



Watertown City Council

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

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, DECEMBER 13, 2022 AT 7:00 PM

**RICHARD E. MASTRANGELO COUNCIL CHAMBER
ADMINISTRATION BUILDING, 149 MAIN STREET
AGENDA**

ACCESS INFORMATION:

- A. The meeting will be televised through WCATV (Watertown Cable Access Television): <http://vodwcatv.org/CablecastPublicSite/?channel=3>
- B. The Public may join the virtual meeting online:
<https://watertown-ma.zoom.us/j/92991331344>
- C. 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
- D. Public may comment through email: vpiccirilli@watertown-ma.gov

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- 1. ROLL CALL
 - 2. PLEDGE OF ALLEGIANCE
 - 3. PUBLIC FORUM
 - 4. EXAMINATION OF RECORDS OF PREVIOUS MEETINGS
 - A. City Council Meeting Minutes - November 22, 2022
 - 5. PRESIDENT'S REPORT
 - A. Approval of Sending Letter to the Department of Conservation and Recreation in Support of the Removal of the Watertown DCR Dam.
 - 6. PUBLIC HEARINGS
 - A. Public Hearing and Vote on a Proposed Amendment to the Fiscal Year 2023 Budget
 - 7. MOTIONS, ORDINANCES, ORDER, AND RESOLUTIONS
 - A. First Reading on a Proposed Order Authorizing that the Sum of \$150,000 is Appropriated to Pay Costs of Designing and Constructing a New Gazebo at Upper Saltonstall Park, Including All Costs Incidental and Related Thereto; 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.

- B. First Reading on a Proposed Order Authorizing that the Sum of \$2,600,000 Is Appropriated to Pay Costs of Acquiring Easements for the Mt. Auburn Street Corridor Project, Including the Costs of Appraisals and All Other Costs Incidental and Related Thereto; 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.
 - C. First Reading on a Proposed Order Authorizing that the Sum of \$200,000 Is Appropriated to Pay Costs of Purchasing a Swap Loader Trash Compactor Vehicle for the Department of Public Works, Including All Costs Incidental and Related Thereto; 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.
 - D. Resolution Authorizing a Petition for Special Legislation Regarding Amendments to Chapter 41 of the Acts of 2012
 - E. An Order to Acquire Lot 8 (Walker Pond) Off Manley Way Located in Watertown and Waltham and an Order of Taking of Said Lot 8
 - F. An Order to Acquire 124 Watertown Street (Parker School) and an Order of Taking of Said Property
8. REPORTS OF COMMITTEES
- A. Committee on Economic Development and Planning Report Regarding a Process to Notify Neighborhoods Affected by a Proposed Development - Lisa J. Feltner, Chair
ACTION ITEM:
That the City Council Request the Administration Have the Department of Community Development and Planning Develop Regulations for Expanded Notification as Described in Items a. through h. of the Report
 - B. Committee on Economic Development and Planning Report Regarding Proposed Amendment to the Demolition Delay Ordinance and the Proposed New Regulations -Lisa J. Feltner, Chair
ACTION ITEM:
That the City Council Request the City Attorney to Review the Proposed Ordinance and to Then Schedule a First Reading for a New Demolition Ordinance Chapter 153 as Proposed to Replace the Existing Chapter 153 in Its Entirety, and to Also Endorse the New Demolition Delay Regulations as Proposed
 - C. Committee on Human Services Report Regarding the Need for a Citywide Rodent Control Program - Anthony Palomba, Chair
 - D. Ad Hoc Committee of the Municipal Analyst Screening Committee Report Regarding the Preliminary Interviews of Candidates for the Position of a Municipal Policy Analyst - Caroline Bays, Chair
 - E. Committee on Public Works Report Regarding the Recommendations for the 2023 Local Road Reconstruction Program - Vincent J. Piccirilli, Chair
ACTION ITEMS:
1. That the City Council Approve the Department of Public Works Recommendation for the 2023 Road Program as Presented Using the \$2,500,000 Loan Order for Bates Road, Bates Road East, Essex Street, Francis Street, and Bradshaw Street

2. That the City Council Approve the Department of Public Works Recommendation to Remove Fifth Avenue from the FY 2022 Long Streets and Connector Program (Which Includes Morse Street), and Use the FY 2023 \$1,500,000 Loan Order for the Long Streets and Connector Program for the Repair of Fifth Avenue and Related Work on Watertown Street
3. That the City Council Approve the Department of Public Works Use of the FY 2024 Funding for the Long Streets and Connector Program for the Repair of Forest and Springfield Streets and to Use the FY 2025 Fund for the Long Streets and Connector Program for the Repair of Riverside Street
4. That the City Council Ask the Administration to Increase the Annual Funding for the Long Streets and Connector Program in the CIP from \$1,500,000 to \$2,000,000
9. NEW BUSINESS
10. COMMUNICATIONS FROM THE CITY MANAGER
 - A. Update on Policy for City Council Individual Meetings Under Section 2-10 of the City Charter
 - B. Request for Confirmation of Reappointments to the Cable Access Corporation – Board of Directors
11. REQUESTS FOR INFORMATION/REVIEW OF LIST OF PENDING MATTERS
12. ANNOUNCEMENTS
13. PUBLIC FORUM
14. RECESS OR ADJOURNMENT



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ELECTED OFFICIALS:

Mark S. Sideris,
Council President

Dear Secretary Card and Commissioner Rice:

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

John M. Airasian
Councilor At Large

The Watertown City Council is writing to you to express our support for the removal of the Watertown DCR Dam. We appreciate the opportunity to express our support and for your time and attention to this issue.

Caroline Bays
Councilor At Large

John G. Gannon,
Councilor At Large

We encourage you to support the removal of the Watertown Dam and restoration of the Charles River. We were impressed by the 2021 feasibility study's findings and are excited about the prospects of further restoring Alewife, American Eel, Blueback Herring and Rainbow Smelt to the Charles River.

Anthony Palomba,
Councilor At Large

Nicole Gardner,
District A Councilor

In Watertown we already see the impacts of stronger storms and increased rainfall from climate change, as documented in our Resilient Watertown Climate and Energy Plan. Aging infrastructure like Watertown Dam pose a risk as we are seeing stronger and more intense storms of which this dam was not designed for.

Lisa J. Feltner,
District B Councilor

Emily Izzo,
District D Councilor

Findings of the report include information that flood elevations upstream of the dam will be lowered 6ft upstream of the dam and no change in flooding is anticipated downstream.

The Watertown Dam being in place harms the health of the Charles River. Removal of the Dam and Restoration of the River will help further progress years of cleanup of the Charles River.

The current impounded area of the river upstream of the dam has higher temperatures and lower dissolved oxygen levels. Freeing the Charles River in Watertown will lead to lower temperatures and higher dissolved oxygen levels as the water would flow more freely. Colder waterways with higher levels of dissolved oxygen are better for fish like the wild trout that the City of Watertown supports.

Not only migratory fish would benefit from removal of the Watertown Dam, other resident fish including bass, bullhead, catfish, perch, and pickerel would also have increased habitat and access to food and mates.

At a time of reckoning in the Commonwealth and our country we have learned that the construction of the Watertown Dam was opposed by the local Indigenous peoples. Today we write to start to mend these wrongs and join with those indigenous voices who have been calling for years to remove the Watertown Dam and restore the river.

Sincerely,

Mark Sideris, President
Watertown City Council

CC:

DCR Commissioner Doug Rice
Massachusetts Fish & Game Commissioner Ron Amidon
Division of Marine Fisheries Commissioner Daniel McKiernan
Watertown City Council
Watertown Conservation Commission
CRWA Executive Director Emily Norton

Emails:

Bethany.card@state.ma.us, Ronald.Amidon@state.ma.us, citycouncilors@watertown-ma.gov,
dan.mckiernan@mass.gov, lschwab@watertown-ma.gov, Charles@crwa.org, Enorton@crwa.org



George J. Proakis
City Manager

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Phone: 617-972-6465
www.watertown-ma.gov
citymgr@watertown-ma.gov

To: Honorable City Council

From: George J. Proakis, City Manager 

Date: November 17, 2022

RE: Proposed Amendment to the Fiscal Year 2023 Budget

Below please find, for your review and consideration, a Proposed Amendment to the Fiscal Year 2023 Budget. The Proposed Amendment is for the acquisition of the Parker School.

