelsea City Council authorize the appropriation of funds in the amount of \$30,000 from Free Cash to the FY2019 Emergency Management Department Radio Purchase & Repair Expense Account #0123052-548500.

The following order was introduced by Councilor Brown. A motion from Councilor Brown to adopt by roll call passed 11-0-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero.

ORDERED: that the Chelsea City Council authorizes the appropriation of \$50,000 from the Overlay Surplus Account to the Assessors' Office Legal Services Account 0114152-530100.

New Business:

The following order was introduced by Councilor Recupero. A motion from Councilor Recupero to adopt under suspension was adopted.

Ordered, that the City Manager put out a contract to open up competition for towing in Chelsea and get the lowest bidder.

The following order was introduced by Councilor Recupero. A motion from Councilor Recupero to adopt under suspension was adopted.

Ordered, that the City Manager instruct DPW to fix all the holes from the corner of Fourth St. and Pearl St., all the way down to the corner of Pearl and Congress, and to give an update on when the road will be repaved and redone.

The following order was introduced by Councilor Recupero. A motion from Councilor Recupero to adopt under suspension was adopted.

Ordered, that the City Manager instruct the DPW Director and Assistant Director Lou Mammolette to give an update on how and when they intend to fix the issue of the indentation in the road on Marginal and Hawthorne St.

The following Resolve was introduced by Councilor Lopez. An amendment by Councilor Avellaneda to change the order to read request and have Traffic and Parking take it up at their next meeting was adopted under suspension at the request of Councilor Lopez.

BE IT HEREBY RESOLVED, that the City Council **request** the following for the Traffic and Parking Commission:

Amend Section 7-27 of the Article 7 of the Traffic and Parking Regulations and add the following to section (a).

Essex Street, between Highland and Shurtleff,
Marlborough Street, between Highland and Shurtleff,
Cottage Street, between Shawmut and Willow
Watts Street, between Lynn and Willow
Maverick Street, between Shurtleff and Highland.

The Order introduced by Councilors Vidot and Avellaneda pertaining to Ordinance Change for electric Bikes was objected to the first reading by Councilor Bishop. It will be taken up at the next City Council Meeting.

The following Ordinance Revision was introduced by Councilor Recupero. A motion from Councilor Recupero to adopt by roll call passed 11-0-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop and Recupero.

WHEREAS, the Chelsea City Council has authority to adopt ordinances to protect the health, safety and welfare of all residents of the City of Chelsea;

WHEREAS, the City of Chelsea wishes to increase participation by seniors and veterans in the Senior Citizen Property Tax Work-off Program and the Veterans Property Tax Work-off Program by making more seniors and veterans eligible.

NOW, therefore be it Ordained, that the Revised Code of Ordinances of the City of Chelsea as amended, be further amended as follows:

AN ORDINANCE REVISING PART II CHAPTER 26 OF THE CHELSEA CODE OF ORDINANCES

Amendment 1

That Chapter 26, Section 26-2 of the Code of Ordinances, City of Chelsea, Massachusetts is hereby amended by striking in the first sentence of Section 26-2(a)(1) the words "income eligible".

Amendment 2

That Chapter 26, Section 26-3 of the Code of Ordinances, City of Chelsea, Massachusetts is hereby amended by striking entirely the existing Section 26-3(c)(3).

These changes shall take effect as of January 1, 2020.

The following order was introduced by Councilor Recupero. A motion from Councilor Recupero to adopt by roll call passed 11-0-0-0. Voting yes were Councilors Garcia, Vidot, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero.

WHEREAS, The Commonwealth of Massachusetts has enacted Clause 41A of M.G.L. c. 59, Section 5 to allow for senior homeowners 65 years of age or older to defer property taxes; and

WHEREAS, The laws provide for municipalities to adjust both the income eligibility limits to qualify for the tax deferral program and the interest rate applicable to deferred taxes; and

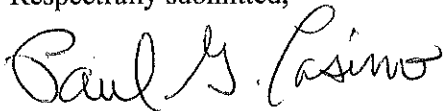
WHEREAS, The City of Chelsea City Council desires to take advantage of these adjustments to encourage participation in the tax deferral program by seniors;

NOW THEREFORE BE IT ORDERED,

VOTED: That the City of Chelsea accept the provision of General Laws Chapter 59, Section 5, Clause 41A, which authorize the following: (1) an increase in the gross receipts income eligibility limit from \$20,000 to the maximum allowed by law, which is the income limit set by the commissioner of revenue for the purposes of subsection (k) of section 6 of chapter 62 (the "circuit breaker law state income tax credit") for a single person who is not a head of household; and (2) a reduction in the interest charged by the City on all taxes deferred from 8% to 4% simple interest annually. And that such changes be effective for tax deferrals granted for any fiscal year beginning on or after July 1, 2019.

The meeting adjourned at 8:55 p.m.

Respectfully submitted,



Paul G. Casino
Clerk of the Chelsea City Council