

Chelsea City Council
 Special Meeting
 December 21st, 2023

ACCEPTED AND FILED

SUSPENSION

A special meeting of the Chelsea City Council was held on Thursday, December 21st, 2023. The meeting was held in the City Council Chambers at Chelsea City Hall, 500 Broadway, Chelsea, Massachusetts 02150. Council President Robinson presided over the meeting. **The meeting opened at 7:04 PM.**

Name	District	Status	Arrived
Councilor Calvin Brown	Eight	PRESENT	
Councilor Judith Garcia	Five	ABSENT	
Councilor Tanairi Garcia	Seven	PRESENT	
Councilor Enio Lopez	Four	PRESENT	
Councilor Leo Robinson	At Large	PRESENT	
Councilor Giovanni Recupero	Six	PRESENT	
Councilor Damali Vidot	At Large	PRESENT	
Councilor Norieliz De Jesus	Three	PRESENT	
Councilor Brian Hatleberg	At Large	PRESENT	
Councilor Melinda Vega	Two	PRESENT	
Councilor Todd Taylor	One	PRESENT	

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The following communication from City Clerk Jeannette Cintron White was read. A motion from Councilor Hatleberg to accept the call of the meeting was adopted under suspension.

Honorable Chelsea City Council
 City Hall, 500 Broadway
 Chelsea, MA 02150

Dear Honorable Council Members:

Please be advised that City Council President Leo Robinson has called for a Special Meeting of the Chelsea City Council and School Committee for Wednesday, December 6th, 2023 at 7:00 P.M in the City Council Chambers, 500 Broadway, Chelsea, Massachusetts, 02150 for the following purposes:

1. Salute the Flag
2. Calling the Roll of Members
3. Public Hearing - Zoning Amendment – Chapter 34, Article XII, Section 34-158 (c)(2) – Marijuana Retailers.

4. Public Hearing - Zoning Amendment – Indoor Commercial Recreation.
5. Public Hearing - Zoning Amendment – Transit Community Overlay District.
6. **ID#: 24Z1** – Order introduced by Council President Robinson, regarding a proposed amendment to Chapter 34, Article X, Section 34-241 – Definitions Commercial recreation, indoor of the City of Chelsea Zoning Ordinance.
7. **ID#: 24Z2** – Order introduced by Council President Robinson, regarding a proposed amendment to Chapter 34, Article XII, Section 34-152 (c)(2) – “Marijuana Retailers,” of the City of Chelsea Zoning Ordinances.
8. **ID#: 24Z4** – Order introduced by Council President Robinson, regarding a proposed Zoning Amendment to establish a “Transit Community Overlay District.”

Sincerely Yours,

Jeannette Cintron White
City Clerk

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Public Hearing – Proposed Zoning Amendment – Chapter 34, Article XII, Section 34-158 (c)(2) – “Marijuana Retailers.”

Opened at 7:05 PM.

Speakers: Staff Member of Harbor House Collective Dispensary, spoke in favor of the proposed Amendment.

Closed at 7:06 PM.

Public Hearing – Proposed Zoning Amendment – Chapter 34, Article X, Section 34-241 – Definitions of Commercial Recreation, Indoor

Opened at 7:06 PM.

Speakers: None

Closed at 7:06 PM.

Public Hearing – Proposed Zoning Amendment – Transit Community Overlay District

Opened at 7:06 PM.

Speakers: Alex Train, Director of Housing and Community Development, spoke in favor.
John Burke, 31 Kimball Road, Chelsea, MA, spoke in favor.

Closed at 7:25 PM.

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ID#: 24Z1 - The following Zoning Amendment introduced by Council President Robinson was read for the Second Time.

RESULT	10-0-1-0 (Order approved by Roll Call at request of Councilor Hatleberg)
YES	Brown, T. Garcia, Lopez, Robinson, Recupero, Vidot De Jesus, Hatleberg, Vega and Taylor
NO	
ABSENT	J. Garcia
PRESENT	

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 Council is recognizing that the use of property for indoor recreational activities and other uses are beneficial to the residents, business and potential new economic development; and

WHEREAS, The amendment to Chapter 34, Article X, Definitions Section 34-241 – Commercial recreation, indoor of the City of Chelsea Zoning Ordinance is below;

NOW, THEREFORE BE IT ORDERED, That the following petition for the adoption of an amendment to Chapter 34, Article X, Section 34-241 – Definitions Commercial recreation, indoor of the City of Chelsea Zoning Ordinance be reviewed and that a public hearing be scheduled on to discuss the proposed zoning amendments pursuant to Mass. Gen. Laws c. 40A.

