

E/L  
**SUSPENSION**

**ACCEPTED AND FILED**

Chelsea, Massachusetts October 7, 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: Councilors Garcia, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero. Councilor Vidot was absent. Council Vice-President Tejada presided over the meeting. The meeting opened at 7:00 P.M.

Prior to the start of the Regular Scheduled Meeting Chairman Tejada called a recess so that the Fire Chief could announce the newly appointed firefighters and have the assistant City Clerk perform the swearing in ceremonies. The following Firefighters were sworn in: Euclides Barahona, Marc Garcia, Danny Henriquez

**Memoriums and Celebratory Resolutions:**

The following Resolution was introduced by Councilor Brown and all members of the City Council. A motion from Councilor Brown to adopt under suspension was adopted.

**RESOLUTION**

**WHEREAS,** Bishop Robert G. Brown is commemorating his 38<sup>th</sup> Anniversary as Pastor of the Zion Church Ministries on October 12, 2019, his church family, friends, and congregations from all over have proudly come together to celebrate the services and sacrifices of this outstanding religious servant. We commend him for his steadfast Christian leadership over the years; and

**WHEREAS,** it is a testament to the leadership of Bishop Brown, as well as to the relationship between him and his congregation that he has been at Zion Church for 39 years and officially is its Pastor for 38 years and continues to be an involved and acclaimed member of the city of Everett and its surrounding communities. Not only is he a dynamic pastor and leader for his congregation, but his influence extends through his outreach efforts and service throughout the Commonwealth and beyond; and

**WHEREAS,** Bishop Brown firmly believes the church must be a "Church-in-Action," and serves the community through faith and unwavering love; under his leadership, Zion Church provides ESL classes for non-English speaking people, Community Dinner, an annual Community-in-Unity Block Party and other supported services for surrounding communities; and

**WHEREAS,** this humble man has demonstrated excellence in his calling as a "Man of God," the members of this council body extent to him and his family our sincerest appreciation; now therefore, BE IT

**RESOLVED,** that I, Calvin T. Brown, and All Members of the Chelsea City Council do hereby recognize the Anniversary of Bishop Robert G. Brown, and acknowledge this occasion,

and express its appreciation and admiration for his 38<sup>th</sup> years of laboring in God's vineyard.

The following Resolution was introduced by Councilors Robinson and Bishop and all members of the City Council. A motion from Councilor Robinson to adopt under suspension was adopted.

#### RESOLUTION

- WHEREAS, Dr. Skip Atkins, MD, MPH, dedicated his life to the provision of the professional clinical health services at the M.G.H facility in Chelsea; and
- WHEREAS, Dr. Atkins personally treated numerous residents of Chelsea with care and compassion; and
- WHEREAS, Dr. Atkins volunteered many years of service as a member of the Chelsea Board of Health, providing wisdom and insight to public policy decision making; and
- WHEREAS, Dr. Atkin's inexhaustible energy and generous spirit endeared him to all who were blessed to know him; now therefore, BE IT
- RESOLVED, that the Chelsea City Council hereby posthumously bestows upon Dr. Skip Atkins a CERTIFICATE OF MERIT, and BE IT FURTHER
- RESOLVED, that we, the members of the Chelsea City Council, urge the residents of Chelsea and the entire Commonwealth of Massachusetts to take cognizance of this recognition, given this 7<sup>th</sup> day of October, 2019.

The following Resolution was introduced by Councilor Recupero and all members of the City Council. A motion from Councilor Recupero to adopt under suspension was adopted.

#### RESOLUTION

- WHEREAS, October is the month that many of Italian Heritage celebrate with so many others, Columbus Day Parades; and
- WHEREAS, Italian Heritage is richly entwined in the history of our country; this heritage did not begin and end with the well-known voyages of Christopher Columbus, but continues to the present day in fields of exploration, science, the arts, literature, as well as business and development; and
- WHEREAS, Italians and those of Italian descent have made remarkable contributions to our nation; the list is quite long. American history is replete with citizens of Italian lineage, including the signing the Declaration of Independence and the formation of the U.S. Constitution. Italian-Americans have fought in every war from the Revolutionary War, to recent conflicts; and have served with distinction, including several Congressional Medal of Honor recipients. Italian-Americans were instrumental in building and developing many of our major cities; Italian immigrants built bridges and roads that we use today. Several major U.S. universities have been founded and directed by Italian-Americans and valuable discoveries in science and medicine are credited to those of Italian heritage as well; NOW THEREFORE BE IT

**RESOLVED**, that we, the Members of the Chelsea City Council, declare October as “Italian Heritage Month” in the year 2019.

