SEPTEMBER 24, 2024

Watertown City Council

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 24, 2024, 7:00 P.M.
RICHARD E. MASTRANGELO COUNCIL CHAMBER
ADMINISTRATION BUILIDING, 149 MAIN STREET

MINUTES

ACCESS INFORMATION:
A. This meeting will be held on September 24, 2024 at 7:00 PM in the Richard E. Mastrangelo Council Chamber
B. The meeting will be televised through WCATV (Watertown Cable Access Television): http://vodwcatv.org/CablecastPublicSite/?channel=3
C. The Public may join the virtual meeting online: https://watertown-ma.zoom.us/j/92991331344
D. Public may join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Webinar ID: 929 9133 1344
E. Public may comment through email: vpiccirilli@watertown-ma.gov
F. Please Visit the City Council Website here: https://www.watertown-ma.gov/350/City-Council

1. ROLL CALL

Council President Sideris called to order a regular meeting of the City Council at 7:00 p.m. in the Richard E. Mastrangelo Chamber, Administration Building. Those present were Councilors John M. Airasian, Caroline Bays, Lisa J. Feltner, John G. Gannon, Nicole Gardner, Emily Izzo, Anthony Palomba, Vice President Vincent J. Piccirilli, Jr., and Council President Mark S. Sideris. Also present were George Proakis City Manager, Mark Reich, City Attorney, Brendan T. McCarthy, Council Clerk, and Doug Newton, Municipal Policy Analyst.

2. PLEDGE OF ALLEGIANCE

3. PUBLIC FORUM

Peter Centola – 25 Thurston Road – Put forward the following inquires with the request that the City Manager and staff respond to:

- status of the assistant director of recreation position.
- status of the renovation of the Casey multi-purpose boards to make them quieter.
- status of the pickleball court renovation at Filippello Park.
- status of the block Linear path extension adjacent Nardone / D'Amico property.
- status of meeting for Victory phase II and III meeting.
- status of trimming / cutting of trees to allow light to shine on the fields / courts at Filippello Park Fields, Victory Courts, Moxley Courts and Casey Courts.
- status of the committee which would create a policy for naming of parks, fields ect.
- status of Saltonstall tot lot.
- status of plans for a combination senior center, recreation center and veterans facility.
- status of the plan to place aed's in our recreation facilities.
- status of the Casey field renovation.
- status of the meeting for Lowell, How and Sullivan Parks

He concluded by remarking that the Faire on the Square was great, but the field is now closed in part due to rain and the set up on the park grounds itself.

4. EXAMINATION OF RECORDS OF PREVIOUS MEETINGS

A. Minutes from City Council Meeting September 10, 2024

Councilor Piccirilli moved to approve the minutes from City Council Meeting September 10, 2024 and Councilor Feltner seconded.

The motion passed unanimously in a Voice Vote.

5. PRESIDENTS REPORT

A. President’s Appointment of Thalia Aoki to the Stormwater Advisory Committee

President Sideris remarked that this presidential appointment was created a few years ago. The City Manager and Council President interviewed several qualified candidates. Ms. Aoki’s presented an energetic and invested demeaner to go along with a strong resume as a professional waste water engineer who has developed water treatment systems for a range of industries.

B. Request to send a letter to the School Committee to request naming one of

the two areas in the new Watertown High School for Michael Driscoll

President Sideris remarked that the School Committee holds a policy of naming spaces within the new Watertown High School and are looking for suggestions for the auditorium and gym. He then requested that former Town/City Manager Michael Driscoll be considered for the honor. He stated that the construction of the new elementary schools and high school would not be coming to fruition if not for Mr. Driscoll's guidance. President Sideris asked that for authorization from the Council to write a letter to the School Committee to name the new auditorium after Mr. Driscoll.

Councilor Piccirilli moved to authorize the City Council President to write a letter to the School Committee to name the auditorium in the Watertown High School after Mr. Driscoll and Councilor Feltner seconded.

Councilor Gardner asked if this letter would enter into the process the same as if any other member of the public submitted another name.

President Sideris confirmed that that was the correct.

Councilor Piccirilli stated that he fully supported the motion. He noted that Mr. Driscoll stayed on after retirement to advise and complete the capital improvement plan that assured the construction of new schools without the need for a financial override from the voters. Mr. Driscoll strived for the high school to be on the cutting edge with LEED Platinum certification in addition to two new net zero elementary schools – the first ones in Massachusetts. He then noted that during the recession of 2008, and subsequent years, he would not allow the school system budgets to be cut while other communities did, and he raised the budget once the economy improved to hire more teachers. Councilor Piccirilli celebrated the vision of Mr. Driscoll and the long-term value he saw in investing in the community's educational future.

The motion passed unanimously in a Voice Vote.

6. PRESENTATION OF PETITIONS, PROCLAMATIONS, AND SIMILAR PAPERS AND MATTERS

A. Indigenous Peoples Day Proclamation

President Sideris presented the proclamation.

Councilor Piccirilli moved to accept the proclamation and Councilor Feltner seconded.

The motion passed unanimously in a Voice Vote.

7. PUBLIC HEARINGS

A. Public Hearing and Vote on a Proposed Loan Order that the sum of $900,000 is appropriated to pay costs of purchasing the following items of departmental equipment for the Department of Public Works, including all

costs incidental and related thereto:

Description	Amount
Snow & Ice Division Salter 6-Wheel Snow Fighter	$300,000
Highway Division Crew Truck	$180,000
Highway Division Rack Truck	$150,000
Fleet Division Heavy Duty 4x4 Forklift	$100,000
Parks & Forestry Division Tree Chipper	$75,000
Parks & Forestry Division Utility Truck	$65,000
Cemetery Division Off-Road 4x4 Utility Vehicle	$30,000

and that to meet this appropriation, the Treasurer, with the approval of the City Manager, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

City Manager Proakis presented the loan order and remarked that each item appears on the capital plan.

Superintendent St. Louis remarked that some of these items have been a bit delayed, and that all of the vehicles they are replacing have reached the end of their useful life. He stated that while they do look for electric replacements, there aren't many viable options, but all of the vehicles are run by the energy manager to confirm that purchases are in accordance with policy.

Councilor Piccirilli moved to approve the loan order and Councilor Feltner seconded.

Councilor Feltner asked if the new vehicles will meet new safety standards, and if there the Superintendent foresaw any need to replace existing vehicles for the same standard.

Superintendent St. Louis replied that they are in the midst of reviewing all vehicles, and that they have received a grant to help ensure those updates are met.

Councilor Bays shared her appreciation for Superintendent St. Louis for the work he has done as this is the last item he will bring forward as Superintendent.

The motion passed unanimously in a Roll Call Vote.

8. MOTIONS, ORDINANCES, ORDERS, AND RESOLUTIONS

A. Consideration and action on an Order, pursuant to the provisions of Chapter 189 of the Acts of 2024 allowing for the imposition of lien on a property located within the City for any local charge, fee, or fine that has not been paid by the due date, to be known as a municipal charges lien, with the said municipal charges lien to be imposed pursuant to a vote of the City Council specifying each type of charge, fee, or fine to be collected under said Act.

City Manager Proakis stated that this item deals with the situation of collecting funds for an ignored fine for a violation. With this municipal charges lien, it is possible to collect the fine and not continue to have it ignored. The lien basically acts tax which would hopefully encourage people to adhere to law to begin with, and also pay fines when they are issued. The state has allowed the platform for this policy, and now the administation has articulated it.

Councilor Piccirilli moved to approve the order and Councilor Feltner seconded.

Councilor Palomba asked what the implication is for homeowners with this lien, and noted that certain infractions seemed like they shouldn't result in a lien.

City Attorney Reich replied that homeowners will receive many attempts of collection before this step is taken, but it does serve as a backstop for people that are recalcitrating. It would then work like a tax lien on a property that would be recorded and must be paid before a transfer of property. He echoed the statement that there would be a long process before any lien was issued, including an opportunity for an individual to appeal the violation, but the ultimate purpose of the municipal charges lien is to enacts a mechanism to uphold code that the City takes seriously.

Councilor Palomba asked for clarity on if the lien would have any effect on a homeowner prior to a transfer of property, and if there is any incentive for the owner to pay the fine if there isn't.

City Attorney Reich replied that while there is a remote possibility of foreclosure just like any other tax lien, it almost certainly wouldn't happen. However, any lien on one's property is an ominous cloud that will appear on the title and would create issues if one wanted to refinance a home. He concluded that it is another tool in the toolbox.

Councilor Feltner asked if any of the ordinances cited in the order could be edited or be added on to.

City Attorney Reich replied that would require a specific vote from the City Council.

Councilor Gannon asked why parking fines were omitted in the list.

City Manager Proakis replied that he asked all department heads to give a list of items, and most of the proposed ordinances on the order correlate with violations on an owner's property as opposed to a parking violations that can be issued to non-owners or people who live outside the town.

The motion passed unanimously in a Voice Vote.

B. An Order Relative to Multi-Use Path Easements and Headwall Easements at 99 Coolidge Avenue to be Conveyed to the City of Watertown and Authorizing the City Manager to Execute a Grant of Easement on Behalf of the City

City Manager Proakis presented the item which should ensure what was agreed upon for zoning for this property.

Assistant City Manager for Community Development and Planning Magoon stated the item accomplishes the maintenance of the headwall concerning stormwater activity as well as the multiuse path which creates a pedestrian path to the Charles River.

Councilor Piccirilli moved to authorize the City Manager to grant the easement and Councilor Feltner seconded.

Councilor Feltner asked for clarification on the maintenance and enforcement thereof of the easements.

Mr. Magoon replied that the maintenance of the headwall will be on the stormwater management and the pathway itself will be on the private property owner.

The motion passed unanimously in a Voice Vote.

C. First Reading and Referral for a Joint Public Hearing with the Planning Board, a set of Zoning Text and Map Amendments to Implement the Watertown Square Area Plan

City Manager Proakis remarked that this is the proposed zoning change that came from the Watertown Square Area Plan that will be brought to upcoming Joint Committee Meetings of the City Council and the Planning Board to be discussed and deliberated on to then send into the State for MBTA Communities Law Compliance.

Mr. Magoon added that this a momentous occasion for Watertown. He stated that the staff has been working tirelessly to implement pertinent elements of the plan into a zoning plan that will be consistent with MBTA Communities Law.

D. Request for a Referral to the Committee of the Budget and Fiscal Oversight to review the status of ARPA Grant Funding and to make recommendations

Councilor Piccirilli moved to refer this to the Committee on Budget and Fiscal Oversight and Councilor Feltner seconded.

The motion passed unanimously in a Voice Vote.

9. REPORTS OF COMMITTEES

There were no Committee Reports

10. NEW BUSINESS

There was no New Business

11. COMMUNICATIONS FROM THE CITY MANAGER

A. Request for Confirmation of Reappointments to the Board of Election Commissioners

City Manager Proakis requested the confirmation interviews for Adam Brewster and Christopher Dunn for the Board of Election Commissioners.

President Sideris stated that this referral goes to the Committee on State, Federal, & Regional Government.

City Manager Proakis announced the first meeting of the Joint Meetings to be October 16th, park update meetings, work on Walker Pond plans, and Saltonstall Park rearrangements. He announced that Watertown has now been ranked a "platinum community" by MassBio, and that Watertown continues to attract business in the biotech industry. He announced a new traffic specialist program which will be run in tandem with the Police Department developing a police trained pool of detail workers in Watertown. These workers would have to serve 4 crossing guard shifts a month in addition to their detail shifts to remain eligible. He concluded by thanking the staff for their work in putting together this year's Faire on the Square event.

12. REQUESTS FOR INFORMATION/REVIEW OF LIST OF PENDING MATTERS

Councilor Feltner asked for an update on her request for information on the staff's mode of transportation and parking benefits. She then requested draft language concerning how ADU's will factor into the upcoming proposed area plan, and asked for public notice and transparency from administration on how that effects the entire city.

13. ANNOUNCEMENTS

Councilor Gannon announced the Massachusetts Department of Conservation and Recreation's upcoming meeting on September 25, 2024, regarding the proposed removal of the Watertown Damn.

14. PUBLIC FORUM

15. RECESS OR ADJOURNMENT

Councilor Piccirilli made a motion to adjourn and Councilor Feltner seconded.

The motion was adopted unanimously in a Voice Vote.

The meeting adjourned at 8:54 p.m.

I hereby certify that at a regular meeting of the City Council for which a quorum was present, the above minutes were adopted by a vote of 9 for, 0 against, 0 present on October 8, 2024.

Mark S. Sideris, Council President
s:/BTM

ELECTED OFFICIALS

Mark S. Sideris, Council President	Vincent J. Piccirilli, Jr., Vice President & District C Councilor	John M. Airasian, Councilor At Large
Caroline Bays, Councilor At Large	John G. Gannon, Councilor At Large	Anthony Palomba, Councilor At Large
Nicole Gardner, District A Councilor	Lisa J. Feltner, District B Councilor	Emily Izzo, District D Councilor

City Council Meeting

Tuesday, September 24, 2024 at 7:00 PM

List of Documents

1. Indigenous Peoples Day Proclamation – Item 6A
2. DPW Equipment Bonds – Item 7A
3. Municipal Charges Lien – Item 8A
4. Coolidge Ave Easement – Item 8B
5. First Reading Joint Hearing – Item 8C
6. Request for Referral – Arpa Grant Update – Item 8D
7. Request for Confirmation Board of Election Commission – Item 11A

ADDENDUM TO THE MINUTES OF THE SEPTEMBER 24, 2024 CITY COUNCIL MEETING

City Council Meeting

Tuesday, September 24, 2024 at 7:00 PM
Richard E. Mastrangelo Council Chamber

Agenda

ACCESS INFORMATION:

A. This meeting will be held on September 24, 2024 at 7:00 P.M. Location: Richard E. Mastrangelo Council Chamber

B. The meeting will be televised through WCATV (Watertown Cable Access Television): http://vodwcatv.org/CablecastPublicSite/watch-now?site=3

C. The Public may join the virtual meeting online: https://watertown-ma.zoom.us/j/92991331344

D. Public may join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Webinar ID: 929 9133 1344

E. Public may comment through email: vpiccirilli@watertown-ma.gov

F. Please Visit the City Council Website here: https://www.watertown-ma.gov/350/City-Council

---

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. PUBLIC FORUM
4. EXAMINATION OF RECORDS OF PREVIOUS MEETINGS
   A. Minutes from City Council Meeting September 10, 2024
5. PRESIDENT'S REPORT
   A. President's Appointment of Thalia Aoki to the Stormwater Advisory Committee
   B. Request to send a letter to the School Committee to request naming one of the two areas in the new Watertown High School for Michael Driscoll
6. PRESENTATION OF PETITIONS, PROCLAMATIONS, AND SIMILAR PAPERS AND MATTERS
   A. Indigenous Peoples Day Proclamation
7. PUBLIC HEARINGS
   A. Public Hearing and Vote on a Proposed Loan Order that the sum of $900,000 is appropriated to pay costs of purchasing the following items of departmental equipment for the Department of Public Works, including all costs incidental and related thereto:

Description	Amount
Snow & Ice Division Salter 6-Wheel Snow Fighter	$300,000
Highway Division Crew Truck	180,000
Highway Division Rack Truck	150,000
Fleet Division Heavy Duty 4x4 Forklift	100,000
Parks & Forestry Division Tree Chipper	75,000
Parks & Forestry Division Utility Truck	65,000
Cemetery Division Off-Road 4x4 Utility Vehicle	30,000

and that to meet this appropriation, the Treasurer, with the approval of the City Manager, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

8. MOTIONS, ORDINANCES, ORDER, AND RESOLUTIONS
   - A. Consideration and action on an Order, pursuant to the provisions of Chapter 189 of the Acts of 2024 allowing for the imposition of lien on a property located within the City for any local charge, fee, or fine that has not been paid by the due date, to be known as a municipal charges lien, with the said municipal charges lien to be imposed pursuant to a vote of the City Council specifying each type of charge, fee, or fine to be collected under said Act.
   - B. An Order Relative to Multi-Use Path Easements and Headwall Easements at 99 Coolidge Avenue to be Conveyed to the City of Watertown and Authorizing the City Manager to Execute a Grant of Easement on Behalf of the City
   - C. First Reading and Referral for a Joint Public Hearing with the Planning Board, a set of Zoning Text and Map Amendments to Implement the Watertown Square Area Plan
   - D. Request for a Referral to the Committee of the Budget and Fiscal Oversight to review the status of ARPA Grant Funding and to make recommendations
9. REPORTS OF COMMITTEES
10. NEW BUSINESS
11. COMMUNICATIONS FROM THE CITY MANAGER
    - A. Request for Confirmation of Reappointments to the Board of Election Commissioners
12. REQUESTS FOR INFORMATION/REVIEW OF LIST OF PENDING MATTERS
13. ANNOUNCEMENTS
14. PUBLIC FORUM
15. RECESS OR ADJOURNMENT

ELECTED OFFICIALS

Mark S. Sideris, Council President	Vincent J. Piccirilli, Jr., Vice President & District C Councilor	John M. Airasian, Councilor At Large
Caroline Bays,	John G. Gannon,	Anthony Palomba,

Councilor At Large	Councilor At Large	Councilor At Large
Nicole Gardner, District A Councilor	Lisa J. Feltner, District B Councilor	Emily Izzo, District D Councilor

CITY COUNCIL ATTENDANCE
MEETING DATE: SEPTEMBER 24, 2024

	YES	NO	PRESENT
JOHN M. AIRASIAN	X		
CAROLINE BAYS	X		
LISA J. FELTNER	X		
JOHN G. GANNON	X		
NICOLE GARDNER	X		
EMILY IZZO	X		
ANTHONY PALOMBA	X		
VINCENT J. PICCIRILLI JR.	X		
MARK S. SIDERIS, COUNCIL PRESIDENT	X		

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: SEPTEMBER 24, 2024

	YES	NO	PRESENT
JOHN M. AIRASIAN	X		
CAROLINE BAYS	X		
LISA J. FELTNER	X		
JOHN G. GANNON	X		
NICOLE GARDNER	X		
EMILY IZZO	X		
ANTHONY PALOMBA	X		
VINCENT J. PICCIRILLI JR.	X		
MARK S. SIDERIS, COUNCIL PRESIDENT	X		

Motion to approve the minutes from City Council Meeting September 10, 2024

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: SEPTEMBER 24, 2024

	YES	NO	PRESENT
JOHN M. AIRASIAN	X		
CAROLINE BAYS	X		
LISA J. FELTNER	X		
JOHN G. GANNON	X		
NICOLE GARDNER	X		
EMILY IZZO	X		
ANTHONY PALOMBA	X		
VINCENT J. PICCIRILLI JR.	X		
MARK S. SIDERIS, COUNCIL PRESIDENT	X		

Motion to authorize the Council President to send a letter to the School Committee to request naming the new auditorium in the Watertown High School after former City Manager Michael Driscoll

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: SEPTEMBER 24, 2024

	YES	NO	PRESENT
JOHN M. AIRASIAN	X		
CAROLINE BAYS	X		
LISA J. FELTNER	X		
JOHN G. GANNON	X		
NICOLE GARDNER	X		
EMILY IZZO	X		
ANTHONY PALOMBA	X		
VINCENT J. PICCIRILLI JR.	X		
MARK S. SIDERIS, COUNCIL PRESIDENT	X		

Motion to approve the Indigenous Peoples Day Proclamation

Watertown City Council

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

INDIGENOUS PEOPLES DAY PROCLAMATION

WHEREAS: President Biden has proclaimed the second Monday of October as Indigenous Peoples Day in October, 2021; and

WHEREAS: Watertown is located on the lands of the Pequossette band of the Massachusett people who were the first inhabitants and caretakers of this land; and

WHEREAS: These Indigenous Peoples have called this place home since time immemorial; and

WHEREAS: The many contributions to our communities through Indigenous Peoples knowledge, labor, technology, science, philosophy, culture, and arts have substantially shaped the character of Watertown; and

WHEREAS: Many who live, study, and work in Watertown are settlers, immigrants, or descendants of those who originally occupied this land or were forcefully brought to this land;

NOW, THEREFORE BE IT RESOLVED that the City of Watertown hereby proclaims October 14, 2024 **INDIGENOUS PEOPLES DAY,** and encourages all community members to join in its observance

IN WITNESS HEREOF,
I have hereunto set our hand and
Caused the Great Seal of the
City of Watertown to be affixed
On this 24th day of September 2024

Mark S. Sideris, City Council President

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: SEPTEMBER 24, 2024

	YES	NO	PRESENT
JOHN M. AIRASIAN	X		
CAROLINE BAYS	X		
LISA J. FELTNER	X		
JOHN G. GANNON	X		
NICOLE GARDNER	X		
EMILY IZZO	X		
ANTHONY PALOMBA	X		
VINCENT J. PICCIRILLI JR.	X		
MARK S. SIDERIS, COUNCIL PRESIDENT	X		

Motion to approve the loan order for $900,000 for DPW equipment vehicles

Watertown City Council
Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

ORDER# 113 **2204 – O –** 113

ORDER TO APPROVE THE BORROWING OF FUNDS TO PURCHASE EQUIPMENT VEHICLES FOR THE DPW

ORDERED: That the sum of $900,000 is appropriated to pay costs of purchasing the following items of departmental equipment for the Department of Public Works, including all costs incidental and related thereto:

Description	Amount
Snow & Ice Division Salter 6-Wheel Snow Fighter	$300,000
Highway Division Crew Truck	180,000
Highway Division Rack Truck	150,000
Fleet Division Heavy Duty 4x4 Forklift	100,000
Parks & Forestry Division Tree Chipper	75,000
Parks & Forestry Division Utility Truck	65,000
Cemetery Division Off-Road 4x4 Utility Vehicle	30,000

and that to meet this appropriation, the Treasurer, with the approval of the City Manager, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

BE IT FURTHER ORDERED: That a copy of said Order be forwarded to the City Auditor and City Treasurer/Collector

John M. Anselmi
Council Member

I hereby certify that at a Meeting of the City Council for which a quorum was present, the above Order was adopted by a vote of 9 for, 0 against, and 0 present on September 24, 2024

Brendan T. McCarthy, Council Clerk

Mark S. Sideris, Council President

ELECTED OFFICIALS

Mark S. Sideris,
Council President

Caroline Bays,
Councilor At Large
Nicole Gardner,
District A Councilor

Vincent J. Piccirilli, Jr.,
Vice President &
District C Councilor
John G. Gannon,
Councilor At Large
Lisa J. Feltner
District B Councilor

John M. Airasian,
Councilor At Large

Anthony Palomba,
Councilor At Large
Emily Izzo,
District D Councilor

George J. Proakis
City Manager

CITY OF WATERTOWN

Office of the City Manager

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6465
www.watertown-ma.gov
citymgr@watertown-ma.gov

To: Honorable City Council

From: George J. Proakis, City Manager

Date: September 4, 2024

RE: Agenda Item – Proposed Loan Order

Attached please find correspondence from Gregory M. St. Louis, Superintendent of Public Works and Michael Albano, Director of Admin & Finance requesting that the necessary actions be taken to authorize the Treasurer to borrow $900,000 for the purchase of the vehicles listed below. This request aligns with City Council Conceptual Recommendations Item #12 from Fiscal Year 2023, which allocates $300,000, and Item #26 from Fiscal Year 2024 for equipment, as outlined in the Fiscal Year 2025-2029 budget.

- Highway Division Rack Truck: $150,000
- Highway Division Crew Truck: $180,000
- Snow & Ice Division Salter 6-Wheel Snow Fighter: $300,000
- Fleet Division Heavy Duty 4x4 Forklift: $100,000
- Parks & Forestry Division Tree Chipper: $75,000
- Parks & Forestry Division Utility Truck: $65,000
- Cemetery Division Off-Road 4x4 Utility Vehicle: $30,000

I respectfully request the attached proposed Loan Order be placed on the September 10, 2024 City Council Agenda as a First Reading.

Thank you for your consideration in this matter.

HINCKLEY ALLEN

28 State Street
Boston, MA 02109-1775
p: 617-345-9000 f: 617-345-9020
hinckleyallen.com

Chelsea A. Tryder
(617) 378-4190
ctryder@hinckleyallen.com

September 4, 2024

George J. Proakis
City Manager
Administration Building
149 Main Street
Watertown, Massachusetts 02472

RE: Draft Loan Order – DPW Equipment Bonds

Dear George:

As requested, I suggest the following form of loan order to approve the borrowing of funds to pay costs of purchasing various items of departmental equipment for the Department of Public Works:

ORDERED: That the sum of $900,000 is appropriated to pay costs of purchasing the following items of departmental equipment for the Department of Public Works, including all costs incidental and related thereto:

Description	Amount
Snow & Ice Division Salter 6-Wheel Snow Fighter	$300,000
Highway Division Crew Truck	180,000
Highway Division Rack Truck	150,000
Fleet Division Heavy Duty 4x4 Forklift	100,000
Parks & Forestry Division Tree Chipper	75,000
Parks & Forestry Division Utility Truck	65,000
Cemetery Division Off-Road 4x4 Utility Vehicle	30,000

and that to meet this appropriation, the Treasurer, with the approval of the City Manager, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

The order must be published at least five days prior to the holding of a public hearing with respect to the order and its final passage and requires the affirmative vote of at least two-thirds of all members of the City Council, as in the case of any other loan order for bonds.

Please call me if there are any questions about the suggested proceedings.

Sincerely,

/s/ Chelsea A. Tryder

Chelsea A. Tryder

CITY OF WATERTOWN
DEPARTMENT OF PUBLIC WORKS
124 ORCHARD STREET

Gregory M. St. Louis, PE
Superintendent

(P) 617-972-6420
(F) 617-972-6402

TO: Mr. George Proakis, City Manager

FROM: Mr. Gregory St. Louis, PE – Superintendent of Public Works
Mr. Michael Albano, CPA – Director of Admin & Finance

DATE: July 3, 2024

RE: Public Works Dept. – Vehicle Funding Requests

The Department of Public Works ("DPW") respectfully requests that the necessary actions be taken to authorize the Treasurer to borrow $900,000 for the purchase of the vehicles listed below. This request aligns with City Council Conceptual Recommendations Item #12 from FY23, which allocates $300,000, and Item #26 from FY24 for equipment, as outlined in the Fiscal Year 2025-2029 budget.

- Highway Division Rack Truck: $150,000
- Highway Division Crew Truck: $180,000
- Snow & Ice Division Salter 6-Wheel Snow Fighter: $300,000
- Fleet Division Heavy Duty 4x4 Forklift: $100,000
- Parks & Forestry Division Tree Chipper: $75,000
- Parks & Forestry Division Utility Truck: $65,000
- Cemetery Division Off-Road 4x4 Utility Vehicle: $30,000

The Department received quotes of $938,850 leaving a balance of $38,850 outside the aforementioned funding source. This balance will be funded from other DPW capital replacement of equipment accounts.

Each new vehicle will replace a vehicle in DPW's fleet that is approaching, or has exceeded, its useful life expectancy. Proactive replacement of aged vehicles helps ensure uninterrupted governmental services and is a necessary component of fleet management best practices.

All goods and services related to these projects will be procured consistent with Massachusetts law.

Thank you in advance for your consideration.

Vehicle Funding Request 07/03/2024

FY 2024 - FY 2028
CIP General Fund

	C	D	E	F	G	H	I	J	K	L	M	N
1		**TOTALS**	**FY '24**		**FY '25**		**FY '26**		**FY '27**		**FY '28**	
113												
114	**Central Motors**											
115	Inspectors' Vehicles	**350.0**	70.0	TR	70.0	TR	70.0	TR	70.0	TR	70.0	TR
116	Supervisor Vehicle	**50.0**					50.0	BE				
117	CENTRAL MOTORS SUBTOTAL	**400.0**	**70.0**		**70.0**		**120.0**		**70.0**		**70.0**	
118												
119	**Highway**											
120	Skid Steer	**65.0**			65.0	BE						
121	Rack Truck	**150.0**	150.0	BE								
122	Crew Truck	**180.0**	180.0	BE								
123	Heavy Duty Dump Truck	**230.0**							230.0	BE		
124	Electric Street Sweeper	**600.0**							600.0	BE		
125	Backhoe	**150.0**									150.0	BE
126	Loader	**325.0**									325.0	BE
127	Hot Box	**300.0**					300.0	BE				
128	Dump Truck with Sliding Sander & Plow	**290.0**									290.0	BE
129	HIGHWAY SUBTOTAL	**2,290.0**	**330.0**		**65.0**		**300.0**		**830.0**		**765.0**	
130												
131	**Snow & Ice Removal**											
132	Plows, Sanders, Salt control units/Replacement	**400.0**	80.0	TR	80.0	TR	80.0	TR	80.0	TR	80.0	TR
133	Salter 6 Wheeler - Snow Fighter (5)	**960.0**	300.0	BE			320.0	BE			340.0	BE
134	Salt Shed Repair	**400.0**	400.0	BE								
135	Loader 3/4 Yard	**107.0**			107.0	BE						
136	Sidewalk Tractor	**200.0**							200.0	BE		
137	SNOW & ICE REMOVAL SUBTOTAL	**2,067.0**	**780.0**		**187.0**		**400.0**		**280.0**		**420.0**	
138												
139	**Cemetery**											
140	Off Road Utility Vehicle 4X4 (2)	**30.0**			30.0	BE						
141	Backhoe	**140.0**			140.0	BE						
142	CEMETERY SUBTOTAL	**170.0**	-		**170.0**		-		-		-	
143												
144												
145	**Property/Building**											
146	Heavy Duty 4x4 Forklift (Lull)	**100.0**	100.0	BE								
147	Rough Terrain Forklift	**95.0**					95.0	BE				
148	PROPERTY/BUILDING SUBTOTAL	**195.0**	**100.0**		-		**95.0**		-		-	
149												

FY 2024 - FY 2028
CIP General Fund

	C	D	E	F	G	H	I	J	K	L	M	N
1		TOTALS	FY '24		FY '25		FY '26		FY '27		FY '28	
150	**Parks & Forestry**											
151	Gazebo at Saltonstall Park	900.0	900.0	TBD								
152	Walker Pond Design/Construction	2,750.0	250.0	TBD	2,500.0	TBD						
153	Tree Chipper	150.0	75.0	BE	75.0	BE						
154	Utility Truck	65.0	65.0	BE								
155	Farm Tractor	80.0							80.0	BE		
156	Backhoe	140.0							140.0	BE		
157	4x4 Landscape Dump Truck	160.0							160.0	BE		
158	PARKS & FORESTRY SUBTOTAL	4,245.0	1,290.0		2,575.0		-		380.0		-	
159												
160												
161	TOTAL DPW - TBD	3,650.0	1,150.0	TBD	2,500.0	TBD	0.0	TBD	0.0	TBD	0.0	TBD
162	TOTAL DPW - TR	875.0	275.0	TR	150.0	TR	150.0	TR	150.0	TR	150.0	TR
163	TOTAL DPW - BE	4,967.0	1,270.0	BE	417.0	BE	765.0	BE	1,410.0	BE	1,105.0	BE
164	TOTAL DPW - BR	3,700.0	1,340.0	BR	2,090.0	BR	90.0	BR	90.0	BR	90.0	BR
165	PUBLIC WORKS SUBTOTAL	13,192.0	4,035.0		5,157.0		1,005.0		1,650.0		1,345.0	
166												
167												
168	RECREATION & PARKS											
169	Tot Lot/Court Resurfacing as needed	565.0			140.0	TR	125.0	TR	150.0	TR	150.0	TR
170	Filippello (Grove) Court Resurface	65.0	65.0	TR								
171	Study of Pickleball Courts	50.0	50.0	TR								
172	Bemis: Design, Plygrd Equip, new surf. & spray park	85.0			85.0	TR						
173	Bemis: Install Plygrd Equip, new surf. & spray park	960.0			960.0	BR						
174	Special Needs baseball/softball diamond	800.0			800.0	BR						
175	Filippello (Grove) Design, plygrnd equip and resurface	100.0					100.0	TR				
176	Filippello (Grove) Install plygrnd equip and resurface	750.0					750.0	BR				
177	Lowell Design Playground Equip & resurface	85.0	85.0	TR								
178	Lowell Install Playground Equip. & resurface	650.0	650.0	BR								
179	Filippello (Arlington) Design, plygrnd equip & resurface	100.0							100.0	TR		
180	Filippello (Arlington) Install plygrnd equip & resurface	800.0							800.0	BR		
181	Moxley Park: Design: Field, Nets, Bleachers, Dugouts	250.0					250.0	BR				
182	Moxley Park: Install: Field, Nets, Bleachers, Dugouts	5,000.0					2,500.0	BR	2,500.0	BR		
183	Victory Field Design Tot-Lot	100.0									100.0	TR
184	Victory Field Install Tot-Lot	800.0									800.0	BR
185	RECREATION & PARKS SUBTOTAL	11,160.0	850.0		1,985.0		3,725.0		3,550.0		1,050.0	
186												

Vehicle Funding Request 07/03/2024

FY 2023 - FY 2027 CIP General Fund

	B	C	D	E	F	G	H	I	J	K	L	M
1		TOTALS	FY '23		FY '24		FY '25		FY '26		FY '27	
77	POLICE DEPARTMENT											
78	Police Cruisers (3 annually)	979.1	179.1	TR	188.0	TR	197.4	TR	207.3	TR	207.3	TR
79	Radio Infrastructure/specialized equipment	200.0	40.0	TR	40.0	TR	40.0	TR	40.0	TR	40.0	TR
80	Police Building Improvements/Renovations	150.0	30.0	TR	30.0	TR	30.0	TR	30.0	TR	30.0	TR
81	In Cruiser Video System	72.6			72.6	BE						
82	Replace Access Control/Bldg Video Syst. Servers	35.0			35.0	BE						
83	Replace Tactical Bullet Proof Vests	12.9							12.9	TR		
84	Replace Computer Aided Dispatch-Records Mgmt	950.0									950.0	BE
85	POLICE SUBTOTAL	2,399.6	249.1		365.6		267.4		290.2		1,227.3	
86												
87	PUBLIC WORKS DEPARTMENT											
88	**Administration**											
89	Design of Roof Replacement	75.0	75.0	TR								
90	Roof Replacement	4,000.0	2,000.0	BR			2,000.0	BR				
91	Solar Canopy DPW Parking Lots	1,250.0			1,250.0	BR						
92	ADMINISTRATION SUBTOTAL	5,325.0	2,075.0		1,250.0		2,000.0		0.0		0.0	
93												
94	**Central Motors**											
95	Inspectors' Vehicles	350.0	70.0	TR	70.0	TR	70.0	TR	70.0	TR	70.0	TR
96	Supervisor Vehicle	50.0							50.0	BE		
97	CENTRAL MOTORS SUBTOTAL	400.0	70.0		70.0		70.0		120.0		70.0	
98												
99	**Highway**											
100	Skid Steer	65.0					65.0	BE				
101	Rack Truck	150.0			150.0	BE						
102	Crew Truck	180.0			180.0	BE						
103	Heavy Duty Dump Truck	230.0									230.0	BE
104	Electric Street Sweeper	600.0									600.0	BE
105	HIGHWAY SUBTOTAL	1,225.0	-		330.0		65.0		-		830.0	
106												
107	**Snow & Ice Removal**											
108	Plows, Sanders, Salt control units/Replacement	400.0	80.0	TR	80.0	TR	80.0	TR	80.0	TR	80.0	TR
109	Salter 6 Wheeler - Snow Fighter (5)	620.0			300.0	BE			320.0	BE		
110	Loader 3/4 Yard	107.0					107.0	BE				
111	Sidewalk Tractor	200.0									200.0	BE
112	SNOW & ICE REMOVAL SUBTOTAL	1,327.0	80.0		380.0		187.0		400.0		280.0	
113												
114	**Cemetery**											
115	Off Road Utility Vehicle 4X4 (2)	60.0	30.0	BE			30.0	BE				
116	CEMETERY SUBTOTAL	60.0	30.0		-		30.0		-		-	

Boston Globe Media

Order Confirmation

Marilyn Pronvost
Watertown City Council
149 Main Street
Watertown, MA 02472

Thank you for placing your Legal Notice in The Boston Globe.