1. Amend Section 34-241 Indoor commercial recreation to read as follows:

Commercial recreation, indoor means establishments providing amusement, recreation, entertainment and public play facilities typically occurring indoors for a fee or admission charge, such as, but not limited to: arcades containing coin-operated amusements and/or electronic games; bowling alleys; laser tag; paintball; archery tag; rock climbing; mini-golf; karting; e-sports; trampoline; adventure park; trapeze; rope courses; ninja courses; golf; mystery puzzle physical adventure games; ice skating and roller skating; indoor play center; dodgeball; martial arts studios; virtual reality; and other indoor activities now or in the future determined to be substantially similar to the above by the Zoning Enforcement Officer; together with uses customarily accessory thereto, including food and beverage service. Indoor commercial recreation does not include a dance floor, adult entertainment, or shooting ranges. All noise is to be confined to the building.

2. Change the theater, concert halls, and cinema land use category (Section 34-262) to include exhibition halls, to read as follows:

Theaters, concert halls, cinemas, movie studios, museums, virtual reality, and exhibition halls

3. Add a definition of exhibition hall (Section 34-241) to read as follows:

Exhibition hall means an establishment at which pictures, art, exhibitions, multi-media, virtual reality, sculptures or other objects of interest are displayed for the purpose of amusement, entertainment, or education. An exhibition hall does not include adult entertainment. All noise is to be confined to the building.

4. Change the definition of Health and fitness club (Section 34-241) to read as follows:

Health and fitness club means a private facility for the purpose of providing physical fitness, exercise, therapy, rehabilitation, and health-related services, such as, but not limited to: gyms, tennis clubs, pickleball clubs, racquet clubs, and other indoor activities determined to be substantially similar to the above by the Zoning Enforcement Officer.

BE IT FURTHER ORDERED, That the petition be forwarded to the Chelsea Planning Board for a recommendation of the Zoning Amendment pursuant to Mass. Gen. Laws c. 40A.

Councilor Melinda Vega recused herself from discussion related to the following proposed Zoning Amendment due to family financial connection to the topic in question.

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ID#: 24Z2 - The following Zoning Amendment introduced by Council President Robinson was read for the Second Time.

RESULT	6-3-2-0 (Order rejected by Roll Call)
YES	T. Garcia, Robinson, Recupero, Vidot, De Jesus and Taylor
NO	Brown, Lopez and Hatleberg
ABSENT	J. Garcia and Vega
PRESENT	

WHEREAS, The City of Chelsea has adopted an Ordinance as to the issuance of licenses to marijuana establishments; and

WHEREAS, The Chelsea Licensing Commission is authorized to regulate the use and hours of licensed establishments throughout Chelsea; and

WHEREAS, The City Council recognizes that the community is best served when the hours of operation of establishments is considered on a case-by-case basis as opposed to an across the board approach;

NOW, THEREFORE BE IT ORDERED, That the Revised Code of Ordinances of the City of Chelsea as amended, by repealing Chapter 34, Article XII, Section 34-158 (c)(2), which reads “Marijuana Retailers are prohibited from operating between the hours of 9 PM and 9 AM,” and that it be reviewed and that a public hearing be scheduled to discuss the proposed zoning amendments pursuant to Mass. Gen. Laws c. 40A.

BE IT FURTHER ORDERED, That the petition be forwarded to the Chelsea Planning Board for a recommendation of the Zoning Amendment pursuant to Mass. Gen. Laws c. 40A.

ID#: 24Z4 - The following Zoning Amendment introduced by Council President Robinson was read for the Second Time.

RESULT	10-0-1-0 (Order approved by Roll Call at the request of Councilor Hatleberg)
YES	Brown, T. Garcia, Lopez, Robinson, Recupero, Vidot De Jesus, Hatleberg, Vega and Taylor
NO	
ABSENT	J. Garcia
PRESENT	

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WHEREAS, the Commonwealth of Massachusetts passed the “MBTA Communities Act” in 2021; and

WHEREAS, said Act requires the City to establish zoning to allow multi-family as of right; and

WHEREAS, the Department of Housing and Community Development has developed a draft amendment and zoning map change;

NOW, THEREFORE BE IT ORDERED, that the Revised Code of Ordinances of the City of Chelsea as amended, by 1) amending Section 34-28 by adding ”TCOD and Transit Community Overlay District” at the bottom of the table; by 2) inserting a new Section 34-188 titled “Transit Community Overlay District” with the wording attached to this Order; by 3) amending the official Zoning Map to include the map of the Transit Community Overlay District, a copy of which is attached; and by 4) revising the title of Section 34-216 to read as follows: “Design review procedures for the residential 3 (R3), Retail Business 2 (BR2), Light Industrial/Office 2 (LI2), and Transit Community Overlay District (TCOD) Districts”; and that said amendments be reviewed and that a public hearing be scheduled on to discuss the proposed zoning amendments pursuant to Mass. Gen. Laws c. 40A.

BE IT FURTHER ORDERED, that the petition be forwarded to the Chelsea Planning Board for a recommendation of the Zoning Amendment pursuant to Mass. Gen. Laws c. 40A.

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Amendment 1

That Section 34-28 be amended by inserting 3 additional overlay districts:

SGOD	Central Ave Smart Growth Overlay District
MUOD	Mixed-Use Overlay District
TCOD	Transit Community Overlay District

Amendment 2

That Article XIII, Special Districts, be amended by adding the following new section and district, Sec. 34-188, Transit Community Overlay District, as follows.