<u>REVENUE</u>	<u>INCREASE (DECREASE)</u>	<u>TO READ</u>
UTILIZATION OF FREE CASH	\$ 12,000,000	\$ 14,000,000
TOTAL REVENUE ADJUSTMENT	<u>\$ 12,000,000</u>	
<u>EXPENDITURES</u>	<u>INCREASE (DECREASE)</u>	<u>TO READ</u>
ACQUISITION OF LAND 0194000-580950	\$ 12,000,000	\$ 23,250,000
TOTAL EXPENDITURE ADJUSTMENT	<u>\$ 12,000,000</u>	

Given this Amendment, the Fiscal Year 2023 Revenues and Expenditures will be each increased by \$12,000,000. Therefore, the revised Fiscal Year 2023 Revenues and Expenditures would be \$202,264,000.

I respectfully request this Amendment be placed on the November 22, 2022 City Council Agenda as a First Reading amending the Fiscal Year 2023 Budget.

cc: Department Heads



George J. Proakis
City Manager

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citymgr@watertown-ma.gov

To: Honorable City Council

From: George J. Proakis, City Manager *GJP*

Date: December 7, 2022

RE: Agenda Item - Proposed Loan Order

Attached please find correspondence from Gregory M. St. Louis, Superintendent of Public Works requesting action be taken to authorize a loan order in the amount of \$150,000 to pay costs of designing, engineering, construction, and construction administration services associated with the installation of a new and permanent gazebo to be located at upper Saltonstall Park.

I respectfully request the attached proposed Loan Order of \$150,000 be placed on the December 13, 2022, City Council Agenda as a First Reading.

Thank you for your consideration in this matter.

cc: Gregory M. St. Louis, Superintendent of Public Works
Thomas P. Watkins, Director of Administration and Finance, Department of Public Works
Matthew I. Shuman, City Engineer
Steven T. Magoon, Director of Community Development and Planning/Acting Deputy City Manager
Thomas J. Tracy, City Auditor/Assistant City Manager for Finance
Melissa A. Morrissey, City Treasurer/Collector



28 State Street
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p: 617-345-9000 f: 617-345-9020
hinckleyallen.com

Jay Gonzalez
(617) 378-4256
jgonzalez@hinckleyallen.com

November 22, 2022

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

RE: Draft Loan Order – Gazebo Bonds

Dear George:

As requested, I suggest the following form of loan order to approve the borrowing of funds to pay costs of designing and constructing a new gazebo at Upper Saltonstall Park:

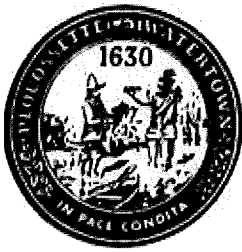
ORDERED: That the sum of \$150,000 is appropriated to pay costs of designing and constructing a new gazebo at Upper Saltonstall Park, including all costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the City Manager, is authorized to borrow 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,

Jay Gonzalez



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, Superintendent of Public Works

DATE: November 16, 2022

RE: Department of Public Works - Loan Order Request

The Department of Public Works respectfully requests that the necessary actions be taken to authorize the Treasurer to borrow the \$150,000.00 as outlined and approved in the FY 2023-2027 Capital Improvement Program budget for the Gazebo at Upper Saltonstall Park listed within Line 125 under Parks & Forestry of the CIP.

These funds will be utilized for the design, engineering, construction and construction administration services associated with the installation of a new and permanent gazebo to be located at Upper Saltonstall Park.

Recently, the Department of Public Works engaged the services of a design consultant for the renovation of Upper Saltonstall Park, which includes a number of landscape and layout improvements, along with the addition of a new gazebo. The gazebo will be utilized for live performances and the like, and will be a focal point of Upper Saltonstall Park, particularly during events, such as Faire in the Square.

Currently, a temporary stage is utilized. This stage has seen significant wear and tear over the years and takes a significant amount of labor and time to set up and break down. This new permanent structure will be a modern amenity to Upper Saltonstall Park and the City's downtown.

Thank you in advance for your consideration.



George J. Proakis
City Manager

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citymgr@watertown-ma.gov

To: Honorable City Council

From: George J. Proakis, City Manager 

Date: December 7, 2022

RE: Agenda Item - Proposed Loan Order

Attached please find correspondence from Gregory M. St. Louis, Superintendent of Public Works requesting action be taken to authorize a loan order in the amount of \$2,600,000 to pay costs of identified Appraisals & Easements for the Mt. Auburn Street Corridor Project.

I respectfully request the attached proposed Loan Order of \$2,600,000 be placed on the December 13, 2022, City Council Agenda as a First Reading.

Thank you for your consideration in this matter.

cc: Gregory M. St. Louis, Superintendent of Public Works
Thomas P. Watkins, Director of Administration and Finance, Department of Public Works
Matthew I. Shuman, City Engineer
Steven T. Magoon, Director of Community Development and Planning/Acting Deputy City Manager
Thomas J. Tracy, City Auditor/Assistant City Manager for Finance
Melissa A. Morrissey, City Treasurer/Collector



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November 22, 2022

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

RE: Draft Loan Order – Easements Acquisition Bonds

Dear George:

As requested, I suggest the following form of loan order to approve the borrowing of funds to pay costs of acquiring easements for the Mt. Auburn Street corridor project:

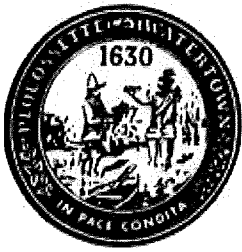
ORDERED: That the sum of \$2,600,000 is appropriated to pay costs of acquiring easements for the Mt. Auburn Street corridor project, including the costs of appraisals and all other costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the City 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,

Jay Gonzalez



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, Superintendent of Public Works

DATE: November 16, 2022

RE: Department of Public Works - Loan Order Request

In accordance with the FY 2023 - 2027 Capital Improvement Program budget, the Department of Public Works respectfully requests that the necessary actions be taken to authorize the Treasurer to borrow a total of \$2,600,000.00 identified for the Appraisals & Easements for the Mt. Auburn Street Corridor Project. This request of funds is in conjunction with the overall Mt. Auburn Street Reconstruction project (a MassDOT TIP Funding Project). This project is listed within Line 267 under Streets & Sidewalks of the CIP.

The Appraisals & Easements of the Mt. Auburn Street Corridor project is a necessary action needed prior to the start of the overall reconstruction efforts of the street, as it will allow for access to identified areas for reconstruction efforts to commence. These services will be procured within the confines of Massachusetts procurement laws.

We thank you in advance for your consideration.



George J. Proakis
City Manager

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To: Honorable City Council

From: George J. Proakis, City Manager *GJP*

Date: December 7, 2022

RE: Agenda Item - Proposed Loan Order

Attached please find correspondence from Gregory M. St. Louis, Superintendent of Public Works requesting action be taken to authorize a loan order in the amount of \$200,000 to pay costs of purchasing a swap loader trash compactor vehicle for Parks & Forestry. This purchase will allow for a safer and more efficient use of staff time in the execution of collecting and emptying out the numerous trash receptacles located around the City's parks and sidewalks.

I respectfully request the attached proposed Loan Order of \$200,000 be placed on the December 13, 2022, City Council Agenda as a First Reading.