Your order information and a preview of your notice are displayed below for your review. If there are any changes or questions, please contact the Classified Department at 617-929-1314 or email legals@globe.com.

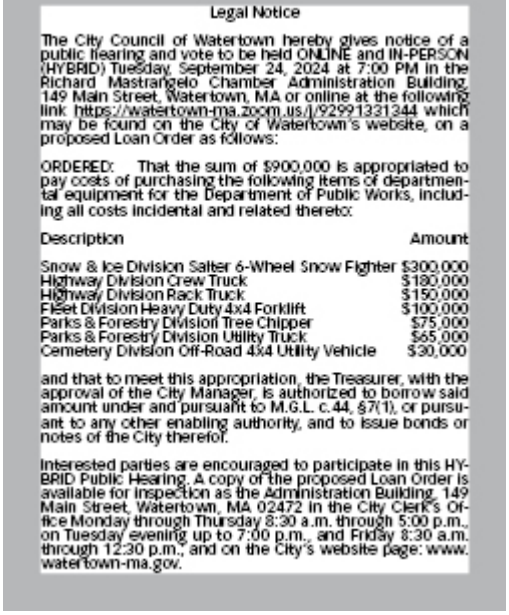
Any and all proposed edits, revisions, and/or other changes to the notice must be communicated to us in writing prior to the deadline specified in the Advertising Specs + Deadlines page located at https://www.bostonglobemedia.com/specs-deadlines.

Thank you,
Boston Globe Classified Sales

617-929-1314
Monday – Friday 9:30 am - 4:30 pm
legals@globe.com

Order Number	**739446**	Order Price	**$1,011.04**
Sales Rep.	**Jackson Kocak**	PO No.	
Account	**3028420**	Payment Type	
Publication	**Boston Globe**	Number of dates	**1**
First Run Date	**09/14/2024**	Last Run Date	**09/14/2024**
Payment Type			

AD PREVIEW:



Legal Notice

The City Council of Watertown hereby gives notice of a public hearing and vote to be held ONLINE and IN-PERSON (HYBRID) Tuesday, September 24, 2024 at 7:00 PM in the Richard Mastrangelo Chamber Administration Building, 149 Main Street, Watertown, MA or online at the following link https://watertown-ma.zoom.us/j/92991321344 which may be found on the City of Watertown's website, on a proposed Loan Order as follows:

ORDERED: That the sum of $900,000 is appropriated to pay costs of purchasing the following items of departmental equipment for the Department of Public Works, including all costs incidental and related thereto:

Description	Amount
Snow & Ice Division Salter 6-Wheel Snow Fighter	$300,000
Highway Division Crew Truck	$180,000
Highway Division Rack Truck	$150,000
Fleet Division Heavy Duty 4x4 Forklift	$100,000
Parks & Forestry Division Tree Chipper	$75,000
Parks & Forestry Division Utility Truck	$65,000
Cemetery Division Off-Road 4X4 Utility Vehicle	$30,000

and that to meet this appropriation, the Treasurer, with the approval of the City Manager, is authorized to borrow said amount under and pursuant to M.G.L. c.44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

Interested parties are encouraged to participate in this HYBRID Public Hearing. A copy of the proposed Loan Order is available for inspection at the Administration Building, 149 Main Street, Watertown, MA 02472 in the City Clerk's Office Monday through Thursday 8:30 a.m. through 5:00 p.m., on Tuesday evening up to 7:00 p.m., and Friday 8:30 a.m. through 12:30 p.m.; and on the City's website page: www.watertown-ma.gov.

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: SEPTEMBER 24, 2024

	YES	NO	PRESENT
JOHN M. AIRASIAN	X		
CAROLINE BAYS	X		
LISA J. FELTNER	X		
JOHN G. GANNON	X		
NICOLE GARDNER	X		
EMILY IZZO	X		
ANTHONY PALOMBA	X		
VINCENT J. PICCIRILLI JR.	X		
MARK S. SIDERIS, COUNCIL PRESIDENT	X		

Motion to approve the order for to impose the agreed upon municipal charges lien

Watertown City Council
Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

ORDER# 114 **2024 – O –** 114

AN ORDER ALLOWING FOR THE IMPOSITION OF MUNICIPAL CHARGES LIENS ON PROPERTY LOCATED WITHIN THE CITY FOR ANY LOCAL CHARGE, FEE OR FINE THAT HAS NOT BEEN PAID BY THE DUE DATE

WHEREAS, the City seeks to ensure compliance with the City Code and locally enforced statutory requirements through imposition of charges and fees, including fines for violations, as necessary to ensure such compliance; and

WHEREAS, the City finds that existing methods to enforce fines issued for violations of City rules and locally enforced statutes, such as criminal complaints and non-criminal disposition, are inadequate or too cumbersome to administer in all cases; and

WHEREAS, the City finds that collection of fines issued for violations of various provisions of the City Code and locally enforced statutes requires the implementation of an additional enforcement mechanism; and

WHEREAS, the provisions of Chapter 189 of the Acts of 2024 authorize the City, by vote of the City Council, to impose a municipal charges lien on real property located in the City for any "local charge, fee or fine" that has not been paid by the due date; and

WHEREAS, the provisions of Chapter 189 of the Acts of 2024 provide that "local charge, fee or fine" shall mean any charge, fee or fine imposed by the City pursuant to the City Code, City regulations, general or special laws or state regulations, as well as any charge, fee or fine imposed by a court payable to the City as a result of any action initiated by the City to enforce the City Code, City regulations, general or special laws or state regulations; and

WHEREAS, the provisions of Chapter 189 of the Acts of 2024 authorize the recording of a municipal charges lien at the Middlesex Southern District Registry of Deeds for specified past due charges, which, if remaining unpaid, shall be committed to the tax rolls; and

WHEREAS, the provisions of Chapter 189 of the Acts of 2024 require that a vote of the City Council be taken specifying each type of charge, fee or fine to be collected in order for the City to record such a municipal charges lien.

NOW THEREFORE BE IT ORDERED: That municipal charges liens are hereby authorized in accordance with the provisions of Chapter 189 of the Acts of 2024 for violations of certain provisions of the City Code and locally enforced statutes, specifically as follows:

a. *Placing Snow or Ice on Public Ways*, c. 73, §73-728 of the City Code;
b. *Animals*, c. 91, §91.10 of the City Code;
c. *Noise Regulations*, c. 95, §95.99 of the City Code;
d. *Streets and Sidewalks*, c. 96, §96.99 of the City Code;
e. *Stormwater Regulations*, c. 97, §97.99 of the City Code;
f. *Single Use Plastic Bags*, c. 115, §115.05 of the City Code;
g. *Building Regulations*, c. 150, §150.99 of the City Code;
h. *Historic Districts Ordinance*, c. 152, §152.99 of the City Code;
i. *Demolition of Historic Buildings Ordinance*, c. 153, §153.99 of the City Code;
j. *Wetlands Violation*, c. 154, §154.99 of the City Code;
k. *Zoning Code*, c. 155, §155.90 of the City Code;
l. *State Sanitary Code*, 105 CMR 410.000 *et seq.*;
m. *State Dog Laws*, G.L. c.140, §§136A-174G;
n. *State Building Code*, G.L. c.143, §94(a) and 780 CMR 114.4;
o. *Court Fine and Fees*, any fine imposed by a court payable to the City as a result of any action initiated by the City to enforce *a.* through *n.* above.

Said authorization to take effect upon the effective date of Chapter 189 of the Acts of 2024, which is 30 days after approval by the Governor. Chapter 189 of the Acts of 2024 was approved on August 27, 2024.

Council Member

I hereby certify that at a Meeting of the City Council for which a quorum was present, the above Order was adopted by a vote of 9 for, 0 against, and 0 present on September 24, 2024

Brendan T. McCarthy, Council Clerk

Mark S. Sideris, Council President

ELECTED OFFICIALS

Mark S. Sideris,
Council President

Vincent J. Piccirilli, Jr.,
Vice President &
District C Councilor

John M. Airasian,
Councilor At Large

Caroline Bays,
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

Nicole Gardner,
District A Councilor

Lisa J. Feltner
District B Councilor

Emily Izzo,
District D Councilor

George J. Proakis
City Manager

CITY OF WATERTOWN

Office of the City Manager

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6465
www.watertown-ma.gov
citymgr@watertown-ma.gov

To: Honorable City Council

From: George J. Proakis, City Manager

Date: September 19, 2024

RE: Agenda Item – Proposed Order in Accordance with Chapter 189 of the Acts of 2024

Please find attached a proposed Order in accordance with Chapter 189 of the Acts of 2024. This Order authorizes the imposition of a municipal charges lien on properties within the City for any unpaid local charges, fees, or fines by their due date. The municipal charges lien will be enforced following a City Council vote specifying each type of charge, fee, or fine to be collected under this Act.

I respectfully request that the attached Order be included on the City Council Agenda for September 24, 2024.

Thank you for your consideration in this matter.

Order # O-2024-

AN ORDER ALLOWING FOR THE IMPOSITION OF MUNICIPAL CHARGES LIENS ON PROPERTY LOCATED WITHIN THE CITY FOR ANY LOCAL CHARGE, FEE OR FINE THAT HAS NOT BEEN PAID BY THE DUE DATE

WHEREAS, the City seeks to ensure compliance with the City Code and locally enforced statutory requirements through imposition of charges and fees, including fines for violations, as necessary to ensure such compliance; and

WHEREAS, the City finds that existing methods to enforce fines issued for violations of City rules and locally enforced statutes, such as criminal complaints and non-criminal disposition, are inadequate or too cumbersome to administer in all cases; and

WHEREAS, the City finds that collection of fines issued for violations of various provisions of the City Code and locally enforced statutes requires the implementation of an additional enforcement mechanism; and

WHEREAS, the provisions of Chapter 189 of the Acts of 2024 authorize the City, by vote of the City Council, to impose a municipal charges lien on real property located in the City for any "local charge, fee or fine" that has not been paid by the due date; and

WHEREAS, the provisions of Chapter 189 of the Acts of 2024 provide that "local charge, fee or fine" shall mean any charge, fee or fine imposed by the City pursuant to the City Code, City regulations, general or special laws or state regulations, as well as any charge, fee or fine imposed by a court payable to the City as a result of any action initiated by the City to enforce the City Code, City regulations, general or special laws or state regulations; and

WHEREAS, the provisions of Chapter 189 of the Acts of 2024 authorize the recording of a municipal charges lien at the Middlesex Southern District Registry of Deeds for specified past due charges, which, if remaining unpaid, shall be committed to the tax rolls; and

WHEREAS, the provisions of Chapter 189 of the Acts of 2024 require that a vote of the City Council be taken specifying each type of charge, fee or fine to be collected in order for the City to record such a municipal charges lien.

NOW THEREFORE BE IT ORDERED: That municipal charges liens are hereby authorized in accordance with the provisions of Chapter 189 of the

Acts of 2024 for violations of certain provisions of the City Code and locally enforced statutes, specifically as follows:

a. *Placing Snow or Ice on Public Ways*, c. 73, §73-728 of the City Code;
b. *Animals*, c. 91, §91.10 of the City Code;
c. *Noise Regulations*, c. 95, §95.99 of the City Code;
d. *Streets and Sidewalks*, c. 96, §96.99 of the City Code;
e. *Stormwater Regulations*, c. 97, §97.99 of the City Code;
f. *Single Use Plastic Bags*, c. 115, §115.05 of the City Code;
g. *Building Regulations*, c. 150, §150.99 of the City Code;
h. *Historic Districts Ordinance*, c. 152, §152.99 of the City Code;
i. *Demolition of Historic Buildings Ordinance*, c. 153, §153.99 of the City Code;
j. *Wetlands Violation*, c. 154, §154.99 of the City Code;
k. *Zoning Code*, c. 155, §155.90 of the City Code;
l. *State Sanitary Code*, 105 CMR 410.000 *et seq.*;
m. *State Dog Laws*, G.L. c.140, §§136A-174G;
n. *State Building Code*, G.L. c.143, §94(a) and 780 CMR 114.4;
o. *Court Fine and Fees*, any fine imposed by a court payable to the City as a result of any action initiated by the City to enforce *a.* through *n.* above.

Said authorization to take effect upon the effective date of Chapter 189 of the Acts of 2024, which is 30 days after approval by the Governor. Chapter 189 of the Acts of 2024 was approved on August 27, 2024.

_____

Council Member

I hereby certify that at a regular meeting of the nine member City Council for which a quorum was present, the above Order was adopted by a vote of __ for and __ against on _____, 2024.

_____ _____

Brendan McCarthy, Council Clerk Mark S. Sideris, Council President

941252.3/WATR/0103

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: SEPTEMBER 24, 2024

	YES	NO	PRESENT
JOHN M. AIRASIAN	X		
CAROLINE BAYS	X		
LISA J. FELTNER	X		
JOHN G. GANNON	X		
NICOLE GARDNER	X		
EMILY IZZO	X		
ANTHONY PALOMBA	X		
VINCENT J. PICCIRILLI JR.	X		
MARK S. SIDERIS, COUNCIL PRESIDENT	X		

Motion to approve the order of multi-use path easements at 99 Coolidge Ave

Watertown City Council

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6470

ORDER # 115 **2024 – O-115**

AN ORDER RELATIVE TO MULTI-USE PATH EASEMENTS AND HEADWALL EASEMENTS AT 99 COOLIDGE AVENUE TO BE CONVEYED TO THE CITY OF WATERTOWN AND AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT OF EASEMENT ON BEHALF OF THE CITY

WHEREAS, ARE-MA Region No. 77, LLC is developing property located at 99 Coolidge Avenue, Watertown, and, in connection with certain zoning relief granted by the Planning Board in Case Number PB-2021-03 SP/SR, the developer agreed as follows:

A. To grant the City and the public certain multi-use path easement rights upon portions of the property owned by the developer, including, but not limited to, for the purpose of access and recreation; and

B. To grant the City certain headwall support easement rights upon portions of the property owned by the developer, including, but not limited to, for the purpose of construction, inspection, repair, renewal, replacement, operation and maintenance of headwall facilities.

NOW THEREFORE BE IT ORDERED: That the City Council agrees, in connection with the development of 99 Coolidge Avenue by ARE-MA Region No. 77, LLC to accept easements as set forth in the aforesaid document.

AND FURTHER, that the City Council hereby authorizes the City Manager to accept and execute the aforesaid Grant of Easement on behalf of the City.

John M. Ciaccia
Council Member

I hereby certify that at a Meeting of the City Council for which a quorum was present, the above Order was adopted by a vote of 9 for, 0 against, and 0 present on September 24, 2024

Brendan T. McCarthy, Council Clerk

Mark S. Sideris, Council President

ELECTED OFFICIALS

Mark S. Sideris,
Council President

Caroline Bays,
Councilor At Large
Nicole Gardner,
District A Councilor

Vincent J. Piccirilli, Jr.,
Vice President &
District C Councilor
John G. Gannon,
Councilor At Large
Lisa J. Feltner
District B Councilor

John M. Airasian,
Councilor At Large

Anthony Palomba,
Councilor At Large
Emily Izzo,
District D Councilor

George J. Proakis
City Manager

CITY OF WATERTOWN

Office of the City Manager

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6465
www.watertown-ma.gov
citymgr@watertown-ma.gov

To: Honorable City Council

From: George J. Proakis, City Manager

Date: September 18, 2024

RE: Agenda Item – An Order Relative to Multi-Use Path Easements and Headwall Easements at 99 Coolidge Avenue to be Conveyed to the City of Watertown and Authorizing the City Manager to Execute a Grant of Easement on Behalf of the City

---

Attached please find correspondence from Katherine L. Klein, Esquire, KP Law, P.C. related to the development of property at 99 Coolidge Avenue.

I respectfully request that the attached Order be included on the City Council Agenda for September 24, 2024.

Thank you for your consideration in this matter.

KP | LAW
The Leader in Public Sector Law

101 Arch Street, Boston, MA 02110
Tel: 617.556.0007 | Fax: 617.654.1735
www.k-plaw.com

Katharine Lord Klein
kklein@k-plaw.com

September 17, 2024

BY ELECTRONIC MAIL ONLY (**GProakis@watertown-ma.gov**)

Mr. George Proakis, City Manager
Watertown Administration Building
149 Main Street
Watertown, MA 02472

Re: 99 Coolidge Avenue (Grant of Easement)

Dear Mr. Proakis:

I am writing to you regarding the conveyance to the City of Watertown of easements related to the development of property at 99 Coolidge Avenue.

ARE-MA Region No. 77, LLC is developing the property at 99 Coolidge Avenue, and, in connection therewith, was granted certain zoning relief by the Planning Board in Case Number PB-2021-03 SP/SR. ARE-MA Region No. 77, LLC has agreed to grant a multi-use path easement and a headwall support, as described in the enclosed Grant of Easement and plan attached thereto as Exhibit A-1.

The Department of Community Development and Planning has reviewed the easement document, and approves the same.

I recommend that the City Council vote to approve the enclosed Grant of Easement and authorize the City Manager to execute the document. I have provided a proposed Order.

Please contact Mark Reich or me with any questions regarding this matter.

Very truly yours,

Katharine Lord Klein

KLK/caa
Enc.
cc: Department of Community Development and Planning (SMagoon@watertown-ma.gov)

940852/WATR/0018

City Council
CITY OF WATERTOWN

ADMINISTRATION BUILDING – WATERTOWN, MA 02472-4410
(617) 972-6470 – FAX (617) 972-6485

ORDER # O-2024-

An Order Relative to Multi-Use Path Easements and Headwall Easements at 99 Coolidge Avenue to be Conveyed to the City of Watertown and Authorizing the City Manager to Execute a Grant of Easement on Behalf of the City

WHEREAS, ARE-MA Region No. 77, LLC is developing property located at 99 Coolidge Avenue, Watertown, and, in connection with certain zoning relief granted by the Planning Board in Case Number PB-2021-03 SP/SR, the developer agreed as follows:

A. To grant the City and the public certain multi-use path easement rights upon portions of the property owned by the developer, including, but not limited to, for the purpose of access and recreation; and

B. To grant the City certain headwall support easement rights upon portions of the property owned by the developer, including, but not limited to, for the purpose of construction, inspection, repair, renewal, replacement, operation and maintenance of headwall facilities.

NOW THEREFORE BE IT ORDERED: That the City Council agrees, in connection with the development of 99 Coolidge Avenue by ARE-MA Region No. 77, LLC to accept easements as set forth in the aforesaid document.

AND FURTHER, that the City Council hereby authorizes the City Manager to accept and execute the aforesaid Grant of Easement on behalf of the City.

_____
Council Member

I hereby certify that at a regular meeting of the City Council for which a quorum was present, the above Order was adopted by a vote of __ for, __ against and __ present on _____, 2024.

_____
Brendan McCarthy, Council Clerk

_____
Mark S. Sideris, Council President

Property Address: 99 Coolidge Avenue, Watertown, Massachusetts

GRANT OF EASEMENT

This **GRANT OF EASEMENT** ("Grant") is entered into as of the ____ day of _____, 2024 by and between **ARE-MA REGION NO. 77, LLC**, a Delaware limited liability company ("Grantor"), having a mailing address c/o Alexandria Real Estate Equities, Inc., 26 N. Euclid Ave., Pasadena, CA 91101, and the **CITY OF WATERTOWN**, a Massachusetts municipal association ("City"), having its usual place of business at 149 Main Street, Watertown, Massachusetts 02472.

WITNESSETH:

Reference is made to the following facts which constitute the background to this instrument:

A. Grantor is the owner of that certain parcel of land located in the City of Watertown, Middlesex County, Massachusetts, shown as "Parcel A" on that certain plan entitled "Plan of Land in Watertown, Massachusetts", prepared by VHB, Inc., dated June 21, 2021, recorded with Middlesex South Registry of Deeds (the "Registry") as Plan No. 777 of 2021 (the "Grantor Parcel"). For Grantor's Title, see those certain Quitclaim Deeds recorded with the Registry in Book 75038, Page 423, in Book 75038, Page 428, and in Book 75038, Page 433, respectively.

B. In connection with certain zoning relief granted by the City of Watertown Planning Board on May 21, 2021 in Case No. PB-2021-03 SP/SR (the "Zoning Decision"), in which zoning relief was granted in connection with Grantor's development of the Grantor Parcel, Grantor committed to allow public access for recreational use to certain areas of the Grantor Parcel. The Zoning Decision is recorded with the Registry in Book _____, Page _____ .

C. In accordance with the Zoning Decision, Grantor now desires to grant certain easement rights for those portions of the Grantor Parcel shown as "Easement Area A", "Easement Area B", and "Easement Area D", respectively (each individually, a "Multi-Use Path Easement Area"; and, collectively, the "Multi-Use Path Easement Areas"), on a plan entitled "Easement Plan" dated _____, 2024, prepared by VHB, Inc., attached as Exhibit A-1 and incorporated herein (the "Plan"). A legal description of each Multi-Use Path Easement Area is set forth in Exhibit A-2 attached hereto. To avoid confusion, the Multi-Use Path Easement Areas are definitively agreed to be the areas described on Exhibit A-2. It is not believed that there is any inconsistency among the current location, Exhibit A-1, and Exhibit A-2, but if any inconsistency does exist, it shall be resolved in favor of Exhibit A-2.

D. The City, upon the grant of the easement rights described herein, agrees that it will use such easement rights in accordance with the provisions of this Grant.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor and the City hereby agree as follows:

1. Multi-Use Path Easement from Grantor to the City and the Public. Grantor hereby grants to the City and the general public, subject to the terms hereof and limited to the extent of Grantor's interest in the Multi-Use Path Easement Areas, the perpetual, non-exclusive right and easement, in common with the Grantor and others entitled thereto, to use the Multi-Use Path Easement Areas for recreational purposes, including, without limitation, access by pedestrians on foot or by a mobility device (as that term is defined hereinafter) or by bicyclists on bicycles, together with attendant customary passive recreational uses (the "Path Right"); provided, however, only pedestrians on foot or by a mobility device or bicyclists walking bicycles, but not riding bicycles, may use Easement Area B (with bicyclists riding bicycles limited to Easement Area A and Easement Area D). Such attendant customary passive recreational uses include sitting at benches, which benches Grantor may, from time to time, at its election (in its sole and absolute discretion), install in areas adjacent to the path located in Easement Area B. The City acknowledges that (i) the primary use of Easement Area D is a driveway for vehicular access to and from the parking garage located on the Grantor Parcel and the abutting public ways by employees, customers, contractors, invitees or agents of the Grantor or any tenants thereof, but not the general public, (ii) the driveway in Easement Area D is the multi-use path for use by pedestrians and bicyclists under the terms of this Grant, (iii) there is not a separate, standalone multi-use path in Easement Area D for use by pedestrians and bicyclists, and (iv) pedestrians and bicyclists will be required to share the driveway in Easement Area D with motor vehicles making use of Easement Area D as a driveway for access to and from the parking garage located on the Grantor Parcel and the abutting public ways by employees, customers, contractors, invitees or agents of the Grantor or any tenants thereof. The term "mobility device," as used in this instrument, means a wheelchair, which may be motorized, crutch, cane, walker, or other device that functions similarly to allow an injured or disabled person increased mobility for travel.

Notwithstanding anything herein to the contrary, the foregoing Path Right shall not be deemed to include any rights for horses or other load bearing animals or motor vehicles, motorcycles, or other motorized transportation devices to pass or repass on, across or over any Multi-Use Path Easement Areas for recreational purposes or for any commercial recreational use of the Multi-Use Path Easement Areas. Additionally, the Path Right shall not be deemed to include a right to park bicycles or motor vehicles, motorcycles, or other motorized or non-motorized transportation devices within any Multi-Use Path Easement Area at any time; provided, however, the Grantor shall have the right (in its sole and absolute discretion) to designate, from time to time, bike parking or storage areas or facilities in areas in or adjacent to the Multi-Use Path Easement Areas. Further, the City and/or any member of the public shall not place within any Multi-Use Path Easement Area any obstructions (except for temporary obstructions necessary in connection with the maintenance, repair or replacement in any Multi-Use Path Easement Area by the City in accordance with this Grant). The City's and the public's exercise of the Path Right shall not unreasonably interfere with Grantor's use of the Grantor

Parcel, as set forth in Section 3 below. The City's and the public's exercise of the Path Right shall at all times be subject to such reasonable rules and regulations as Grantor may from time to time establish related to the use thereof (notice of which shall be given to the City), and shall in all events be limited to daytime use, between the hours of one-half hour before sunrise and one-half hour after sunset, or such other times as may be reasonably established by Grantor consistent with the purposes hereof. Grantor has the right to control, limit, or prohibit by posting and other reasonable means any unauthorized activities or uses of the Multi-Use Path Easement Areas and the right to install wayfinding signage within the Multi-Use Path Easement Areas.

2. Headwall Support Easement from Grantor to the City. Grantor hereby grants (i) to the City and the City Parties (as that term is defined in Section 4), but expressly not the general public, subject to the terms hereof and limited to the extent of Grantor's interest in the Headwall Easement Area (as that term is defined hereinafter), the perpetual non-exclusive right and easement, in common with the Grantor, to construct, inspect, repair, renew, replace, operate and maintain the Headwall Facilities (as that term is defined hereinafter) located in that portion of the Grantor Parcel shown on the Plan as "Easement Area C" (the "Headwall Easement Area") for the purposes of providing support and stability to the surrounding sidewalk and maintaining the Headwall Facilities including the headwall culvert (such rights, collectively, the "Headwall Right"). The term "Headwall Facilities" means the headwall and all related appurtenances including the headwall culvert. The City's exercise of the Headwall Right shall not unreasonably interfere with Grantor's use of the Grantor Parcel, as set forth in Section 3 below. A legal description of the Headwall Easement Area is set forth in Exhibit A-2 attached hereto. The Path Right and the Headwall Right are hereinafter referred to singly as an "Easement Right" and collectively as the "Easement Rights." The Multi-Use Path Easement Areas and the Headwall Easement Area are hereinafter referred to singly as an "Easement Area" and collectively as the "Easement Areas."

3. Reserved Rights. The Easement Rights hereby conveyed do not grant to the City or the public any rights on, across or over any portion of the Grantor Parcel other than the Easement Areas. Grantor reserves the right to use the Multi-Use Path Easement Areas for unlimited and unfettered pedestrian access to and from the Grantor Parcel and the abutting public ways by any persons, including, without limitation, employees, customers, contractors, invitees or agents of the Grantor or any tenants thereof, and the City agrees that such use shall not be deemed to interfere with the Path Right, it being the intent of the parties that the Path Right shall not interfere unreasonably with the operation of the businesses now located or to be located in the future at the Grantor Parcel or any portion thereof. Grantor further reserves the right to continue to use the Grantor Parcel, including the Easement Areas, for all purposes, including, without limitation: (a) to erect, outside of and along the Easement Areas, such fences, vegetated buffers, or other measures it deems necessary or appropriate; (b) to install and maintain landscaping within Easement Areas up to edge of the pedestrian path located within Easement Areas; (c) to establish, relocate, maintain, construct, and replace such driveways (including, without limitation, the driveway in Easement Area D), roads, paths or other traveled ways within the Grantor Parcel, including but not limited to vehicular and pedestrian connections between the Grantor Parcel and the Easement Areas, as the Grantor, in its sole discretion, deems advisable; (d) to repair, replace, improve, maintain and use the Easement Areas and paths located therein; and (e) to use, or to grant to others the right to use the Easement Areas for any and all purposes,

provided only that such use shall not materially adversely interfere with the exercise of the Easement Rights.

4. Release. It is the intention of the parties that the Multi-Use Path Easement Areas shall be used for recreational purposes and be free of charge or fee and that to the fullest extent permitted by law, the Path Right, together with the Multi-Use Path Easement Areas, constitute an "interest in land" under Massachusetts General Laws Chapter 21, Section 17C (or such other state or local law that hereafter affords the same or similar protections), and that Grantor and all those claiming by, through or under Grantor, shall expressly be afforded all of the rights, protections, privileges and benefits granted thereunder, and as such, Grantor and all those claiming by, through or under Grantor, shall not be liable for personal injuries or property damage sustained by members of the public in connection with the exercise of the Easement Rights granted hereunder. In the exercise of the Easement Rights created hereunder, including the Path Right and the Headwall Right, the City and those claiming by, through or under the City (including without limitation, City employees, agents and contractors) (collectively, the "City Parties"), shall do so at their own risk, except as expressly provided herein. Grantor, its consultants, contractors, agents, licensees or invitees, and its and their affiliates, managers, members, partners, officers, directors, stockholders, attorneys, employees, predecessors, successors and assigns shall be free from all liability and claims for damages, together with all related costs, arising out of, related to or in connection with the exercise by the City or any City Parties or the general public of the Easement Rights granted hereunder, including, but not limited to, any such liability and/or claims with respect to release of any Hazardous Substances (as defined in this Section 4) regulated by or noncompliance with any Environmental Laws (as defined in this Section 4) caused by or related to the City's or City Parties' exercise of the Easement Rights granted under this Grant. The term "Environmental Laws" includes without limitation the Resource Conservation and Recovery Act, 42 USC Sections 6901 et seq., and the Comprehensive Environmental Response Compensation and Liability Act, 42 USC Sections 9602 et seq., and other federal laws governing the environment as in effect on the date of this Grant, together with their implementing regulations and guidelines and all state, regional, county, municipal and other local laws, regulations and ordinances that are similar to such federal laws or that regulate Hazardous Substances. The term "Hazardous Substances" includes petroleum, asbestos, lead, radon, mold, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas or such synthetic gas), and any substance, material, waste, pollutant or contaminant listed or defined as hazardous or toxic under any Environmental Law.

5. Performance of Work. The Grantor shall be responsible for the maintenance, repair and replacement of the paths located in Easement Area A and Easement Area B and the driveway located in Easement Area D. The City acknowledges that the paths in the Multi-Use Path Easement Areas (including, without limitation, the driveway in Easement Area D) have been constructed in a good and workmanlike manner, in accordance with all applicable governmental permits, consents, and approvals, and in accordance with all applicable laws, ordinances, orders, rules, and regulations. The path in Easement Area B includes a wooden deck and a bridge. The maintenance responsibilities of the Grantor include snow and ice removal of the sidewalks located in Easement Area A, the paths located in Easement Area B, and the Driveway located in Easement Area D. The City, at its sole cost and expense, shall be responsible for the maintenance, repair and replacement of (i) the Headwall Facilities located in

the Headwall Easement Area and (ii) the sidewalk located in Easement Area A. The City may maintain, repair, and replace the paths located in Easement Area B and Easement Area D, including any driveway, that the Grantor is obligated to, and has failed to, maintain, repair, or replace hereunder; provided, however, prior to the performing any such work, the City (except in the event of emergency that could result in significant damage to person or property for which no prior notice shall be required, but notice shall be given thereafter as soon as practicable), shall have given prior written notice to Grantor of the Grantor's failure to maintain, repair, or replace, together with the details with respect to such failure, and Grantor shall have failed to make such maintenance, repair, or replacement within thirty (30) days of Grantor's receipt of such notice or such longer period of time as is necessary given the nature of the maintenance, repair or replacement, and Grantor shall reimburse the City for the costs the City incurs related thereto within 30 days of invoice. The Grantor may maintain, repair, and replace the Headwall Facilities located in the Headwall Easement Area that the City is obligated to, and has failed to, maintain, repair, or replace hereunder; provided, however, prior to the performing any such work, the Grantor (except in the event of emergency, for which no prior notice shall be required, but notice shall be given thereafter as soon as practicable), shall have given prior written notice to the City of the City's failure to maintain, repair, or replace, the Headwall Facilities together with the details with respect to such failure, and City shall have failed to make such maintenance, repair, or replacement within thirty (30) days of City's receipt of such notice or such longer period of time as is necessary given the nature of the maintenance, repair or replacement, and the City shall reimburse Grantor for the costs Grantor incurs related thereto within 30 days of invoice. Any construction, maintenance or replacement work to be performed by the City within the Easement Areas pursuant to this Grant (i) shall be performed in a safe, diligent and workmanlike manner and in compliance with all applicable laws, ordinances, orders, rules, and regulations and (ii) shall be performed to the extent practicable in a manner that causes the minimum of interference with the use and enjoyment of the Grantor Parcel by the Grantor. The City shall ensure vehicular access to the Grantor Parcel at all times during which the City is undertaking any work under this Grant, unless Grantor agrees, in its good faith but sole discretion, that such access may be obstructed for periods of limited duration. The City shall cause any contractor performing any work under this Grant for the City to have adequate commercial general liability insurance and workers' compensation insurance. Such insurance shall name Grantor as an additional insured and shall be carried by a reputable insurance company or companies qualified to do business in the Commonwealth of Massachusetts. Upon written request from the Grantor, the City shall furnish, or cause to be furnished, to Grantor one (1) or more certificates of insurance evidencing the existence of the insurance required to be carried pursuant to this Section 5. In the event that any contractor, subcontractor or other person or entity engaged directly or indirectly on behalf of the City in connection with the performance of any work within the Easement Areas records or files any lien or other encumbrance against any portion of the Grantor Parcel, the City shall take such action, at its sole cost and expense, to cause such lien or other encumbrance to be dissolved or released as soon as reasonably practicable but in no event longer than thirty (30) days after the earlier of the City obtaining knowledge thereof or written demand from Grantor.

6. Restoration. To the extent that the exercise of the City's rights under this Grant of Easement involves construction or other work within the Easement Areas, the City shall, at its sole cost and expense, promptly restore said land or area to the condition (as close as

practicable) that such land or area was in immediately prior to such exercise (including any landscaping or similar improvements). If the City, or any person claiming by, through, or under the City causes any damage to the Grantor Parcel not within an Easement Area, the City shall promptly restore the same, at its sole cost and expense, to the condition (as close as practicable) that the Grantor Parcel was in immediately prior to such damage.

7. Permissible Delay. Whenever performance is required of any party hereunder, such party shall use all commercially reasonable efforts to perform and take all reasonable measures in good faith to perform; provided, however that if completion of performance shall be delayed at any time by reason of acts of God, war, civil commotion, riots, work stoppages arising out of collective bargaining strikes, pandemic, unavailability of materials or damage to work in progress by reason of fire or other casualty or causes beyond the reasonable control of a party (other than financial reasons) (collectively, "Force Majeure"), then the time for performance as herein specified shall be appropriately extended by the time of the delay actually caused.

8. Relocation. Grantor may, at any time and from time to time, relocate the Multi-Use Path Easement Areas, or any portion thereof, to another location as the Grantor deems advisable, in its good faith but sole discretion; provided that such relocated area is reasonably adequate for the purposes of the Path Right. Such relocation shall be at the sole cost and expense of the Grantor.

9. Bind and Inure. The rights created hereby shall run with the land and shall be binding upon and inure to the benefit of the parties, and their respective successors and assigns; provided, however, that the Grantor shall only be responsible hereunder for matters occurring and claims arising during its period of ownership of the Grantor Parcel. No partner, member, shareholder, trustee, beneficiary, director, officer, manager, or employee of Grantor, or any partner of Grantor, or any affiliate of Grantor, shall have any personal liability under this Grant. In addition, no party to this Grant shall have personal liability under this Grant. In the event any person obtains a judgment against Grantor in connection with this Grant, such person's sole recourse shall be to the estate and interest of Grantor in and to the Grantor Parcel.

10. Only Uses Specified. The rights and easements granted to the City and the general public herein shall be limited to and solely for the uses specified. Any other uses of the Easement Areas by the City shall occur only with the prior written consent of Grantor. For the avoidance of doubt, only the Grantor and the City of Watertown may seek to enforce the rights and easements granted in this Grant.