The following Resolution was introduced by Councilor Robinson and all members of the City Council. A motion from Councilor Robinson to adopt under suspension was adopted.

### **RESOLUTION**

WHEREAS, anyone can be a victim of domestic violence regardless of age, sex, ability, ethnicity, sexual orientation, socioeconomic status, or religion; and

WHEREAS, children that grow up in violent homes are believed to be abused and neglected at a rate higher than the national average; and

WHEREAS, Domestic Violence Awareness Month provides an excellent opportunity for our community to learn more about preventing domestic violence and to show support for the numerous organizations and individuals providing critical advocacy, services, and assistance to its victims; NOW THEREFORE, BE IT

RESOLVED, that the Chelsea City Council, on behalf of the residents of Chelsea, recognize October 2019 as Domestic Violence Awareness Month in the City of Chelsea, as we work together to eliminate domestic violence from our community.

#### **Public Speaking:**

The public speaking portion of the meeting opened at 7:30. No one came forward and the public speaking closed at 7:31 p.m.

**The minutes of the City Council meeting dated September 23, 2019 were approved at the request of Councilor Brown under suspension.**

#### **City Manager Communications:**

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: Notice of Waiver Intent

Dear Councilors:

Pursuant to the Administrative Code Section 1.12.02, I am writing to notify you of my intention to hire Ms. Sharon Rodriguez, 100 Quincy Avenue, Apt. 4, Winthrop, Massachusetts for the purpose of ISD

Office Manager and to grant her a waiver from the residency requirement set forth in the Administrative Code, Part IV, Section 1.12.01. Ms. Rodriguez lived in Chelsea for many years and maintains strong ties to the City. A copy of her resume is attached.

In accordance with Section 1.12.02, I request that you provide me with any comments on the proposed waiver within seven days.

Sincerely,  
Thomas G. Ambrosino  
City Manager

*The following communication was read from the City Manager Thomas G. Ambrosino. A motion from Councilor Robinson referred it 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 appointment to the Human Rights Commission, Mr. Christian DeJesus Franco, 72 Willow St., #3, Chelsea, for a new three year term expiring on June 30,2022.

For appointment to the Human Rights Commission, Mr. Michael Palma, 28 Woodman Ave., Chelsea, to serve the remainder of the term of Mr. Roberto Rodriguez Lugo, who has moved out of the City. This term expires on June 30,2021.

For appointment to the new Chelsea Disability Commission, for terms expiring on Sept. 30 of the identified years:

Karen Zelaya, 18 Carmel Street, Chelsea, a one year term expiring Sept 30,2020.

Barbara Rivera, 53 Maverick Street #1, Chelsea, a one year term expiring Sept. 30,2020

Alexander J Floyd-Varga, 260 Clark Ave. Apt 807, Chelsea, a one year term expiring Sept. 30,2020

Maureen Cawley, 150 Captains Row, Chelsea, a two year term expiring

Marianne Winship, 62 Beacon Street, Chelsea, a two year term expiring Sept. 30,2021

Robert J. Bourque, 95 Sagamore Avenue, Chelsea, a three year term expiring Sept. 30,2022

Mr. Fidel Maltez, Public Works Commissioner and ADA Coordinator, a three year term expiring on Sept. 30,2022

I respectfully request your approval of these appointments. I have attached resumes for the new appointees.

Sincerely,  
Thomas G. Ambrosino  
City Manager

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

The Honorable Chelsea City Council  
City Clerk Jeannette Cintron White  
Chelsea City Hall  
500 Broadway  
Chelsea, Massachusetts 02150

Re: Request for Conflict of Interest Law Exemption

Dear Councilors:

The School Department desires to hire Ms. Mariana Ceja as a Clerk to the School Committee. Ms. Ceja has been working at the DPW for the past two years part-time, off and on, as a temporary employee (under 20 hours), answering phones and performing other clerical tasks. Because Ms. Ceja is an existing municipal employee with a financial interest in this separate matter, she needs an exemption vote by the City Council from the statutory conflict of interest laws in order to accept this job offer.