Thank you for your consideration in this matter.

cc: Gregory M. St. Louis, Superintendent of Public Works
Thomas P. Watkins, Director of Administration and Finance, Department of Public Works
Matthew I. Shuman, City Engineer
Steven T. Magoon, Director of Community Development and Planning/Acting Deputy City Manager
Thomas J. Tracy, City Auditor/Assistant City Manager for Finance
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November 22, 2022

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 a swap loader trash compactor vehicle for the Department of Public Works:

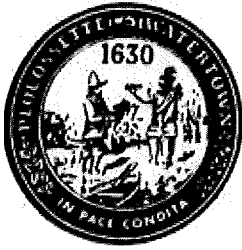
ORDERED: That the sum of \$200,000 is appropriated to pay costs of purchasing a swap loader trash compactor vehicle for the Department of Public Works, including all costs incidental and related thereto; and that to meet this appropriation, the Treasurer, with the approval of the City Manager, is authorized 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,

Jay Gonzalez



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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, Superintendent of Public Works
DATE: November 16, 2022
RE: Department of Public Works - Loan Order Request

The Department of Public Works respectfully requests that the necessary actions be taken to authorize the Treasurer to borrow the \$200,000.00 as outlined and approved in the FY 2023-2027 Capital Improvement Program budget for the Swap Loader listed within Line 126 under Parks & Forestry of the CIP.

The Department of Public Works intends to utilize these funds to purchase a Trash Compactor unit. The Trash Compactor will allow for a safer and more efficient use of staff time in the execution of collecting and emptying out the numerous trash receptacles located around the City's parks and sidewalks.

The addition of this vehicle is extremely important in order to maintain the safe, efficient and effective operation of the Department. The vehicle will be procured with the principles of economic, operational and fuel efficiency in mind, and within the confines of Massachusetts procurement laws.

Thank you in advance for your consideration.



George J. Proakis
City Manager

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To: Honorable City Council

From: George J. Proakis, City Manager

Date: December 7, 2022

RE: Agenda Item – Resolution Authorizing a Petition for Special Legislation Regarding Amendments to Chapter 41 of the Acts of 2012

I respectfully request the attached Resolution be placed on the December 13, 2022 City Council Agenda.

I am requesting authorization to petition the General Court for special legislation to amend the provisions of the Acts 2012, c. 41 *An Act Authorizing The Appointment Of Special Police Officers In The Town Of Watertown*, by raising the age limit for service on the special retiree police detail patrol from age 65 to age 70.

Thank you for your consideration in this matter.

cc: Thomas Rocca, Provisional Police Chief
Steven Magoon, Acting Deputy City Manager/CD&P Director
Joseph S. Fair, Esquire, KP Law
Gayle M. Shattuck, Personnel Director

**RESOLUTION AUTHORIZING A PETITION FOR SPECIAL LEGISLATION
REGARDING AMENDMENTS TO CHAPTER 41 OF THE ACTS OF 2012**

RESOLUTION #

R-

WHEREAS, Chapter 41 of the Acts of 2012 authorizes the City to appoint certain retired Watertown police officers as special police officers to perform police details and other duties for the City; and

WHEREAS, the maximum age restriction for such special police officers under said Chapter 41 is 65 years of age; and

WHEREAS, the City wishes to increase that maximum age limit to 70 years of age.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Watertown hereby authorizes the filing of a petition with the General Court for special legislation to amend Chapter 41 of the Acts of 2012 to increase the maximum age limit for special police officers to 70 years of age, as follows:

**AN ACT FURTHER REGULATING THE APPOINTMENT OF
SPECIAL POLICE OFFICERS IN THE CITY OF WATERTOWN**

Be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Section 1 of chapter 41 of the acts of 2012 is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- Notwithstanding the maximum age restriction applicable to regular police officers of Watertown under chapter 32 of the General Laws, the maximum age restriction for said special police officers shall be 70 years of age.

Section 2. Said chapter 41 is hereby amended by striking in the fourth sentence of section 7 the number 65 contained therein and inserting in place thereof the number 70.

and

BE IT FURTHER RESOLVED, that the General Court may make clerical or editorial changes of form only to the proposed special act, unless the City Council approves such changes as are consistent with the public purposes of this petition prior to enactment by the General Court.

Council Member

I hereby certify that at a regular meeting of the City Council for which a quorum was present, the above Resolution was adopted by a vote of ___ for and ___ against on December __, 2022.

Mark S. Sideris, Council President

Marilyn Pronovost, Council Clerk



George J. Proakis
City Manager

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citymgr@watertown-ma.gov

To: Honorable City Council

From: George J. Proakis, City Manager

Date: December 7, 2022

RE: Agenda Items – An Order to Acquire Lot 8 (Walker Pond) Off Manley Way Located in Watertown and Waltham; and an Order of Taking

I respectfully recommend and request your favorable consideration on the following attached items at the December 13, 2022 City Council Meeting:

- An Order to Acquire Lot 8 (Walker Pond) Off Manley Way Located in Watertown and Waltham
- Order of Taking

Thank you for your consideration in this matter.

cc: Steven Magoon, Acting Deputy City Manager/CD&P Director
Mark R. Reich, Esquire, KP Law

ORDER #

O-2022-

**AN ORDER TO ACQUIRE LOT 8 (WALKER POND) OFF MANLEY WAY
LOCATED IN WATERTOWN AND WALTHAM**

ORDERED:

WHEREAS, the City has entered into an Agreement of Purchase and Sale with BIV – Parcel 807, LLC, dated September 29, 2022, to acquire “Lot 8,” sometimes referred to as Walker Pond, located off Manley Way, in the City of Watertown and the City of Waltham; and

WHEREAS, the agreed purchase price is Eleven Million Two Hundred Fifty Thousand and 00/100 Dollars (\$11,250,000.00), and the City Council has appropriated the funds to acquire the property; and

WHEREAS, the City intends, with the consent of the owner, BIV – Parcel 807, LLC, to acquire the property by eminent domain.

NOW, THEREFORE, BE IT ORDERED that the City Council vote to acquire the property known as Lot 8 (Walker Pond), described on Land Court Plan 15807D, and the easements in, on and upon Manley Way as access to the property, all as described in an Order of Taking of the City Council to be recorded with the Middlesex South District Registry of Deeds and filed with the Middlesex South District of the Land Court;

AND, BE IT FURTHER ORDERED that the City Council approve the payment to BIV – Parcel 807, LLC of the sum of \$11,250,000.00, plus real estate taxes as required by G.L. c. 79, §12, for the acquisition of the property;

AND, BE IT FURTHER ORDERED that the City Council authorize the City Manager to execute and record the Order of Taking with the Middlesex South District Registry of Deeds and to file the Order of Taking with the Middlesex South District of the Land Court, and to execute such other documents and instruments as may be necessary or appropriate to carry out the intent of this Order.

Council Member

I hereby certify 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 December 13, 2022.

Marilyn Pronovost, Council Clerk

Mark S. Sideris, Council President

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

CITY OF WATERTOWN

ORDER OF TAKING

At a regularly convened meeting of the Watertown City Council (the “City”) held on the 13th day of December, 2022, it was voted and ordered as follows:

The Watertown City Council, duly appointed, qualified, and acting pursuant to Massachusetts General Laws Chapter 79 and Chapter 220 of the Acts of 2022, and any and every other power and authority hereunto enabling, hereby takes, on behalf of the City:

1. The fee in and to all that land off Pleasant Street, Watertown and Waltham, Massachusetts, and any improvements thereon (the “Land”), and an appurtenant easement (the “Appurtenant Easement”), all as described in Exhibit A, attached hereto and incorporated herein.
2. An easement in gross in property off Pleasant Street, Watertown, Massachusetts (the “Easement in Gross”), as described in Exhibit A, attached hereto and incorporated herein.

Said property is owned or supposed to be owned by **BIV – Parcel 807, LLC**, a Delaware limited liability company (the “Owner”). If the name of the Owner is not correctly stated, the name of the supposed owner being given as of this Order of Taking, it is understood that in such instance the land referred to is owned by an owner or owners unknown to us.