11. Notice. All notices required or permitted to be given hereunder shall be in writing and shall be sent either (i) by any nationally known overnight delivery service for next business day delivery, or (ii) by delivery in person. Any notice shall be deemed given on the date of the first to occur of receipt, refusal, or attempted delivery as indicated on the receipt of the overnight delivery service or personal delivery service. If the day any notice shall be deemed to have been given and received as aforesaid is not a business day (or if delivery is made after 5:00 p.m. Eastern Time on any business day), such notice shall be deemed to have been given and

received on the next business day. All notices shall be addressed to the parties at the addresses below:

If to Grantor, addressed to:

c/o Alexandria Real Estate Equities, Inc.
26 North Euclid Avenue
Pasadena, CA 91101
Attn: Corporate Secretary

and:

c/o National Development
2310 Washington Street
Newton Lower Falls, MA 02462
Attention: Brian Kavoogian

With a copy to:

National Development
2310 Washington Street
Newton Lower Falls, MA 02462
Attention: Richard P. Schwartz, Esq.

and:

Wilmer Cutler Pickering Hale and Dorr LLP
60 State Street
Boston, MA 02109
Attention: Brett M. Jackson

If to the City, addressed to:

City of Watertown
149 Main Street
Watertown, MA 02472
Attention: City Manager

Any address or name specified above may be changed by notice given to the addressee by another party hereto in accordance with this section.

12. Permitted Encumbrances. The rights granted herein are subject to all restrictions, covenants, easements and other encumbrances of record, whether now or hereafter

existing, to the extent in force and applicable, except for monetary encumbrances, if any, for which a subordination shall be obtained.

13. Governing Law. This Grant shall be governed by the laws of the Commonwealth of Massachusetts, as the same may now exist or as may be hereinafter enacted. If any provision of this Grant, or portions thereof, or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Grant, or the application of such provision, or portion thereof, to any other person or circumstances shall not be affected thereby, and such provision of this Grant shall be valid and enforceable to the fullest extent permitted by law.

14. Amendment. This Grant may only be amended or modified by an agreement in writing signed by the parties hereto. Upon request of either party, such amendment shall be recorded with the Registry.

15. No Deed Stamps. No Massachusetts deed excise tax stamps are required for this Grant, the City being a political subdivision of the Commonwealth of Massachusetts

16. Counterparts. This Grant may be executed in several counterparts, each of which shall be deemed an original and all such counterparts shall constitute one and the same instrument.

[Remainder of Page Intentionally Left Blank]

EXECUTED as a sealed instrument as of the day and year first above written.

GRANTOR:

ARE-MA REGION NO. 77, LLC,
a Delaware limited liability company

By: _____
Name: _____
Title: Authorized Signer per M.G.L. c. 156C, §66

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF _____, ss.

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared_____, proved to me through satisfactory evidence of identification, which was personal knowledge of identity, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Authorized Signer of ARE-MA Region No. 77, LLC, a Delaware limited liability company, as the voluntary act of said limited liability company.

_____
Notary Public
My commission expires:_____

[City signatures on next page]

ACCEPTANCE OF EASEMENT RIGHT

On this ____ day of _____, 2024, the City of Watertown, acting by and through its City Manager pursuant to the vote taken by the City Council on _____, a certified copy of which is attached hereto as Exhibit B, hereby accepts the easement rights contained in, and agrees to be bound by the provisions of, the foregoing Grant of Easement granted to the City by Grantor, which is recorded herewith.

CITY:

CITY OF WATERTOWN

By: _____
Name: George Proakis
Title: City Manager
Hereunto duly authorized

Approved as to form by City Attorney:

_____
Name:
Title: City Attorney

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF MIDDLESEX, ss.

On this _____ day of _____, 2024, before me, the undersigned notary public, personally appeared George Proakis, the City Manager of the City of Watertown, proved to me through satisfactory evidence of identification which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose in such capacity, and acknowledged said instrument to be the free act and deed of the City of Watertown.

_____
Notary Public
My commission expires:_____

EXHIBIT A-1

PLAN OF EASEMENT AREAS

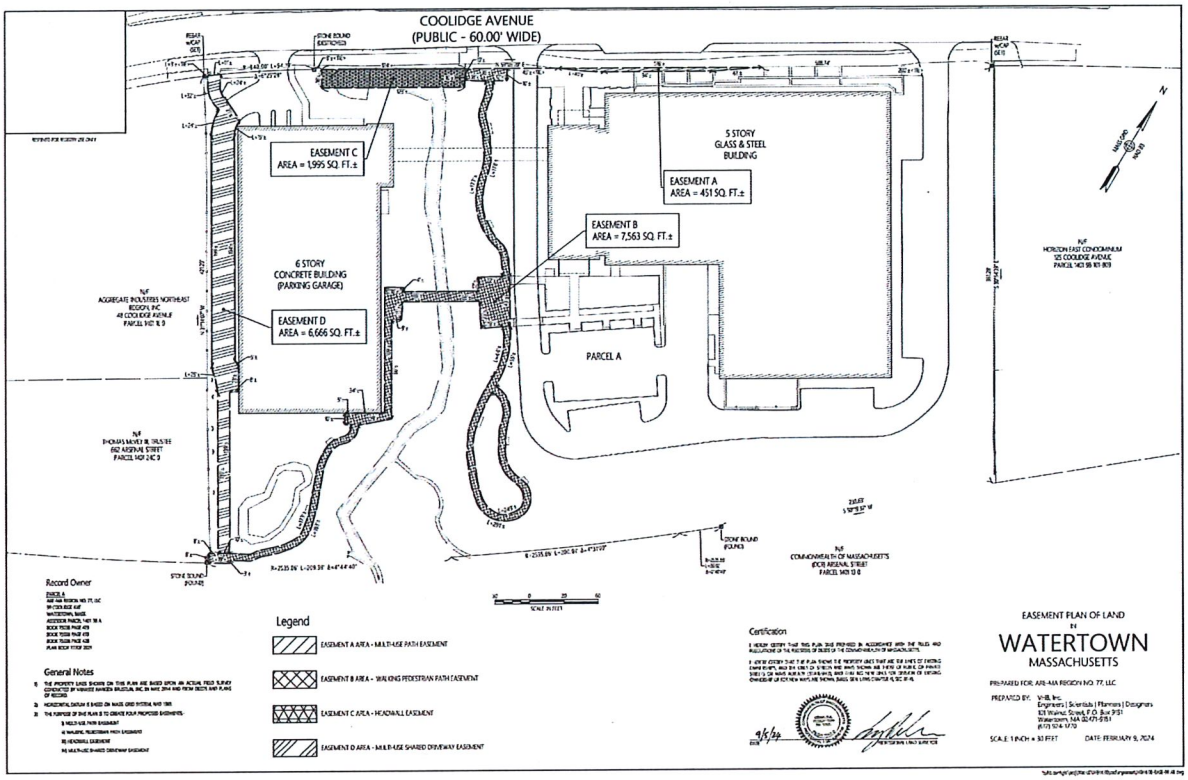

COOLIDGE AVENUE
(PUBLIC - 60.00' WIDE)
EASEMENT C
AREA = 1,995 SQ. FT.±
EASEMENT A
AREA = 451 SQ. FT.±
EASEMENT B
AREA = 7,563 SQ. FT.±
EASEMENT D
AREA = 6,666 SQ. FT.±
5 STORY
GLASS & STEEL
BUILDING
6 STORY
CONCRETE BUILDING
(PARKING GARAGE)
PARCEL A
N
Record Owner
General Notes
Legend
EASEMENT A AREA - MULTI-USE PATH EASEMENT
EASEMENT B AREA - WALKING PEDESTRIAN PATH EASEMENT
EASEMENT C AREA - HEADWALL EASEMENT
EASEMENT D AREA - MULTI-USE SHARED DRIVEWAY EASEMENT
Certification
EASEMENT PLAN OF LAND
IN
WATERTOWN
MASSACHUSETTS
PREPARED FOR: ARE-MA REGION NO. 77, LLC
PREPARED BY:
SCALE: 1 INCH = 30 FEET
DATE: FEBRUARY 5, 2024

EXHIBIT A-2

LEGAL DESCRIPTION OF EASEMENT AREAS

Legal Description – "Easement A"

A certain sidewalk easement over a parcel of land situated south of Coolidge Avenue and east of Arsenal Street in the City of Watertown, in the County of Middlesex and the Commonwealth of Massachusetts bounded and described as follows:

Beginning at a point on the southerly sideline of Coolidge Avenue being S 59°05'20" W a distance of approximately Two Hundred (200'±) from the northeasterly corner of the affected parcel, being monumented by a rebar with cap; thence

Southwesterly	a distance of approximately Forty Two feet (42'±) to a point; thence
Southwesterly	a distance of approximately Ninety Four feet (94'±) to a point; thence
Southwesterly	and curving to the right along the arc of a curve a length of approximately Forty feet (40'±) to a point, the last three (3) course following the back of bituminous sidewalk; thence
N 59°05'20" E	a distance of approximately One Hundred Seventy Six feet (176'±) by the sideline of Coolidge Avenue to the point of beginning.

The above described easement contains approximately 451 square feet more or less.

Legal Description – "Easement B"

A certain pedestrian path easement over a parcel of land situated south of Coolidge Avenue and east of Arsenal Street in the City of Watertown, in the County of Middlesex and the Commonwealth of Massachusetts bounded and described as follows:

Beginning at a point on the southerly sideline of Coolidge Avenue being N 59°05'20" E a distance of approximately One Hundred and Thirty Two feet (132'±) from the point of curvature of said ROW; thence

N 59°05'20" E	a distance of approximately Thirty Six feet (36'±) along said sideline to a point; thence
Southeasterly	a distance of approximately Ten feet (10'±) to a point; thence
Southwesterly	a distance of approximately Twelve feet (12'±) to a point, the last three (3) courses following the edge of a wood deck; thence
Southeasterly	and meandering along the easterly edge of a gravel path a length of approximately One Hundred Seventy Eight feet (178'±) to a point; thence
Southeasterly	a distance of approximately Forty Three feet (43'±) by the edge of a wood deck to a point; thence

Southeasterly	and curving to the right along the easterly edge of a gravel path a length of approximately Fifty Five feet (55'±) to a point; thence
Southerly Northerly	and meandering along the edge of a gravel path a length of approximately & Two Hundred Ninety One feet (291'±) to a point; thence
Northerly	and curving to the left along the westerly edge of a gravel path a length of approximately Forty Four feet (44'±) to a point; thence
Southwesterly	a distance of approximately Nineteen feet (19'±) to a point; thence
Northwesterly	a distance of approximately Twenty Three feet (23'±) to a point; thence
Southwesterly	a distance of approximately Sixty Six feet (66'±) to a point; thence
Southeasterly	a distance of approximately Fifteen feet (15'±) to a point; thence
Southwesterly	a distance of approximately Nine feet (9'±) to a point; thence
Southeasterly	a distance of approximately Eighty Six feet (86'±) to a point; thence
Southwesterly	a distance of approximately Twenty Nine feet (29'±) to a point, the last seven (7) courses following the edge of a wood deck; thence
Southerly	and meandering along the easterly edge of a gravel path a length of approximately One Hundred Eighty Three feet (183'±) to a point; thence
Southeasterly	a distance of approximately Three feet (3'±) to a point; thence
Southwesterly	and curving to the right along the arc of a curve having a radius of Two Thousand Five Hundred Thirty Five and Eighty Six Hundredths feet (2535.86'), a length of approximately Nineteen feet (19'±) to a point; thence
N 31°14'07" W	a distance of approximately Eight feet (8'±) by land now or formerly Thomas McVey III, to a point; thence
Northeasterly	a distance of approximately Eighteen feet (18'±) to a point; thence
Northerly	and meandering along the westerly edge of a gravel path a length of approximately One Hundred Seventy Three feet (173'±) to a point; thence
Southwesterly	a distance of approximately Five feet (5'±) to a point; thence
Northwesterly	a distance of approximately Ten feet (10'±) to a point; thence
Northeasterly	a distance of approximately Thirty Four feet (34'±) to a point; thence

Northwesterly	a distance of approximately One Hundred Nine feet (109'±) to a point; thence
Northeasterly	a distance of approximately Sixteen feet (16'±) to a point; thence
Southeasterly	a distance of approximately Four feet (4'±) to a point; thence
Northeasterly	a distance of approximately Sixty Six feet (66'±) to a point; thence
Northwesterly	a distance of approximately Twelve feet (12'±) to a point; thence
Northeasterly	a distance of approximately Twenty Two feet (22'±) to a point, the last nine (9) courses following the edge of a wood deck; thence
Northerly	and meandering along the westerly edge of a gravel path a length of approximately One Hundred Seventy Seven feet (177'±) to a point; thence
Southwesterly	a distance of approximately Eighteen feet (18'±) to a point; thence
Northwesterly	a distance of approximately ten feet (10'±) to the point of beginning, the last two (2) courses following the edge of a wood deck.

Excepting a portion of the area described above which is contained within the limit of the easement described above, commencing at a point at the northerly intersection of the gravel path loop and meandering along the edge of said path a length of approximately Two Hundred Forty Nine feet (249'±) to the point of beginning.

The above described easement contains approximately 7,563 square feet more or less.

Legal Description – "Easement C"

A certain wall maintenance easement over a parcel of land situated south of Coolidge Avenue and east of Arsenal Street in the City of Watertown, in the County of Middlesex and the Commonwealth of Massachusetts bounded and described as follows:

Beginning at a point on the southerly sideline of Coolidge Avenue being N 59°05'20" E a distance of approximately Eight feet (8'±) from the point of curvature of said ROW; thence

N 59°05'20" E	a distance of approximately One Hundred Twenty Four feet (124'±) along said sideline to a point; thence
Southeasterly	a distance of approximately Sixteen feet (16'±) to a point; thence
Southwesterly	a distance of approximately One Hundred Twenty Three feet (123'±) to a point; thence

Northwesterly a distance of approximately Sixteen feet (16'±) to the point of beginning.

The above described easement contains approximately 1,995 square feet more or less.

Legal Description – "Easement D"

A certain bike path easement over a parcel of land situated south of Coolidge Avenue and east of Arsenal Street in the City of Watertown, in the County of Middlesex and the Commonwealth of Massachusetts bounded and described as follows:

Beginning at a point on the southerly sideline of Coolidge Avenue on the arc of a curve having a radius of Eight Hundred Forty and No Hundredths feet (840.00'), a length of approximately Three feet (3'±) from the northwesterly corner of the affected parcel, being monumented by a rebar with cap; thence

Northeasterly and curving to the right along the arc of a curve having a radius of Eight Hundred Forty and No Hundredths feet (840.00'), a length of approximately Eleven feet (11'±) to a point; thence

Southeasterly and curving along the easterly edge of a bit bike path a length of approximately Twenty Four feet (24'±) to a point; thence

Southeasterly a distance of approximately Twenty One feet (21'±) to a point; thence

Southerly and curving to the left a length of approximately Fifteen feet (15'±) to a point; thence

Southeasterly a distance of approximately One Hundred Ninety Four feet (194'±) to a point; thence

Southeasterly a distance of approximately Five feet (5'±) to a point; thence

Southeasterly a distance of approximately Twenty Three feet (23'±) to a point; thence

Southwesterly a distance of approximately Eight feet (8'±) to a point; thence

Southeasterly a distance of approximately One Hundred Thirty Nine feet (139'±) to a point, the last six (6) courses by the easterly edge of a bit bike path and face of concrete curb; thence

Southwesterly a distance of approximately Ten feet (10'±) by Easement B to a point; thence

Northwesterly a distance of approximately One Hundred Thirty Nine feet (139'±) to a point; thence

Northerly and curving to the left a length of approximately Twenty Five feet (25'±) to a point; thence

Northwesterly a distance of approximately One Hundred Ninety Nine feet (199'±) to a point; thence

Northerly	and curving to the right a length of approximately Twenty Four feet (24'±) to a point; thence
Northwesterly	and curving to the right a length of approximately Thirty Two feet (32'±) to the point of beginning, the last five (5) courses by the westerly edge of a bit bike path and face of concrete curb.

The above described easement contains approximately 6,666 square feet more or less.

EXHIBIT B

CITY COUNCIL VOTE

CITY OF WATERTOWN

Community Development and Planning

PLANNING OFFICE

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6417
Fax: 617-972-6484
www.watertown-ma.gov

To:	Honorable City Council
From:	Steve Magoon, Assistant City Manager for Community Development and Planning
Date:	September 19, 2024
Re:	First Reading for Proposed Amendments to the Zoning Ordinance—Watertown Square Area

As you know, on July 16, 2024, the City Council and Planning Board approved the Watertown Square Area Plan, including its recommendations for zoning to promote a revitalized downtown, as well as comply with Chapter 40A, Section 3A (MBTA Communities) by the December 31, 2024 deadline. I am pleased to submit a set of draft amendments that implement those recommendations. We are proposing a joint hearing process (City Council/Planning Board) with the hearing scheduled to start October 16 and continued on October 17, 2024. We have reserved three other dates to continue the hearing, if needed (October 21 and 30, and November 12).

To facilitate review of these amendments, the Department's submission includes a general summary and a section-by-section summary.

I respectfully request that the proposed amendments (see Attachment 1 and Zoning Map) be placed on the Honorable City Council's agenda for a first reading and referral to joint hearings and meetings before the Council and the Planning Board.

Cc George Proakis, City Manager
Mark R. Reich, KP Law

General Summary—Watertown Square Zoning Amendments

The Watertown Square Zoning Amendments are designed to implement the Watertown Square Area Plan adopted in July 2024. While these changes have led to amendments that are not as directly related, we have strived to keep these amendments related to implementation of the Watertown Square Area Plan. The proposed amendments accomplish the following important elements of the plan:

- Replace the Central Business District with four new districts that employ "form-based zoning" ideas designed to produce streets, sidewalks, sites and buildings that promote a vibrant Watertown Square.
- Key street frontages are designated for required ground floor "active uses" like retail and restaurants. Facades that promote a lively streetscape are required in designated areas throughout the Square.
- Three of these "Watertown Square" districts (labelled WSQ 1, 2, and 3) vary by building intensity, with higher maximum heights in the downtown core. The fourth district (Neighborhood Mixed Use) is a transition to lower intensity residential neighborhoods.
- Parking minimums would be reduced from 1/unit to .5/unit and 1/unit would become the new maximum in most cases.
- Bicycle-specific parking requirements for the new districts are introduced, to promote bicycle parking while automobile parking minimums are reduced
- The proposed zoning continues to require inclusionary zoning for market rate developments, while making it easier to develop housing with deeper affordability. The new districts will provide additional height and lower parking requirements for developments that meet affordability requirements.
- An overlay district identifies the area where multifamily housing is allowed "by right," with site plan review. The proposed area will allow Watertown to comply with the MBTA Communities zoning law by the December 31, 2024 deadline.

The amendments propose a short list of changes that go beyond the new districts. While recognizing that a comprehensive zoning review is planned, the following changes are necessary now:

- The "by right" area requires increased focus on the city's approach to site plan review and the proposed amendments, and therefore, rewrite the site plan review section for all zoning districts. The changes recognize that there is a "site plan review permit" in those cases where site plan review by the Planning Board is the

only board approval required and incorporate robust, objective standards from elsewhere in the zoning ordinance.

- During the community process, it was clear that there is broad support to use this zoning process as an opportunity to continue implementing the Climate Plan. The proposed amendments bring existing sustainability requirements together in one place and add new requirements and guidelines.
- Since the state will be reviewing the ordinance for compliance with the MBTA Communities law, amended definitions of the various "dwelling" types, particularly "multi-family housing," are proposed.
- The amendments delete restrictions on redevelopment of municipal land that would affect the city's ability to move forward with the plan's recommendations to reuse the municipal parking lots.
- Because of the way the new districts address parking minimums and maximums, the proposed zoning amendments include special permit criteria for departures from those requirements and apply them city-wide for uniformity.
- The proposed amendments allow accessory dwelling units (ADUs) to comply with a new state law. The Watertown Affordable Housing Trust has been working with Watertown Community Conversations to develop an informal community process starting in winter 2025 to craft an ADU ordinance that meets the city's particular needs. In the meantime, the proposed language tracks state law and includes Planning Board approval through site plan review.

With respect to the Council's goal of promoting deeper affordability, the proposed language recognizes that most affordable developments involve income tiers, typically tiers targeted at 80% of area median income (AMI)), 60% of AMI (the tax credit threshold), 50% or 30% of AMI. Accordingly, the proposed bonus achieves the Council's intent by allowing developments to qualify for a second additional floor if the average target income is less than 60% of AMI.

SECTION-BY-SECTION SUMMARY OF PROPOSED WATERTOWN SQUARE ZONING AMENDMENTS

Notes: 1) more detailed summary of §5.08 follows the overall summary immediately below, 2) Use tables with no substantive changes moved to Appendix to facilitate review of these amendments.

Section	Summary	Page
Article I—Purpose and Interpretation (no change)		
Article II—Definitions (changed sections only)		
§2.18 Dwelling	Adopts new statutory definitions of multi-family and accessory dwelling unit and adds "household" as alternative to "family"	1
§2.19 Dwelling Unit	Adds household as alternative label	2
§2.23 Family	New definition to conform to current approach to defining who can occupy dwelling units	2
§2.63 Open Space, Publicly Usable	Deletes "dawn to dusk" requirement in definition so that applicable hours can be varied by district	2
§2.79 Special Permit	Adds definition of site plan review permit with the Planning Board as permit granting authority and notes that special permits can be granted by the ZBA or PB depending on district	2
Article III-Establishment of Zoning Districts (changed sections only)		
§ 3.01 Classification of the districts	Adds new districts (Watertown Square 1, 2, 3 and Neighborhood Mixed Use) and deletes obsolete districts (Central Business, Revitalization Overlay)	3
§ 3.02 Boundaries of the districts	Reference to new zoning map	3
Article IV-General Use and Dimensional Requirements (changed only)		
§ 4.01 Permitted uses	Clarifies that site plan review (SR) can be used for both by right and special permit (SP) review	5
§ 4.02 Uses subject to other regulations	Clarifies that SR can be used for by right/SP and uses a new title for Article VIII (Sustainability, Solar and other Regulations)	5
§ 4.08 Applicability of dimensional requirements	Substitutes reference to Article IV generally, instead of specific sections	5
§ 4.10 Exceptions to Height Requirements	Does not allow use of discretionary height exception in new districts (which introduce form-based standards)	5
§ 4.11 Exceptions to Setback Requirements	Adds new districts and deletes Central Business	6
§ 4.13 Transition Requirements	Adds new districts and deletes Central Business	6

Article V-Tables of District Regulations (changed only)		
§ 5.00 Interpretation	Cross-references	7
§5.01 Table of Use Regulations	Replaces the single Table of Uses with three tables: Residence Districts, Business Districts and Mixed-Use Districts. The Residence and Business District tables are substantively the same as the current Table of Uses. The Mixed-Use Table identifies the allowed uses and review mechanisms for the WSQ1, WSQ2, WSQ3, and NMU Districts. The new table explicitly refers to certain uses to help activate the Square (e.g., craft food and beverage production with retail, creative/maker space and work/live creative studios). Following the table is a list and description of uses to make the table easier to interpret.	8
§ 5.02 Table of Accessory Use Regulations	Replaces the single Table of Accessory Uses with two tables: Residence Districts and Business Districts. There is no table for the new Mixed-Use Districts because any relevant accessory use has been folded into the use descriptions in §5.01. This Section contains one substantive change: Accessory Dwelling Units have been added as an Allowed Use with site plan review in certain districts to comply with a new state law.	12
§ 5.03 Notes	Deletes references to obsolete districts (Central Business, Revitalization Overlay) and adds references to the new districts. It also adds a reference to the threshold for requiring a site plan review for uses allowed by right.	12
§ 5.04 Table of Dimensional Regulations	Deletes references to obsolete districts (Central Business, Revitalization Overlay) and adds references to the new districts. As the form-based approach proposed for the new districts does not fit with the existing table of dimensional requirements, table refers to § 5.08 for these requirements.	14
§ 5.05 Notes	Deletes references to obsolete districts (Central Business, Revitalization Overlay) and adds references to the new districts.	14
§ 5.08 Revitalization District	Deletes obsolete Revitalization District and replaces it with Watertown Square and Neighborhood Mixed Use District form-based regulations. See pages 4-5 for further information on this section.	15 (old) 18 (new)
§ 5.09 Watertown Square Design Overlay District	Deletes obsolete Watertown Square Design Overlay District and replaces it with Transit-Oriented Development Overlay District which provides the by right multifamily housing zoning district required by the MBTA Communities law	34 (old) 35 (new)
§ 5.13 Wireless Telecommunications	Adds new districts and deletes Central Business	36
§ 5.15 Municipal reuse and redevelopment	Deletes sub-section (d), which limits ability to redevelop municipal property (including sites identified in plan for redevelopment)	36

§ 5.17 Design Guidelines	Adds reference to new districts	38
Article VI-Automobile and Bicycle Parking Requirements (changed only)		
§6.01 Required off-street parking spaces	New minimum and maximum parking requirements for new districts and adds requirement for accessory dwelling units that conforms to new state law	39
§ 6.02 Location and design of off-street parking	Provides requirements for the new districts and updates requirements elsewhere for consistency	42
§ 6.03 Required off-street loading spaces	Adds requirements for new districts	44
§ 6.04 Design and layout of off-street facilities	Adds missing districts and updates the standards to include a minimum and maximum for the size of loading spaces. This ensures consistency throughout the districts	45
§ 6.07 Bicycle Parking	Adds new sub-section with requirements for the new districts. While the existing ordinance ties bicycle parking requirements to automobile parking requirements, this sub-section sets standards particular to bicycle parking.	45
Article VII-Signs and Illumination (changed only)		
§ 7.03 Signs in all districts	Adds new districts and deletes CB	48
§ 7.06 Signs in [certain] districts	Adds new districts and deletes CB	48
§ 7.08 Permitted illuminations	Adds new districts and deletes CB	48
§ 7.10 Watertown Square Design Overlay District	Deletes obsolete district	48
§ § 7.11-7.13	Re-numbered	48
Article VIII-New title: Sustainability, Solar and Other regulations		
§ 8.00 Sustainability and Resiliency	New section that consolidates existing sustainability/resiliency provisions and adds standards and guidelines implementing the Climate Plan	49
§ 8.01 Solar	Renumbers existing solar provision (currently 8.05)	51
Old § 8.00, 8.01, 8.02, 8.03, 804, and 8.06	Renumbered	51
Article IX-Enforcement and Application Procedures (changed only)		
§ 9.01 Building Permit	This section and the next (occupancy permit) are combined to allow for § 9.02 to be reused	52
§ 9.02 Noticing and Preliminary Review Requirements [formerly Occupancy Permit]	Moves the portions of § 9.03 relating to community meetings and design review into this section and makes clear they apply to all applications that meet the threshold	52
§ 9.03 Site plan review	Reframes site plan review criteria to identify and incorporate standards/requirements and guidelines set forth in city ordinances	54

§ 9.04 Application and hearing procedures	Adds reference to site plan review permits (site plan review when development is by right) and clarifies that permit granting authority could be ZBA or Planning Board	58
§ 9.05 Special permit: conditions for approval	Clarifies that the permit granting authority could be ZBA or Planning Board	59
§ 9.12 Special permit approval of certain site plans	Deletes obsolete section and replaces it with special permit criteria for reducing parking requirements below the minimum or increasing parking supply above the maximum	60
§ 9.13 Lapse of special permit	Implements statutory change increasing the period of time for use of special permit from one to three years	60
Article X-Administrative Provisions (no change)		

Appendix—full tables §5.01 A) and B, and §5.02 A) and B) start on page 61

More detailed summary of §5.08 (section starts on page 18)

Sub-Section	Summary	Page
§ 5.08 (a)—Intent and Purpose		
§ 5.08 (b)—District Delineations		
§ 5.08 (c)—Definitions. Affordable Development, Furnishing Zone, Active Street Frontage and Plus + Story are defined for this Section.		
§ 5.08 (d)—Authority and Procedure. Identifies three types of permits: site plan review permit where the use is allowed by right, special permit (which may be with site plan review), and variances (which may be with site plan review. The Permit Granting Authority for site plan review permit is the Planning Board; the permit Granting Authority for special permits and variances in these districts is the Zoning Board of Appeal.		
§ 5.08 (e)—Dimensional Standards		
§5.08 (e)1) Site dimensional standards	Table with dimensional requirements for the site (e.g., open space and required setbacks)	19
§5.08 (e) 2) Building dimensional standards	Table with dimensional requirements for a building (e.g., maximum height and continuous building façade)	20
§5.08 (e) 3) Development and design standards	This sub-section contains the remaining parts of this section, providing text and graphics to describe how the dimensional requirements for the site or a building are to be implemented	21
§5.08 (e) 3) a) Site design standards	Describes setback, façade buildout and open space requirements. Differentiates between open space that can be private and open space that must be publicly usable.	21
§5.08 (e) 3) b) Building design standards	Describes building and floor heights, as well as roof forms and dormers	22
§5.08 (e) 3) c) Affordable housing bonus	Provides one or two additional floors depending on affordability and a lower parking requirement for an Affordable Development	25

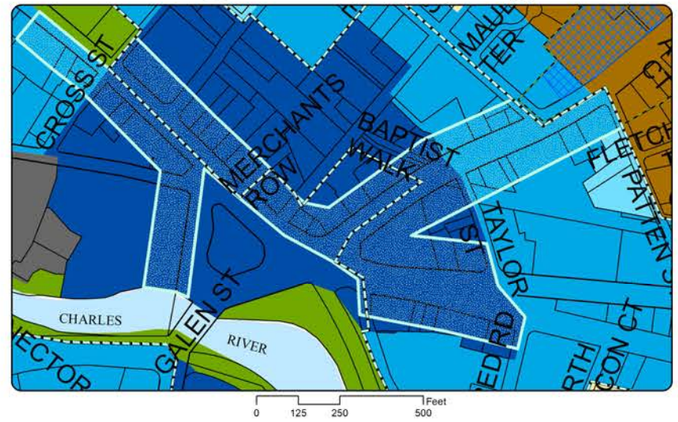
§5.08 (e) 3) d) Active street frontage	Describes street frontages that must have active uses on the first floor and identifies those uses (e.g., retail and restaurants)	26
§5.08 (e) 3) e) Architectural Features	Table with requirements for architectural features such as balconies, porches and awnings	26
§5.08 (e) 3) f) Façade articulation	Requirements to break up the massing of buildings, such as demise lines and building recesses	27
§5.08 (e) 3) g) Ground floor fenestration	Describes requirements, such as the percentage of windows, to increase ground floor transparency	29
§5.08 (e) 3) h) Building Entrance	Describes the location of building entrances and ways to signal where to enter buildings	29
§5.08 (e) 3) i) Mechanical equipment and utilities	Requirements to minimize the impact of mechanical equipment and utilities	30
§5.08 (e) 3) j) Parking design standards	Standards for vehicle and bicycle parking, loading, services and site lighting, including curb cuts and driveways	31

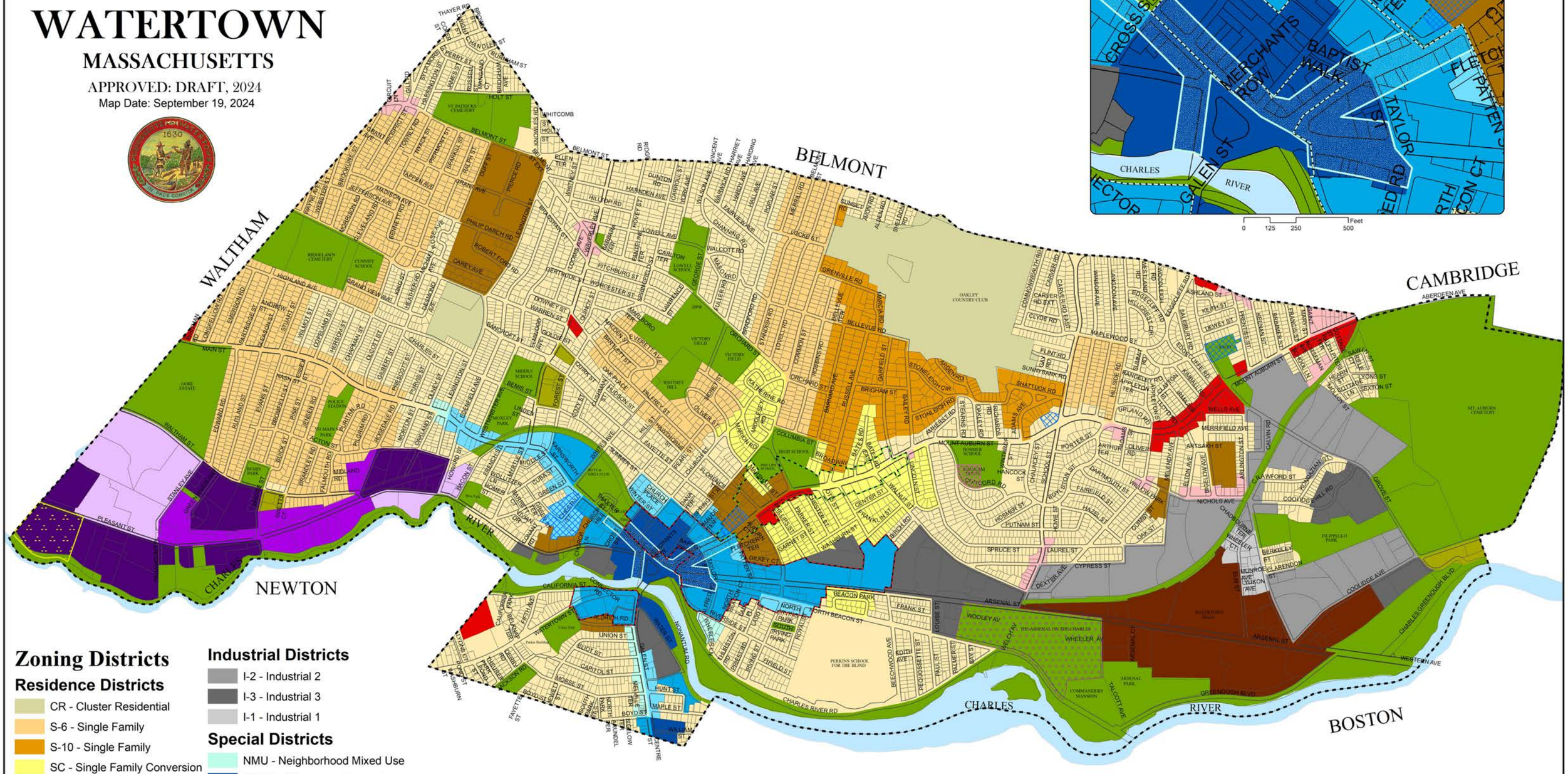
DRAFT ZONING
MAP OF
WATERTOWN
MASSACHUSETTS

APPROVED: DRAFT, 2024

Map Date: September 19, 2024

WSQ Active Street Frontage





Zoning Districts

Residence Districts
- CR - Cluster Residential
- S-6 - Single Family
- S-10 - Single Family
- SC - Single Family Conversion
- T - Two Family
- R.75 - Residential Multi-Family
- R1.2 - Residential Multi-Family

Business Districts
- NB - Neighborhood Business
- LB - Limited Business

Industrial Districts
- I-2 - Industrial 2
- I-3 - Industrial 3
- I-1 - Industrial 1

Special Districts
- NMU - Neighborhood Mixed Use
- WSQ3 - Watertown Square 3
- WSQ2 - Watertown Square 2
- WSQ1 - Watertown Square 1
- RMUD - Regional Mixed Use
- PSCD-3 - Pleasant Street Corridor
- PSCD-2 - Pleasant Street Corridor
- PSCD-1 - Pleasant Street Corridor
- OSC - Open Space/Conservancy