I respectfully request that the City Council approve this exemption. All future work performed by Ms. Ceja for the School Committee will be outside of her normal hours with the DPW. Ms. Ceja meets all the statutory requirements for the grant of an exemption. See M.G.L. c. 268A & 20.

Thank you for your attention to this matter.

Sincerely,  
Thomas G. Ambrosino  
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: Traffic Management

Dear Councilors:

I am writing in response to the recent City Council Order requesting a planning committee be created to facilitate traffic management during construction.

There is no denying that there is a lot of construction ongoing in the City right now, including major projects on some of our busiest arteries—such as Everett Avenue, Essex Street, Spruce Street, Marginal Street, Williams Street and Beecham Street. The mere fact this motion was presented suggests that we have not been entirely successful in coordinating the traffic impacts of these many projects. After consulting with our Department of Public Works and Department of Planning & Development, I believe that, moving forward, we can do a better job with coordination and, more importantly, communication with our residents about the traffic impacts of these projects.

Based upon our internal discussion and in accordance with the City Council's request, we will create and convene a special working group, focused on monitoring and coordinating the various construction projects in our city. This group will have a regularly scheduled weekly meeting, most likely on Mondays. The meeting will include representatives from Public Works, Planning & Development, the new 311 Office and Chelsea Police. The goal of each meeting will be to review all open construction permits in the City, with a particular focus on road closures and potential traffic impacts to our residents. This weekly meeting will be an opportunity for leaders of our departments to challenge traffic plans and to push contractors to provide alternatives that will benefit our residents. One hoped-for outcome would be a weekly report that we could publish on our website and social media that identifies for residents where traffic impacts for that week will occur.

I do caution however, that some of the major projects that have the most significant impact on traffic are controlled and managed by autonomous entities, such as MassDOT and Eversource, over which the City has limited control. Nonetheless, the City will push these entities and advocate for our residents as much as possible to minimize inconvenience.

Sincerely,  
Thomas G. Ambrosino  
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: *Zoning Ordinance Amendments*

Dear Councilors:

I am writing to request a few relatively minor amendments to our Zoning Ordinance to address directly two problems that have come to light in the past few months. These changes provide a remedy for both issues. A draft with the proposed changes is attached.

### Storage of Vehicles

The first issue involves the storage of taxicabs. Recently, the Licensing Commission has requested that taxicab companies establish that they are operating in accordance with the City's Zoning Ordinance, including storing vehicles consistent with the City's table of uses. Unfortunately, although

many of these taxicab companies have been in operation for years, not all have been able to produce Occupancy Permits for the locations in which they have historically stored their vehicles. And, for certain of these locations, the storage of taxicabs is prohibited by our current zoning.

The Licensing Commission has granted these operators time to get into compliance with the City's Zoning. Unfortunately, under our current zoning scheme, the areas amenable to the Use known as "Storage of Vehicles for Hire or Return for Hire" is very limited. Today, you can only seek this Use by Special Permit in the Business District or in the Airport Overlay District.

To create some additional opportunities for accommodating this Use, I am proposing a change to expand this Use, by Special Permit only, to the Industrial (I), Light Industrial (LI) and Light Industrial 2 (LI2) Districts. This should provide ample opportunity for taxicab companies to comply with the City's zoning. The new proposal also improves upon the current Zoning Ordinance by creating an actual definition for this Use, which previously was undefined.

### **The Community Improvement Trust Fund**

The second change is a technical amendment to the Community Improvement Trust Fund. As you may recall, this provision was created several years ago to require a payment to the City in those circumstances where a developer was obtaining zoning relief resulting in an intensity of use. The payment is intended to be tied to the additional relief one obtains -- i.e. FAR, height or maximum building coverage -- beyond what is allowed in the District by right. Unfortunately, when the Ordinance was passed, the language required that the payment be calculated based upon how much the additional relief exceeded what was currently already non-conforming in the District, rather than, as intended, to be calculated based upon how much the relief deviated from what is *allowed by right* in the District. As a result, in a District with significant existing non-conformities for FAR or height or maximum building coverage, the calculation will yield minimal payments to the Fund. To correct for this unintended consequence, I have proposed a simple textual change.