Damages are awarded to the Owner in accordance with the provisions of M.G.L. c. 79, §6, as amended, as set forth in Exhibit B, attached hereto and incorporated herein.

Betterments are not to be assessed under this taking.

[Signature Page Follows]

IN WITNESS WHEREOF, the Watertown City Manager, pursuant to the vote of the Watertown City Council, being Order 22-____, a certified copy of which is attached hereto, sets his hand and seal on this ____ of December, 2022.

CITY OF WATERTOWN

By: _____
Name: George Proakis
Title: City Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of December, 2022, before me, the undersigned notary public, personally appeared George Proakis, City Manager of the City of Watertown, as aforesaid, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the City of Watertown.

Notary Public
My Commission Expires:

Exhibit A

Land:

The land together with the buildings and other improvements thereon situated in the City of Watertown and City of Waltham, Middlesex County, Massachusetts shown as Lot 8 on Land Court Plan 15807D on file with the Middlesex South Registry District of the Land Court.

The above described property is subject to that certain Notice of Activity and Use Limitation pursuant to M.G.L. c. 21E, §6 and 310 CMR 40.0000 on file with the Middlesex South Registry District of the Land Court as Document No. 1493424.

Appurtenant Easement:

The easements set forth in the Easement Agreement by and between BIV – Seyon, LLC and BIV – Parcel 807, LLC, dated as of December 28, 2017 and recorded with the Middlesex South District Registry of Deeds in Book 70482, Page 309 and filed as Document No. 1779050; as affected by the Amended and Restated Easement Agreement, dated October 15, 2020 and recorded October 21, 2020 in Book 75943, Page 293 and filed as Document No. 1857460, as amended by the First Amendment to Amended and Restated Easement Agreement, of even date and recorded and filed herewith.

Easement in Gross:

A perpetual, assignable easement in gross to use the area described as Potential Easement Area A, in common with the Unit Owners of the Repton Place Condominium, for the purposes of the installation, repair, maintenance, replacement and use for all utility purposes, and by bicycle paths, and together with the right of ingress and egress from and to Pleasant Street, all as more particularly set forth in the Master Deed of the Repton Place Condominium, dated July 13, 2007 and recorded with the Middlesex South District Registry of Deeds in Book 49773, Page 330.

Said Land, Appurtenant Easement and Easement in Gross are taken subject to, and with the benefit of, all rights, reservations, easements, restrictions and instruments of record so far as now in force and applicable.

Exhibit B

Owner

BIV – PARCEL 807, LLC

Damages Award

\$ 11,250,000.00



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
Fax: 617-972-6404
www.watertown-ma.gov
citymgr@watertown-ma.gov

To: Honorable City Council

From: George J. Proakis, City Manager

Date: December 7, 2022

RE: Agenda Items – An Order to Acquire 124 Watertown Street (Parker School); and an Order of Taking

I respectfully recommend and request your favorable consideration on the following attached items at the December 13, 2022 City Council Meeting:

- An Order to Acquire 124 Watertown Street (Parker School)
- Order of Taking

Thank you for your consideration in this matter.

cc: Steven Magoon, Acting Deputy City Manager/CD&P Director
Mark R. Reich, Esquire, KP Law

ORDER #

O-2022-

AN ORDER TO ACQUIRE 124 WATERTOWN STREET (PARKER SCHOOL)

ORDERED:

WHEREAS, the City has entered into an Agreement of Purchase and Sale with Devi Realty Co LLC, dated October 11, 2022, to acquire 124 Watertown Street, sometimes referred to as the Parker School, in the City of Watertown; and

WHEREAS, the agreed purchase price is Fourteen Million and 00/100 Dollars (\$14,000,000.00), and the City Council has appropriated the funds to acquire the property; and

WHEREAS, the City intends, with the consent of the owner, Devi Realty Co LLC, to acquire the property by eminent domain.

NOW, THEREFORE, BE IT ORDERED that the City Council vote to acquire the property known as 124 Walker Street (Parker School), described in a deed recorded with the Middlesex South Registry of Deeds in Book 76598, Page 496;

AND, BE IT FURTHER ORDERED that the City Council approve the payment to Devi Realty Co LLC of the sum of \$14,000,000.00, plus real estate taxes as required by G.L. c. 79, §12, for the acquisition of the property;

AND, BE IT FURTHER ORDERED that the City Council authorize the City Manager to execute and record the Order of Taking with the Middlesex South District Registry of Deeds, and to execute such other documents and instruments as may be necessary or appropriate to carry out the intent of this Order.

Council Member

I hereby certify 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 December 13, 2022.

Marilyn Pronovost, Council Clerk

Mark S. Sideris, Council President

ORDER OF TAKING

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

CITY OF WATERTOWN

ORDER OF TAKING

At a regularly convened meeting of the Watertown City Council (the “City”) held on the 13th day of December, 2022, it was voted and ordered as follows:

The Watertown City Council, duly appointed, qualified, and acting pursuant to Massachusetts General Laws Chapter 79, and any and every other power and authority hereunto enabling, hereby takes, on behalf of the City:

The fee in and to all that land at 124 Watertown Street, Watertown, Massachusetts, and any improvements thereon (the “Property”) all as described in Exhibit A, attached hereto and incorporated herein.

Said property is owned or supposed to be owned by **Devi Realty Co LLC** (the “Owner”). If the name of the Owner is not correctly stated, the name of the supposed owner being given as of this Order of Taking, it is understood that in such instance the land referred to is owned by an owner or owners unknown to us.

Damages are awarded to the Owner in accordance with the provisions of M.G.L. c. 79, §6, as amended, as set forth in Exhibit B, attached hereto and incorporated herein.

Betterments are not to be assessed under this taking.

[Signature Page Follows]

IN WITNESS WHEREOF, the Watertown City Manager, pursuant to the vote of the Watertown City Council, being Order 22-____, a certified copy of which is attached hereto, set his hand and seal on this ____ of January, 2022.

CITY OF WATERTOWN

By: _____
Name: George Proakis
Title: City Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of January, 2022, before me, the undersigned notary public, personally appeared George Proakis, City Manager of the City of Watertown, as aforesaid, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the City of Watertown.

Notary Public
My Commission Expires:

Exhibit A

Property

The land, containing 1.850 acres, more or less, and any improvements thereon, located at 124 Watertown Street, Watertown, Middlesex County, Massachusetts, described in a deed dated December 30, 2020, recorded with the Middlesex South District Registry of Deeds in Book 76598, Page 496, and shown on a plan entitled "Parker Office Building Site In Watertown, Mass. Prepared for Flamingo Development Corp.," dated February 1983, prepared by R.J. Ludwig & Assoc., recorded with the Middlesex South District Registry of Deeds as Plan 688 of 1983.

Exhibit B

Damages Award

Owner

Damages Award

Devi Realty Co LLC

\$ 14,000,000.00



Watertown City Council

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

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

Report of the Committee on Economic Development & Planning Meeting Date: November 14, 2022

The Committee convened on Monday November 14, 2022 at 6:00 pm in the Louis P. Andrews Upper Conference Room, with remote participation by Zoom. Present were Lisa Feltner, chair; John Gannon, vice chair; and Vincent Piccirilli, secretary. Staff present were Steven Magoon, Assistant City Manager/Director of Community Development and Planning, and Josh Manion*, Code Enforcement Officer. Also present were President Mark Sideris, Councilors John Airasian and Anthony Palomba*, and residents Jacky van Leeuwen* and Carolyn Gritter*. (* attended by zoom.)

The purpose of the meeting was to discuss recommendations for providing a process to notify neighborhoods affected by a proposed development.

The meeting was called to order at 6:00 but because of technical difficulties with zoom, the meeting was paused at 6:30. The Committee voted to restart the meeting at 6:37 when the zoom connection was established.

Councilor Feltner provided two documents: discussion points (Attachment A), and Somerville's zoning regulations "15. Administration 7. Public Notice" (Attachment B) which helped guide the discussion.