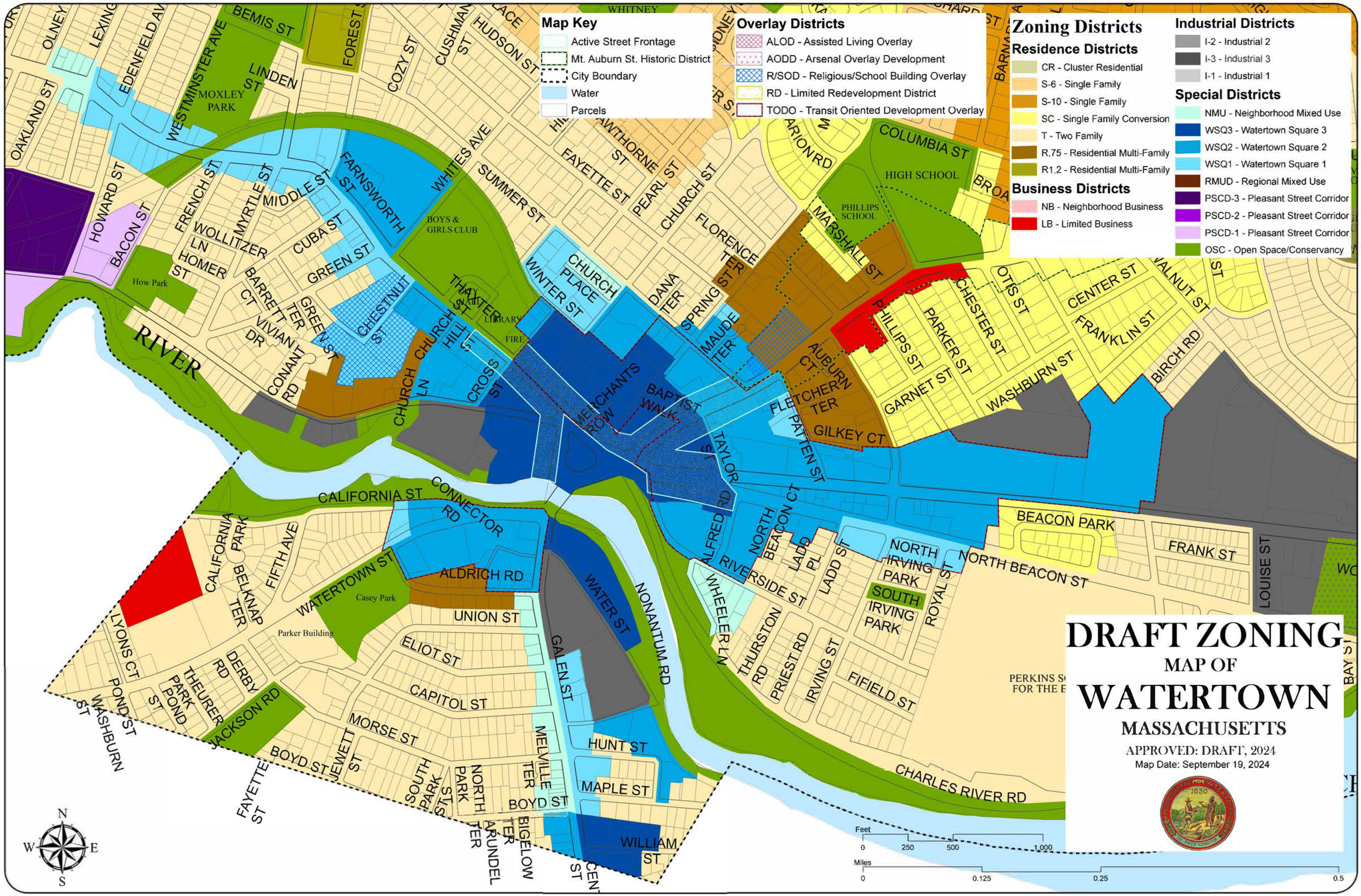
Overlay Districts
- ALOD - Assisted Living Overlay
- AODD - Arsenal Overlay Development
- R/SOD - Religious/School Building Overlay
- RD - Limited Redevelopment District
- TODO - Transit Oriented Development Overlay

Map Key
- Active Street Frontage
- Mt. Auburn St. Historic District
- City Boundary
- Water
- Parcels

Feet: 0, 250, 500, 1,000

Miles: 0, 0.125, 0.25, 0.5

N, W, E, S


Map Key
Active Street Frontage
Mt. Auburn St. Historic District
City Boundary
Water
Parcels
Overlay Districts
ALOD - Assisted Living Overlay
AODD - Arsenal Overlay Development
R/SOD - Religious/School Building Overlay
RD - Limited Redevelopment District
TODO - Transit Oriented Development Overlay
Zoning Districts
Residence Districts
CR - Cluster Residential
S-6 - Single Family
S-10 - Single Family
SC - Single Family Conversion
T - Two Family
R.75 - Residential Multi-Family
R1.2 - Residential Multi-Family
Business Districts
NB - Neighborhood Business
LB - Limited Business
Industrial Districts
I-2 - Industrial 2
I-3 - Industrial 3
I-1 - Industrial 1
Special Districts
NMU - Neighborhood Mixed Use
WSQ3 - Watertown Square 3
WSQ2 - Watertown Square 2
WSQ1 - Watertown Square 1
RMUD - Regional Mixed Use
PSCD-3 - Pleasant Street Corridor
PSCD-2 - Pleasant Street Corridor
PSCD-1 - Pleasant Street Corridor
OSC - Open Space/Conservancy
DRAFT ZONING
MAP OF
WATERTOWN
MASSACHUSETTS
APPROVED: DRAFT, 2024
Map Date: September 19, 2024
Feet
0 250 500 1,000
Miles
0 0.125 0.25 0.5
N
W E
S
RIVER
CHARLES RIVER RD
CALIFORNIA ST
BEACON PARK
MOXLEY PARK
BOYS & GIRLS CLUB
HIGH SCHOOL
PHILLIPS SCHOOL
How Park
Casey Park
Parker Building
LIBRARY
FIRE
NORTH IRVING PARK
SOUTH IRVING PARK
BEMIS ST
LINDEN ST
WESTMINSTER AVE
EDENFIELD AV
OAKLAND ST
OLNEY
LEXINGTON
FOREST ST
COZY ST
CUSHMAN ST
HUDSON ST
WHITNEY
HAWTHORNE ST
FAYETTE ST
PEARL ST
CHURCH ST
FLORENCE TER
SUMMER ST
WHITES AVE
FARNSWORTH ST
HOWARD ST
BACON ST
FRENCH ST
MYRTLE ST
MIDDLE ST
WOLLITZER LN
HOMER ST
CUBA ST
GREEN ST
BARRETT CT
VIVIAN TER
DR
CONANT RD
CHESTNUT ST
THAYER ST
CHURCH PLACE
WINTER ST
DANA TER
SPRING ST
MAUDE TER
CHURCH HILL ST
CHURCH LN
CROSS ST
MERCHANTS ROW
BAPT ST WALK
TAYLOR ST
ALFRED RD
FLETCHER TER
GILKEY CT
AUBURN CT
MARSHALL ST
COLUMBIA ST
BROA
MARION RD
PHILLIPS ST
PARKER ST
CHESTER ST
OTIS ST
CENTER ST
FRANKLIN ST
WALNUT ST
GARNET ST
WASHBURN ST
BIRCH RD
CONNECTOR RD
ALDRICH RD
WATERTOWN ST
CALIFORNIA PARK
BELKNAP TER
FIFTH AVE
LYONS CT
POND ST
WASHBURN ST
PARK POND ST
THEURER PARK
DERBY RD
JACKSON RD
UNION ST
ELIOT ST
CAPITOL ST
MORSE ST
BOYD ST
JEWETT ST
FAYETTE ST
SOUTH PARK ST
NORTH PARK ST
MELVILLE TER
BIGELOW TER
ARUNDEL TER
GALEN ST
WATER ST
NONANTUM RD
HUNT ST
MAPLE ST
WILLIAM ST
WHEELER LN
RIVERSIDE ST
NORTH BEACON CT
LADD PL
LADD ST
ROYAL ST
NORTH BEACON ST
FRANK ST
LOUISE ST
THURSTON RD
PRIEST RD
IRVING ST
FIFIELD ST
PERKINS SCHOOL FOR THE BLIND

WATERTOWN SQUARE ZONING AMENDMENTS, ATTACHMENT 1 (TEXT)

Article II Definitions

§ 2.18 Dwelling.

A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The terms "single-family," "two-family," or "multi-family" dwelling shall not include hotel, lodging house, bed and breakfasts, bed and breakfast homes, hospital, membership club, mobile home, or dormitory. Where the following terms appear in this ordinance they shall have the following meanings:

DWELLING, SINGLE-FAMILY: A detached residential building designed or intended or used as the home or residence of one family**/household**.

DWELLING, TWO-FAMILY: A detached residential building designed or intended or used exclusively as the home or residence of two families**/households**. For purposes of this ordinance, a two-family dwelling includes (1) a building containing two dwelling units joined ~~side by side, sharing a common~~ **by a shared wall** for at least 50% of its height and depth, excluding space used for accessory uses; i.e., in which no part of one dwelling unit is over any part of the other dwelling unit, or (2) a house containing two dwelling units, in which all or part of one dwelling unit is over all or part of the other dwelling unit.

~~DWELLING, THREE-FAMILY: A detached residential building designed or intended or used exclusively as the home or residence of three families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways~~.

DWELLING, MULTI-FAMILY~~: A building designed or intended or used as the home or residence of four or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways, whether rental or owner occupied, with the number of families in residence not exceeding the number of dwelling units provided.~~ **A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building, excluding Accessory Dwelling Units. Multi-family dwellings may also be referred to as multi-family housing or multi-family development.**

DWELLING, ROWHOUSE OR TOWNHOUSE: **A type of multi-family dwelling consisting of a** ~~A~~ row of at least three but not more than eight one-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in the row, or townhouse, may be owned by a separate owner and shall have its own at grade access.

DWELLING, ACCESSORY UNIT: a self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that: (i) maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress; (ii) is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900

square feet, whichever is smaller.

§2.19 Dwelling Unit

Living quarters for a single family**/household** with cooking, living, sanitary and sleeping facilities.

§ 2.23 Family/Household.

~~An individual, or two or more persons occupying a dwelling unit and living together as a single, non-profit housekeeping unit; provided that a group of five or more persons who are not kindred to each other, as defined by civil law, shall not constitute a Family.~~ **Residential occupancy of a building or portion of a building in dwelling units by any number of persons related by blood, marriage, adoption, or foster care agreement and up to three (3) additional unrelated persons living together as a single housekeeping unit.**

§ 2.63 Open space, publicly usable.

Open Space as defined by § 2.62 that is designed for and open to the public ~~from dawn to dusk.~~

§ 2.79 Special permit and site plan review permit.

A **special** permit is a permit for certain exceptions specified in this Zoning Ordinance to the zoning regulations contained herein which may be allowed at the discretion of the **designated Permit Granting Authority (PGA) when the provisions of Article IX (including site plan review as applicable) have been met. The designated PGA for special permits may be the Planning Board or the Zoning** Board of Appeals **depending on the zoning district. A site plan review permit is a permit granted for an allowed use when the site plan review criteria set forth in Section 9.03 have been met, or can be met through reasonable conditions imposed by the Planning Board, which shall be the PGA**. ~~, shall review subject to the provisions of Article IX § 9.04-9.13~~.

Article III Establishment of Zoning Districts

§ 3.01 Classification of districts.

For the purposes of this Zoning Ordinance, the City is hereby divided into the following use districts:

(a) Residence Districts.

S - Single Family: S-10 and S-6
T - Two Family
SC - Single Family Conversion
R - Residential multi-family: R.75 and R1.2
CR - Cluster Residential

(b) Business Districts.

~~CB—Central Business~~
NB - Neighborhood Business
LB - Limited Business

(c) Industrial Districts.

I-1 - Industrial 1
I-2 - Industrial 2
I-3 - Industrial 3

(d) Special Zoning Districts.

ALOD - Assisted Living Overlay District
AODD - Arsenal Overlay Development District
NMU-Neighborhood Mixed Use
OSC - Open Space and Conservancy
~~RO - Revitalization Overlay~~
RD - Limited Redevelopment District
R/SOD - Religious/School Building Overlay District
PSCD - Pleasant Street Corridor District
RMUD - Regional Mixed Use District
TODO – Transit Oriented Development Overlay District
WSQ1-Watertown Square 1
WSQ2-Watertown Square 2
WSQ3-Watertown Square 3

§ 3.02 Boundaries of the districts.

(a) The location and boundaries of these districts are hereby established as shown on a map entitled "Zoning Map of Watertown, **Massachusetts**" as dated _____ **2024**, ~~January 30, 1989, as amended by the amendments thereto adopted May 23, 1989 (the "Zoning Map"), as further amended July 8, 2008 August 18, 2015 and, March 2, 2016,~~ and on file in the office of the City Clerk, which map, with all explanatory matter thereon, is declared to be a part of this Zoning

Ordinance.

(c) Where a district boundary is indicated as approximately following, or parallel to, the center line or street line of a street, highway, railroad right of way, or water course, such a district boundary shall be construed as following, or as being parallel to, such center line or street line. Where a district boundary is indicated as approximately following a lot line, such line shall be construed to be said boundary. ~~If no distance is indicated on the Zoning Map for a district boundary running parallel to the center line or street line of a street or highway, such dimension shall be assumed to be 100 feet from the street or, if as determined by the use of the scale shown on said Zoning Map it is at least 20 feet more or less than 100 feet, it shall be as so scaled.~~ When any uncertainty exists as to the exact location of a boundary line, the location of such line shall be determined by the Planning Board.

Article IV General Use and Dimensional Regulations

§ 4.01 Permitted uses.

(a) A use listed in Article V is permitted as of right in any district under which it is denoted by the letter "Y" subject to the applicable definitions in Article II**.**

(b) A use listed in Article V is permitted as of right, with ~~and the~~ site plan review ~~special permit requirements of~~ **under** § 9.03 **in any district under which it is denoted by the letters "SR" subject to the applicable definitions in Article II**.

(~~b~~ **c**) A use listed in Article V is permitted as a special exception in any district under which it is denoted by the letters "SP" only if the ~~Permit Granting Authority~~ **PGA** so determines and issues a special permit therefore as provided in Article IX subject to the applicable definitions in Article II and to such further restrictions as said Board may establish. **Uses denoted by the letters "SP/SR" require a Special Permit with site plan review under Article IX.**

(~~c~~ **d**) A use listed in Article V which is denoted by the letter "N" is not permitted, except nonconforming uses which may be continued under the provisions of § 4.05.

§ 4.02 Uses subject to other regulations.

Unless provided otherwise, ~~U~~**u**ses permitted as of right **(with or without site plan review)** or by special permit **(with or without site plan review)** shall be subject, in addition to use regulations, to all other regulations applying to the district or to the use, such as dimensional regulations in Article V, provisions for off-street parking and loading in Article VI, regulation of signs and illumination in Article VII, and **Sustainability, Solar and** other regulations in Article VIII and elsewhere in this Zoning Ordinance.

§ 4.08 Applicability of dimensional regulations.

(a) The regulations for each district pertaining to the size and dimensions of the lot and of the buildings thereon and to the placement of the buildings and of accessory uses on the lot shall be as specified in Article V, subject to further provisions of **Article IV** ~~§ 4.08, 4.09, 4.10, 4.11, and 4.12~~.

§ 4.10 Exceptions to height regulations.

The limitations of height in feet shall not apply to necessary features usually carried above roofs of buildings, but not used for living purposes, such as water tanks, satellite dishes, chimneys, ventilation systems, bulkheads, aerials, church towers or spires, elevator penthouses, solar arrays, and reception antennas for the use of the occupants of the building. If visible, rooftop ventilation systems shall be visually screened in a manner compatible with the architectural language of the building. Screening of rooftop features shall also be excluded from the calculation of building height. Such features exceeding the height permitted in the district by 15 feet or more shall be allowed only by special permit **in keeping with relevant design standards and adopted design guidelines**. Wireless telecommunications facilities are subject to the requirements in § 5.14.

Except in the zoning districts regulated by § 5.08, ~~A a~~dditional **building** height consistent with the adopted Design Guidelines may be granted by Special Permit where public amenities are provided in the following four instances, however in no case shall the additional height granted be more than

two stories:

1. At important civic intersections and squares.
2. When defining or terminating important view corridors.
3. When the height of adjacent buildings exceeds those allowed as-of-right.
4. When additional approved public amenities have been incorporated.

§ 4.11 Exceptions to setback requirements.

(c) No use other than landscaping and accessory parking of not more than three cars is permitted within a required side or rear yard in any residence district except as provided in § 4.12 unless screened as provided in Section 4.14 and subject to the provisions of § 6.02(k). In LB, **WSQ, NMU** ~~CB~~ and I districts, required side and rear yards may be used for any permitted outdoor accessory use, subject to the provisions of Articles VI and VII.

(e) Exceptions to Side Yard Setback Requirements. Developments in the NB, LB, ~~CB,~~ **NMU, WSQ,** I-1, I-2, I-3, RMUD, and PSCD Districts may be contiguous on a block: zero lot line and/or shared party wall. Corner lots may be developed with two front yards with yards determined by the Zoning Enforcement Officer.

§ 4.12 Required corner clearance for visibility.

In any district where a street yard setback is required, no structure, fence, planting or sign shall be maintained between a plane of two and one-half (2-1/2) feet above curb level and a plane seven feet above curb level as to interfere with traffic visibility across the corner within a triangle bounded by the street lot lines and a straight line drawn between points on each such lot line 25 feet from the intersection of said lot lines or extension thereof. In districts where no street yard setback is required**, or where a traffic control signal system is installed, no corner clearance is required.** ~~the City Ordinances, Chapter 8, § 22 shall apply~~.

§ 4.13 Transition requirements.

(a) Front Yard: In a LB, ~~CB,~~ NB, **NMU, WSQ,** or any Industrial district no building shall be erected nearer to the street line or established building line than is permitted in the adjacent Residence **District** within a distance of 50 feet from the Residence **District** boundary line, except where such building is separated by a street from the Residence **District**.

(b) Side Yard: In a LB, ~~CB,~~ NB, or any Industrial district, no building shall be erected within 10 feet of the side lot line of any abutting lot, all or the majority portion of which is a Residence.

Article V Tables of District Regulations

§ 5.00 Interpretation.

(a) Use and dimensional regulations listed in the District Tables are in addition subject to the other provisions in this Zoning Ordinance, particularly Articles IV, VI**,** ~~and~~ VII**, and VIII**.

(b) **As specified in Article IV § 4.01 and § 4.02, a** ~~A~~ use listed in § 5.01 and § 5.02 is permitted as of right in any district under which it is denoted by the letter "Y" (Yes). If designated in the Table by the letters "SP" (Special Permit), the use may be permitted as a special exception only if the Special Permit Granting Authority (SPGA) so determines and grants a special permit therefore as provided in § 9.04 subject to such restrictions as said SPGA may establish. If designated in the Table by the letters "SR" (Site Plan Review), the use is permitted as of right subject to the procedures and standards of Site Plan Review as provided in § 9.03. If designated in the Table by the letters "SP/SR" (Special Permit with Site Plan Review), the use may be permitted by special exception only if the SPGA so determines and grants a Special Permit in accordance with § 9.04, 9.05, 9.06, 9.07, and 9.08 subject to the procedures and standards of Site Plan Review as provided in § 9.03. If designated in the Table by the letter "N" (No), the use is not permitted in the district.

(e) In the case of multiple buildings on a lot in single ownership the distance between any portion of such buildings shall be not less than 10 feet **unless in a zoning district where a reduction is allowed by Special Permit.**

NOTE/NOT PART OF ZONING TEXT: DELETE EXISTING SINGLE TABLE for PRINCIPAL USES (not shown) AND REPLACE WITH THREE TABLES (shown in part). Two of the new tables reorganize the existing table by separating Residence Districts and existing Business/Industrial/Special Districts (Central Business deleted). These contain only technical changes and the full tables have been moved to an Appendix. The third table is titled Mixed use Districts and contains the new WSQ and NMU Districts.

§ 5.01 Table of Use Regulations

A) Residence Districts Use Table:

As a Principal Use	S-6	S-10	CR	SC	T	R.75	R1.2

B) Business Districts, Industrial Districts, and Special Districts (PSCD, RMUD, and OSC) Use Table:

As a Principal Use	NB	LB	I-1	I-2	I-3	PSCD	RMUD	OSC

C) Mixed Use Districts (NMU, WSQ1, WSQ2, WSQ3) Use Table:

(1) The table below identifies uses in the Mixed Use Districts that are allowed (Y), allowed only with special permit (SP) or special permit with site plan review (SP/SR) or not allowed (N). As set forth in note 2 to this table, a project that is Y with 4,000 s.f. of site area or a building gross floor area of 4,000 s.f., whether for a new construction or change to a new use category, triggers site plan under Article IX.

As a Principal Use		WSQ	NMU
1.	Residence		
a.	Dwelling, Single Family	N	N
b.	Dwelling, Two Family	N	Y (2)
c.	Dwelling, Multi-Family 3+	SP	SP
d.	Work/Live Creative Studios	SR	SR
2.	Institutional & Recreational		
a.	Public Uses	Y	Y
b.	Religious, educational, or licensed day care use as defined by CH.40A, § 3.	SR	SR
c.	Private Club, school, clinic	SP	SP
d.	Cultural Center	Y (2)	Y (2)
e.	Entertainment Center	Y (2)	Y (2)
f.	Recreation Facility	SP/SR	SP/SR
g.	Nursing home, rest home, or convalescent home	N	N
h.	Assisted Living	SP/SR	SP/SR
3.	Commercial		
a.	Business offices, bank, medical and/or dental	Y (2)	Y (2)

As a Principal Use		WSQ	NMU
b.	Retail stores including liquor stores	Y (2)	Y (2)
c.	Retail Services Establishment	Y (2)	Y (2)
d.	Restaurant including counter-only	Y (2)	Y (2)
e.	Bar	SP	SP
f.	Hotel and Motel Use	SP/SR	SP/SR
g.	Gasoline Service Station	N	N
h.	Craft Food or Beverage Production with retail	SR	SR
i.	Arts, Sale and Studio/Exhibition Space	Y (2)	Y (2)
j.	Adult Use Marijuana Establishment	SP/SR	SP/SR
k.	Drive Thru/Accessory Drive Thru	N	N
l.	Home Occupation	SP	SP
4.	Manufacturing and Industrial		
a.	Light Industry including R&D	N	N
b.	Heavy Industry	N	N
c.	Laboratories	N	N
d.	Warehouse, parcel or goods distribution	N	N
e.	Motor Vehicle Repair and Body Work	N	N
f.	Wholesale business, warehouse	N	N
g.	Self-Service Storage Facility	N	N
h.	Creative/Maker Space	Y (2)	Y (2)

(2) Use Description: The following provides a list of specific uses and descriptions to supplement Article II definitions and/or state defined uses. In instances where a use or category of uses is not sufficiently defined or described in this ordinance, then common definitions may be considered in determining the use category of a proposed use, if any. Where no use or category of use can be made, then the use is considered to not be allowed. The Zoning Enforcement Officer may determine the category for a proposed use, however, a formal request for a determination by the Zoning Enforcement Officer may be submitted to the Planning Board, to determine a use and its category or determine that a use is not similar and is therefore not allowed. The "active use" description identifies those uses in the table that are required in Active Street Frontages as set forth in §5.08.

Active uses consist of the following:

1) **Commercial Uses that generate activity along the street, such as retail stores, retail service establishments, restaurants, bars, and craft food and beverage production with retail.**
2) **Institutional and Recreation Uses that generate activity along the street, such as entertainment centers, recreation facilities and cultural centers.**
3) **Creative Uses that generate activity along the street, such as arts, sale and studio/exhibition spaces, creative/maker spaces and work/live creative studios.**
4) **Residential active areas such as lobbies and common areas up to thirty-five (35%) percent of the required active use gross floor area.**

Arts, Sale and Studio/Exhibition Space: Spaces used for any of the following (or combination):

sale, display or creation of finished artwork and the performance, rehearsal or production of cultural entertainment or artistic expression such as music, dancing, comedy, film, theater or literary readings.

Business Accessory Uses: includes business activities that occur external to the main structure of a business. Uses include but are not limited to outside display of merchandise, external non-vehicular service windows, and outdoor seating.

Craft Food or Beverage Production with retail: production of small batch food or beverage to be sold on site either through a restaurant or associated retail operation such as bakeries, microbreweries, confectioners, etc. Manufacturing with only offsite sales or distribution is not considered a retail operation and production use

Creative/Maker Space: a collaborative work space that includes space to create art, crafts and/or engineering projects and a variety of tools and equipment available for public use.

Cultural Center: Defined as a theater, library, museum, gallery, or any combination thereof.

Drive-thru Facility – the portion of a financial, fast food establishment, or pharmacy that provides or dispenses products or services by an attendant or an automated machine to persons remaining in vehicles that are in designated stacking lanes.

Heavy Industry: Any trade, Industry, or other use that is noxious, offensive or hazardous by reason of vibration or noise or the emission of odors, dust, gas, fumes, smoke, cinders, flashing or excessively bright light, refuse matter or any other cause

Indoor Entertainment Center: An indoor entertainment, amusement or recreation facility, such as a movie theater, bowling alley, billiard room or arcade.

Indoor Recreation Facility: Indoor recreational facilities such as swimming pool, tennis court, or skating rink.

Light Industry: A use engaged in the non-nuisance manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of said products. Light Industry may also include related research and development not associated with a lab.

Laboratories: Facilities that are primarily engaged in research, experimental, and/or testing activities/services within, but not limited to, the fields of biology, chemistry, electronics, engineering, geology, medicine, and physics.

Residential Accessory Uses: Activities that are secondary to the primary use of a dwelling, such as a Home Office, licensed home daycares, and, with site plan review, accessory dwelling units in existing single-family/household buildings within the WSQ and NMU districts.

Retail Services Establishment: An establishment engaged primarily in providing assistance,

as opposed to products, to individuals or businesses and other enterprises, including but not limited to a barber or beautician; pickup or self-service laundry or dry cleaning; garment or shoe makers and repairers; florist; printing, publishing or photocopying; photographer's studio; baker, caterer or confectioner; clothes cleaner and presser, decorator, dressmaker, dyer, furrier, hairdresser, hand laundry, manicurist, milliner, newsdealer, optician, photographer, tailor, upholsterer.

Work/Live Creative Studios: Studio space consisting of up to one (1) room, including an area for accessory living that is less than 200 s.f. or 30% of the unit's total floor space, whichever is less, occupied by an artist certified by Public Arts and Culture Committee or successor body and in a building that has either individual or shared kitchen, dining, and/or bathroom facilities.

NOTE/NOT PART OF ZONING TEXT: DELETE EXISTING SINGLE TABLE OF ACCESSORY USES (not shown) AND REPLACE WITH TWO TABLES (shown in part). The new tables reorganize the existing table by separating Residence Districts and existing Business/Industrial/Special Districts (Central Business deleted). These contain one substantive change that is shown below (allowing accessory dwelling units). The remaining parts have been moved to an Appendix. Accessory uses for the new WSQ and NMU Districts have been folded into the principal use table in Section 5.01.

§ 5.02 *Table of Accessory Use Regulations*

A) Residence Districts Accessory Use Table:

	Accessory Use Only	S-6	S-10	CR	SC	T	R.75	R1.2
t.	Accessory Dwelling Units	SR	SR	SR	SR	SR	SR	SR

B) Business, Industrial, and Special Districts (PSCD, RMUD, and OSC) Accessory Use Table:

	Accessory Use Only	NB	LB	I-1	I-2	I-3	PSCD	RMUD	OSC

§ 5.03 Notes to ~~Table of Use Regulations~~ Use Regulation Tables.

(1) Commercial uses permitted as described in § 5.01 (B.3)(f) and (g) shall be allowed if said uses meet the following criteria; shall not exceed 4,000 square feet in a building or buildings with a Gross Floor Area of less than hundred thousand (100,000) square feet, or exceed five % of the gross floor area for a building or buildings with a Gross Floor Area hundred thousand (100,000) square feet or more, except by special permit.

(2) ~~Multi-family uses are allowed in the CB district as of right if at least the first floor of the structure in which they are located is used for retail or other business purposes. However, not more than the first two floors may be used for retail or service related purposes in a mixed-use project.~~ **In the WSQ and NMU Districts, a project with 4,000 s.f. of site area or a building gross floor area of 4,000 s.f., whether for a new or change to a new use category, and indicated in the table with a Y (Yes) requires site plan review under Article XI.**

(12) A Hotel Use, which in the Industrial 1 Zoning District fronts along a collector or arterial shall be subject to the dimensional regulations provided for in § 5.04 **and § 5.08** applicable to the ~~Central Business (CB)~~ **Watertown Square 3 (WSQ3)** District with the exception that the maximum allowable height shall be 79 feet/7 stories, with a minimum 16 foot first story

(ground floor to second floor), and the minimum open space requirement shall be 10% and § 5.05 (k) regulating setbacks from Residential Districts shall remain in force. If this Note conflicts with any other provision of this Ordinance the language of this Note shall control.

~~(17) To further the preservation, continuing the adaptive reuse, and modernization of existing, meaningful older buildings in Watertown Square, if a structure existed before the adoption of the Zoning Ordinance on March 29, 1937, the cumulative conversion of a building or portion of a building area of less than 4,000 s.f. is allowed by right and conversion greater of 4,000 s.f. of building area is permitted subject to Site Plan Review as provided in § 9.03.~~

(**17**~~8~~) [Firearms businesses]

(1**8**~~9~~) [Outdoor transfer]

(**19** ~~20~~) [Affordable housing linkage fee]

§ 5.04 Table of Dimensional Regulations.

District	Min. Lot Size (s.f.)	Min. Frontage (ft)	Setbacks (ft)(p)			Max. Building Coverage (%)(x)	Max. Impervious Coverage (%)(x)	Max. Height (ft/stories)	Min. Lot Area Per Dwelling Unit (s.f.)	Max. FAR	Min. Open Space (%)
			Front	Side	Rear						
S-6	6,000	65	25	12/10(e)	20	25	85	35/2.5(j)	-	-	15
S-10	10,000	80	25	15/10(e)	20	20	80	35/2.5(j)	-	-	20
SC	6,500	50	15	12/10(e)	20	30	85	35/2.5(j)	-	-	15
T(r)	5,000 (r)	50	15	12/10(e)	20	30	85	35/2.5(j)	-	0.5(r)	15
R.75	5,000	50(f)	15	20	25	35	80	35	1,500	0.75(g)	20
R1.2	5,000	50(f)	15	25	30	50	80	45	1,000	1.2(h)	20
NB	-	50(f)	—	10(d)	15	50	90	35/2.5(j)(n)	-	0.5	10
LB	-	40(f)	—	15(d)	20	80	90	40/4(k)(n)	-	1.0	10
~~CB~~	~~-~~	~~(f)~~	—	—	—	—	~~100~~	~~55/5(k)(n)~~	~~-~~	~~4.0(o)~~	~~(n)~~
NMU/WSQ	**(a) Refer to § 5.08 (a) for dimensional regulations**										
I-1	-	50(f)	10 Max. 30(s)	25(d)	30	50	90	55/5 (k)(n)	-	2.0(i)	10
I-2	-	50(f)	10 Max. 30(s)	25(d)	30	50	90	55/5 (k)(n)	-	2.0(i)	10
I-3	-	50(f)	10 Max. 30(s)	25(d)	30	50	90	55/5 (k)(n)	-	1.0	10
I-3 (Residential /Mixed Use)	-	50(f)	10 Max. 30(s)	25	30	50	80	55/5 (k)(n)	800	2.0(i)	20
PSCD	10,000	—	10 Max. 30(s)	0/Shared party wall or 18 ft	18	50(t)	80	Min. 24 Max. 55/5(u)	1000	1.0(v) Mixed Use 2.0	20
RMUD	10,000(w)	50(f)	10 Max 30(s)(p)	15(d)	20(p)	75	85	55/5(n)	N/A	1.0(i)	20
OSC	-	50	50	25	50	15	25	35/2.5(j)	-	0.1	75
CR	40,000	100	50(m)	30(m)	50(m)	15	35	35/2.5(j)	10,000	-	65
~~RO~~	~~10,000~~	~~50~~	~~-~~	~~15~~	~~20~~	~~65~~	~~85~~	~~43/4~~	~~-~~	~~2.0(q)~~	~~15~~
Lots Legally Created after 5/29/96											
S-6	6,000	65	25	12/10(e)	20	25	85	35/2.5(j)	-	-	15
SC	7,500	50	15	12/10(e)	20	30	85	35/2.5(j)	-	-	15
T	7,500	50	15	12/10(e)	20	30	85	35/2.5(j)	-	-	15

§ 5.05 Notes to Table of Dimensional Regulations.

(a) ~~Exempt religious and educational institutions may not be more than three stories or 40 feet high.~~ **Dimensional regulations and development and design standards applicable to the WSQ and NMU Districts are set forth in § 5.08.**

(b) A ~~dwelling~~ **structure** to be erected between ~~two~~ existing ~~dwellings~~ **structures** adjacent to the lot need not have a front yard greater than the average of the yards in front of the ~~two~~ existing ~~dwelling~~ **structures**.

(d) Side yards between **the portion of buildings** without dwelling units may be omitted by **Site Plan Review Permit or** Special Permit provided that the side yard does not adjoin a Residence district, and that the access of emergency equipment to the rear parking is not rendered inaccessible. For new construction of ~~three or four family dwelling structures or~~ rowhouses,

side yards shall be required at the side lot as at the end of each row of attached dwelling. When the row of dwellings is facing the street, no single side yard shall be less than (ten) 10 feet wide. When the row is facing the side yard, no single side yard shall be less than 15 feet wide. No row shall consist of more than eight dwellings, and each dwelling shall be a minimum of 20 feet, measured between the common walls.

(f) ~~The minimum frontage of the lot shall be 100 feet for new construction of multi-family dwelling structures, townhouses, and rowhouses.~~ For all new construction in the RMUD, NB, LB, ~~CB,~~ I-1, I-2, and I-3 Districts the maximum length of a contiguous building facade shall be no more than 150 feet long or up to 250 feet long by Special Permit in keeping with adopted Design Guidelines. Offsets of a minimum of 25 feet in depth and 50 feet in length, shall be incorporated for facades to not be considered contiguous. The maximum linear dimension of a building shall be less than 300 feet long, unless a project of greater length, by Special Permit, is determined to be in keeping with adopted Design Guidelines. Buildings with a substantial, publicly-accessible pass through at the ground floor that is a minimum of 50 feet across and 20 feet in height, or an equivalent area, may be considered as separate buildings, as determined by the Zoning Enforcement Officer.

Exceptions — In the RMUD, both the maximum contiguous wall and the overall length of a building may be increased through the use of a Master Plan Special Permit, but any increase must be in-keeping with adopted Design Guidelines and the local context.

(k) For all uses allowed by special permit in the ~~CB,~~ LB, I-1, I-2 and I-3 districts no part of any structure when abutting a residential zoning district shall be closer than 25 feet as measured perpendicular to the property line of said residential district. At 25 feet from said property line, beginning at a height of 25 feet measured from the grade plane described in § 2.24, a structure shall increase in height no more than a ratio of 1:1 (45 degrees) moving perpendicularly away from the property line, with a maximum height as outlined per § 5.04 and § 5.05. Further, in the required 25 foot setback for all structures at least 15 feet of said area shall be primarily landscaped or screened by fencing to serve as a year-round visual buffer where the proposed project abut a residential zoning district.

(n) For Mixed-Use development of any type (Residential and Commercial) the minimum open space requirement shall be 20%.

For office buildings or mixed-use developments in the NB, LB, ~~CB,~~ RMUD, I-1, I-2, and I-3 Districts greater than or equal to 10,000 gross square feet or containing 10 or more residential units, the minimum building height is 24 feet. For the RMUD see § 5.18 (c)5 for minimum and maximum heights.