I respectfully request that the City Council forward these matters to the Planning Board for consideration and then advertise the changes for a public hearing. I will be available to answer any questions that the City Council has about these amendments.

Sincerely,  
Thomas G. Ambrosino  
City Manager

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

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

Re: Notice of Waiver Intent

Dear Councilors:

I am writing to notify you of my intention to grant a residency waiver to current Treasury employee Giuseppe Lorenzo Recupero.

Because of family circumstances, Mr. Recuperero must leave his current Chelsea address, and he has been unable to find alternative housing in the City. He will be relocating to Everett.

Mr. Recuperero has been a valuable employee for the City. We wish to retain his services. For this reason, I intend to grant the request for a waiver of the residency requirement.

In accordance with the new Administration Code, Part IV, Section 1.12.02, I request that you provide me with any comments on this proposed waiver within seven days.

Sincerely,  
Thomas G. Ambrosino  
City Manager

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

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

Re: Notice of Waiver Intent

Dear Councilors:

I am writing to notify you of my intention to grant a residency waiver to current DPW employee John Pisaturo.

Mr. Pisaturo is planning to relocate from Chelsea to Peabody to live with other family members because of rising rents. He has been unable to find an affordable alternative in Chelsea. Mr. Pisaturo is a valuable member of our DPW team, and we would like to keep him.

In accordance with the new Administrative Code, Part IV Section 1.12.02, I request that you provide me with any comments on this proposed waiver within seven days.

Sincerely,  
Thomas G. Ambrosino  
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: Notice of Waiver Intent



Dear Councilors:

Pursuant to the Administration Code Section 1.12.02, I am writing to notify you of my intention to hire Mr. John Stavo, 3 Ironwood Street, Billerica, Massachusetts and Mr. Ronald Taylor, 390 Revere Street, Winthrop, Massachusetts, for the two open positions of E-911 Dispatcher and to grant both individuals a waiver from the residency requirement set forth in the Administrative Code, Part IV, Section 1.12.01. Both individuals have previous dispatching experience and training, and they both will be able to start work expeditiously. Copies of background material on the two candidates are attached.

In accordance with Section 1.12.02, I request that you provide me with any comments on the proposed waivers within seven days.

Sincerely,  
Thomas G. Ambrosino  
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: Quarterly Hiring Report

Dear Councilors:

Pursuant to Administrative Code Section 1.12.02, I have enclosed the required statistical quarterly report on hiring for the twelve month period from Oct. 1, 2018 through Sept. 30, 2019.

I will be available to answer any questions.

Yours truly,  
Thomas G. Ambrosino  
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: *Amendment to Residential Yard Sale Ordinance*

Dear Councilors:

I am writing to request that the City Council consider a minor amendment to our Ordinance that addresses residential yard sales. A draft of the Order implementing this change is attached.

As you may know, our current Ordinance allows for any resident to hold up to five yard sales per year. There are some restrictions on such sales, including that they cannot be held on consecutive weeks and they must take place entirely on private property and not spill onto the sidewalk.

However, as currently written, the Ordinance is difficult to enforce. The Ordinance has no provision for requiring any type of permit from, or notice to, the Licensing Commission for such yard sales. Accordingly, in the absence of required notice or permits, it is impossible for the City to determine if someone is operating such sales on consecutive weeks or exceeding the five yard sale annual limit.

The purpose of this amendment is simply to ensure that the Licensing Commission has notice of all of these yard sales. Although these residential yard sales will remain exempt from the Licensing requirements otherwise applicable to open air vendors under Article X of Chapter 14, residents will need to obtain a permit. This will allow the City to keep track of these residential yard sales and properly enforce the Ordinance.

I respectfully request that the City Council approve this small regulatory change.

Sincerely,  
Thomas G. Ambrosino  
City Manager

*The following communication was read from City Manager Thomas G. Ambrosino. A motion from Councilor Garcia referred it to the Sub-Committee on Conference under suspension.*

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

Re: *Traffic Study of Park Square*

Dear Councilors:

This past June, the City Council approved an appropriation from Free Cash for the purpose of conducting a comprehensive traffic study of the area of the City known as Park Square (the Park Street, Pearl Street, Cross Street and Congress Avenue intersection). This unsignalized area, a major school walking route, is both congested and dangerous. The goal of the study is to identify potential solutions to improve traffic flow and safety.