Mr. Magoon began by saying the current requirement of notifying abutters and abutters to abutters within 300 feet is required by state law, and is what is in our zoning ordinance. These are letters mailed to property owners who have legal standing to challenge a decision in court. He pointed out that the notices do not go to the tenants, which leads to the feeling that residents don't know what's happening, as their landlords have no obligation to pass the notice along. He also said creating the mailing lists is done by the Planning Department using the Assessor's database, and was concerned that expanding the notification would increase the workload on the department. He also stated that anyone who is signed up for Planning and Zoning notification on the city website is already getting these notices, no matter where they live, and notices are also posted on the city's social media.

President Sideris suggested sending post cards like we do for community meetings, and expand the area they are sent to. Councilor Emily Izzo submitted comments by email suggesting notification of neighbors within 1 square mile when there is (1) an official proposal submitted to the planning department, (2) when they have the community meeting and (3) when the project is in front of the planning board, and she also thinks the developer should have to mail the notices.

After considering all the options, the Committee agreed on the following points:

- a. The enhanced notification should be done as a regulation, not as an amendment to the zoning ordinance, to give the Department of Community Development and Planning flexibility.
- b. The legal requirement in the zoning ordinance to notify abutters and abutters to abutters within 300 feet will remain unchanged.

- c. The enhanced notification should be by postcard, mailed to every postal address within 500 feet of the proposed development, to ensure tenants are notified.
- d. Because the postal addresses can be obtained from the post office, there is no need for the Planning Department to generate the mailing lists from the Assessor's database.
- e. The developer should be required, at their cost, to generate the list of addresses using postal data, and mail a postcard to every postal address within 500 feet of the property.
- f. This enhanced notification shall be required of "large projects" using the criteria in the zoning ordinance Section 9.03 (b), which are residential development with four or more units, or commercial development greater than 10,000 sq. ft.
- g. The enhanced notification for these projects should be required for the "public information meeting", and Planning Board and Zoning Board of Appeals hearings.
- h. The regulations should allow the Planning Department to require a larger area of notification in special circumstances.

➔ **Action Item:** Councilor Piccirilli made a motion, seconded by Councilor Gannon, to recommend that the City Council request the Administration have the Department of Community Development and Planning develop regulations for expanded notification as described in (a) through (h) above. Voted 3-0.

Mr. Manion mentioned that some cities, as a best practice, require a notice to be posted at the site of a proposed development so passers-by are aware of what is going on. This could include a description of the project and the dates of the meetings. Mr. Magoon said that there should be a standard size and standard language. The Committee agreed with this suggestion.

➔ **Action Item:** Councilor Piccirilli made a motion, seconded by Councilor Gannon, to recommend that the City Council request the Administration have the Department of Community Development and Planning develop regulations for requiring developers of large projects to post a physical sign at the site with project information. Voted 3-0.

There was discussion if another meeting was required on this topic, but all felt that DCDP had enough information to proceed, and that under the Charter, proposed regulations would be sent to the City Council before implementation.

The meeting adjourned at 8:00 pm.

Report prepared by Vincent Piccirilli

Attachments:

- A. Councilor Feltner Discussion Points
- B. Somerville's zoning regulations "15. Administration 7. Public Notice"

Monday, November 14, 2022 Council Economic Development & Planning Committee

Chair Feltner, Discussion and recommendations to improve public notice process, e.g. for large development projects

Objectives: 1. Increase the number of “abutters” notified, by distance *within* project Site.

2. Increase types of notice to include renters and local businesses near Site.

3. Improve timing of notice (a) ensure window of opportunity before the formal project application -this seems OK to stay the same, 14 days’ notice of the “district” meeting that is held 10 days prior to ... see Watertown Zoning Ord ;

(b) ensure timely follow up with DCDP after the district mtg;

(c) ensure timely follow up sufficient content between Public Information Meeting, aka district community meeting, and formal Grant Authority Board (we don’t want too much time to go by and lose track of project & ten. impacts);

(d) Report submitted by Applicant should detail how the project addresses concerns raised to date (before the Planning Brd or ZBA);

(e) Improve public notice with consistency of content: communications/reports/minutes follow the Case through all stages.

4. Improve ability to receive notice /materials: Electronically, via email text or phone, and via USPS, and via hand-delivered paper notice.

(a) See Zoning language;

(b) Ask for new IT link on the city website “Connect” menu (aka Notify Me) in order to subscribe to the “Public Information Meeting”, aka District Project Community Meeting.

Remaining questions:

1. What about when a large project has Phases (66 Galen St/99 Water St; Cresset-Hanover-WS Arsenal St)

2. Notice for Continued cases, including if first continuance was not heard at all

Zoning amendment suggestions compared to current Watertown Zoning Ord -see from Somerville Zoning Ord: Administration, Public Notice”

15. ADMINISTRATION

Review Procedures

15.1 REVIEW PROCEDURES

1. General

- a. All DEVELOPMENT, excluding NORMAL MAINTENANCE, requires the submittal of a development review application to the BUILDING OFFICIAL and the issuance of a Certificate of Zoning Compliance prior to the issuance of a Building Permit or Certificate of Occupancy.
- b. Proposed DEVELOPMENT may or may not necessitate the need for a Discretionary or administrative permit based on the nature of the proposal.
- c. This Section describes the various common procedures required for development review applications. See Section 15.2 Discretionary Permits and Section 15.3 Administrative Permits for the specific procedural steps required for each type of permit.

2. Pre-Submittal Meeting

- a. Purpose
 - i. To inform APPLICANTS of relevant development review application criteria, standards, and procedures.
 - ii. To examine previous development review applications and permits for the subject property.
 - iii. To identify any potential concerns at the earliest opportunity in the DEVELOPMENT review process.
- b. Procedure
 - i. When a pre-submittal meeting is required by this Ordinance, development review applications are not considered complete until the pre-submittal meeting has been held with Planning Staff.
 - ii. Unless otherwise specified, a required pre-submittal meeting must occur at least fourteen (14) days prior to any required neighborhood meeting, at least fourteen (14) days prior to any required design review, and at least three (3) days prior to submittal of a development review application.
 - iii. APPLICANTS or their representatives are required to attend a pre-submittal meeting.
 - iv. APPLICANTS are required to bring all information and materials required by the BUILDING OFFICIAL and Director of Planning & Zoning to a pre-submittal meeting.

3. Neighborhood Meeting

- a. Purpose
 - i. To provide the public with an opportunity to review a conceptual design proposal and identify and discuss issues and potential impacts with the APPLICANT prior to the DEVELOPMENT of more detailed schematic design proposals.
 - ii. To provide the public with an opportunity to review a chosen schematic design plan and identify and discuss issues and potential impacts with the

APPLICANT prior to the submittal of a development review application.

- iii. Neighborhood meetings are required during the schematic design process to promote the submittal of a development review application that is more responsive to community concerns, expedite the review process, and to lessen the cost of DEVELOPMENT review by reducing continuances and appeals.

b. Procedure

- i. When a neighborhood meeting is required by this Ordinance, development review applications are not considered complete until the neighborhood meeting has been held.
- ii. Development review applications must be submitted within one hundred and twenty (120) days of the neighborhood meeting. If an application is not submitted in this time frame, the APPLICANT is required to hold a new neighborhood meeting.
- iii. Unless otherwise specified, a neighborhood meeting must occur at least fourteen (14) days prior to any required design review and at least fourteen (14) days prior to formal submittal of a development review application.
- iv. Neighborhood meetings must be open to the public.
- v. Neighborhood meetings should be held at a location in close proximity to the subject property on a weekday evening after 6:00 p.m. or on weekends at any reasonable time.
- vi. Neighborhood meetings may not occur on a local, state, or national holiday or election day.
- vii. APPLICANTS or their representatives, along with the designers, are required to attend a neighborhood meeting.
- viii. The APPLICANT is responsible for scheduling a neighborhood meeting in consultation with the Ward representative from the City Council, the Director of Planning & Zoning, and any NEIGHBORHOOD COUNCIL for the area where the DEVELOPMENT SITE is located.
- ix. The format and agenda of a neighborhood meeting is at the discretion of the Applicant, in consultation with the Ward representative from the City Council and any NEIGHBORHOOD COUNCIL for the area where the DEVELOPMENT SITE is located, subject to the following:
 - a). Only one (1) DEVELOPMENT proposal may be presented to the public at a neighborhood meeting.
 - b). Attendees must be able to hear and discuss each others feedback at the neighborhood

15. ADMINISTRATION

Review Procedures

- d. If a neighborhood meeting or design review meeting was required for the proposed DEVELOPMENT, the staff report must include also an account of the meeting that includes, but may not be limited to, the following:
 - a). the date, time, and location of the meeting;
 - b). a roster of members of the Urban Design Commission in attendance at the meeting;
 - c). a summary of issues discussed at the meeting; and
 - d). a description of any changes to the proposed DEVELOPMENT that the Director of Planning & Zoning deems necessary as a result of the meeting.