(o) ~~For mixed-use projects of any type (Residential and Commercial) the Maximum Floor Area Ratio shall be 4.0.~~

(q) **Reserved for future use.** ~~See § 5.08(d)(1) and § 9.06(b). In the RO district, the projects containing only commercial uses, the maximum FAR is 1.5. For projects that contain any residential units, the maximum FAR is 2.0. Affordable housing requirements under § 5.07 shall apply.~~

~~*§ 5.08 Revitalization Overlay special permit (RO).*~~

(a) ~~Intent and Purpose: To assist in accomplishing the purposes of this Zoning Ordinance the City Council~~

may from time to time apply a Revitalization Overlay District to specific portions of the Zoning Map in order to guide the redevelopment of certain tracts of land in a manner that is beneficial to the City.

(b) Objectives: The establishment and application of the revitalization overlay special permit is intended to accomplish the following objectives:

(1) To permit by special permit the orderly redevelopment of a specific area regardless of the various underlying zoning districts;

(2) To provide for greater flexibility in planning and design;

(3) To provide the opportunity for mixed use developments that will allow for more efficient and sensitive use of land;

(4) To promote compatibility between adjoining areas and the proposed development site; and

(5) To promote redevelopment of specific portions of the community consistent with adopted land use plans and policies.

(c) Permitted Uses: The following uses are permitted within a revitalization overlay special permit:

(1) Any use permitted in the S-10, S-6, T, R.75 and R1.2 districts, given the site plan requirements of subsection (e)2 of this § 5.08;

(2) Retail establishments, business offices, consumer services, excluding drive-in retail and service facilities;

(3) Any use permitted by right or special permit in any of the underlying zones.

(d) Dimensional Criteria: The uses noted in subsection (c) above shall be subject to the following criteria:

(1) Maximum Floor Area Ratio: No commercial project developed by a Revitalization Overlay special permit shall exceed a Floor Area Ratio of 1.5; and no residential project developed by a Revitalization Overlay special permit shall exceed a Floor Area Ratio of 2.0.

(2) Maximum Height: No structure built or reconstructed as a result of revitalization overlay special permit shall be more than 43 feet or four stories;

(3) Building Coverage: The structure or structures of any development within a revitalization overlay district shall not exceed a total building coverage of 65%, excluding parking areas and parking garages, recreation facilities such as swimming pools and tennis courts, and internal roadways or walkways;

(4) Setbacks:

Front	No setback required
Side	15 feet
Rear	20 feet

The Board of Appeals shall require that a landscape plan for screening and buffering purposes be prepared for some or all the required set back areas.

(5) Minimum Lot Size: Ten thousand square feet.

(6) Minimum Frontage: Fifty feet.

(7) Minimum Open Space: All projects within the Revitalization Overlay District shall have at least 15% of the total site area devoted to Open Space; required Setbacks shall be considered as part of the total area required for Open Space. The required Open Space shall not be used for parking or loading purposes and shall be open and unobstructed to the sky, items such as benches, walkways, planters, landscaping, swimming pools, kiosks, gazebos, and similar structures shall not be considered as obstructions;

(8) Bonus Density: A project developed by a Revitalization Overlay special permit which complies with the requirements of Section 5.07, except that the allowance for a cash contribution in lieu of units shall not apply, may increase its Floor Area Ratio to a maximum of 2.0.

(e) Minimum Site Plan Requirements.

(1) Commercial Developments: Developments that are exclusively commercial in character may be permitted by special permit given the conditions of the above subsection (d) of this § 5.08.

(2) Residential Projects: No developments that are exclusively residential in character shall be allowed except as provided below. Residential uses shall only be allowed as part of a mixed use project and shall be subject to the following conditions:

(A) Entrances and exits for residential uses shall be separate and distinct from commercial entrances and exits.

(B) The Board of Appeals may grant a special permit for entirely residential structures in the instance where the proposed mixed used development would create both wholly but separate residential and commercial structures on one lot given the following conditions; structures used wholly for residential purposes shall be at least 50 feet from structures (within the same lot) used for wholly commercial purposes and the open space between the residential and commercial structures shall be consistent with the open space requirements of this section; and that the total FAR for all structures on the lot does not exceed 1.5, except as allowed by § 5.08(d)(8) above; and further, that all other dimensional requirements are met in accordance with the standards of this section.

(3) All Projects:

(A) The exterior building line of the fourth story shall be setback a minimum of 25 feet from any street line.

(B) For any building that contains a fourth story, the front exterior building line shall be a minimum distance of 12 feet from the front lot line.

(f) Parking Requirements: The parking requirements for development within the Revitalization Overlay District shall conform to the parking requirements for each individual use set forth in § 6.01 of this Zoning Ordinance.

(g) Signs: A plan for signs shall be submitted to the Planning Board and the Board of Appeals for approval. The Board of Appeals shall grant approval of the plan for signs only after it is satisfied with said plan for signs will not derogate the quality of a residential environment in the mixed use projects. For guidance, the Board of Appeals shall use § 7.05 of this Zoning Ordinance for signs in mixed use projects. For developments that are exclusively commercial, § 7.06 of this Zoning Ordinance shall apply.

(h) Procedure: Consistent with the procedural requirements provided in § 9.04 of this Zoning Ordinance, the Board of Appeals may grant a special permit for development within a Revitalization Overlay District if it finds that the conditions for approval for special permits set forth in § 9.05(b) of this Zoning Ordinance have been met.

§ 5.08 Watertown Square/Neighborhood Mixed Use Districts (WSQ1, WSQ2, WSQ3, NMU)

(a) Intent and Purpose

The Watertown Square/Neighborhood Mixed Use Districts were created to fulfill the goals contained in the Watertown Comprehensive Plan and the Watertown Square Area Plan. This zoning is designed to achieve these goals through sound planning and form-based code principles. The goals of these districts include:

1) **Create lively public spaces**
2) **Create street design that promotes safe walking and biking**
3) **Ensure that small businesses can thrive**
4) **Promote shared public-private open spaces that are activated and expanded, with more access to the Charles River**
5) **Create expanded housing options**
6) **Explore more opportunities for public art**
7) **Reuse, enhance, or preserve the most significant historic structures**
8) **Make the Square a destination for residents and visitors alike, with attractions for community members to visit and spend time**

(b) District Delineations: The following districts as classified, located, and referenced in Article III, shall include the boundaries of the zoning districts as defined on the Zoning Map of Watertown, Massachusetts, as amended. The provisions of this section shall only apply within the boundaries of following zoning districts:

1) **Watertown Square 1 (WSQ1)**
2) **Watertown Square 2 (WSQ2)**
3) **Watertown Square 3 (WSQ3)**
4) **Neighborhood Mixed Use (NMU)**

(c) Definitions

1) **AFFORDABLE HOUSING DEVELOPMENT: A development in which fifty (50) per cent or more of its units qualify as an "Affordable Housing Unit" with an "Affordable Housing Restriction" as these terms are defined in Section 5.07. Developments may not be segmented to qualify for an affordable development height bonus and/or reduced parking minimum.**
2) **FURNISHING ZONE: The portions of the sidewalk not dedicated to travel and access. These areas are located along the street edge and may be adjacent to buildings and can be used for trees, street furniture, and amenities for active streets including outdoor dining.**
3) **ACTIVE STREET FRONTAGE: A portion of a street that requires ground story active uses along the street frontages delineated on the zoning map.**

4) **PLUS (+) STORY: The uppermost occupiable story. The plus (+) story can be shaped as a pitched roof or a flat roof with step-backs (see § 5.08 (e)5 b) (iv)).**

(d) Authority and Procedure: Development Review shall be as follows:

1) **Applicability: All new construction, or change from one zoning use category to another category as specified in Article V, of 4,000 square feet of gross floor area or more, requires development review before the Planning Board and/or Zoning Board of Appeals before filing for a building permit. Further, this section applies to a project with any new use identified in Article V, or a change to a site that requires relief from other Articles, including, but not limited to, Articles IV, VI, VII, VIII, as applicable.**
2) **Approval Process:**
   a) **Site Plan Review: There are two types of review. A project may only be subject to a Site Plan Review, with approval before the Planning Board (Site Plan Review Permit). Alternatively, a project may be required to combine Site Plan Review with the process of obtaining one or more Special Permits and/or Variances, with the Zoning Board of Appeals as the PGA. The process and criteria for Site Plan Review are set forth in § 9.03.**
   b) **Special Permit: Except for - and mixed-use developments in the Transit Oriented Development Overlay District (TODO) and exempt uses as defined by Ch. 40A, Section 3, all projects subject to development review are required to obtain a Special Permit from the Zoning Board of Appeals. The process and criteria for Special Permits are set forth in § 9.04 and § 9.05.**
   c) **Variances: The process and criteria for Variances from dimensional and other required standards are governed by and set forth in § 9.14 and § 9.15**

(e) Dimensional Standards

1) **Site Dimensional Standards**

	NMU	WSQ1	WSQ2	WSQ3
Open Space (minimum)				
Open Space	15%	15%	10%	5%
Publicly Usable Open Space required on 30,000 SF and greater lots	None	5% minimum, plus % Open Space		
Building Setbacks (minimum)				
Front	5' or average per §5.05 b	0'	0'	0'
Side with Party Wall	0'	0'	0'	0'

Side without Party Wall	10’	10’	10’	10’
Side Abutting Residence District	10’	10’	10’	10’
Rear	10’	10’	10’	10’
Rear Abutting Residence District	15’	15’	20’	20’
Between Buildings on a Lot	20’	25’	25’	25’
Facade Build Out Ratio (minimum)				
Primary Front Lot Line	75% of lot width at frontage or, when less, the width between side setbacks minus 15’			
Secondary Front Lot Line (Corner Lot)	50%			
Surface Parking Setbacks (minimum)				
Facing a right of way	12’			
Not facing a right of way	5’			

541

542 **2) Building Dimensional Standards**

	NMU	WSQ1	WSQ2	WSQ3
Building Height				
Maximum Total Height	Stories/Feet	Stories/Feet	Stories/Feet	Stories/Feet
Pitched Roof	2+ / 44’	3+ / 59’	4+ / 72’	5+ / 88’
Flat Roof	2+ / 38’	3+ / 53’	4+ / 66’	5+ / 82’
Ground/First Story Height				
Minimum and Maximum Height	(min/max)	(min/max)	(min/max)	(min/max)
Mixed Use Required Street	–	–	15’ / 18’	15’ / 18’
All Other Streets	11’ / 15’	13’ / 15’	13’ / 15’	15’ / 18’
Affordable Developments are entitled to a building height bonus as set forth in *§ 5.08 (e) 3) c).*				
Roof Level Height/Step-back for + Story				
Pitched Roof + Story Height	18’ max			
Flat Roof +Story Height	12’ max			
Flat Roof Step-Back	7’ minimum when less than 25’ from property line			

Facade			
Ground Story Fenestration (min)			
Mixed-Use Required Streets	–		**70%**
All other streets, non-residential uses	**50%**		
All other streets, residential uses	**15%**		
Active Street Frontage (min)			
Parcels with Active Street Frontage	–	–	**100%**
Active Use Depth	–	–	**40’**
Articulation			
Length of continuous facade (max)	**100’**		
Area of facade recess (min)	**50 square feet**		**Demise Line**
Depth of facade offset (min)	**5’**		**Demise Line**

3)Development and Design Standards

a) Site Design Standards

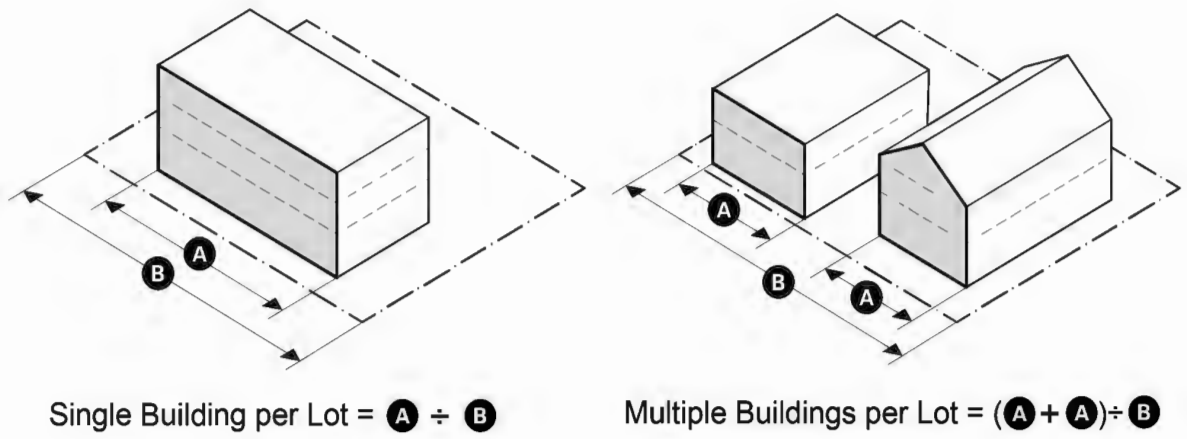
i) Setbacks: Buildings must meet the minimum setback requirements specified in the Site Dimensional Standards for each zone, and all new buildings in the WSQ Districts must be set back from any lot line abutting a sidewalk an additional distance so that at least twelve (12) feet in width is provided between the back of curb and exterior facade of the building at all points. Excluding portions of the furnishing zone, the area of the lot that is within twelve (12) feet of the curb shall be in compliance with the City’s sidewalk standards.

ii) Façade Build Out: The width of the front elevation must be built out to a percentage of the lot width as specified by the facade build out ratio in the Site Dimensional Standards for each zone.

(1) Publicly usable open space: This type of open space located adjacent to the front lot line is considered to be part of the building for the purposes of calculating the facade build out ratio.

(2) Building Separation: The facade build out ratio may be met cumulatively by multiple buildings on a lot, and multiple buildings are allowed by-right. Multiple buildings on a single lot must comply with the building separation distance at all points specified in the Building Dimensional Standards for each zone.

Fig. 5.08-1



iii) **Open Space: Lots must provide the minimum open space specified in the Site Dimensional Standards for each zone, or, on lots smaller than thirty thousand (30,000) sf, DCDP may approve a payment in lieu of some or all of the required open space where such payment will facilitate the provision of publicly available open space in a location that better implements the city's open space and recreation plan.**

(1) **Publicly Usable Open Space: Development on lots thirty-thousand (30,000) sf and greater in the WSQ1, WSQ2, and WSQ3 zones must also provide publicly usable open space specified in the Site Dimensional Standards for the applicable zone and meet the following standards:**

(a) **Designated areas shall be at least four hundred (400) square feet and at least twenty (20) feet in width and twenty (20) feet in length;**

(b) **Not on rooftops or other elevated portions of buildings; and**

(c) **Designed to accommodate public congregation and use, including any necessary amenities or infrastructure. Examples include: parks, plazas, playgrounds, community gardens, etc.**

(d) **To the extent possible, locate publicly usable open spaces so it can be shared with publicly usable open spaces on adjacent lots and within the rights of way.**

(e) **Open to the public to a similar extent as public parks within the city.**

(f) **Provides approved signage that identifies the area as publicly usable open space.**

b) **Building Design Standards:**

i) **Building Height: Buildings may not exceed the maximum building height specified in the Building Dimensional Standards for each zone.**

ii) **Number of Stories: Buildings may not exceed the maximum number of stories as specified in the Building Dimensional Standards for each zone.**

iii) **Story Height:**

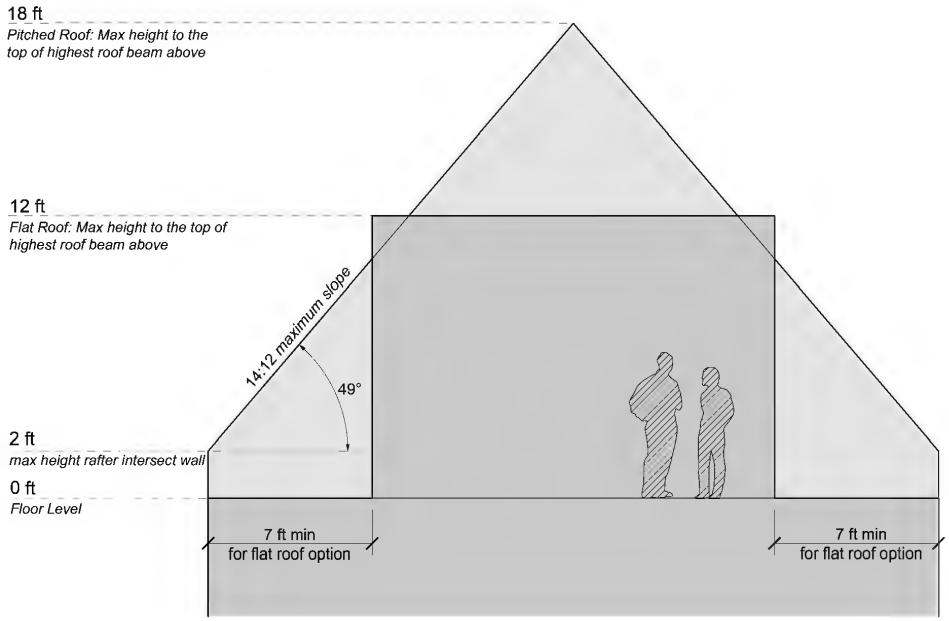
(1) **The height of the ground story and upper story(ies) of a building is measured vertically from the surface of the finished floor to the surface of the finished floor above, or to the top of the highest roof beam if no finished floor is immediately above, at all points.**

(2) **The Ground Story of a building must comply with the minimum story height requirements specified in the Building Dimensional Standards for each zone.**

(3) **The height of a plus (+) story is measured vertically from the surface of the finished floor to the top of the highest roof beam above.**

iv) **Roof Form:**

Fig. 5.08-2



v)

(1) **Pitched Roofs**

(a) **Space located directly under a pitched roof is counted as a plus (+) story, provided the following standards are all met:**

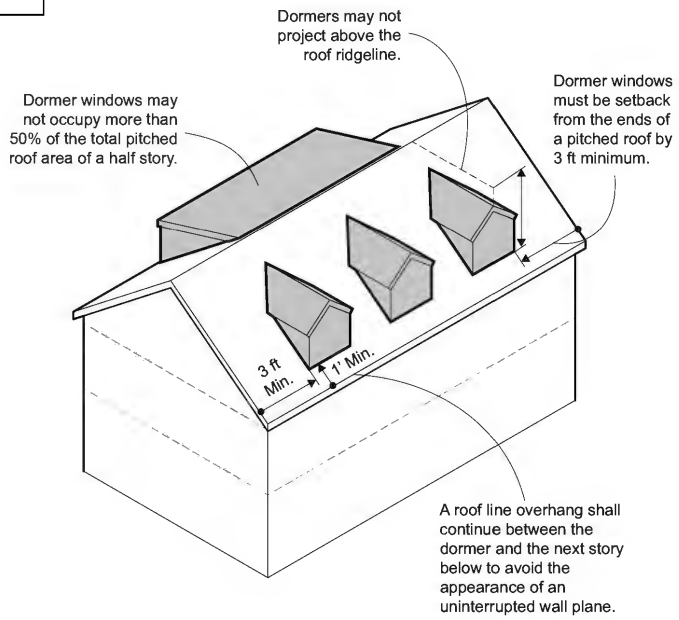
(b) **At least two (2) opposite roof planes are pitched toward each other.**

(c) **A pitched roof may be composed of roof planes with different slopes.**

(d) **The slope of any pitch must be no greater than 14:12 (49.4 degrees); otherwise, this story is counted as a full story.**

(e) **The roof rafters must intersect the wall plate or top of wall frame of the exterior walls at a height no more than two (2) feet above the finished floor of the plus (+) story; otherwise, this story is counted as a full story.**

Fig. 5.08-3



(2) Dormers

(a) Dormers may not occupy more than 50% of the total pitched roof area and must be setback from the side of the pitched roof by a minimum of three (3) feet. Where more than one dormer is located on the same side of the roof, the width of all dormers combined may not exceed 50 percent of the length of the exterior wall below.

(b) Dormers must be placed in the main roof and either be stepped back a minimum of one (1) foot from the wall of the story below or continue a minimum of one (1) foot overhang of the main roof line.

(c) No dormer may project above the main roof ridgeline of the roof in which it is located.

(3) Flat Roofs

(a) For buildings in the WSQ3 zone, the required step-backs must be provided above the fifth story.

(b) For buildings in the WSQ2 zone, the required step-backs must be provided above the fourth story.

(c) For buildings in the WSQ1 zone, the required step-backs must be provided above the third story.

(d) For buildings in the NMU zone, the required step-backs must be provided above the second story.

(e) Buildings must meet the upper story step-back requirement along any lot line abutting a residence district.

(4) Exceptions.

(a) Sections of buildings that are on a portion of a lot where the lot depth is less than seventy (70) feet are exempt from the upper story step-back requirement along the rear lot line, except when the rear lot line abuts a residence district.

(b) Any portion of the plus (+) story set back more than twenty-five (25) feet from any lot line is exempt from the upper story step-back requirement, except when the lot line abuts a residence district.

(c) The PGA may allow the required step-back to be be located at a story above the second story in any district.

c) Affordable Housing Bonus

i) Building Height Bonus. To increase the supply of affordable housing, an Affordable Housing Development is entitled to a building height bonus by right in the WSQ and NMU Districts, with the number of additional floors varying by the development's affordability level, as follows:

(1) An Affordable Housing Development in which its Affordable Housing Units are set at or below eighty (80) per cent of area median income is entitled to one floor (with a maximum floor height of 11') above the maximum height in floors.

(2) An Affordable Housing Development in which its Affordable Housing Units are set at or below sixty (60) per cent of area median income are entitled to a second floor (with a maximum floor height of 11') above the maximum height in floors. When an Affordable Development proposes affordable units that are targeted for a mix of household incomes, the project's eligibility for a second additional floor shall be based on the average target household income of the units (e.g., if a development includes 30 units set at 80% AMI, 35 at 60% AMI, and 35 at 30% AMI, the average target income is 55.5% AMI and is eligible for a second additional floor).

(3) The number of floors or height of any portion of the building within fifty (50) feet of a lot line abutting a residence district may not be increased.

ii) Reduced Parking Minimum for Affordable Developments. An Affordable Housing Development shall have a parking minimum of 0.25 per residential unit and may apply for a special permit for a further reduction or elimination of parking.

d) **Active Street Frontage requirements: Any lot required to provide active street frontage must include ground story active use for the entire width of the front elevation of the building along the primary front lot line.**
   i) **Ground story active street frontage must provide for active use space at a minimum depth specified in the Building Dimensional standards for each zone.**
   ii) **The depth of the active use gross floor area of a building is measured as the distance from the front facade towards the interior of the building, for one hundred percent (100%) of the total width of the building along the designated active street frontage.**
   iii) **Active uses are described in §5.1(c).**

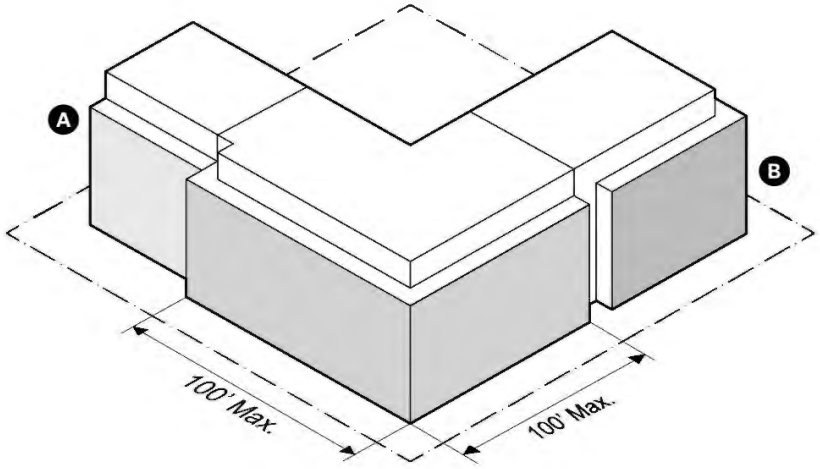
e) **Architectural Features. The structural and architectural elements that extend outward from a building facade, including awnings, bays, balconies, and porches, are architectural features. Such features may project into the front setback and/or right of way only based on the following standards:**

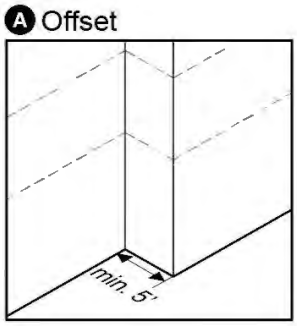
Architectural Features	
Bay	**Dimensions**
Width of each bay, (max)	**Greater of 20% of wall length or 12 ft**
Depth, (max)	**3 ft**
Front setback encroachment at the ground story, (max)	**3 ft**
Fenestration (min)	**60%**
Extension into the right of way (max)	**3 ft**
Clearance above grade within the right of way (min)	**Top of the ground story**
Balcony	**Dimensions**
Width of each balcony, (min / max)	**5 ft min / Greater of 20% of wall length or 12 ft max**
Depth, (min / max)	**3 ft min / 8 ft max**
Extension into the right of way (max)	**3 ft max**
Clearance above grade	**Top of the ground story**
Front setback encroachment (max)	**100%**
Awning	**Dimensions**
Width of each awning, (min)	**–**

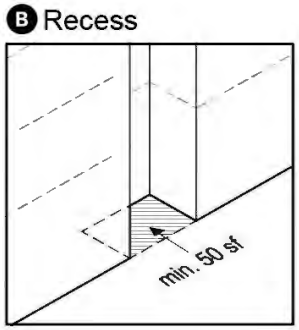
Clearance above grade (min)	**9 ft**
Depth (max)	**3 ft**
Extension into right of way, principal entrance, (max)	**6 ft**
Extension into the right of way, other, (max)	**3 ft**
Front setback encroachment, (max)	**100%**
Porch	**Dimensions**
Width, front, (min)	**8 ft**
Width, side, (min)	**4 ft**
Depth, front (max)	**8 ft**
Depth, side (max)	**4 ft**
Front setback encroachment, (max)	**6 ft**

f) Facade Articulation: Buildings may be required to have vertical demise lines or recesses/offsets to ensure larger buildings are visually and/or physically broken up into more than one distinct discreet facades with the use of architectural features. For areas that only use demise lines, the design and material details must ensure that the building facades are distinct but architecturally cohesive with an outcome of a vertical appearances of more than one building per demise line. Physical recesses or offsets in a building, as an alternative to the use of a demise line, provides opportunities for additional articulation of a facade with an inset or recessed section of a building where the facade recedes into the lot for a specified distance.

Fig. 5.08-4







i) Facade Articulation Requirements: Lots in the WSQ1, WSQ2 and NMU Districts are required to have both a Façade Demise Line and a Façade Recess. Lots in the WSQ3 District are only required to have a Façade Demise Line.

(1) Facade Recess/Offset: The facade of any building greater than one hundred (100) feet in width must be divided vertically by a recess with a minimum area of fifty (50) feet and minimum depth of five (5) feet, or a facade offset with a minimum depth of five (5) feet for the full height of the building, but excluding:

(a) Any portion of the plus (+) story

(b) Any portion of the ground story designed to be an active street frontage for active uses as identified in this section.

(c) Balconies and awnings can be attached to a required recess or offset.

(2) Facade Demise Line: The facade of any building greater than one hundred (100) feet in width must be divided vertically and designed as two (2) or more separate and distinct facades of differing architectural treatment so that the building appears to be multiple buildings. The differentiation between facade designs must include at least two (2) of the following:

(a) A change in cornice, roof eave, or parapet;

(b) A change in wall material or color; and

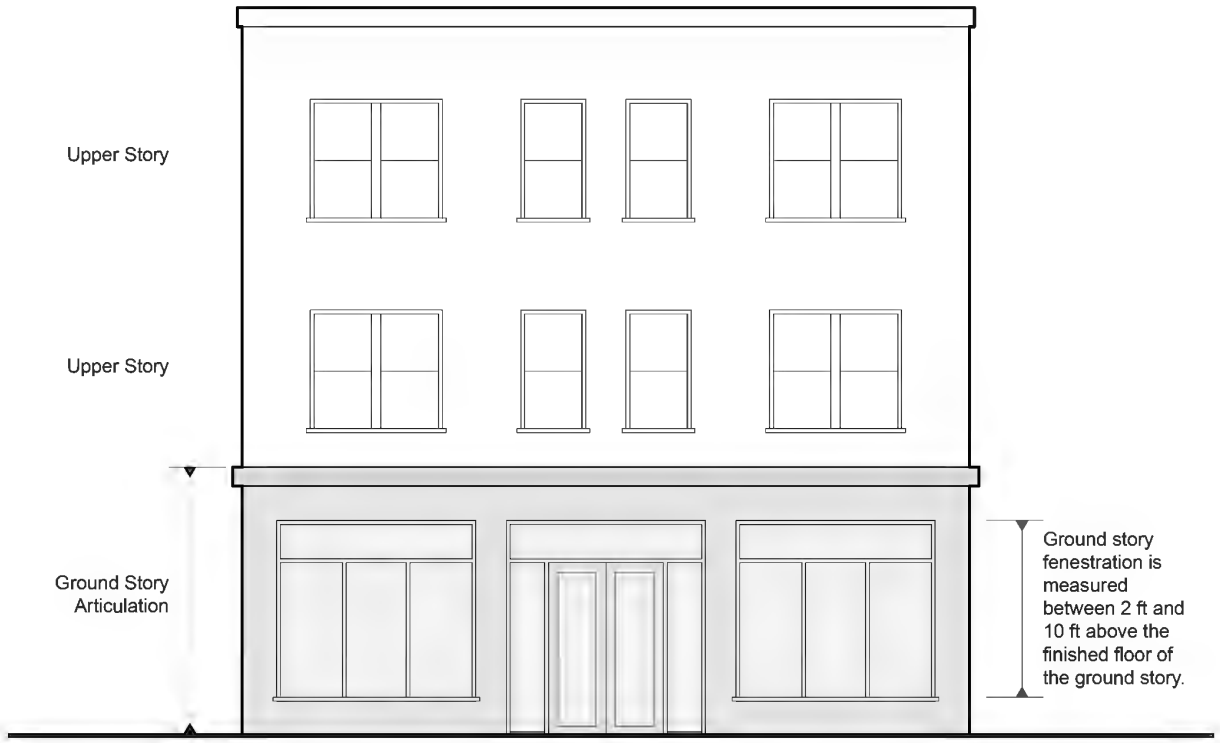
(c) A pilaster or column on either side of the division between each façade.

g) **Ground Story Fenestration. Fenestration must be provided as specified in the Building Dimensional Standards for each zone and is calculated as a percentage of the area of the front elevation at the ground story or as specified below:**

i) **For buildings intended to allow ground story active use frontage, the calculated percentage is based on the area of the façade/store front between two (2) feet and ten (10) feet above the finished floor of the ground story.**

ii) **For ground story fenestration, glazing must have a minimum of sixty percent (60%) Visible Light Transmittance (VLT) and no more than fifteen percent (15%) Visible Light Reflectance (VLR) as indicated by the manufacturer.**

Fig. 5.08-5



h) **Building Entrances**

i) **For lots with street frontage(s), buildings must have the principal entrance(s) designed to face/access from the frontage(s).**

ii) **For lots without street frontage, buildings must have the main entrance(s) on a facade oriented to allow for safe pedestrian access from a public way or publicly accessible private way or easement, or if none is available from a accessible parking lot for the building.**

iii) **Within the WSQ1, WSQ2, and WSQ3 zones, principal entrances must either be recessed or projected from the plane of the facade, or have a projecting awning, and designed to signal building entry. Entrance features may be integrated into the design for improved protection from the elements.**

i) **Mechanical Equipment and Utilities**

i) **All protrusions, such as wireless antennae, rooftop penetrations, stair towers, shall be limited to a maximum height using a ratio of not more than 1:1 (45 degrees) starting at the intersection of the roof and the wall plane below and is limited to fifteen (15) maximum height except as allowed in Article IV.**

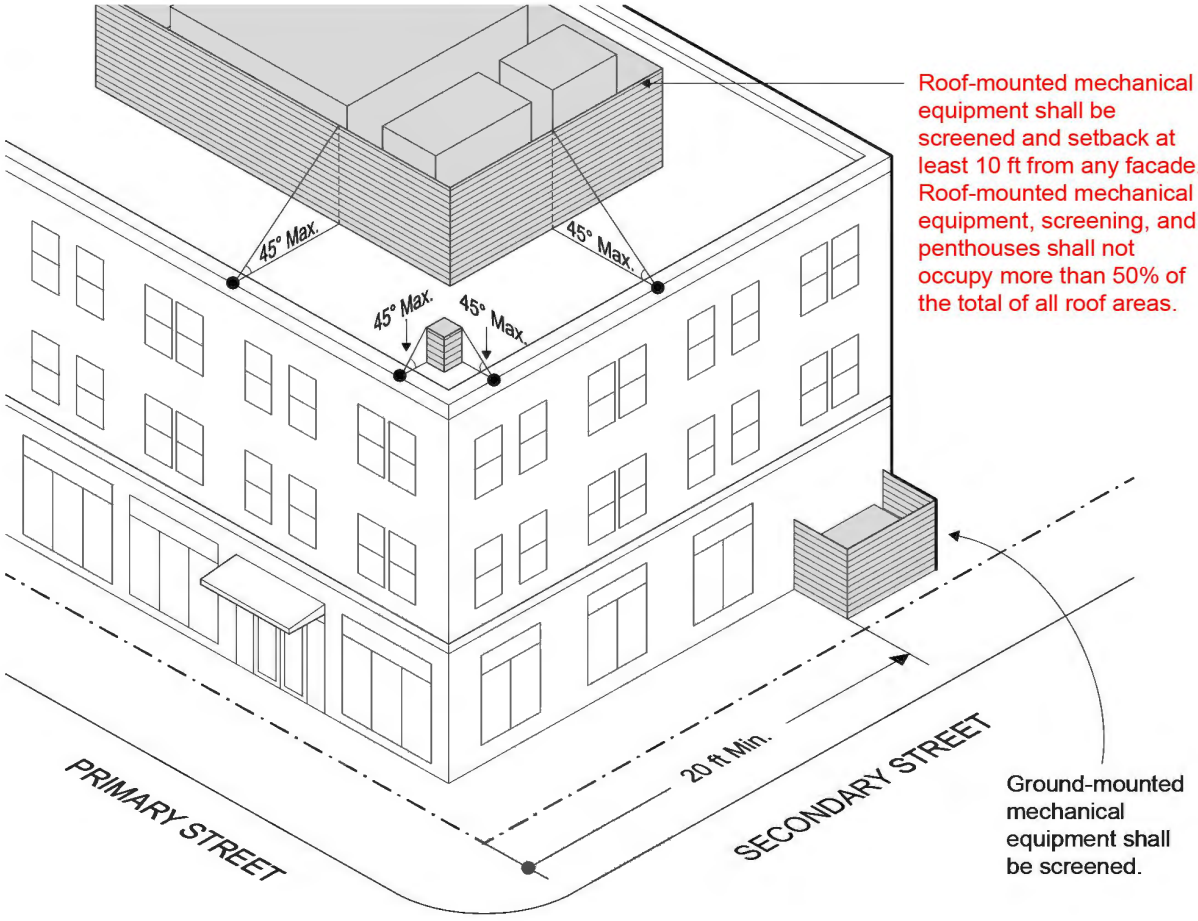
ii) **Roof-mounted mechanical penthouse/enclosures must be adequately screened and setback at least ten (10) feet from the intersection of the roof and wall plane below.**

iii) **Wall-mounted alarm devices, cable boxes, and utility meters shall not be mounted on a facade facing a right of way.**

iv) **Wall-mounted mechanical, plumbing, and/or electrical equipment such as louvers, exhaust equipment and duct vents along the front elevation must be architecturally integrated into the design of the building and located to minimize adverse effects on pedestrian comfort along sidewalks and within open spaces.**

v) **All ground mounted free-standing mechanical and/or electrical equipment are prohibited between any front lot line and front elevation and in all instances shall be appropriately screened. Further, no utility poles are allowed on site and all utilities shall be connected to the site, as approved through a grant of location and requirements of the City.**

Fig. 5.08-6



j) Parking Design Standards: Vehicle parking, bicycle parking, loading, services, and site lighting requirements shall be consistent with Article VII and must consider the following:

i) Parking Placement and Use: Efficient, maximized, and shared use of vehicular parking by multiple uses on a site, developments on multiple parcels, and for public/commercialized wider use is preferred where feasible.