Sec. 34-188. Transit Community Overlay District (TCOD).

a. *Scope and purpose.* This section applies to the Transit Community Overlay District (TCOD). The purpose of this section is to establish a district that provides for multifamily development in the vicinity of the Chelsea Commuter Rail Station and the terminus of the Silver Line. In addition, this section is intended to address the following objectives:

1. Comply with G.L. c. 40A, Section 3A, the MBTA Communities Law.
2. Promote public health, safety, and welfare by encouraging diversity of housing opportunities.
3. Allow for the development of mixed-use retail and residential by right.
4. Encourage redevelopment of underutilized parcels within an urban renewal area and adjacent and nearby parcels.
5. Provide a mechanism to increase housing and promote additional affordability through density bonuses.
6. Provide parking ratios that are appropriate for transit-oriented development.
7. Encourage the creation of open space that is accessible to the public.
8. Encourage redevelopment of underutilized parcels within and adjacent to an urban renewal area;

b. Density and dimensional requirements. The following density and dimensional regulations shall apply to development in the TCOD.

Parameter	Requirement
Minimum lot size	5,000 sq. ft.
Minimum land area per unit, as of right	950 sq. ft.
Maximum number of units per acre	40
Minimum lot frontage	40 feet
Maximum lot coverage	50%, 75% by Special Permit
Minimum setbacks	
Front	10
Side	N/A

Rear	20
Floor Area Ratio	N/A
Minimum building height	4 stories
Maximum building height	7 stories
Open space % lot area	15%

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- c. Height exceptions. The Zoning Board of Appeals may waive the height and setbacks in Section c above to provide for renewable energy resources such as solar photovoltaic, solar thermal, energy storage, or air- or ground-source heat pump equipment, provided the installation does not impose a detrimental noise or shadow impact on neighboring residential properties. No installation of renewable energy sources shall provide additional habitable space within the development.
- d. Permitted Principal Uses. The following uses shall be permitted in the TCOD:
1. Multifamily dwelling at a minimum density of 15 units per acre and a maximum density of 30 units per acre.
 2. Day care facilities and ground-floor retail establishments.
- e. Affordable housing. In the TCOD, any development of 10 or more units shall provide 10 percent of the units as affordable to households with incomes at or below 80 percent of Area Median Income (AMI), adjusted for household size, for the Boston metropolitan area, as determined by the U.S. Department of Housing and Urban Development (HUD). For purposes of calculating the number of affordable units, a fractional unit shall be rounded down to the next whole number if a proportional payment is made to the Affordable Housing Trust Fund as provided in Section 34-156(f).
- f. Special Incentives. The permit granting authority may grant a special permit for any of the following in the TCOD:
1. For development along a major street frontage, when the ground floor facing the street is used for retail, food service establishments, child care facilities, or business or professional offices, the maximum residential density may be increased to 45 units per acre, the minimum land area per unit may be reduced to 0 sq. ft., and the maximum building height may be increased to 10 stories.
 2. For development that provides affordable housing in conformance with Sec. 34-156, the maximum residential density may be increased to 85 units per acre, the minimum land area per unit may be reduced to 0 sq. ft., and the maximum building height may be increased to 10 stories, provided that at least 65% of total units shall be suitable for families.
- g. Parking.
1. Shared off-street parking shall be provided at 1 vehicular space per unit and 1 bicycle parking space per unit. When the required number of bicycle spaces is 15 or more, they shall be located within the building. When bicycle spaces are outside of a building, they shall be covered.

2. No off-street parking shall be required for nonresidential uses.

h. Development Standards

1. Entries. Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.
2. Building connections. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
3. Multiple buildings. For a development with multiple buildings on a lot, the buildings should be oriented to reinforce the relationships among them.
4. Common open space. Multi-family housing shall have common open space accessible to all residents of the building. All outdoor space shall count toward the minimum open space requirement in section c above. The common outdoor space may be located in a courtyard, rooftop, or terrace, or any combination thereof.
5. Connectivity. Sidewalks shall provide a direct connection between building entrances, the public sidewalk, bicycle storage, and parking.
6. Mechanicals. Rooftop mechanical equipment shall be screened if visible from a public way.
7. Dumpsters or other trash and recycling collection points shall whenever possible be located within the building. Exterior dumpsters shall be screened by fencing or plantings.

i. Approval process. Projects developed as-of-right under this section are subject to the site plan review provisions of Section 34-215 and design review under Section 34-216. Special permits shall be subject to Section 34-214.

Amendment 3

That the official Zoning Map of Chelsea referenced in section 34-29 be amended to include the map of the Transit Community Overlay District.

Amendment 4

That the title to Section 34-216 be amended to:

Design review procedures for the Residential 3 (R3), Retail Business 2 (BR2), Light Industrial/Office 2 (LI2), and Transit Community Overlay District (TCOD) Districts.

The meeting adjourned at 7:55 PM.

Respectfully submitted,



Clifford Cunningham
Clerk, Chelsea City Council

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