7. Public Notice

- a. General
 - i. Public notice of a neighborhood meeting, public meeting, or DEVELOPMENT review or legislative procedure public hearing is provided to inform the general public of the meeting or hearing and to direct interested parties to any available information concerning the DEVELOPMENT proposal.
 - ii. Costs incurred by the City for public notice must be prepaid by the APPLICANT according to the review boards rules of procedure.
- b. Mailed Notice
 - i. APPLICANTS shall provide notice of a neighborhood meeting as follows:
 - a). mailing notice to parties in interest.
 - b). mailing notice to direct ABUTTERS;
 - c). mailing notice to PROPERTY OWNERS within three hundred (300) feet;
 - d). making best efforts to mail notice to the residents of addresses owned by parties in interest, as provided by the U.S. Postal Service;
 - e). making best efforts to hand deliver notice to each direct ABUTTER;
 - f). contacting individuals that have requested to be notified about DEVELOPMENT in the neighborhood via email or telephone; and
 - g). requesting local businesses to post notice in their establishment.
 - ii. The Director of Planning & Zoning shall provide notice of a public hearing or a design review public meeting or as follows:
 - a). mailing notice to direct ABUTTERS;
 - b). mailing notice to PROPERTY OWNERS within three hundred (300) feet or five hundred (500) feet for DEVELOPMENT in the High-Rise district; and
 - c). mailing notice to the Planning Board of any ABUTTING City or Town sharing a municipal boundary the City of Somerville within three hundred (300) feet of the subject property.
 - iii. The Director of Planning & Zoning shall mail notice

of a public hearing for a LAND CONVEYANCE to direct ABUTTERS.

- iv. The Director of Planning & Zoning shall mail notice of a public hearing for an amendment to the Somerville Zoning Ordinance or Zoning Atlas to the Planning Board of City or Town sharing a municipal boundary with the City of Somerville, the Massachusetts Department of Housing & Community DEVELOPMENT, and the Metropolitan Area Planning Council.
- c. Published Notice
 - i. The Director of Planning & Zoning shall publish notice of a public meeting or public hearing in a newspaper of general circulation in the City of Somerville and the City of Somerville website at least fourteen (14) days in advance of the scheduled hearing date, with a second notice the following week.
- d. Posted Notice
 - i. The Director of Planning & Zoning shall post notice of a design review or neighborhood meeting in a conspicuous place in City Hall at least seven (7) days in advance of the scheduled meeting date.
 - ii. The Director of Planning & Zoning shall post notice of a DEVELOPMENT review or legislative procedure public hearing in a conspicuous place in City Hall at least fourteen (14) days in advance of the scheduled hearing date.
 - iii. Applicants shall post notice of a DEVELOPMENT review public hearing in a conspicuous place at the subject property at least fourteen (14) days in advance of the scheduled meeting date.
- e. Appeal for Improper Notice
 - i. Any aggrieved party may appeal the decision of any review board or official when claiming improper notice of a DEVELOPMENT review public hearing required by M.G.L. Chapter 40A in accordance with the procedures of §15.5.3 Judicial Appeal.
 - ii. Judicial appeals claiming improper notice of a DEVELOPMENT review public hearing or meeting must be filed per MGL 40A.

8. Public Hearing

- a. Procedure
 - i. A public hearing must be held within sixty-five (65) days after receiving a completed development review application that requires a Special Permit, Master plan Special Permit, Hardship Variance, Site Plan Approval, or SUBDIVISION Plan Approval.
 - ii. A public hearing must be held within ninety (90) days after receiving a completed development review application that requires a Neighborhood DEVELOPMENT Plan Approval.
- b. Hearing Administration



Watertown City Council

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

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

Report of the Committee on Economic Development & Planning Meeting Date: November 21, 2022

The Committee convened on Monday November 21, 2022 at 5:30 pm in the Richard E. Mastrangelo Council Chambers, with remote participation by Zoom. Present were Lisa Feltner, chair; John Gannon, vice chair; and Vincent Piccirilli, secretary. Staff present were Steven Magoon, Assistant City Manager/Director of Community Development and Planning, and Laurence Field*, Senior Housing Planner. Also present were Historical Commission Chair Elisabeth Loukas, and Member Susan Steele. Also present were Councilors Caroline Bays* and Anthony Palomba*. (* attended by zoom.)

The purpose of the meeting was to continue discussion from September 8, 2022, on proposed amendments to the demolition delay ordinance and the proposed new regulations. See the Committee Report presented at the September 27, 2022 City Council meeting.

Prior to the meeting, the Committee was sent a Summary of DCDP proposed changes in demo delay proposal (attachment A), as well as redlined and clean versions of the ordinance and regulations (attachments B through E), and a letter from the Historical Commission on maximum demolition delay periods used by other communities (attachment F).

Mr. Field gave an overview of the proposed changes in response to the Committee's concerns from the September 8th meeting. The DCDP had our new Building Commissioner and Zoning Enforcement Officer review the regulations to make sure that the new application flow within the Department would be efficient and clear. Also, with the Committee's questions about the proposed notice provision, the DCDP has proposed changes. The DCDP changes were discussed with the Historical Commission and they are in agreement, and the substance of the Historical Commission's proposal is the same, with the exception of the notice provision. The DCDP continues to support the Commission's effort to:

- a) Use a two-step process where two members of the Commission could find a building "not historically significant," eliminating the need for a hearing (often for small garages).
- b) Address renovation applications that amount to "substantial demolition" because so much of the existing structure is being torn down.
- c) Allow the Commission discretion to impose a demolition delay of up to two years to encourage the owner to consider options that would preserve some or all of a building found to be "preferably preserved."

Next, the Committee reviewed the proposed ordinance, with the following key points:

1. For clarity, in §153.03 (A) the Committee recommended replacing "No Building/Demolition permit" with "No Building or Demolition permit".
2. There was concern by the Committee about how the two-person review subcommittee, consisting of the Chair and a second Member, would notify the rest of the Historical Commission. The Committee recommended changing §153.03 (A) and (B) as follows:

(A) Within fifteen days after receipt of a copy of a permit application, the Chair (or Acting Chair, if applicable) and a second Commission member designated by the Chair may make a written determination **to the Historical Commission and the Building Commissioner** that the building is not significant.

(B) Upon determination by the Chair and the Chair's designee that the building is not significant, the ~~Commission shall so advise the Building Commissioner writing. The~~ Building Commissioner may then issue the demolition or building permit for the renovation/alteration.

3. Regarding the internet notification in §153.05 (A)(1), it was questioned if this is allowed by state law, and the Committee requested the City Attorney to review this.
4. Regarding the maximum 2-year delay, in §153.05 (C)(1), there was discussion if this was appropriate. As was noted in the 20 years of data provided in the September 8th meeting, the Commission has been very judicious in applying delays. The point of the 2-year delay is to help facilitate discussion with the petitioner to persuade them to seek preservation strategies. In addition, if a 2-year delay were imposed, §153.05 (E) allows the Commission to revoke it if the petitioner has demonstrated that efforts to find alternatives were unsuccessful.
5. Regarding the 2-year penalty in §153.07 (B), the Committee recommended this be changed to 3 years, as the delay is now 2 years, and that the City Attorney review if this is allowable.