(1) All vehicular parking spaces must be located at or behind any required parking setback as specified in the Lot Standards for each zone.

(a) The setback shall be considered an open space to follow design standards in-keeping with this section and include landscaped plantings designed to screen the parking, except for any portions dedicated to vehicular and pedestrian access.

(b) An increased setback is allowed for activated open space or a future use such as ground-floor retail that can also serve to screen the parking.

(c) Screening with plantings, shade trees, bikeshare stations, sidewalk furniture, and other elements to make efficient use of space, provide pedestrian and cyclist amenities, and maintain a streetscape that does not focus on the automobile is preferred.

(2) No vehicular parking is allowed between the front façade/elevation and the primary and/or secondary front lot line(s).

ii) Parking Access and Design:

(1) Site lines or other safety techniques shall be incorporated onsite at the access point to ensure pedestrian safety is prioritized.

(2) Pedestrian access via a walkway or sidewalk from the primary entrance(s) and sidewalk to vehicular parking must be provided.

(3) Curb Cuts, driveways, and vehicular access to parking areas from the primary front lot line is prohibited when access from a secondary street, private way, or another lot can be utilized. Lots are limited to a single curb not located on a primary street frontage unless one of the following options is allowed.

(a) On a corner lot, a curb cut along a primary front lot line is only permitted if the PGA or the Zoning Enforcement Officer determines that:

(i) A two-way access point on a secondary frontage is not feasible

(ii) A one-way access along the primary front lot line and a one-way vehicular access along the secondary front lot line would improve pedestrian safety and traffic access to a lot is viable.

(iii) If no other option is feasible, access along the Primary front lot line is limited to a single curb cut that is the minimum allowed width in Article VI. Is no wider than 40% of the front facade width along the primary front lot line.

(iv) Lots with more than 200 feet of frontage or a corner lot may be allowed an additional curb cut for every additional 200 feet if it is determined to be a safer design for pedestrians.

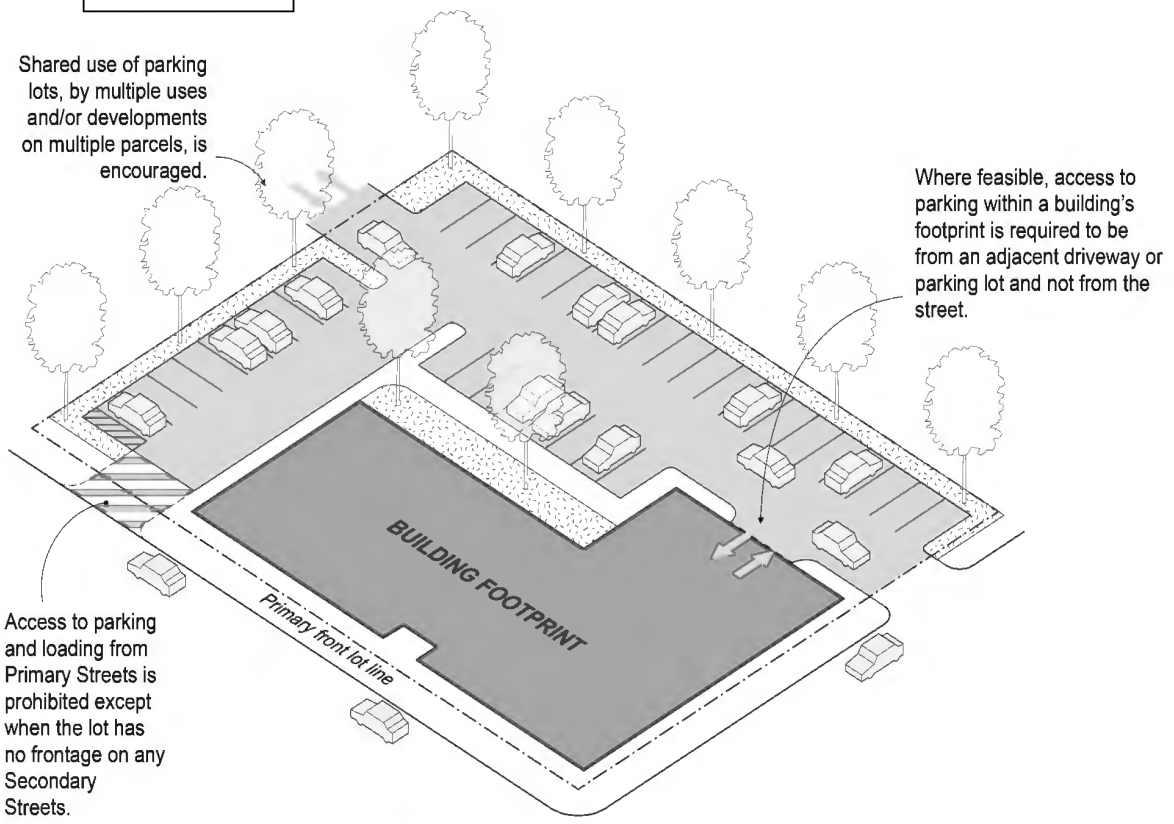
(4) Where an outward facing garage access is required or necessary, the access point must be designed to be secondary to the building facade and be integrate into the design of the building façade.

(5) The width of a curb cut (between curb stones) shall be the same width as the driveway, vehicular entrance, or loading facility it serves.

(6) The material, grade, cross slope, and minimum clear width of the walkway of a sidewalk must be maintained across the driveway apron.

(7) Curb cuts for driveways must be at least twenty (20) feet from an intersection that does not have a traffic-control signal, and at least forty (40) feet from an intersection with traffic-control signals. The distance between the curb cut and the intersection shall be measured from the point of the intersection of the tangent lines of the curve.

Fig. 5.08-7



vii. Loading – Loading requirements shall be consistent with Article VI except in the following instances:

1. **Ground floor commercial uses of less than 10,000 s.f. do not require additional loading.**

2. **In NMU, the loading area must be no less than 12' clear height, 10' wide, and 20' in depth.**

3. **Curb cuts shall be designed to be shared with vehicular access but may be wider than allowed for vehicular access only. The minimum width is 12' for one-way and 20' for two-way access, with a maximum width of 26'.**

4. **An access/shared drive for access to a loading area shall be a minimum width of 12' for one-way access or 20' for two-way access.**

5. **The loading area shall be no less than 17' in depth for smaller scale delivery trucks. Larger delivery operations may require an increased depth.**

6. **Shared facilities across properties: Shared Access Public or Private Ways (alleys or other types of shared service corridors amongst parcels) are**

encouraged. Alleys must have a minimum width of 20' to accommodate deliveries and emergency services but may be wider to accommodate multi-modal travel or for flexibility for access to sites. Alleys may be located across the boundary between lots or in other mid lot easements to allow for logical shared facilities for development across sites. An initial easement agreement must be included in any development project that considers permanent passage, access, maintenance, and necessary utilities corridors, and it shall be recorded between all parties prior to construction.

~~*§ 5.09 Watertown Square Design Overlay District.*~~

(a) ~~Intent and Purpose: To assist in accomplishing the purposes of the Zoning Ordinance, the City Council hereby applies a Design Overlay District to specific portions of the Zoning Map in order to regulate building signage and facade alterations within certain districts of the City in a manner that is beneficial to the community.~~

~~(b) Objectives: The establishment and application of the Design Overlay District is intended to accomplish the following objectives:~~

~~(1) To encourage reinvestment in and stimulate increased economic activity in the Watertown Square Area.~~

~~(2) To improve the appearance of the Watertown Square area over time and to create a more competitive shopping environment.~~

~~(3) To maintain and enhance the scale and quality of Watertown Square's architectural environment including the Square's existing older buildings and any proposed new construction.~~

~~(c) Permitted Uses: The following uses are permitted within the Design Overlay District: Any Uses permitted in the Central Business (CB) district.~~

~~(d) Dimensional Criteria: The Uses above shall be subject to the following criteria: All dimensional criteria applying to the Central Business District.~~

~~(e) Minimum Site Plan Requirements: Site Plan Requirements shall be the same as those required in the Central Business district.~~

~~(f) Parking Requirements: Parking requirements for the Design Overlay District shall be the same as those required in the Central Business District.~~

~~(g) Regulated Building Facade Alterations.~~

~~(1) Regulated facades shall include all buildings within the Watertown Square Design District (see map of area).~~

~~(2) A regulated alteration or facade improvement shall be defined as any change in the visual appearance of the facade including any change in signage, lighting, door or window style, unless the change consists of an exact replication in terms of size, color, location, and detail of the replaced element.~~

~~(3) All regulated facades shall be subject to the design review process of § 7.02 of the Zoning Ordinance.~~

~~(4) In reviewing all proposed facade alterations within the Watertown Square Design Overlay District, the Planning Board Staff's recommendations shall be based on the Watertown Square Design Handbook and such guidelines as the Planning Board may adopt.~~

~~(h) Signs.~~

~~(1) Any and all signage changes shall be subject to the design review process of § 7.02 of the Zoning Ordinance.~~

~~(2) In reviewing all proposed signage changes within the Design Overlay District, the Planning Staff's recommendations shall be based on the Watertown Square Design~~

~~Handbook and such guidelines as the Planning Board may adopt.~~

~~(3) All signage within the Design Overlay District shall conform to the provisions of § 7.02 except as otherwise specified in the Watertown Square Design Handbook.~~

§ 5.09 Transit Oriented Development Overlay (TODO)

(a) Intent and Purpose: To create a zoning overlay district to ensure compliance with MGL c. 40A § 3A, Watertown has applied a Transit Oriented Development Overlay (TODO) district to specific portions of the Zoning Map with review standards for new development and redevelopment as set forth in this section. The establishment and application of the Transit Oriented Development Overlay is intended to accomplish the following objectives:

(1) To respond to the local and regional need for multi-family housing by facilitating development of such housing;

(2) To provide new multi-family housing in good locations, i.e. near public transit, in walkable areas and near important amenities such as retail, personal service, office, and civic uses;

(3) To further the City's climate and sustainability goals by encouraging denser development in areas near transit and in walkable areas; and

(4) To encourage residential uses to provide a customer base for local businesses.

(b) Applicability: The overlay shall be considered as overlaying other districts and is not intended to change the allowed uses permitted in the underlying zones. Certain uses shall be allowed by right within the Overlay District.

(1) The provisions of this Section supersede the permitting requirements of the underlying zones for multi-family developments when the project meets all requirements of the Overlay District. A development can opt to comply with the existing underlying zoning or the zoning requirements for the applicable Overlay District.

(2) If a proposed development is located on a lot or lots that is within both the Overlay District and a base zoning district outside the Overlay District, the overlay only applies to that portion of the lot within the overlay, unless greater than 50% of the lot is within the overlay, as determined by the Zoning Enforcement Officer.

(3) The parcels within the TODO are not within the Floodplain District as delineated in Section 5.06 (b). If changes in the special flood hazard maps bring one or more of the TODO parcels within the Floodplain District, the City shall notify the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) of the resulting change in the TODO's unit capacity.

(c) Development Review and Standards:

(1) Multi-family Development (exclusively residential) and Multi-family Units in a Mixed-Use Development are By Right Development, subject to Site Plan Review as set forth in 9.03 of this Ordinance.

(2) Development under this Section may be mixed-use throughout the Overlay District and shall be mixed-use (multi-family housing with required active street frontage) on those parcels so designated.

(3) Where Mixed-Use Development consists of allowed non-residential uses on the ground floor and Multi-family on upper stories, the ground floor uses are also By Right and only subject to Site Plan Review as set forth in 9.03 of this Ordinance if there is 4,000 sf of either new construction or change of use category.

(4) The Dimensional Requirements that are applicable in the underlying zoning districts are applicable in the Overlay Districts except to the extent they are specifically modified by this Section.

(d) Affordable Housing:

(1) Section 5.07 (Affordable Housing) shall apply to any development under this Overlay District. The height and reduced parking bonuses in Section 5.08 shall apply to any Affordable Development as defined in that section.

(2) Transitional requirement: Until the EOHLC approves using the requirements of Section 5.07 for housing built under this Overlay District, the affordability requirements are those allowed in the EOHLC Compliance Guidelines for Chapter 40A, Section 3A: that ten percent of the dwelling units shall be affordable, and the cap on the income of families or individuals who are eligible to occupy the affordable units is not less than 80 percent of area median income, or such other applicable Guidelines as EOHLC shall issue.

§ 5.13 Wireless telecommunications facilities.

(a) No person shall construct a wireless telecommunications facility without a special permit issued by the Board of Appeals under § 9.05. In addition, any facility must:
  (1) Be located within these zones (~~CB,~~ **WSQ, NMU,** LB, I-1, I-2, I-3, and CR). Wireless telecommunications facilities shall not be located within the NB (Neighborhood Business) zone.
  (2) Not be located on a structure containing any residences, not within 50 feet of a residential zone or any structure containing a residential use.
  (3) In the case of an antenna mounted on a building or structure, not extend more than 15 feet above the height of such structure or building.
  (4) In the case of a tower, not exceed the height allowed in the zoning district.
  (5) Be fully concealed or camouflaged, i.e. disguised, shielded, hidden, or made to appear as an architectural component of an existing or proposed structure.

(b) Removal of Abandoned Facilities: Any wireless telecommunications facility that is not operated or that is not in compliance with this ordinance for a continuous period of ninety days shall be considered to be abandoned, and the Building Inspector may, by written notice order that such facility be removed within 30 days. At the time of removal, the facility and all associated debris shall be removed from the premises.

§ 5.15 Municipal reuse and development.

(a) Intent and Purpose: The purpose of this section is to promote and encourage the orderly reuse and redevelopment of land and structures already owned and used for municipal purposes by the City of Watertown for one or more other municipal uses, consistent with the evolving needs of the City, by establishing regulations which will allow for greater flexibility in planning and design consistent with both fiscal responsibility and sound planning and site design principles, and which will maximize compatibility with the neighborhood in which the land is located.

(b) Applicability: The provisions of this Section shall apply in all zoning districts to the proposed reuse and redevelopment of municipally-owned land and structures and to the change from one municipal use to another municipal use.

(c) Applicable Regulations: Notwithstanding any provisions of this Ordinance to the contrary, the reuse and redevelopment of municipally-owned and used land and structures for other municipal uses shall be permitted by right in all zoning districts of the City of Watertown, subject ~~only~~ to ~~the following procedures and requirements~~ site plan review if required.

(d) ~~The Planning Board may in certain circumstances vary dimensional criteria, including parking where warranted due to the proximity and use of structures on abutting properties and may also require greater landscape screening and buffering to be installed within some or all of the required set back areas.~~

~~(1) Dimensional Criteria:~~

~~(a) Existing Buildings: Alterations shall be subject to paragraph (h).~~

~~For New Construction including Additions:~~

~~(b) Maximum Floor Area Ratio: No municipal reuse and redevelopment project shall exceed a Floor Area Ratio of 1.5;~~

~~(c) Maximum Height: No new structure built or reconstructed as a part of a municipal reuse and redevelopment project shall be more than 48 feet or four stories in height, whichever is less;~~

~~(d) Lot Coverage: Lot coverage in a municipal reuse and redevelopment project shall not exceed a total of 65%, excluding parking areas and parking garages, recreation facilities such as parks and tennis courts, and internal roadways or walkways;~~

~~(e) Setbacks:~~

~~Front: 15 feet Minimum~~

~~Side: 25 feet Minimum~~

~~Rear: 50 feet Minimum~~

~~(f) Minimum Lot Size: None.~~

~~(g) Minimum Frontage: Fifty feet.~~

~~(h) Minimum Open Space: All municipal reuse and redevelopment projects shall have at least 15% of the total site area devoted to Open Space; required setbacks shall be considered as part of the total area required for Open Space. The required Open Space shall not be used for parking, loading or roadway purposes and shall be open and unobstructed to the sky; items such as benches, walkways, planters, landscaping, swimming pools, kiosks, gazebos, and similar structures shall not be considered as obstructions.~~

~~(2) Parking Requirements: Parking for Municipal Reuse and Redevelopment Projects shall conform to the parking requirements for each individual use set forth in § 6.01 of this Zoning Ordinance.~~

~~(3) Signs: A plan for signage shall be submitted to the DCDP staff and Planning Board for approval. The Planning Board, with the recommendation of the DCDP staff shall grant approval of the plan for signs only after it is satisfied that said signage will not derogate from the quality of surrounding residential environment. For guidance, the Planning Board shall use § 7.04 of this Zoning Ordinance and may, if found necessary permit additional signage above that which is allowed in § 7.04.~~

~~(4) Accessory Structure(s): Accessory structure(s) shall be permitted and subject to review by the Planning Board.~~

~~(5) Procedures: Consistent with the procedural requirements provided in § 9.03(a) and (b) of this Zoning Ordinance, the Planning Board together with the Administrative Site Plan Review Committee shall hold a public hearing to determine and discuss questions and impacts, potential problems with the development or redevelopment within a Municipal Reuse and Development District. The Planning Board shall prepare a written report on the proposal considering, among other things, the ten criteria listed in § 9.03 (c) and if it finds that the conditions for approval set forth in § 9.05(b) of this Zoning Ordinance have been met.~~

§ 5.17 Design guidelines.

Intent and Purpose. Design Guidelines have been adopted to address the design of new buildings along the major corridors and Watertown and Coolidge Squares. They are intended to enhance building, parking and the public realm interface, focusing on the ~~following~~ four principles **set forth below. The form-based standards established for the WSQ1, WSQ2, WSQ3, and NMU Districts are designed to implement the first three principles in those Districts.**

(1) ECONOMIC VITALITY: Watertown's Design Guidelines were created to enhance the economic vitality of selected commercial areas through attractive, consistent design. By following these Guidelines, each project will complement another, resulting in a cohesive development over time. The Guidelines were developed specifically to provide direction for the design of new infill development in commercial areas. The goal is not to limit creativity, but rather to recognize potential for architectural diversity while adhering to the overarching principles contained herein. They intend to define expectations for new development while allowing for flexibility and fostering high quality design.

(2) HISTORIC PRESERVATION: Urban regeneration means more than simply building a new; historic preservation is an effective economic development strategy. The reuse and regeneration of existing buildings should be encouraged in addition to new development as they provide a direct connection to Watertown's past. Existing buildings that have retained cultural or architectural significance can form the basis for economic development and growth.

(3) DESIGN AESTHETIC: The Design Guidelines cannot depict every possible building configuration on each site. Rather, a prototypical building footprint is shown in a manner that accommodates many conditions that emerge on a project site. The massing is general enough that it can contain a range of uses, but specific enough to highlight the critical areas of concern. Even when closely following these guidelines, each project will take its own form that will differ from the example shown. A singular design aesthetic in Watertown is neither viable nor desirable.

(4) ENVIRONMENTAL PERFORMANCE: New development comes with the obligation to implement sustainable design and construction practices that incorporate technological innovation and green building practices and ecological site design. Development will strive to address the highest sustainable and ecological principles, using advanced green technologies and materials, and promoting high-performance buildings. Stormwater management practices must prevent flooding and erosion, and protect the health of the Charles River and local streams and ponds, using green infrastructure approaches where feasible. New buildings should be constructed with local, low-embodied energy materials and constructed with the highest standards for environmental sustainability.

Article VI Automotive and Bicycle Parking Requirements

§ 6.01 Required off-street parking spaces.

(a) In order that all structures and land uses eventually be provided with sufficient off-street parking to meet the needs of persons employed at or making use (e.g.: customers, visitors, patrons, patients, occupants, etc.) of such structures or land, no land shall be used and no building shall be erected, enlarged or used unless off-street parking spaces meeting the requirements of this Section are provided. Said off street parking space requirements shall not apply to the storage and/or display of motor vehicles which shall be provided in accordance with § 6.05 hereof.

(b) The minimum **and, where applicable, maximum** number of off-street parking spaces required for particular uses of land (hereinafter called "required off-street parking spaces") is set forth in the following table**s, with exceptions as noted**:

1. Residence Vehicle Parking:

PRINCIPAL USE	**UNIT**	
One- and two-family house	2 / per dwelling unit	
	3 / per dwelling unit if more than 4 bedrooms	
	Minimum	**Maximum**
~~Townhouse and Rowhouse~~	~~2.0/unit~~	~~2.5/Unit~~
Multi-Family	0.75/studio	1.00/Studio
	1.00/1 bedroom	1.25/1 Bedroom
	1.50/2 bedrooms	1.75/2 Bedroom
	2.00/3+ bedrooms	2.25/3+ Bedroom
Multi-Family in WSQ and NMU	**0.5/unit**	**1/unit**
with Affordable Developments	**0.25/unit**	**1/unit**
Mixed Use	The sum of commercial and residential requirements consistent with this Ordinance; except **in WSQ and NMU Districts the parking for commercial uses is only required for upper floors.** ~~in CB district, 1 space per dwelling unit and commercial uses consistent with § 6.01(f) may be reduced by SP.~~	
Hotels, motels, licensed lodging houses	1 per employee on shift at peak occupancy plus 0.75 per guest room plus 1 per table or 5 seats in a restaurant plus 1 per 250 square feet of space in function rooms not designed for eating	
Accessory home occupations	1 per 2 rooms used for a home occupation	
Accessory **dwelling unit**/~~lodgings~~	1 **per unit** ~~per 2 rooms offered for rent;~~ **however, no additional parking space shall be required for an accessory dwelling located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station.**	

2. Parking Requirements for Commercial Uses: the following parking shall be provided in all instances, except within the WSQ and NMU Districts where parking for commercial uses is only required for the floor area dedicated to commercial uses on the upper floors only.

PRINCIPAL USE	UNIT
Other places of public assembly such as for meetings, entertainment, recreation, adult education	1 per 5 fixed seats or 10 linear feet of bench floor area open to public assembly where no seats or benches are provided.
Retail with Accessory Food or Beverages	1 per table or 4 seats plus 1 per 250 square feet of function rooms not designed for eating.
Restaurants	1 per 4 seats and 1 per every 4 linear feet of standing table space
Funeral parlor, undertaker	1 per 5 seats or 1 per 50 sq. ft in parlor, whichever is greater
Bowling alleys	2 per bowling alley
Hospitals, and Nursing Home	1 per staff plus 1 per 4 patient beds
Assisted Living	See § 5.11(d)
Veterinary Clinic	1 per 350 square feet
Schools **/daycare centers**	1 per staff member plus 1 per 3 students driving age (unless car usage is prohibited) or 1 per 8 seats in largest place of assembly, whichever is greatest
Other institutions, such as museum, private, professional or trade school	1 per 600 square feet of Gross Floor Area
Retail Sales/Service and Office	1 per 350 square feet of Gross Floor Area 1 per 400 square feet of Gross Floor Area Above the Ground Floor
Fitness Center	1 per 400 square feet of Gross Floor Area
Bank	1 per 300 square feet of Gross Floor Area
Bank Kiosks (with no staff)	5 spaces per automatic teller
Industrial, including also 1 gasoline service station, printing and publishing	1 per 600 square feet of Gross Floor Area
Warehouse, public utility stations	1 per 1,200 square feet of Gross Floor Area
Research and Development	1 per 600 square feet of Gross Floor Area
Auto repair garage, and similar uses	1 per 200 square feet of Gross Floor Area
~~Kennels~~	~~1 per 300 square feet of Gross Floor Area~~
Auto sales, leasing and Rentals display (new and used)	1 per 600 square feet of space devoted to showrooms for customer use. For automobile display or storage lots, there shall be 150 square feet of total land area in said lots for each automobile stored or displayed.
Self Storage facility	2 spaces per 10,000 s.f. of Gross Floor Area with a minimum requirement for 6 parking spaces
Drive-ins (exclusive of food)	1 per 350 square feet of Gross Floor Area

(c) The Planning Board shall be the determining authority in the event of a conflict in interpretation as to the category of the principal use, or as to the gross floor (or open lot) area

in a given use.

(d) Where the computation of required spaces results in a fractional number, a fraction of one-half or more shall be counted as one.

(e) **The PGA may reduce the required parking or may allow a development to increase the parking supply above the maximum by Special Permit under § 9.12.** ~~The reduction in parking under such special permit may not exceed twenty-five (25) percent of the parking requirement.~~

~~(e)~~ **(f)** The aggregate number of spaces required for each of several uses separately may be provided on a common parking lot serving all of these uses. Projects in close proximity to one another are encouraged to provide shared parking plans that meet the individual requirements per § 6.01(b) across multiple properties by ~~special~~ permit **under § 9.12**. Developers are also encouraged to "unbundle" parking by separating the cost of parking from the cost of ownership or rental.

~~(f) Where it can be demonstrated that the combined peak parking needs of all the uses sharing the lot will, because of differences in peak hours or days, be less than required by § 6.01(b), the number of parking spaces to be provided may be reduced accordingly by Special Permit.~~

~~Developments that encourage the use of alternate modes of transportation may be eligible to receive a reduction of the required amount of automobile parking spaces by Special Permit. This credit may be achieved by demonstrating a reduced demand for automobile parking by the encouragement of cycling, walking, car sharing, and use of public transit. The reduced parking requirement shall correspond to the reduced automobile parking demand, but in no case shall exceed 25%.~~

(g) Required off-street parking areas shall be provided on the same lot they serve, except that the ~~S~~PGA may grant a special permit for off-street parking areas to be provided on another lot **under § 9.12 if they are not adjoining and may allow such common use with a site plan review under § 9.03 if adjoining.** ~~; and a~~ **A**ny such parking lot shall not be otherwise used or diminished in size unless the ~~S~~PGA finds the lot is no longer required by the principal use it serves.

(h) For projects subject to a **site plan review or** special permit, the ~~S~~PGA may permit the applicant to indicate on an approved site plan where up to 20% of the required parking can legally be built but not be required to be built (shadow parking) to receive an occupancy permit. All or portions of said shadow parking may be required to be built out as shown if at any time the ~~S~~PGA by a majority vote, deem it appropriate to do so. All allowed shadow parking areas shall be designed and maintained as naturally vegetated open space.

(i) ~~Residential and mixed-use d~~ **D**evelopments required to provide 50 or more parking spaces per § 6.01(b) are required to provide a minimum of one parking space with an additional one parking space per 15 spaces, up to a maximum of three spaces, designated for a car sharing program.

~~In all developments requiring more than 100 parking spaces per § 6.01(b),~~ **Additionally,** two electric vehicle charging stations shall be provided, with an additional ~~one~~ **two** charging

station**s** per 50 additional parking spaces thereafter up to a maximum of ~~five~~ **six** charging stations. These parking spaces shall be counted towards the total number required by § 6.01(b). These requirements may be met through an approved shared parking plan with an adjacent property per Special Permit.

§ 6.02 Location and design of off-street parking spaces.

(a) Areas of required Off-street parking may be open or enclosed in a structure provided that if open, such areas shall be graded, drained and surfaced in conformance with currently applicable engineering standards as determined and promulgated by the Superintendent of the Department of Public Works. Permeable paving or other stormwater techniques should be employed to allow for natural groundwater recharging. In no instance shall surface drainage be permitted to drain into land of adjacent property owners or the City right of way except in the case of single and two-family homes.

(b) Except as provided in § 6.02(n) below, each required off-street parking space shall be marked and shall not be less than eight ~~and one-half~~ (8~~ 1/2~~) feet in width and **seventeen (17)**~~18~~ feet in length for angle parking or **7 feet in width and** 22 feet in length for parallel parking, exclusive of drives, walks and maneuvering space. It shall be the responsibility of the applicant to show on the site plan for the proposed development the provision of adequate automobile maneuvering space acceptable to the **PGA.** ~~Planning Board. In addition to the above requirements, the applicant may reduce the width of not more than 10% of the required parking spaces, and not more than 10% of any parking spaces in excess of the required amount which he may choose to provide, to eight feet.~~

(c) Except as required in § s 6.02(d), (e), (f) or (n) below, each required off-street parking space shall have direct access to an aisle or driveway having ~~a minimum width of 24 feet in the case of two-way traffic or~~ the following widths ~~in the case of one-way traffic only~~:

Angle of Parking		Minimum Aisle Width
Type	**Angle**	**Width**
One Way Parking Lot	Parallel	12 feet
	30 **Degrees**	11 feet
	45 **Degrees**	13 feet
	60 **Degrees**	18 feet
	90 **Degrees**	20 feet
Two Way Driveway	**Parallel and/or none**	**20 feet (1)**
Two Way Parking Lot	**30 to 60 Degrees**	**22 feet**
	90 Degrees	**24 feet**

1) Two-way driveways may be a minimum width of 20 feet in instances where a development site or site(s) has a shared access/service road, private way, or individual driveway intended to serve a similar role as a public way. The design should consider complete streets and universal design guidelines and incorporate measures such as shared-use paths, sidewalks and/or parallel parking with reduced lane width(s) consistent with adopted City specifications for public ways.

(d) For one and two family houses, the off-street parking requirements of § 6.01 may be satisfied with the use of stacked parking configuration to the extent that all other applicable provisions for parking, driveway and area lay-out are met. For the purpose of this § 6.02(d), stacked

parking shall mean a parking layout where spaces are provided one vehicle directly behind another vehicle, including an enclosed garage parking space, with a maximum limit of four in number.

(e) For three and four family ~~houses~~ **multi-family dwellings**, upon the granting of a **site plan review or** special permit, parking space requirements of § 6.01 may be satisfied with the use of stacked parking configuration to the extent that all other applicable provisions for parking, driveway and area layout are met. For the purpose of this § 6.02(e), stacked parking shall mean the parking of one vehicle directly behind another vehicle, limited to a total of three vehicles in a stack in all instances inclusive of where vehicle space may be provided as an enclosed garage parking space.

(f) For row houses, the off-street parking requirements of § 6.01 may be satisfied with the use of stacked parking configuration to the extent that all other applicable provisions for parking, driveway and area layout are met. For the purpose of this § 6.02(f), stacked parking shall mean a parking layout where spaces are provided with one vehicle directly behind another vehicle, limited to a total of two vehicles in a stack in all instances inclusive of where vehicle space may be provided as an enclosed garage parking space.

(g) In no instance may the open space required for each Lot be used for the provision of required off-street parking spaces.

(h) No driveway or sidewalk opening providing access to an area of required off-street parking spaces, measured at the street lot line may be more than 24 feet, except as ~~allowed~~ **required** in § 6.02(i) below. In addition, no such driveways or sidewalk openings shall have shrubs, walls, signs or fences in excess of 30 inches in height from the entrance of the driveway to a point 15 feet into such driveway or in excess of 36 inches along the front lot line.

(i) For a site upon which new construction is proposed; to which an increase in the number of existing bedrooms or units is sought; or to which modifications to existing construction of driveways or parking areas are proposed for either one, two, three, or four family dwellings or row houses, the following design standards shall apply: There shall be allowed a maximum of two curb cuts per site at a maximum of 11 foot width, with a minimum distance of 20 feet between curb cuts. No curb cut, or combination of curb cuts shall exceed a maximum of 40% of the lot frontage, or 22 feet, whichever is less.

(j) No area of the required Building Front Yard shall be used for parking or driveway area. In cases where there is a garage attached to a single-family dwelling and is located in the building front yard area, driveway and parking in front of the garage shall be allowed provided access is via one 12' curb cut. Driveway must maintain 5' front setback, be at least 18' in depth and then permitted to flare out to the width of the garage door. A Special Permit is required in cases where there is a garage attached to a two-family dwelling located in the building front yard area, provided the driveway maintain 5' front setback and be at least 18' in depth for parking in front of the garage(s).

For one, two, three, four family and/or row houses, no driveway and/or parking area shall be closer than four feet from the side lot line, 10 feet from the rear lot line, or five feet from the front lot line. No setbacks from structures on the lot shall be required. All other stated dimensional requirements shall prevail.

(k) ~~Except as set forth in § 6.02(j) and 6.02(n), t~~**T**he surfaced area of off-street parking areas shall be set back a minimum of five feet from all buildings and lot lines except as allowed **under standards required in Article V specific to a zoning district or as required** in § 6.02(e**, j, or n**). Such setback areas, except for entrance and exit drives, shall be properly landscaped with grass, trees, shrubs, flowers, or other landscaping materials of adequate height and density so as to visually obscure parked vehicles from view.

In addition, at least 5% of the interior of any parking area with 20 or more parking spaces shall be landscaped and continuously maintained. This landscaping shall be distributed in islands and shall include one or more shade trees of a species as approved by the Watertown Tree Warden with a 3-inch caliper or greater per island. The location of trees within parking areas shall maximize shade on vehicles and pavement to reduce the "heat island" effect. In addition, landscaping shall use non-invasive species and should consider drought-tolerant and native plantings where appropriate. Where feasible, landscaped islands shall be built below the grade of the impermeable parking surfaces so that runoff from the site is directed into them. Planting along the perimeter of a parking area whether for required screening or general landscaping, shall not be considered as part of this 5% landscaping.

(l) **Except as provided in § 6.01(f), n** ~~N~~o reduction in the number of off-street parking spaces which are required by this Article shall be allowed and no existing off-street parking spaces shall be eliminated by the replacement or enlargement of an existing building or structure; provided, that this subsection shall not operate to prevent the elimination of existing parking spaces which are in excess of the number required by this article.

(m) Any outdoor lighting designed for the purpose of illuminating outdoor areas such as walks, driveways, doorways, outdoor recreational facilities and all accessory uses shall be continuous non-flashing, indirect and installed and shielded in such a manner that will prevent direct light from shining upon any other property in a residence district**, and comply with Article VII Signs and Illumination and particularly §7.12 and § 7.13**.

(n) In the Business**,** ~~Zones and~~ Industrial**, and Special Districts** ~~Zones, PSCD and RMUD~~, the off-street parking requirements of § 6.01 may be satisfied with the use of a stacked parking configuration. For the purposes of this § 6.02(n) stacked parking shall mean a parking space, including enclosed garage parking spaces, where within a parking space vehicles may be parked with one vehicle behind another, with a maximum two vehicles in each stack. Notwithstanding the provisions of § 6.02(b) above, each parking space shall be marked and shall not be less than eight feet in width and 17 feet in length for angle parking or 22 feet in length for parallel parking, exclusive of drives, walks and maneuvering space. One of the two vehicles in each stack shall have direct access to an aisle or drive-way having a minimum width ~~of 24 feet in the case of two-way traffic or in the case of one-way traffic the minimum aisle width~~ provided in § 6.02(c). ~~The surfaced area of off-street parking areas shall be set back a minimum of five feet from all buildings and lot lines. Such setback areas, except for entrance and exit drives, shall be properly landscaped with grass, trees, shrubs, flowers and other landscaping materials.~~

§ 6.03 Required off-street loading spaces.

(a) Off-street loading facilities shall be provided for new structures and new additions in accordance with the following table:

Type of Use	~~Number of~~ Loading ~~Bays~~ Required by Gross Floor Area of Structures (in 1000's of sq ft)				
	~~For each~~				
	2 -15	15-50	50-100	100-150	add'l 150
Retail trade, wholesale, storage industry, communications and utilities	1	2	3	4	1
Office building, hotel, dormitory, institution, recreation and education	1	1	1	1	1
WSQ and NMU – Retail and Office	**1 (at 10,000 sf)**	**1**	**2**	**2**	**1**

(b) The Planning Board shall be the determining authority in the event of a conflict in interpretation as to the category of the principal use, or as to the Gross Floor Area (or open lot) in a given use.