The City has now finalized its contract with the engineering group TEC to perform this traffic study. A copy of the TEC Scope of Work is attached. TEC will analyze the existing conditions and then propose and design recommended solutions, in consultation with the City and the general public.

TEC has requested an opportunity to meet with the City Council early in the process to discuss its study. Further, TEC has already identified some relatively simple lane marking improvements that it wishes to pilot during the study period. The changes will help to inform TEC's decision-making on

permanent solutions. However, before seeking Traffic Commission approval for such interim lane-marking changes, we would like to preview them for the City Council.

Accordingly, I am writing to request that a subcommittee meeting be scheduled in the near future to discuss the TEC study and the pilot changes. At the same meeting, if the Council desires, we could have a broader discussion about potential traffic and parking changes in the City, including the changes that the City recommended to the City Council in June. A copy of those proposed changes is also attached.

Sincerely,  
Thomas G. Ambrosino  
City Manager

**Communication and petitions to the Council:**

A copy of a communication was read from Traffic/Parking Clerk Jeannette Cintron White regarding the actions approved at the October 1, 2019 Traffic and Parking Commission meeting. A motion from Councilor Robinson to accept and file was adopted under suspension.

A copy of a communication was received from Council President Vidot regarding assembling the City Manager Evaluation Subcommittee. A motion from Councilor Brown to accept and file was adopted under suspension.

**New Business:**

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

ORDERED, that the Chelsea City Council hereby approves a Conflict of Interest Exemption pursuant to Massachusetts General Law Chapter 268A, Section 20(B) for the part-time position of Clerk to the School Committee to be held by Mariana Ceja effective immediately.

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

Request, that the City Manager and DPW Commissioner look into a way to replace street and sidewalks on Marlborough St. from Broadway all the way to Grove St.

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

Request, that the City Manager and DPW Commissioner look into a way to replace street and sidewalks on Eastside Ave. from Willow to Highland St.

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

Request, that the City Manager report to the Council how many variances have been granted over the last two years.

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

Request, that the Traffic and Parking remove one of the parking spaces in the City Hall parking lot close to the City Hall entrance and make it a handicap parking space.

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

Request, that the City Manager consider naming, at the next opportunity, possibly, a park, or city owned lot that would require a name, the name of the late Jimmy "Bear" Burke, long time participant in youth activities.

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

Ordered, that the Clerk of the City Council prepare an attendance report for the members of the City Council stating:

#1 the number of City Council meetings (regular and special) held in 2019 and the number each member attended.

#2 the number of City Council conferences held in 2019 and the number each member attended.

Further Ordered,

The Clerk report back as soon as possible but take whatever time that is necessary to make this report available.

The following order was introduced by Councilor Vidot. A motion from Councilor Bishop for roll call passed 10-0-1-0. Voting yes were Councilors Garcia, Avellaneda, Rodriguez, Lopez, Brown, Perlatonda, Tejada, Robinson, Bishop, and Recupero. Councilor Vidot was absent.

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 regulate yard sales in a manner that works to the benefit of residents;

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 14, ARTICLE X, SECTION 14-422 OF THE CHELSEA CODE OF ORDINANCES

Amend 1



The following order was introduced by Councilor Vidot. A motion from Councilor Bishop referred it to the Planning Board and schedule a Public Hearing.

WHEREAS, the Chelsea City Council has authority to adopt municipal zoning ordinances that encourage the most appropriate use of land throughout the City: and

WHEREAS, the City of Chelsea also wishes to clarify its existing Community Improvement Trust Fund language.

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;

AN ORDINANCE REVISING PART II CHAPTER 34 OF THE CHELSEA CODE OF ORDINANCES BY AMENDING AS FOLLOWS

Amendment 1

That Chapter 34, Article V General and Supplemental Regulations be amended by changing both paragraph one and paragraph two and replacing with the words "currently nonconforming" in both paragraph one and paragraph two and replacing with words "allowed by right", such that the new paragraph (a) reads as follows:

Section 34-111-Community Improvement Trust Fund

- (a) 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 allowed by right 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 allowed by right. The first 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.

The meeting adjourned at 8:00 p.m.

Respectfully submitted,



Paul G. Casino  
Clerk of the Chelsea City Council