The Committee then reviewed the proposed regulations, and no changes were made.

- **Action Item:** Councilor Piccirilli made a motion, seconded by Councilor Gannon, to recommend the City Council request the City Attorney review the proposed ordinance, and then schedule a First Reading for a new Demolition Delay Ordinance Chapter 153 as proposed, to replace the existing Chapter 153 in its entirety, and to also endorse the new demolition Delay Regulations as proposed. Voted 3-0.

The meeting adjourned at 8:32 pm.

Report prepared by Vincent Piccirilli

Attachments:

- A. Summary DCDP proposed changes in demo delay proposal
- B. REDLINE DCDP proposed changes re demo delay ordinance
- C. CLEAN DCDP proposed changes re demo delay ordinance
- D. REDLINE DCDP proposed changes to demo delay regulations
- E. CLEAN DCDP proposed changes to demo delay regulations
- F. Historical Commission Letter – Community Comparisons

SUMMARY OF DCDP PROPOSED CHANGES IN DEMO DELAY PROPOSAL

Intent	Description of proposed change	Ref in proposal	Ref in DCDP text
Conform to applications now in use	Authorize Commission to request info not in permit app, but put list of specific info in Regs	153.03 (B) Regs, ID	153.05 (B) Regs, IIB & D
Better differentiate between demo and renovation permit process	Definition of permit application distinguishes between the two, and ordinance uses separate sub-sections for each application type	153.02 Demolition Permit Def 153.03 (A)	153.02 Incorporated into new definitions of Permit Application & Permit 153.03 (B) and (C)
Cleaner flow within DCDP (& clearer to applicants)	Separate sections to show process within DCDP, preliminary review at Commission, hearings at Commission	153.03 covers every part of process	153.03 within 153.04 prelim review 153.05 hearings (2 new sections, later sections renumbered)
Explain how 50 year determination made	DCDP uses best public records, while Commission may use historical research	None	Regs, IA
Notice	Clarify websites that can be used, incorporate objective standard currently used for mailings (while retaining flexibility to provide more notice)	153.03 (F)	153.05 (A) --Website offering local news/public notice --abutters and abutters to abutters within 300 ft

Attachment 1. Proposed Demolition Delay Ordinance (amendment to replace the existing ordinance with the ordinance below):

§ 153.01 PURPOSE

This chapter is enacted for the purpose of preserving and protecting significant buildings within the City of Watertown (~~formerly known as the Town of Watertown and hereinafter~~ "City") which are outside designated local Historic Districts and to encourage owners of the buildings to seek out persons who might be willing to purchase, preserve, rehabilitate, or restore the buildings rather than demolish them. To achieve these purposes, the Watertown Historical Commission (the "Commission") is empowered to make certain determinations related to the issuance of permits for demolition or substantial demolition of significant buildings. The issuance of ~~demolition-said~~ permits for significant buildings is regulated as provided in this chapter.

§ 153.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT ~~For the purposes of this ordinance: a~~Any person or entity who files an ~~permit application with the Building Commissioner (as defined herein) for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner must indicate on or with the application his/her assent to the filing of the application.~~

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BUILDING-Any combination of materials forming a shelter for persons, animals, or property.

BUILDING COMMISSIONER - The person occupying the office of Building Commissioner or a designee. ~~otherwise authorized to issue demolition permits.~~

COMMISSION – The Watertown Historical Commission or its designee.

DEMOLITION-Any act of pulling down, destroying, removing, dismantling or razing a building, or commencing the work of total or substantial destruction with the intent of completing the same.

PERMIT APPLICATION-An application for the demolition of a building or for renovations or alterations that constitute a substantial demolition as defined herein. For purposes of this ordinance, a permit application seeking solely to demolish the interior of a building is not a permit application.

DEMOLITION PERMIT - The Building permit issued by the Building Commissioner or a designee for a demolition or partial demolition of a building, excluding a building permit issued solely for the demolition of the interior of a building, approving a permit application as defined herein.

PREFERABLY PRESERVED - Any significant building which the Commission determines, following a public hearing, is in the public interest to preserve rather than demolish. A preferably preserved building is subject to imposition of a demolition delay period as set forth in this ordinance.

SIGNIFICANT BUILDING – Any building or portion thereof not within an Historic District which is fifty years or more old and which has been determined by the Commission ~~or its designee~~ to be significant based on any of the following criteria:

- The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the City or the Commonwealth; or
- The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

SUBSTANTIAL DEMOLITION- Proposed renovation, alteration or other work on a building that is tantamount to demolition because it involves the pulling down, destruction or removal of a substantial portion of the exterior of a building or structure or the removal of architectural elements which define or contribute to the historic character.

ZONING ENFORCEMENT OFFICER-The person occupying the office of Zoning Enforcement Officer or otherwise authorized to make administrative determinations of zoning compliance.

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§ 153.03 PERMIT APPLICATION

(A) No ~~Building/Demolition~~ permit for a building which is in whole or in part fifty years or more old shall be issued without following the provisions of this ordinance. If a building is of unknown age, it shall be assumed that the building is over 50 years old for the purposes of this

ordinance. ~~If the proposed work on a building which is in whole or in part fifty years or more old constitutes a substantial demolition, the building permit to renovate or alter the building shall be forwarded to the Commission as set forth in sub-division C below. Said applicant does not need to file a separate application for a demolition permit unless and until there is a written determination that the building is significant.~~

(B) Demolition Application. ~~When the Building Commissioner receives an application An applicant proposing to demolish a building subject to this ordinance the shall file with the Building Commissioner an application containing the following information:~~

- ~~(1) The address of the building to be demolished.~~
- ~~(2) The owner's name, address and telephone number.~~
- ~~(3) A description of the building.~~
- ~~(4) The reason for requesting a demolition permit, including information on the building's condition if this is a reason for demolition.~~
- ~~(5) A brief description of the proposed reuse, reconstruction or replacement.~~
- ~~(6) A photograph or photograph(s) of the building.~~

~~(C) The Building Commissioner shall within seven five business days forward a copy of the application to the Chair of the Commission (or Acting Chair, if applicable) and a second commission member designated by the Chair to conduct a preliminary review as set forth in § 153.04. (the "Chair's designee"). The Chair and the Chair's designee shall, within fifteen days after receipt of the application, make a written determination if the building is not significant~~

(C) Renovation/alteration (Building Permit) Application. ~~If an application for a permit to renovate or alter a building subject to this ordinance includes exterior demolition as part of its application, the Building Commissioner shall forward said application to the Zoning Enforcement Officer within two business days for a determination as to whether the proposed work constitutes substantial demolition.~~

~~(1) If the Zoning Enforcement Officer determines, pursuant to the Department's demolition delay regulations, that such an application constitutes substantial demolition, the Zoning Enforcement Officer shall within five business days notify the Building Commissioner and forward a copy of the application to the Chair of the Commission to conduct a preliminary review.~~

~~(2) Upon the Zoning Enforcement Officer determining that the application does not constitute a substantial demolition, the Zoning Enforcement Officer shall notify the Building Commissioner in writing. Upon being notified of such a determination the Building Commissioner may issue the building permit.~~

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§ 153.04 PRELIMINARY REVIEW BY HISTORICAL COMMISSION

(A) Within fifteen days after receipt of a copy of a permit application, the Chair (or Acting Chair, if applicable) and a second Commission member designated by the Chair may make a written determination that the building is not significant.

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(B) Upon determination by the Chair and the Chair's designee that the building is not significant, the Commission shall so advise the Building Commissioner ~~and applicant in writing~~. The Building Commissioner may then issue the demolition or building permit ~~for the renovation/alteration~~.