(c) Where the computation of required off-street loading spaces results in a fractional number, a fraction of one-half or more shall be counted as one.

(d) The aggregate number of spaces required for each of several uses separately may be provided on a common **parking** lot serving all of these uses.

§ 6.04 Design and layout of off-street loading facilities.

(a) Each required space shall be no less than **10 feet minimum or** 12 feet **maximum** in width, 14 feet in clear height and **20 to** 30 feet in length in a Business **or Special** District and 50 feet in length in an Industrial District (except for entirely residential projects in the I-3 District and Hotels in the I-1 District), exclusive of drives and maneuvering space, and located entirely on the lot being served.

(b) There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.

(c) The maximum width of driveways and sidewalk openings measured at the street lot line shall be 30 feet; the minimum width shall be 20 feet**, or 10' in the case of one-way access drive**.

(d) Loading spaces may be enclosed in a structure and must be so enclosed if located within 50 feet of a residence district where the use involves regular night operation.

(e) All accessory driveways and entrance-ways shall be graded, surfaced, drained, to the satisfaction of the Superintendent of the Department of Public Works, to the extent necessary to prevent nuisances of dust, erosion, or excessive water flow across public ways, or onto adjacent properties.

(f) Such facilities shall be designed and used in such a manner as at no time to constitute a nuisance, or a hazard or unreasonable impediment to traffic.

§ 6.07 Bicycle parking.

(a) Off street bicycle parking shall be provided as follows, **with the exception of bicycle parking within the WSQ and NMU Zones, which shall follow § 6.07(b)**:

(1) One bicycle parking space for every 15 automobile parking spaces in commercial/office mixed-use developments, and one bicycle parking space for every five automobile parking spaces in residential/mixed use developments, a minimum of six must be provided.

(2) Each bicycle parking space shall be sufficient to accommodate a bicycle 7 feet in length and 2 feet in width. Inverted U or Ring and Post style frame racks that support the bicycle at two or more points above and on either side of the bicycle's center of gravity are required. An alternative style of rack that, in the opinion of the Zoning Board of Appeals, provides a comparable level of security and convenience may be provided. Racks must be secured to the ground.

(3) It is recommended that half be provided as long term parking, safe and secure from vandalism and theft, and protected from the elements. The other half shall be provided as short term (customer or visitor) parking, and it is recommended that these spaces be visible and convenient to building entrance.

(4) Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner within the same block to meet the combined requirements.

(5) The following uses are exempt from these requirements: Funeral parlor, undertaker, automobile repair or body shop, gas station, and car wash.

(6) These requirements may be varied by the ~~Board of Appeals~~ **PGA** by Special Permit, based upon a determination that the proposed bicycle parking facilities will adequately address the purposes of this section.

(b) WSQ and NMU Zoning Districts: Required off street bicycle parking shall be provided and maintained for all development or redevelopment within the specified districts to ensure the mix of uses at a site have the minimum short-term and long-term bicycle facilities as follows:

(1) Bicycle Parking Requirements:

Principal Use	Example Business(s)	Short-Term Minimums	Long-Term Minimums
Residential - 6 or more units	Multi-family building, rowhouses/townhomes, residents in mixed use	1 per 10 units (2 spaces minimum)	1 per unit
Hotel/motel	Long stay hotel, boutique hotel, motel	1 per 20,000 gross square feet (6 spaces minimum)	1 per 5,000 gross square feet
Commercial/ retail, except office	Cafe, shop, restaurant, clothing store, bank, grocery store, movie theater, exercise/fitness	1 per 2,000 gross square feet (2 spaces minimum)	1 per 5,000 gross square feet
Office	Office building, financial services, law office, professional office	1 per 20,000 gross square feet (2 spaces minimum)	1 per 2,500 gross square feet
Institutions	Museum, trade school, place of worship, library, community center	1 per 2,500 gross square feet (4 spaces minimum)	1 per 5,000 gross square feet
Schools/ daycare centers	Daycare center, K-8/ elementary, middle/high school, private charter school	1 per 10 children of permitted capacity (2 spaces minimum) recommended	1 per 5 staff or employees and 1 per 8 students of the planned school capacity recommended

(2) Bicycle Parking Standards shall be as follows:

Type	Bicycle Parking (except for racks)	Rack Spacing	Spacing Wall	Access Path
Standard Space	6'x 2' and 3.3' high	4' preferred 3' allowed	2.5' to side of rack	5' clear path
Cargo Spacing	10' x 3' and 3.3' high	4' minimum	3' to side of rack	5' clear path

(3) Short-term bicycle parking: is intended to provide opportunities for parking typically lasting up to two hours and prioritizes convenience, access, and visibility over higher security. Spaces should be 25' or less to the primary and/or public entrance(s) and be visible from the right of way, and in all instances, unless allowed by exception, be no more than 50' from those entrance(s). The spaces must be unrestricted when the building (or a business that the parking serves) is open at a minimum. For commercial/retail, at least 50% of the required short-term bicycle parking shall be allocated to public entrances serving the business(s).

(4) Long-term bicycle parking: is intended to be higher security and protected for longer visits, all-day use, and overnight and longer periods of parking and storage. These spaces must be covered (protected from rain/snow) and be enclosed for increased protection, especially in unmonitored locations. When feasible, long-term parking shall be located inside the building(s) it is intended to serve and be immediately adjacent to and at-grade with an exterior access door/route. Long-term bicycle parking can be in designated interior enclosures/rooms or be in exterior enclosures but in all instances shall provide secure and easy access and maneuvering from offsite and onsite bicycle routes and within the building/structure. When located in a vehicular parking facility, long-term bike parking must be near an exterior access point and is preferred to be near primary entrance(s) to the building that the garage serves.

Residential projects with more than 12 units may have a maximum of 50% of the required long-term bicycle parking designated across the residential units and projects of 12 or fewer may allow all spaces to be designated across the units. If long-term bicycle parking is designated inside dwelling units there must be access at ground level and/or by elevator for level accessible access for all bicycle types.

(5) Charging: To accommodate charging for bicycles and peripherals, multiple standard electrical outlets should be provided when possible adjacent to bicycle parking spaces. Projects can also consider alternatives to allow charging when no options can be located by bicycle parking.

(4) Onsite Bicycle Parking Exceptions: An exception to required onsite bicycle parking may be approved by DCDP in instances where an offsite installation or an in-lieu payment will offset the reasonable accommodation of onsite bicycle parking, but only in instances where the offsite solution better supports the onsite demand in a more beneficial and appropriate location that implements the City's adopted plans and studies in relation to the development.

Article VII Signs and Illumination

§ 7.03 Signs in all districts.

(d) Calculation of sign area.

(1) For a wall or marquee sign, the calculation of sign area in the NB, LB, ~~CB~~ **WSQ, NMU** and I districts shall be a percentage of the building facade. The dimensions used in calculating this percentage shall be the horizontal measure of the frontage of the business and the vertical measure not exceeding the top of the second story of a building.

§ 7.06 Signs in the NB, LB, WSQ, NMU, ~~CB~~, I, RMUD, and PSCD Districts.

In any NB, LB, **WSQ, NMU,** ~~CB,~~ I, RMUD, and PSCD district, no on premise sign or advertising device shall be permitted except as follows:

§ 7.08 Permitted illumination.

(c) In NB, LB, **WSQ, NMU** ~~CB~~, I, and PSCD districts, the following signs, in addition to the above are permitted:

(1) Translucent.

(2) Signs of neon or exposed gas-illuminated tube type.

~~*§ 7.10 Watertown Square Design Overlay District.*~~

~~Signs in the Watertown Square Design Overlay District shall conform to all provisions of Article VII except as otherwise specified in § 5.09.~~

§ 7.10~~1~~ Hotel and motel signs.

§ 7.11~~2~~ Exterior lighting standards.

§ 7.12~~3~~ Exterior lighting technical submittals.

NOTE/NOT IN ZONING TEXT: Some of the language in Section 8.00 is existing and has been moved to consolidate sustainability requirements. The existing text is red but not in bold.

Article VIII Sustainability, Solar, and Other Regulations

§ 8.00 ~~Regulation of soil removal or ledge.~~ Sustainability and Resiliency.

(a) Intent and Purpose: To maintain Watertown's leadership on sustainable building requirements that ensure development provides for comfortable, safe, and resilient neighborhoods, the purpose of this section is to support the successful implementation of the 2022 Resilient Watertown Climate and Energy Plan and 2023 Comprehensive Plan, as updated. This section is intended to achieve the following goals:

(1) Accelerating the transition to renewable energy and requiring the highest standards for electrification and energy efficiency for new construction and renovation

(2) Expanding zero-emission mobility options and accelerating electric vehicle adoption

(3) Ensuring Watertown's natural resources are enhanced, equitably distributed, and delivering full ecosystems benefits

(4) Reducing all types of waste streams and upgrading infrastructure to be resilient to climate change impacts

(5) Enhancing overall community health, resilience, and preparedness to major climate threats of extreme storms, flooding, drought, and heat waves

(b) Applicability: The following section shall be required for any project identified in Article V as requiring a Site Plan Review Permit with or without Special Permit.

(c) Requirements: For new development and redevelopment projects the site and buildings shall comply with the following requirements:

(1) **Energy: In accordance with the Specialized Stretch Energy Code, any project that triggers the code shall follow the energy efficiency and electrification requirements as specified, including to the extent feasible techniques such as** employing passive solar techniques, design to maximize southern exposures, building materials; utilizing energy-efficient technology and renewable energy resources; and minimizing water use.

(2) **LEED:** All new development requiring Site Plan Review in the NB, LB, WSQ, NMU, I-1, I-2, I-3, RMUD, and PSCD Districts must meet LEED Silver Certifiable requirements as outlined by the United States Green Building Council's Leadership in Energy and Environmental Design (current edition as applicable) as a minimum. Design documentation shall be provided by the Petitioner to the City to verify that the project could achieve the minimum number of LEED points to achieve certification. Such documentation may include but not be limited to a project narrative describing how the project design intends to achieve selected LEED credits, and a LEED checklist with criteria (or points) which shows the project will achieve a minimum of 50 points.

(3) Utilities and Hazards: Projects shall underground **all onsite utility service,** equipment **and infrastructure with removal of and no new onsite utility poles allowed, unless it is determined by the City to be infeasible. Projects shall locate HVAC and other utility equipment outside of or elevated above potential flood hazards.**

(4) **Stormwater: Projects shall effectively manage stormwater onsite as required by the Watertown Stormwater Ordinance and Regulations**. Systems should incorporate best practices in stormwater management and LID techniques.

(5) Electric Vehicle Charging: Electric vehicle ready parking shall be provided for 20% of the total parking provided for business and residential uses, and for 10% of the total parking provided for all other uses, or more if required by the Massachusetts Stretch and Specialized Codes. Further, at least the minimum number of electric vehicle charging stations specified in §6.01(h) shall be installed, and to the extent feasible, the stations should be made available for public use when not in use by the site users.

(6) Landscape: Projects shall include a landscape planting and maintenance plan that shall to the extent possible, inventory, assess, and retain existing healthy, viable trees as part of redevelopment and plant additional climate adaptable and species appropriate trees. Adequate landscaping shall include street trees **or street adjacent trees where appropriate, provision of treed** landscape islands **and buffers in parking lots** adjacent **to abutting properties** and along street frontages**, in-keeping with Article VI and specifically with §6.02(k).**

(7) **Open Space: Publicly usable** open space shall be designed to maximize its visibility for persons passing the site, encourage social interaction**, maximize its utility**, and facilitate its maintenance.

(8) Waste Management and Service: All new projects shall include recycling, composting, and trash facilities as necessary, and the locations must be accessible and consolidated where feasible. Service areas adjacent to lower density residential should strive to provide access that minimizes impacts.

(d) Guidelines: the following provide general guidelines to consider, and projects should seek to satisfy the following:

(1) Resiliency Score: Projects should consider using current or future adopted department policies and guidelines including the DCDP Resilient Score to assess proposed sustainability measures.

(2) Diminish the heat island effect.

(3) Employ energy conscious design with regard to orientation, building materials, shading, landscaping, window glazing, and other elements.

(4) Achieve Leadership in Energy and Environmental Design (LEED) Platinum certifiability and be certified.

(5) Incorporate Green roofs (vegetated roof covers) and/or solar systems.

(6) Use permeable paving systems and prioritize bioretention systems (such as rain gardens) in addition to traditional structural conveyance systems.

*§ **8.01~~5~~ Solar energy systems.***

(b) Requirements: Development requiring site plan review approval under section 9.03 in the NB, LB, ~~CB,~~ **WSQ, NMU,** I- 1, I-2, I-3, RMUD, and PSCD Districts greater than or equal to 10,000 gross square feet or containing 10 or more residential units shall include a solar energy system that is equivalent to a minimum of 50% of the roof area of all buildings. In cases where a site includes an uncovered parking structure the structure shall also have a solar energy system installed to cover a minimum of 90% of its top level.

Re-number remaining sections of Article VIII (below are new numbers and section titles only)

§ 8.02~~0~~ Regulation of soil removal or ledge.

§ 8.03~~1~~ Overhanging shrubs or evergreens.

§ 8.04~~2~~ Sale of products on public rights of way.

§ 8.05~~3~~ Yard sales.

§ 8.06~~4~~ Medical marijuana treatment centers and adult use marijuana establishments.

Article IX Enforcement and Application Procedure

§ 9.01 Building permits and Occupancy Permits.

(a) The Inspector of Buildings shall not issue a building permit for the erection or alteration of any building or part thereof unless the plans, specifications and intended uses of such building, lot and open spaces on the lot are in all respects in conformity with this Zoning Ordinance and have been approved by the Zoning Enforcement Officer. Where special permits or variances are required under this Zoning Ordinance, the Inspector of Buildings shall not issue a building permit until so directed in writing by the Board of Appeals.

(b) Applications for building permits shall be accompanied by a plan of the lot in duplicate, and certified by a registered land surveyor showing the actual dimensions of the lot and the exact location and size of the buildings already upon the lot, of any structures within eight feet of the line on the adjoining lot, and of the building or structure to be erected, altered or moved, together with the streets, and alleys and easements on and adjacent to the lot and such other information as the location and dimensions of required parking as may be required for the enforcement of this Zoning Ordinance. The lot corners and bounds shall be indicated by such stakes and bounds as shall be required by the Inspector of Buildings.

~~*§ 9.02 Occupancy permit.*~~

~~(a)~~**(c)** No premises, building or structure, altered or in any way changed as to construction, use, or number of dwelling units under a building permit or otherwise, shall be occupied or used without an occupancy permit signed by the Inspector of Buildings, which permit shall not be issued until the buildings, structure, or premises and its uses comply in all respects with this Zoning Ordinance and have been approved by the Zoning Enforcement Officer.

~~(b)~~**(d)** A temporary occupancy permit may be issued in appropriate cases.

§ 9.02 Noticing and Preliminary Review Requirements.

(a) **Community Meeting(s).** For projects with four or greater residential units, or for non-residential projects with 10,000 square feet of new development or greater, the Petitioner will conduct a ~~public information~~ **Developer's Community** ~~m~~Meeting no less than 10 days prior to submission for Planning Board or Zoning Board of Appeals approval. The meeting will provide an opportunity for the public to understand and comment on the specifics of the project, the details of such project shall be made available to the public, through submission to **DCDP** ~~the Department of Community Development & Planning~~, no less than 14 days prior to the ~~public information~~ meeting. The Petitioner shall coordinate planning this meeting with **DCDP** ~~the Department of Community Development & Planning~~ and the City Councilor who represents the district where the project would be built. The meeting shall be announced by the Petitioner no less than two weeks prior to the meeting. The required advertising by the Petitioner shall include a notice distributed to abutters and abutters to abutters **pursuant to DCDP's Enhanced Noticing Requirements** ~~within 300' of the site~~. Upon confirmation of the meeting time and place with DCDP ~~the Department of Community Development and Planning~~, said Department will also announce the meeting by posting an announcement on the City website, with the City Council and using the City ~~Email~~ **web-based** notification system. Within one week of the meeting, the Petitioner shall submit a summary of what was discussed at the meeting to **DCDP** ~~the Department of Community Development & Planning~~.

At the discretion of **DCDP** ~~the Director of Community Development & Planning~~, a second ~~public information~~ meeting may be required in instances of large projects with a community impact, or a project with circumstances that would necessitate a second meeting.

(b) Design **Standards and** Guidelines. **The following requirements must be satisfied for design review as indicated, for any development with four or more multi-family residential units and/or 4,000 square feet and more of non-residential development that requires Site Plan Review and/or Special Permit under this ordinance:**

1. For projects with between four and nine residential units, and for any non-residential or Mixed-Use project between 4,000 square feet and up and up to 10,000 square feet, Watertown's ~~adopted~~ **applicable** Design Guidelines will be considered as part of the Site Plan Review **and/or** ~~/~~Special Permit review.

2. For projects with 10 or greater residential units, or for non-residential projects with 10,000 square feet of new development or greater, or any Mixed-Use project, the Petitioner's/Developer's proposed project shall be subject to a formal consultant design review ~~according to Watertown's adopted Design Guidelines~~.

3. **Process and Timing:** Prior to submittal for Board review, any project as defined in (~~d~~**b**)(2) shall undergo a formal design review ~~subject to Watertown's most current adopted Design Guidelines~~. The review will be conducted with representatives of the Petitioner/Developer, the DCDP staff, and Watertown's Design Consultant to determine and discuss the proposed project's conformance ~~to~~ **with** the ~~most current adopted~~ **applicable** Design **Standards and** Guidelines.

   Within 14 calendar days of the design review, Watertown's Design Consultant will submit to the ~~Director of~~ DCDP ~~or his/her designee~~ a written report analyzing the proposed project's conformance with ~~Watertown's most current adopted~~ **applicable** Design **Standards and** Guidelines.

   The Petitioner/Developer may, in consultation with ~~the Director of~~ DCDP, have his/her proposed project undergo ~~a second~~ **additional** design review with the City of Watertown's Design Consultant after completion of the required **Community Meeting** ~~public information session~~ noted above.

4. **Peer Review Funds:** Petitioners/developers for projects subject to review under Watertown's most current adopted Design Guidelines shall, in accordance with Chapter 44 of the Massachusetts General Laws, Section 53(G) and in accordance with § 5.2 of the Zoning Board of Appeals Rules of Practice, be required to make payment to Watertown's Design Review Fund to compensate the Design Consultant. The base payment into the Design Review Fund shall be a not to exceed amount of $10,000 as determined by the Director of ~~DCDP~~ **Planning and Zoning**. Funds collected in the Design Review Fund shall be used to pay for the services of Watertown's Design Consultant for the Petitioner's/developer's proposed project. Any funds not expended for this purpose at the conclusion of Watertown's review of the proposed project shall be returned to the Petitioner/Developer.

§ 9.03 Site plan review of certain residential and non-residential developments.

No Special Permit, Variance or Building Permit for construction, exterior alteration, relocation, or change in use, except where noted, shall be granted for any ~~use~~ **proposed development project** requiring Site Plan Review ~~under § 5.01~~ until the provisions of this section have been fulfilled and an application is approved by the **PGA** ~~Special Permit Granting Authority.~~ ~~Uses for which Site Plan Review is required are designated by an SR ("Site Plan Review") or SP/SR ("Special Permit with Site Plan Review" in § 5.01, Table of Use Regulations.~~ Site Plan Review shall be used to ~~judge the appropriateness and~~ assess the impacts of ~~the site development characteristics of~~ a proposed development **and determine whether this section's Site Plan Review criteria have been met, or can be met through reasonable conditions imposed by the PGA**. All proposed developments subject to § 9.03 shall conform with all appropriate provisions of this Zoning Ordinance.

(a) A Petitioner using the Site Plan Review checklist available in the Department of Community Development & Planning (DCDP), shall complete packets, to be included as part of the preliminary and formal application, which include all necessary plans and a statement responding to the Site Plan Review ~~standards~~ **criteria** set forth in subsection (c) below. Complete packets for the preliminary meeting ~~will be hand delivered~~ **must be submitted** prior to the submission deadline, with ~~three~~ **all** copies of the preliminary site plan packet for the proposed development submitted to ~~the~~ DCDP **or distributed as determined by DCDP to a list of designated representatives of city departments and committees**. ~~; and, one copy each submitted to Conservation and Preservation Agent, Inspector of Buildings, Zoning Enforcement Officer, Superintendent of Public Works, Chief Fire Inspector, Chief of Police, Health Department, Commission on Disabilities, Bicycle and Pedestrian Committee, Watertown Housing Partnership, Assessor's Department, and, when appropriate, other entities as identified by the Director of DCDP.~~

Unless waived by DCDP ~~the Director of Community Development & Planning~~ because of development scale, said site plan**s** shall be at a scale of 1"=10' or 1"=20'. Vertical scale shall be at 1/8"=1' or 1/4"=1'. Said site plan shall show, among other things, all existing and proposed building structures, existing and proposed grades, automobile and bicycle parking spaces, driveway openings, service areas, open space and other uses, site engineering and all facilities for water, drainage, sewage, refuse, and landscape features (such as fences, walls, planting areas, type, size and location of planting materials, methods to be employed for screening, and walks), fire suppression and access detail, ~~preliminary~~ **initial transportation assessment including** traffic counts and assessment, schematic elevations at the above scales, the location of any wetlands within 150 feet, **and all** other information as required in § 9.01(b) **or as determined by DCDP**.

~~Development in the NB, LB, CB, WSQ, NMU, I-1, I-2, I-3, RMUD, and PSCD Districts greater than or equal to 10,000 gross square feet or containing 10 or more residential units shall complete a Solar Energy System Assessment, as required under Section 8.05. The Petitioner shall indicate, in writing, what actions/outcomes will be taken with a copy of the assessment, to DCDP.~~

(b) The Planning Board shall hold a hearing on the proposal to ~~examine the standards~~ **apply the criteria** set forth in subsection (c) below as part of the formal application process. Prior to said hearing, a Preliminary Developer's Conference shall be held with representatives of the developer and City Departments and Committees ~~listed in subsection (a) above,~~ **relevant to the application** to determine and discuss questions, impacts, potential problems, etc., with

said site plan, and to provide guidance to the developers in completing the formal application and site plan submission. ~~Each department~~ **Participating city representatives may provide verbal and/or written comments** ~~shall submit an analysis of~~ **on** the ~~formal~~ application and site plan to ~~the Director of~~ DCDP within 30 days.

~~For projects with four or greater residential units, or for non-residential projects with 10,000 square feet of new development or greater, the Petitioner will conduct a public information meeting no less than 10 days prior to submission for Planning Board or Zoning Board of Appeals approval. The meeting will provide an opportunity for the public to understand and comment on the specifics of the project, the details of such project shall be made available to the public, through submission to the Department of Community Development & Planning, no less than 14 days prior to the public information meeting. The Petitioner shall coordinate planning this meeting with the Department of Community Development & Planning and the City Councilor who represents the district where the project would be built. The meeting shall be announced by the Petitioner no less than two weeks prior to the meeting. The required advertising by the Petitioner shall include a notice distributed to abutters and abutters to abutters within 300' of the site. Upon confirmation of the meeting time and place with DCDP the Department of Community Development and Planning, said Department will also announce the meeting by posting an announcement on the City website, with the City Council and using the City Email notification system. Within one week of the meeting, the Petitioner shall submit a summary of what was discussed at the meeting to the Department of Community Development & Planning. At the discretion of the Director of Community Development & Planning, a second public information meeting may be required in instances of large projects with a community impact, or a project with circumstances that would necessitate a second meeting.~~

No application shall be complete, shall be accepted by ~~the Director of~~ DCDP, nor be submitted to the Planning Board for consideration unless and until all information specified in § 9.03(a) is submitted in a form deemed to be sufficient and complete by ~~the Director of~~ DCDP, and until ~~reports~~ **comments** on the application are received from all relevant City Departments and Committees ~~as defined in subsection (a) above~~; provided, however, that if a department fails to provide such analysis within said 15 day period, the DCDP's review shall proceed without the ~~report~~ **comments** of such department, and ~~the Director of~~ DCDP may determine such application to be complete. ~~notwithstanding the failure of such department to submit its report comments.~~ Said ~~reports~~ **comments** shall be incorporated into the submission to the Planning Board.

(c) The Planning Board shall review the formal application and site plan and then prepare a written report on the proposal considering, among other things, the ~~ten~~ criteria listed below. When a proposal requires a Variance or Special Permit with Site Plan Review ~~in accordance with § 5.01~~ and the Board of Appeals is the ~~S~~PGA, this report of the Planning Board shall be submitted to the Board of Appeals in accordance with the provisions set forth below. The Board of Appeals shall not grant the Special Permit or Variance until this report has been submitted. When a proposal requires a Special Permit with Site Plan Review and the Planning Board is the ~~S~~PGA or when a proposal only requires Site Plan Review **to obtain a Site Plan Review Permit** ~~in accordance with § 5.01~~, the Planning Board shall make a final determination as to whether that proposal ~~sufficiently~~ meets the criteria listed below, or can be met through reasonable conditions imposed by the Board. ~~and whether the proposal shall be approved.~~ Revisions to any site plan must be approved in the same manner as the original plan.

~~1. Landscape: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Adequate landscaping shall also be provided, including screening of~~

~~adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage.~~

~~2. Relation of Buildings to Environment: Proposed development shall be integrated into the terrain and the use, scale and architecture of existing buildings in the vicinity and shall be in accordance with the Comprehensive Plan or other plans adopted by the City guiding future development. The Planning Board may require a modification in massing so as to reduce the effect of shadows on abutting property in all districts or on public open space.~~

~~3. Open Space: All open space required by this Zoning Ordinance shall be so designed as to maximize its visibility for persons passing the site, encourage social interaction, maximize its utility, and facilitate its maintenance.~~

~~4. Circulation: Special attention shall be given to traffic circulation, parking areas and access points to public streets and community facilities in order to maximize convenience and safety of vehicular, bicycle and pedestrian movement within the site and in relation to adjacent streets. Special consideration shall be given to infrastructure and design that will enhance public transit, such as bus shelters, on-site transportation demand management measures, and participation in a Transit Management Association.~~

~~5. Surface Water Drainage: Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Proposed developments shall seek to retain storm water runoff on site to the maximum extent possible, incorporating best practices in storm water management and Low Impact Design techniques. In cases where storm water cannot be retained on site, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground drainage system.~~

~~6. Utility Service: Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.~~

~~7. Environmental Sustainability: Proposed developments shall seek to diminish the heat island effect; employ passive solar techniques and design to maximize southern exposures, building materials, and shading; utilize energy-efficient technology and renewable energy resources; and minimize water use. All new developments requiring Site Plan Review in the NB, LB, CB, I-1, I-2, I-3, RMUD, and PSCD Districts must meet LEED Silver Certifiable requirements as outlined by the United States Green Building Council's Leadership in Energy and Environmental Design (current edition as applicable) as a minimum. Design documentation shall be provided by the Petitioner to the City to verify that the project could achieve the minimum number of LEED points to achieve certification. Such documentation may include but not be limited to a project narrative describing how the project design intends to achieve selected LEED credits, and a LEED checklist with criteria (or points) which shows the project will achieve a minimum of 50 points.~~

~~8. Screening: Screening, such as screen plantings, shall be provided for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures in order to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.~~

~~9. Safety: With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment.~~

~~10. Design: Proposed developments shall seek to protect abutting properties from detrimental site characteristics resulting from the proposed use, including but not limited to air and water pollution, noise, odor, heat, flood, dust vibration, lights or visually offensive structures or site features.~~

(1) The application is complete and any additional information related to the application and requested by the Board has been provided.

(2) The proposed project demonstrates compliance with the City's standards and/or requirements in the following areas:

a. Design Standards for the applicable zoning district;

b. Sustainability, Climate, and Resiliency Standards;
c. Signs and Illumination Standards;
d. Stormwater Management and Erosion Control (including stormwater regulations)
e. Automobile, Bicycle, and Loading Standards.

(3) The proposed project maximizes the convenient access and safety of vehicular, bicycle and pedestrian circulation and movement within the site and in relation to adjacent streets.

(4) The proposed project (including open and enclosed spaces) is designed to facilitate building evacuation and ensure accessibility by fire, police, and other emergency personnel and equipment.

(5) The proposed project minimizes its impact on abutting properties, including but not limited to air and water pollution, noise, odor, heat, flood, dust vibration, lights or visually offensive structures or site features. Applicant must:

a. Provide an initial sound assessment; a sound report identifying the measures necessary to comply with state and local sound requirements; and a post-installation report demonstrating such compliance.
b. Provide screening, such as screen plantings, for exposed storage areas, exposed rooftop, building, and ground mounted machinery and equipment installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures.

~~(d) Design Guidelines.~~

~~1. For projects with between four and nine residential units, and for any non-residential or Mixed-Use project between 4,000 square feet and up and up to 10,000 square feet, Watertown's adopted Design Guidelines will be considered as part of the Site Plan Review /Special Permit review.~~

~~2. For projects with 10 or greater residential units, or for non-residential projects with 10,000 square feet of new development or greater, or any Mixed-Use project, the Petitioner's/Developer's proposed project shall be subject to a formal consultant design review according to Watertown's adopted Design Guidelines.~~

~~Prior to submittal for Board review, any project as defined in (d)(2) shall undergo a formal design review subject to Watertown's most current adopted Design Guidelines. The review will be conducted with representatives of the Petitioner/Developer, the DCDP staff, and Watertown's Design Consultant to determine and discuss the proposed project's conformance to the most current adopted Design Guidelines.~~

~~Within 14 calendar days of the design review, Watertown's Design Consultant will submit to the Director of DCDP or his/her designee a written report analyzing the proposed project's conformance with Watertown's most current adopted Design Guidelines.~~

~~The Petitioner/Developer may, in consultation with the Director of DCDP, have his/her proposed project undergo a second design review with the City of Watertown's Design Consultant after completion of the required public information session noted above.~~

~~Petitioners/developers for projects subject to review under Watertown's most current adopted Design Guidelines shall, in accordance with Chapter 44 of the Massachusetts General Laws, Section 53(G) and in accordance with § 5.2 of the Zoning Board of Appeals Rules of Practice, be required to make payment to Watertown's Design Review Fund to compensate the Design Consultant. The base payment into the Design Review Fund shall be a not to exceed amount of $10,000 as determined by the Director of DCDP. Funds collected in the Design Review Fund shall be used to pay for the services of Watertown's Design Consultant for the Petitioner's/developer's proposed project. Any funds not expended for this purpose at the conclusion~~

~~of Watertown's review of the proposed project shall be returned to the Petitioner/Developer.~~

§ 9.04 Application and hearing procedures for special permits, site plan review permits and variances.

(a) Each application for a special permit**, site plan review permit,** or variance shall be on forms supplied by the ~~Board of Appeals~~ **City for transmittal** ~~and shall be filed in triplicate with the City Clerk who shall transmit one copy~~ to the Zoning Enforcement Officer, the Planning Board, and the Board of Appeals respectively within three days of receipt of them (Saturdays, Sundays and legal holidays excluded). Each application for a variance shall also include the written statement required by § 9.14(b) demonstrating that the conditions of a grant of a variance under Chapter 40A, Section 10 of the General Laws of Massachusetts are met. Where any application for a special permit or variance requires site plan review under § 9.03, the restrictions on filing and hearing provided in subsection (b) below shall govern the time when the application may be accepted for filing by the City Clerk or scheduled for public hearing by the Board of Appeals.

(b) Where an application for a special permit or variance requires site plan review under § 9.03, the application may be filed any time after a complete set of site plan materials under § 9.03(a) has been submitted to the Planning Board.

(c) Prior to the public hearing of the ~~Zoning Board of Appeals~~ **PGA** as provided in § 9.04(d), the Planning Board**, unless it is the PGA,** shall hold a public hearing and transmit to the Board of Appeals a report based, among other things, on the conditions set forth in § 9.05 in the case of an application for a special permit, or in § 9.14(b) in the case of an application for a variance, and, in the case of an application requiring site plan review, based also on the conditions set forth in § 9.03(c), accompanied by such materials, maps or plans as will aid the Board of Appeals in judging the application and in determining special conditions and safeguards. The Board of Appeals shall not render any decision on an application for a special permit or variance before one of the following has taken place:

(1) The Planning Board submits written notification that it does not intend to submit a report; or

(2) The report of the Planning Board has been received by the date of the public hearing.

(d) The ~~Board of Appeals~~ **PGA** shall, at the expense of the applicant, give public notice of the application in the manner provided in Chapter 40A, Section 9 and Section 11 of the General Laws, which requires, among other things, publication of a notice of a hearing not less than 14 days prior to the date of the hearing in a newspaper of general circulation in Watertown, and by posting such notices in a conspicuous place in the City for a period of not less than fourteen days before the day of such hearing, and by mail to all interested parties, according to Chapter 40A, Section 9. Public hearings shall be held within 65 days after the filing of an application.

(e) In the case of an application for a special permit **or site plan review permit**, the decision of the ~~Board of Appeals~~ **PGA** must be made within the deadline described in § 9.05(c). In the case of an application for a variance, the Board of Appeals decision must be made within the deadline described in § 9.15(e). Failure to take final action within the appropriate time limit shall be deemed to be a grant of the application. The ~~Board of Appeals~~ **PGA** shall cause to be made a detailed record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the

reason or reasons for its decisions, and of its other official actions, copies of all which shall be filed within 14 days in the office of the City Clerk and in the office of the Planning Board and shall be mailed forthwith to parties of interest, as designated in Section 11 of Chapter 40A, and to each person present at the hearing who requests that notice be sent to him and states the address to which notice is to be sent.

(f) The period within which final action shall be taken may be extended in writing for a definite period by mutual consent of the ~~Board of Appeals~~ **PGA** and the applicant, provided that such written agreement is recorded with the City Clerk. In the event the ~~Board of Appeals~~ **PGA** determines that the evidence presented to it at the public hearing is inadequate to permit the Board to make a necessary finding or determination, or to permit the Planning Board the proper amount of time to conduct site plan review or file its report, instead of denying the application the Board may, in its discretion, adjourn the hearing to a later date to permit the applicant to submit additional evidence or the Planning Board additional time to file its report, provided however, that such adjournment shall not extend the applicable deadlines for final action by the Board unless the deadline is extended to a day certain by mutual consent of the Board and the applicant.

§ 9.05 Special permit: conditions for approval.

(a) A special permit shall be required for all uses and for all exceptions to dimensional regulations which are designated in this Zoning Ordinance as requiring a special permit before the Inspector of Buildings may issue a building permit or occupancy permit.

(b) The ~~Board of Appeals~~ **PGA** shall not approve any such application unless it finds that in its judgment all of the following conditions are met:

(1) The specific site is an appropriate location for such a use, structure or condition;

(2) The use as developed will not adversely affect the neighborhood;

(3) There will be no nuisance or serious hazard to vehicles or pedestrians;

(4) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

(c) The decision of the ~~Board of Appeals~~ **PGA** must be made within 90 days following the public hearing. Failure to take final action within said 90 days shall be deemed to be a grant of the special permit unless the deadline is extended in accordance with § 9.04(f).

§ 9.12 Special permit approval of reduced or increased parking supply ~~*certain site plans*~~.

~~In the case of two or more buildings on one site designed and intended to remain under the same ownership and management, the Board of Appeals may, after examination of the standards listed in § 9.03(c), grant a special permit as provided in § 9.04 approving the site plan so long as it is demonstrated that the design will result in standards of light, air, safety or circulation and amenity, both on the site and in the neighborhood, which are no lower than would result from the application of required dimensional and parking standards to each building separately.~~

The PGA may reduce the required parking if it determines that the public good would be served and that the area in which the development is located would not suffer a substantial adverse

effect from such diminution in parking. In making this determination as to the appropriate amount of parking to be required, one or more of the following criteria shall be considered:

(1) Reduced parking demand: where measures and/or facilities are provided to support bicycling, bikeshare, walking, carshare, and the use of public transit. The Petitioner shall have a Transportation Demand Management Plan (TDM) approved by the City.

(2) Shared on- or offsite parking: where it is demonstrated that a site has access to available off-site shared parking, or, combined peak needs of all the uses sharing the parking facility will, because of differences in peak hours or days, be less than required. The Petitioner shall have a TDM Plan with Parking Management approved by the City.

(3) Increased number of housing units: where it is demonstrated that the reduced parking will result in additional housing units.

(4) Minimize offsite parking: where the reduced parking requirements can be managed to minimize additional off-site parking by building occupants and visitors in the neighborhood. The Petitioner shall include monitoring within a TDM Plan approved by the City.

The PGA may allow a development to supply more parking than the maximum if it determines that the public good would be served by allowing the additional parking. In making this determination, the following criteria shall be considered:

(1) Shared parking: The extent to which the additional parking will be shared by other uses so that the overall parking needs within the area can be met with fewer spaces and in fewer facilities.

(2) Public parking: The extent to which the additional parking will be available to members of the public, thereby supporting other uses that do not provide off-street parking to their customers and/or occupants/visitors.

(3) Potential to convert to another use: The extent to which the additional parking aids in the facility's design to make it easily convertible to a different use.

§ 9.13 Lapse of special permit.

A special permit granted under § 9.04 shall lapse ~~one year~~ **three years** from the grant thereof if substantial use thereof has not sooner commenced except for good cause, or, in the case of a permit for construction, if the construction has not begun by such date except for good cause.

APPENDIX—full versions of §5.01 A) and B) and §5.02 A) and B)

§ 5.01 Table of Use Regulations

A) Residence Districts Use Table:

As a Principal Use		S-6	S-10	CR	SC	T	R.75	R1.2
1. Residence								
a.	Dwelling, Single Family	Y	Y	Y	Y	Y	Y	Y
b.	Dwelling, existing one-family converted for two-families	N	N	Y	SP	Y (6)	Y	Y
c.	Dwelling, two family	N	N	Y	SP	Y (6)	Y	Y
d.	Existing dwelling converted for three families	N	N	Y	N	N	SP	SP
~~e.~~	~~New construction of three family dwelling structures.~~	~~N~~	~~N~~	~~Y~~	~~N~~	~~N~~	~~SP~~	~~SP~~
e.~~f.~~	Multi-family ~~4~~ 3+	N	N	SP/SR	N	N	SP/SR	SP/SR
f.~~g.~~	Row houses and townhouses							
	1. Three units	N	N	SP	N	N	SP	SP
	2. Four to eight units	N	N	SP/SR	N	N	SP/SR	SP/SR
g.~~h.~~	Licensed lodging house	N	N	N	N	N	N	N
h.~~i.~~	Hotel and Motel Use	N	N	N	N	N	N	N
g.~~j.~~	Trailer park or mobile home park	N	N	N	N	N	N	N
i.~~k.~~	Mixed-use Development							
	1. Up to three residential units	N	N	N	N	N	N	N
	2. Greater than three residential units	N	N	N	N	N	N	N
2. Institutional, Transportation, Utility, and Agricultural Uses								
a.	Any religious, educational, or licensed day care use as defined by CH.40A, § 3.							
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	Y	Y	Y	Y	Y	Y	Y
	2. New construction or conversion greater than 4,000 s.f. of building area	SR	SR	SR	SR	SR	SR	SR
b.	Country club, tennis club, swimming club, nonprofit club.	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR
c.	Commercial agricultural, nursery garden, greenhouse, garden supply.							
	1. On up to 5 acres	N	N	N	N	N	N	N
	2. On more than 5 acres	Y	Y	Y	Y	Y	Y	Y
d.	Existing dwellings converted for nonprofit club, school, clinic (11)							
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of	N	N	N	SP	SP	SP	SP

As a Principal Use		S-6	S-10	CR	SC	T	R.75	R1.2
	building area							
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR
e.	Cemeteries	N	N	N	N	N	N	N
f.	Recreational facility owned or operated by a City agency or other governmental agencies or public open space.	Y	Y	Y	Y	Y	Y	Y
g.	Nursing home, rest home, or convalescent home provided the lot fronts on a street at least 65 feet wide.	N	N	N	SP/SR	SP/SR	SP/SR	SP/SR
h.	Assisted Living	N	N	N	N	N	SP/SR	SP/SR
i .	**Undertaker, funeral parlor.**	**N**	**N**	**N**	**N**	**N**	**SP/SR**	**SP/SR**

1857

1858 **B) Business Districts, Industrial Districts, and Special Districts (PSCD, RMUD, and OSC)**
1859 **Use Table:**

As a Principal Use		NB	LB	I-1	I-2	I-3	PSCD	RMUD	OSC
1. Residence									
a.	Dwelling, Single Family	N	N	N	N	N	N	N	N
b.	Dwelling, existing one-family converted for two-families	N	N	N	N	N	N	N	N
c.	Dwelling, two family	N	N	N	N	N	N	N	N
d.	Existing dwelling converted for three families	SP	SP	N	N	N	N	N	N
~~e.~~	~~New construction of three family dwelling structures.~~	~~SP~~	~~SP~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~
f.	Multi-family ~~4~~ 3+	SP/SR	SP/SR	N	N	SP/SR	SP/SR	N	N
g.	Row houses and townhouses								
	1. Three units	SP	SP	N	N	SP	Y	N	N
	2. Four to eight units	SP/SR	SP/SR	N	N	SP/SR	SP/SR	N	N
h.	Licensed lodging house	N	N	N	N	N	N	N	N
i.	Hotel and Motel Use	SP/SR	SP/SR	SP/SR (12)	SP/SR	SP/SR	SP/SR	SP/SR	N
j.	Trailer park or mobile home park	N	N	N	N	N	N	N	N
k.	Mixed-use Development								
	1. Up to three residential units	SR (7)	SR (7)	N	N	SP/SR (8) (13)	Y (8)	N	N
	2. Greater than three residential units	SP/SR (7)	SP/SR (7)	N	N	SP/SR (8) (13)	SP/SR (8)	SP/SR (7) (8)	N
2. Institutional, Transportation, Utility, and Agricultural Uses									
a.	Any religious, educational, or licensed day care use as defined by CH.40A, § 3.								
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	Y	Y	Y	Y	Y	Y	Y	Y

As a Principal Use		NB	LB	I-1	I-2	I-3	PSCD	RMUD	OSC
	2. New construction or conversion greater than 4,000 s.f. of building area	SR	SR	SR	SR	SR	SR	SR	SR
b.	Country club, tennis club, swimming club, nonprofit club.	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR
c.	Commercial agricultural, nursery garden, greenhouse, garden supply.								
	1. On up to 5 acres	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
	2. On more than 5 acres	Y	Y	Y	Y	Y	Y	Y	Y
d.	Existing dwellings converted for nonprofit club, school, clinic (11)								
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	SP	SP	N	N	N	SP	N	N
	2. New construction or conversion greater than 4,000 s.f. of building area	SP/SR	SP/SR	N	N	N	SP/SR	N	N
e.	Cemeteries	N	N	SP/SR	SP/SR	SP/SR	SP/SR	N	SP/SR
f.	Recreational facility owned or operated by a City agency or other governmental agencies or public open space.	Y	Y	Y	Y	Y	Y	Y	Y
g.	Nursing home, rest home, or convalescent home provided the lot fronts on a street at least 65 feet wide.	SP/SR	SP/SR	N	N	N	N	N	N
h.	Assisted Living	SP/SR (7)	SP/SR (7)	N	N	SP/SR (7)	N	SP/SR (7)	N
3. Business, Office, and Consumer Service Uses									
	Business offices, bank, medical and dental buildings, schools operated for gain.								
a.	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	Y	Y	Y	Y	Y	Y	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
b.	Commercial, recreation, including bowling alley or skating rink completely enclosed.								
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	Y	Y	Y	Y	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
c.	Commercial parking, parking lot	Y (10)	Y (10)	Y (10)	Y (10)	Y (10)	Y (10)	Y (10)	N

As a Principal Use		NB	LB	I-1	I-2	I-3	PSCD	RMUD	OSC
	for gain.								
d.	New and used vehicles for sale or lease and display and storage of operable vehicles only.	N	N	SP/SR	SP/SR	SP/SR	N	N (15)	N
e.	Printer, publisher								
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	Y	Y	Y	Y	Y	Y	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
f.	Retail stores including liquor stores.								
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	Y	Y	Y	Y (1)	Y (1)	Y	Y (1)	N
	2. New construction or conversion greater than 4,000 s.f. of building area	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
g.	Personal services, such as barber shop, beauty parlor, etc.								
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	Y	Y	Y	Y (1)	Y (1)	Y	Y (1)	N
	2. New construction or conversion greater than 4,000 s.f. of building area	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
h.	Repair and alteration of clothes and domestic furnishings.								
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	Y	Y	Y	Y	Y	Y	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
i.	Eating place with or without liquor.								
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	Y	Y	Y	Y	Y	Y	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
j.	Bar or other establishment where the primary purpose is the sale and consumption of alcoholic beverages.	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
k.	Laundry and cleaning, automatic, but not steam laundry.	SP	SP	SP	SP	SP	SP	SP	N
l.	Gasoline Service Station	SP/SR	SP/SR	N	N	N	N	N	N

As a Principal Use		NB	LB	I-1	I-2	I-3	PSCD	RMUD	OSC
m.	Undertaker, funeral parlor.	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N	N	N
n.	Adult Stores	N	N	SP (5)	SP (5)	N	N	SP (5)	N
o.	Adult Theaters	N	N	SP (5)	SP (5)	N	N	SP (5)	N
p.	Firearms Business	N	SP (18)	SP (18)	SP(18)	SP (18)	SP (18)	SP (18)	N
4. Open-Air Drive-in Retail and Service									
	Drive-in Bank								
a.	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	Y	Y	Y	Y	Y	N	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N	SP/SR	N
b.	Outdoor amusement park, outdoor sports facility conducted for profit.	N	N	N	N	N	N	N	N
c.	Open-air drive-in theater or other open-air place of entertainment.	N	N	N	N	N	N	N	N
d.	Car washing establishment using mechanical equipment for cleaning automobiles and other equipment.	N	N	SP/SR	N	N	N	N	N
e.	Drive-in restaurant. Drive-in refreshment stand, drive-through eating establishment.	N	N	N	N	N	N	N	N
f.	Fast food establishment	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
g.	Outdoor Storage of Merchandise.	N	N	N	N	N	N	N	N
5. Light Industry, Wholesale, Laboratory									
	Light Industry								
a.	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	Y	Y	Y	SP	SP	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
	Non-nuisance manufacturing								
b.	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	Y	Y	Y	SP	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
c.	Office, including but not limited to administrative, executive, professional, and similar offices.								
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	Y	Y	Y	Y	Y	N

As a Principal Use		NB	LB	I-1	I-2	I-3	PSCD	RMUD	OSC
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
d.	Public or bonded warehouse, parcel or goods distribution.	N	N	N	N	N	N	N	N
e.	Laboratories engaged in research, experimental and testing activities, including but not limited to the fields of biology, chemistry, electronics, engineering, geology, medicine, and physics.								
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	Y	Y	Y	Y	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
f.	Motor Vehicle Repair	N	N	SP	SP	SP	N	N	N
g.	Motor Vehicle Body Work	N	N	SP (4)	SP (4)	SP (4)	N	N	N
h.	Wholesale business, warehouse.	N	N	SP/SR	SP/SR	SP/SR	SP/SR	SP/SR	N
i.	Self-Service Storage Facility.	N	N	SP (9)	SP (9)	N	N	N	N
j.	Renewable or alternative energy research, development or manufacturing facility								
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	Y	Y	Y	Y	Y	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	SR	SR	SR	SR	SR	N
k.	Medical Marijuana Treatment Center (16)	N	SP	SP	SP	SP	SP	SP	N
l.	Adult Use Marijuana Establishment (16)	N	SP	SP	SP	SP	SP	SP	N
m.	Marijuana Testing Laboratories	N	N	SP	SP	SP	SP	SP	N
6. Heavy Industry									
a.	Open-lot storage of junk, scrap, paper, rags, containers or other salvage waste articles.	N	N	N	N	N	N	N	N
b.	Truck or bus terminals, yard or building for storage or servicing of trucks, trailers or buses, parking lot for trucks.	N	N	N	N	N	N	N	N
c.	Place for exhibition, lettering or sale of gravestones or monuments.								
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	Y	N	N	N	N	N

As a Principal Use		NB	LB	I-1	I-2	I-3	PSCD	RMUD	OSC
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	SP/SR	N	N	N	N	N
d.	Heavy Industry								
	1. All non-conversions; and, new construction and conversions up to 4,000 s.f. of building area	N	N	Y	N	N	N	N	N
	2. New construction or conversion greater than 4,000 s.f. of building area	N	N	SP/SR	N	N	N	N	N
e.	Storage of flammable gas, liquids, or explosives (non-accessory)	N	N	N	N	N	N	N	N
f.	Any trade, Industry, or other use that is noxious, offensive or hazardous by reason of vibration or noise or the emission of odors, dust, gas, fumes, smoke, cinders, flashing or excessively bright light, refuse matter or any other cause.	N	N	N	N	N	N	N	N

§ 5.02 *Table of Accessory Use Regulations*

A) Residence Districts Accessory Use Table:

	Accessory Use Only	S-6	S-10	CR	SC	T	R.75	R1.2
a.	Within a dwelling unit that is owner occupied, renting of not more than two rooms as a lodging without separate cooking facilities and for not more than two lodgers	SP	SP	SP	SP	SP	SP	SP
b.	Private greenhouse, tool shed, Swimming pool and kennel not used as a part of a business, and not offensive to the neighborhood by reason of noise, odor or other cause.	Y	Y	Y	Y	Y	Y	Y
c.	Accessory parking and garage as permitted in Article IV	Y	Y	Y	Y	Y	Y	Y
d.	Home Occupation	SP	SP	SP	SP	SP	SP	SP
e.	Home Office	Y	Y	Y	Y	Y	Y	Y
f.	Parking for Occupant's business truck, exceeding 3/4 ton capacity.	SP	SP	SP	SP	SP	SP	SP
g.	Administrative offices, clubrooms, and common laundry room reserved for occupant's use. Accessory to multi-family dwellings	N	N	N	N	N	Y	Y
h.	Business accessory uses, usual, not to include outside service window or outdoor storage of merchandise.	N	N	N	N	N	N	N
i.	Outside Service Window as a Business accessory use, usual, except for outdoor storage of merchandise.	N	N	N	N	N	N	N
j.	Outdoor display and storage of new merchandise subject to screening provisions.	N	N	N	N	N	N	N
k.	Residence for caretaker or janitor.	N	N	N	N	N	Y	Y
l.	New and used vehicles for sale or lease and display and storage of operable vehicles only	N	N	N	N	N	N	N
m.	Business and professional offices, schools operated for gain, commercial recreation (if completely enclosed), private clubs, personal services (such as barber, etc.), retail stores, eating places (with or without liquor) and banks, insofar as they do not exceed 5% of the gross floor area of the apartment development on the lot.	N	N	N	N	N	N	SP
n.	Licensed Day Care	Y	Y	Y	Y	Y	Y	Y

	Accessory Use Only	S-6	S-10	CR	SC	T	R.75	R1.2
o.	Family Day Care	Y	Y	Y	Y	Y	Y	Y
p.	To allow residents to garage in a permanent enclosed structure on their property Antique Motor Cars as recognized by the Commonwealth of Massachusetts Registry of Motor Vehicles	Y	Y	Y	Y	Y	Y	Y
q.	Activities accessory to a principal use permitted as a right that are necessary in connection with scientific research of scientific development or related production.	N	N	N	N	N	N	N
r.	Games of chance or similar entertainment or amusement, operated either live or through audio or video broadcast or close circuit transmission, except at an establishment that possesses an All Alcoholic or Wine and Malt License	N	N	N	N	N	N	N
s.	Outdoor transfer of retail goods to customers	N	N	N	N	N	N	N
t.	**Accessory Dwelling Units**	**SR**	**SR**	**SR**	**SR**	**SR**	**SR**	**SR**

1864

1865 B) **Business, Industrial, and Special Districts (PSCD, RMUD, and OSC) Accessory Use**
1866 **Table:**

	Accessory Use Only	NB	LB	I-1	I-2	I-3	PSCD	RMUD	OSC
a.	Within a dwelling unit that is owner occupied, renting of not more than two rooms as a lodging without separate cooking facilities and for not more than two lodgers	SP	SP	N	SP	SP	N	N	N
b.	Private greenhouse, tool shed, Swimming pool and kennel not used as a part of a business, and not offensive to the neighborhood by reason of noise, odor or other cause.	Y	Y	Y	Y	Y	SP	SP	N
c.	Accessory parking and garage as permitted in Article IV	Y	Y	Y	Y	Y	Y	Y	N
d.	Home Occupation	SP	SP	SP	SP	SP	SP	SP	N
e.	Home Office	Y	Y	Y	Y	Y	Y	Y	N
f.	Parking for Occupant's business truck, exceeding 3/4 ton capacity.	SP	Y	Y	Y	Y	SP	SP	N

	Accessory Use Only	NB	LB	I-1	I-2	I-3	PSCD	RMUD	OSC
g.	Administrative offices, clubrooms, and common laundry room reserved for occupant's use. Accessory to multi-family dwellings	N	N	N	N	N	N	Y	N
h.	Business accessory uses, usual, not to include outside service window or outdoor storage of merchandise.	Y	Y	Y	Y	N	Y		
i.	Outside Service Window as a Business accessory use, usual, except for outdoor storage of merchandise.	SP	SP	SP	SP	SP	SP	SP	N
j.	Outdoor display and storage of new merchandise subject to screening provisions.	SP	SP	SP	SP	SP	SP	SP	N
k.	Residence for caretaker or janitor.	N	N	Y	Y	Y	Y	Y	N
l.	New and used vehicles for sale or lease and display and storage of operable vehicles only	N	SP	SP	SP	SP	N	N(15)	N
m.	Business and professional offices, schools operated for gain, commercial recreation (if completely enclosed), private clubs, personal services (such as barber, etc.), retail stores, eating places (with or without liquor) and banks, insofar as they do not exceed 5% of the gross floor area of the apartment development on the lot.	N	SP	N	N	SP	SP	SP	N
n.	Licensed Day Care	Y	Y	Y	Y	Y	Y	Y	N
o.	Family Day Care	Y	Y	Y	Y	Y	Y	Y	N
p.	To allow residents to garage in a permanent enclosed structure on their property Antique Motor Cars as recognized by the Commonwealth of Massachusetts Registry of Motor Vehicles	Y	Y	Y	Y	Y	Y	Y	N

	Accessory Use Only	NB	LB	I-1	I-2	I-3	PSCD	RMUD	OSC
q.	Activities accessory to a principal use permitted as a right that are necessary in connection with scientific research of scientific development or related production.	SP	SP	SP	SP	SP	SP	SP	N
r.	Games of chance or similar entertainment or amusement, operated either live or through audio or video broadcast or close circuit transmission, except at an establishment that possesses an All Alcoholic or Wine and Malt License	N	N	N	N	N	N	N	N
s.	Outdoor transfer of retail goods to customers	N	SP (19)	SP (19)	SP (19)	SP (19)	SP (19)	SP (19)	N

1867

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: SEPTEMBER 24, 2024

	YES	NO	PRESENT
JOHN M. AIRASIAN	X		
CAROLINE BAYS	X		
LISA J. FELTNER	X		
JOHN G. GANNON	X		
NICOLE GARDNER	X		
EMILY IZZO	X		
ANTHONY PALOMBA	X		
VINCENT J. PICCIRILLI JR.	X		
MARK S. SIDERIS, COUNCIL PRESIDENT	X		

Motion to refer the status of ARPA Grant Funding and recommendation to the Committee of the Budget and Fiscal Oversight

CITY OF WATERTOWN
Auditor

Administration Building
149 Main Street
Watertown, MA 02472-4410

Megan Langan
City Auditor

Telephone: (617) 972-6460
Facsimile: (617) 972-6563

TO: MARK SIDERIS, CITY COUNCIL PRESIDENT

FROM: MEGAN LANGAN, CITY AUDITOR

DATE: September 9, 2024

RE: ARPA PROJECT STATUS UPDATE

Per your request, please find a detailed summary of the status of the eighteen approved ARPA Projects.

To date, $4,222,255.00 of the total $10,742,413.00 has been expended by the City. The eighteen approved projects, fall into one of three categories; a subrecipient agreement with the City (1), a beneficiary agreement with the City (7) and City run projects (10).

Attached please find 2 spreadsheets. The first contains a breakdown of the beneficiary & subrecipient agreement projects, and the second contains a breakdown of the City run projects. Each spreadsheet details the project name, approved funding, total balance expended to date and project status for your reference.

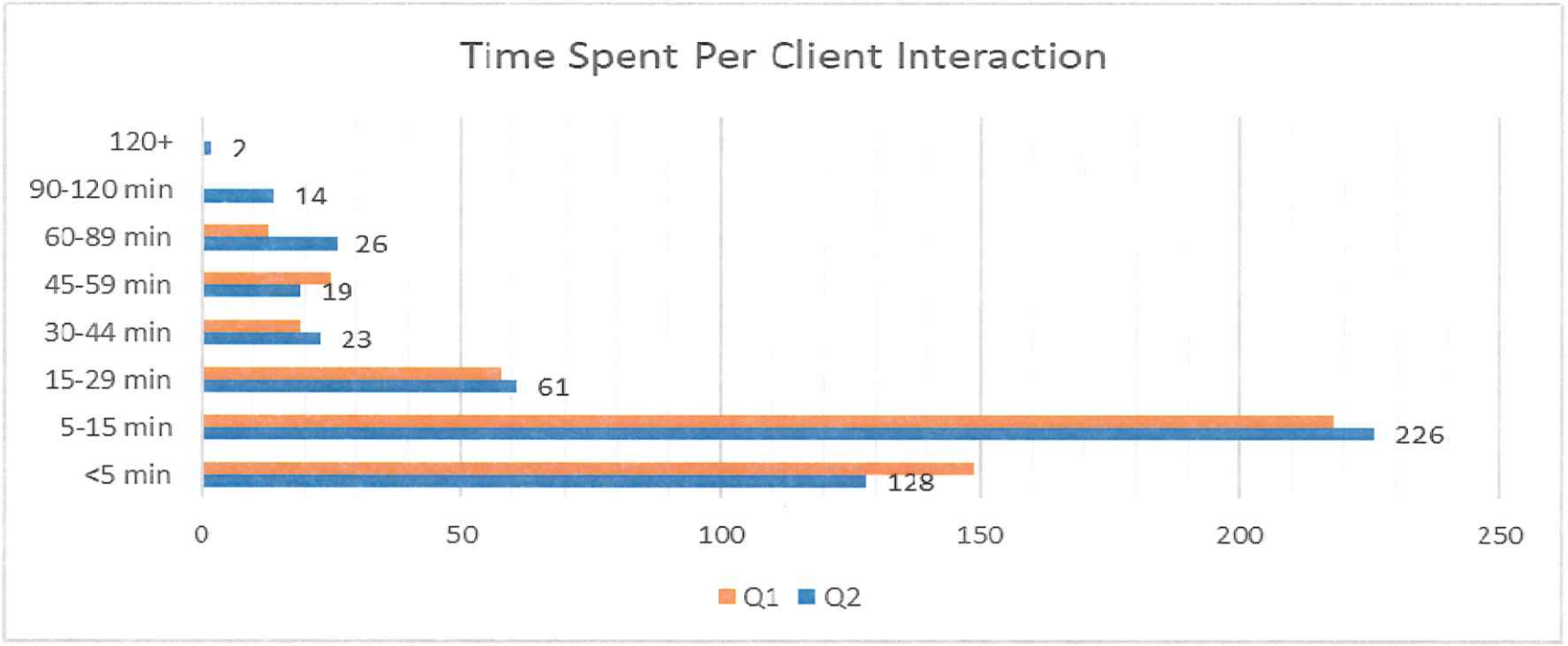
Thank you for your consideration in this matter.

Cc: George Proakis, City Manager
Ari Sky, Assistant City Manager for Finance / CFO

Beneficiary Subrecipient Projects

Number	Proposed Project Name	Approved Spending	Total Expended	Total Remaining	Status of Project
ARPA-07	Social Services Resource Specialist Program Expansion - Wayside Youth	$ 317,578.00	$ 317,578.00	$ -	Check cut by the City on 5/3/24. Per Laura Kurman, Wayside Youth increased staffing to 2 full-time SSRS staff. One part-time staff joined the SSRS team in April and another in June, with English, Spanish, and Portuguese language capacity. Since the expansion of staffing in Quarter 2, more time was able to be spent with each client whose needs require more intensive and ongoing intervention than in Quarter 1. SSRS Staff are now able to spend over an hour with some clients in order to more efficiently move toward sustainable solutions; something that was very limited in the past. Attached Please find a graphic detailing the time spent per client interaction. In addition, staff have been able to attend more outreach events, such as speaking at Project Literacy and tabling at a Community College fair at Watertown Housing Authority. Outreach events allow SSRS to connect with new clients in the community and share about the services available. They are on track to expend the ARPA funding by the end of 2026.
ARPA-09	Elevator Modernization for Affordable Senior Housing - Marshall Place	$ 84,428.00	$ 84,428.00	$ -	Check was cut by the City on 08/30/2024. Per discussion with Lee DePietro, Marshall Place has gone out to bid on the project and are currently in the process of confirming the pricing with the vendor. Ms. DePietro will forward a copy of the executed contract with the selected vendor once it has been executed. They are on track to expend the ARPA funding by the end of 2026.
ARPA-10	Watertown Cares - Right Turn and Watertown Cares	$ 258,550.00	$ 258,550.00	$ -	Check cut by the City 3/8/2024. Per conversation with Cynthia Wachs, CEO of Right Turn, an emai update will be forthcoming tomorrow morning 9/10/24 with total dollars spent to date. Watertown Cares has expressed concern with the ability of Right Turn to hit the benchmarks as outlined in their proposal.
ARPA-11	McSherry Gardens Improvements - WHA	$ 1,621,760.00	$ 1,621,760.00	$ -	Check cut by the City 5/31/24. An email requesting a project status update was sent by the City Auditor department on 9/3/24. Additional information will be provided to Council upon receipt of information.
ARPA-12	Hybrid Capability for City Buildings – WCATV	$ 82,328.00	$ 82,328.00	$ -	Check was cut by the City on 5/07/2024. Per discussion with Adrea Santopietro, WCATV has spent $50,651.25 of their total received funds on equipment items that are in stock at their vendor's warehouse. They have not yet received the carts as there are several equipment items still on backorder, however they are on track to expend all ARPA funding by the end of 2026.
ARPA-21	Sustaining Watertown Community Fridge - Community Fridge	$ 60,000.00	$ 60,000.00	$ -	Check cut 3/28/2024 Per conversation with Nancy Dutton, the ARPA funds have been being used by volunteers to keep the fridge stocked with food from local grocery stores. The Community Fridge is on track to expend all ARPA funds by the end of 2026.
ARPA-25	Watertown Direct Assistance Program - Metro West	$ 233,750.00	$ 233,750.00	$ -	Check was cut by the City on 8/30/2024. Metro West is on track to fully expend the ARPA funds by the end of 2026.
ARPA-26	Expansion of Childcare Programming - BGC	$ 1,563,861.00	$ 1,563,861.00	$ -	Check was cut by the City on 6/7/24 Per conversation with Gary Beatty, Executive Director of WBGC, the WBGC has in place a signed contract with the General Contractor for the New Foundations project and work on the first phase of the project (installation of the fire suppression system on the upper level of our building) is starting the week of September 9, 2024. Work on the lower level of the building is scheduled to commence early November 2024 and they anticipate that the entire project will be completed with all ARPA funding expended by the end of Summer 2025.
	TOTAL	$ 4,222,255.00	$ 4,222,255.00	$ -	

Wayside Youth Client Interaction Chart



City Run Projects

Number	Proposed Project Name	Approved Spending	Total Expended	Total Remaining	Status of Project
ARPA-02	Additional Private Workspace - Library	$ 18,000.00	$ -	$ 18,000.00	Please see attached memo from Kim Hewitt, Library Director
ARPA-03	Cultural District Matching Funds - DCDP	$ 10,000.00	$ -	$ 10,000.00	Per discussion with Liz Helfer, Public Arts & Culture Planner, The Watertown Square Cultural District Partnership will be discussing proposals from vendors to develop a standalone website for the cultural district at their meeting on 9/9. They will be voting to select a vendor at their October meeting. Once a vendor is selected, the funds will be encumbered with a purchase order and considered obligated under the ARPA guilelines. The Cultural Distsrict maintains a goal of developing the initial website infrastructure by the new year.
ARPA-14	Sewer Phase 4 Rehabilitation - DPW	$ 2,500,000.00	$ -	$ 2,500,000.00	Per discussion with Brian Wyncoop, Purchasing Agent, RFP will be advancing this month. Per discussion with Michael D'Ortenzio Jr., KP Law, the United States Treasury released updated guidance that now allows for interagency agreements (IAA) which will constitute an obligation. I have requested that he draft an IAA to be executed, which will allow for the contracts with the vendor to finalize after 2024 if necesssary. Mr. D'Ortenzio stated the draft will be available by Friday, 9/13/24. Once received I will work with Mr. Proakis and Mr. St. Louis to have executed the week of 9/16/24.
ARPA-15	Cottage Street Water Main Resident Engineering and Construction Services - DPW	$ 2,000,000.00	$ -	$ 2,000,000.00	Per discussion with Brian Wyncoop, Purchasing Agent, RFP will be advancing this month. Per discussion with Michael D'Ortenzio Jr., KP Law, the United States Treasury released updated guidance that now allows for interagency agreements (IAA) which will constitute an obligation. I have requested that he draft an IAA to be executed, which will allow for the contracts with the vendor to finalize after 2024 if necesssary. Mr. D'Ortenzio stated the draft will be available by Friday, 9/13/24. Once received I will work with Mr. Proakis and Mr. St. Louis to have executed the week of 9/16/24.
ARPA-16	Stormwater Tree Trenches - DPW	$ 368,829.00	$ -	$ 368,829.00	Per discussion with Brian Wyncoop, Purchasing Agent, RFP will be advancing this month as a portion of the on-call road contractor contract. Per discussion with Michael D'Ortenzio Jr., KP Law, the United States Treasury released updated guidance that now allows for interagency agreements (IAA) which will constitute an obligation. I have requested that he draft an IAA to be executed, which will allow for the contracts with the vendor to finalize after 2024 if necesssary. Mr. D'Ortenzio stated the draft will be available by Friday, 9/13/24. Once received I will work with Mr. Proakis and Mr. St. Louis to have executed the week of 9/16/24.
ARPA-17	Lead Gooseneck Removal - DPW	$ 368,829.00	$ -	$ 368,829.00	Per discussion with Brian Wyncoop, Purchasing Agent, RFP will be advancing this month. Per discussion with Michael D'Ortenzio Jr., KP Law, the United States Treasury released updated guidance that now allows for interagency agreements (IAA) which will constitute an obligation. I have requested that he draft an IAA to be executed, which will allow for the contracts with the vendor to finalize after 2024 if necesssary. Mr. D'Ortenzio stated the draft will be available by Friday, 9/13/24. Once received I will work with Mr. Proakis and Mr. St. Louis to have executed the week of 9/16/24.
ARPA-18	Watertown Food Pantry - COA	$ 152,000.00	$ -	$ 152,000.00	Per discussion with Steve Magoon, Assistant City Manager, a meeting is scheduled to be held with AI3 Design on Thursday 9/12/24. Per discussion with Michael D'Ortenzio Jr., KP Law, the United States Treasury released updated guidance that now allows for interagency agreements (IAA) which will constitute an obligation. I have requested that he draft an IAA to be executed, which will allow for the contracts with the vendor to finalize after 2024 if necesssary. Mr. D'Ortenzio stated the draft will be available by Friday, 9/13/24. Once received I will work with Mr. Proakis and Ms. McCoy to have executed the week of 9/16/24.

ARPA-20	Watertown Farmers' Market Food Assistance Program - CDP	$ 35,000.00	$ 12,734.00	$ 22,266.00	$12,734 have been expended thus far in FY25 on SNAP reimbursements for the Farmer's Market. Per discussion with Michael D'Ortenzio Jr., KP Law, the United States Treasury released updated guidance that now allows for interagency agreements (IAA) which will constitute an obligation. I have requested that he draft an IAA to be executed, which will allow for the City to obligate the remaining funds to ourselves to be spent in future year's Farmer's Markets. Mr. D'Ortenzio stated this will be available by Friday, 9/13/24. Once received I will work with Mr. Proakis and Mr. Magoon to have executed the week of 9/16/24.
ARPA-24	PV Array for Watertown High School - SBC	$ 1,000,000.00	$ -	$ 1,000,000.00	Per discussion with Christy Murphy, OPM for WHS project, adalt for PV Array has been approved by the SBC, and the funds are obligated and on track to be fully expended by the end of 2026.
ARPA-32	Study for City supported Local Transit - Multiple	$ 67,500.00	$ -	$ 67,500.00	Per discussion with Steve Magoon, he has provided the RFP to Purchasing and believes the project to be on track to be obligated by December. Per discussion with Michael D'Ortenzio Jr., KP Law, the United States Treasury released updated guidance that now allows for interagency agreements (IAA) which will constitute an obligation. I have requested that he draft an IAA to be executed, which will allow for the contracts with the vendor to finalize after 2024 if necesssary. Mr. D'Ortenzio stated the draft will be available by Friday, 9/13/24. Once received I will work with Mr. Proakis and Mr. Magoon to have executed the week of 9/16/24.
	TOTAL	$ 6,520,158.00	$ 12,734.00	$ 6,507,424.00	

WATERTOWN
FREE PUBLIC LIBRARY

123 MAIN STREET WATERTOWN, MA 02472
617.972.6434 • WATERTOWNLIB.ORG

TO: Watertown City Council

FROM: Kim Hewitt, Library Director

DATE: August 27, 2024

RE: ARPA Funded Study Room Project Update

To the Honorable Council, this memo serves to inform you that the Library will be move forward with plans for a new study room using ARPA funding awarded to us by this body. The construction style of study room will change from a built-out room (which requires an architect, moving HVAC and fire suppression systems) to a modular style (custom built cubicle walls and doors that allow us to keep our ceiling as is) in the same area as described in the grant request. This will allow us to stay within the approved time frame and grant award allotment. This change fulfills the same intention and need as the original request described. The Board of Library Trustees has approved the Library's efforts to move forward with a change in the construction materials for this study room build. Thank you for your support in creating this highly sought space in the library.

Respectfully,

Kim Hewitt, Library Director

George J. Proakis
City Manager

CITY OF WATERTOWN

Office of the City Manager

Administration Building
149 Main Street
Watertown, MA 02472
Phone: 617-972-6465
www.watertown-ma.gov
citymgr@watertown-ma.gov

To: Honorable City Council

From: George J. Proakis, City Manager

Date: September 16, 2024

RE: Request for Confirmation - Reappointments to the Board of Election Commissioners

---

In accordance with the provisions of the Watertown Home Rule Charter and Town Council Ordinance 2007-46, "An Ordinance on the Timing and Process of Appointments to Town Boards, Commissions, and Committees," I hereby submit a request for the reappointment of members to the Board of Election Commissioners, which requires confirmation by the Council.

- Adam Brewster – Reappointment as a member of the Board of Election Commissioners to a term expiring April 1, 2027.

- Christopher Dunn – Reappointment as a member of the Board of Election Commissioners to a term expiring April 1, 2028.

Thank you for your consideration in this matter.