(C) In the absence of such a written determination by the Chair and the Chair's designee, the Chair shall forward the application to the Commission for a hearing outlined in Section 153.05 and notify the Building Commissioner in writing.

§ 153.05 COMMISSION HEARINGS

(FA) The Commission shall hold a public hearing at its next regularly scheduled meeting on all applications reviewed for historic significance which did not receive a written determination that the building or buildings were not significant. Public notice of the time, place and purpose of the hearing shall be disseminated as follows:

- (1) on an internet website operated by the City of Watertown and on an internet website ~~operated by a local newspaper offering local news and public notices online~~ at least 14 days before the hearing;
- (2) written notice posted in the Administration building and the Watertown Free Public Library at least 14 days before the hearing; and
- (3) written notice mailed to the applicant, to the owners ~~(as they appear on the most recent local tax list)~~ of all property ~~abutting the subject property and all abutters to the abutters within three hundred feet of the property linedeemed by the Commission to be affected thereby as they appear on the most recent local tax list~~, and to the other persons as the Commission shall deem entitled to notice at least 7 days before the hearing.

(BG) The Commission may request that an applicant for a permit for ~~demolition or renovation/alteration that is the subject of a public hearing under sub-section (A) provide additional information about the building, including the reason for proposing exterior demolition, the building's condition, and a description of the proposed reuse, reconstruction or replacement of the exterior elements that would be demolished.~~

~~(C)~~ The Commission shall decide at the public hearing whether the building is significant ~~and whether it should be preferably preserved, and whether a demolition delay period will be imposed. The determination of the Commission may be postponed if agreed in writing by the applicant.~~

- (1) If the Commission determines that the demolition of the significant building would be detrimental to the historical architectural heritage or resources of the City, the building shall be considered a preferably preserved significant building. ~~The determination of the Commission may be postponed if agreed in writing by the applicant.~~ If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing. No demolition permit may then be issued during the time period set by the Commission, starting from the date of the determination, and lasting no more than twenty-four months.
- (2) The Commission shall notify the Building Commissioner and applicant in writing if the Commission determines that the building is not preferably preserved. The Building Commissioner may then issue the demolition permit.

~~(DH)~~ No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and have found to comply with all laws pertaining to the issuance of a building permit. ~~or if for a parking lot, a certificate of occupancy for that site.~~ All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

~~(EJ)~~ The Building Commissioner may issue a demolition permit for a preferably-preserved significant building at any time after receipt of written communication from the Commission to the effect that either:

- (1) The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore the building; or
- (2) The Commission is satisfied that for at least 6 months the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that the efforts have been unsuccessful.

§ 153.064 ADMINISTRATION

The Commission may adopt such rules, regulations and guidance as are necessary to administer the terms of this ordinance. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this ordinance. The Commission may pro-actively develop a list of significant buildings that will be subject to this ordinance. Buildings proposed for the significant building list shall be added following a public hearing.

§ 153.075 ENFORCEMENT

(A) The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof.

(B) No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this chapter for a period of 2 years after the date of the completion of the demolition unless the building permit is for the faithful recreation of the demolished building or unless otherwise agreed by the Commission. As used herein, **PREMISES** includes the parcel of land upon which the demolished significant building was located or any adjoining parcels of land under common ownership.

(C) Upon a determination by the Commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building, to the satisfaction of the Building Commissioner. Should the owner fail to secure the building, the loss of the building through fire or other cause shall be considered voluntary demolition for the purposes of division (B) of this section.

§ 153.086 EMERGENCY DEMOLITION-

Nothing in this chapter shall be construed to derogate the authority of the Inspector of Buildings (which term includes Building Commissioner) derived from Mass. Gen. Laws Ch. 143. However, before acting pursuant to this chapter, the Building Commissioner shall make every reasonable effort to inform the Chair of the Historical Commission of his or her intentions to cause demolition before he or she initiates the same.

§ 153.99 PENALTY

Anyone who demolishes a significant building without first obtaining and complying fully with the provisions of a demolition permit in accordance with this chapter will

be subject to a fine of \$300 for each day that the violation continues, in addition to any fine that may be imposed for failure to comply with the State Building Code.

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Attachment 1. Proposed Demolition Delay Ordinance (amendment to replace the existing ordinance with the ordinance below):

§ 153.01 PURPOSE

This chapter is enacted for the purpose of preserving and protecting significant buildings within the City of Watertown ("City") which are outside designated local Historic Districts and to encourage owners of the buildings to seek out persons who might be willing to purchase, preserve, rehabilitate, or restore the buildings rather than demolish them. To achieve these purposes, the Watertown Historical Commission (the "Commission") is empowered to make certain determinations related to the issuance of permits for demolition or substantial demolition of significant buildings. The issuance of said permits for significant buildings is regulated as provided in this chapter.

§ 153.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT- For the purposes of this ordinance: any person or entity who files a permit application with the Building Commissioner (as defined herein).

BUILDING-Any combination of materials forming a shelter for persons, animals, or property.

BUILDING COMMISSIONER - The person occupying the office of Building Commissioner or a designee.

COMMISSION – The Watertown Historical Commission or its designee.

DEMOLITION-Any act of pulling down, destroying, removing, dismantling or razing a building, or commencing the work of total or substantial destruction with the intent of completing the same.

PERMIT APPLICATION-An application for the demolition of a building or for renovations or alterations that constitute a substantial demolition as defined herein. For purposes of this ordinance, a permit application seeking solely to demolish the interior of a building is not a permit application.

PERMIT - The Building permit issued by the Building Commissioner or a

designee approving a permit application as defined herein.

PREFERABLY PRESERVED - Any significant building which the Commission determines, following a public hearing, is in the public interest to preserve rather than demolish. A preferably preserved building is subject to imposition of a demolition delay period as set forth in this ordinance.

SIGNIFICANT BUILDING – Any building or portion thereof not within an Historic District which is fifty years or more old and which has been determined by the Commission to be significant based on any of the following criteria:

- The Building is importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the City or the Commonwealth; or
- The Building is historically or architecturally important (in terms of period, style, method of building construction or association with a recognized architect or builder) either by itself or in the context of a group of buildings.

SUBSTANTIAL DEMOLITION- Proposed renovation, alteration or other work on a building that is tantamount to demolition because it involves the pulling down, destruction or removal of a substantial portion of the exterior of a building or structure or the removal of architectural elements which define or contribute to the historic character.

ZONING ENFORCEMENT OFFICER-The person occupying the office of Zoning Enforcement Officer or otherwise authorized to make administrative determinations of zoning compliance.

§ 153.03 PERMIT APPLICATION

(A.) No Building/Demolition permit for a building which is in whole or in part fifty years or more old shall be issued without following the provisions of this ordinance. If a building is of unknown age, it shall be assumed that the building is over 50 years old for the purposes of this ordinance.

(B) Demolition Application. When the Building Commissioner receives an application proposing to demolish a building subject to this ordinance the Commissioner shall within five business days forward a copy of the application to the Chair of the Commission to conduct a preliminary review as set forth in § 153.04.

(C) Renovation/alteration (Building Permit) Application. If an application for a permit to renovate or alter a building subject to this ordinance includes exterior demolition as part of its application, the Building Commissioner shall forward said application to the Zoning Enforcement Officer within two business days for a determination as to whether the proposed work constitutes substantial demolition.

(1) If the Zoning Enforcement Officer determines, pursuant to the Department's demolition delay regulations, that such an application constitutes substantial demolition, the Zoning Enforcement Officer shall within five business days notify the Building Commissioner and forward a copy of the application to the Chair of the Commission to conduct a preliminary review.

(2) Upon the Zoning Enforcement Officer determining that the application does not constitute a substantial demolition, the Zoning Enforcement Officer shall notify the Building Commissioner in writing. Upon being notified of such determination the Building Commissioner may issue the building permit.

§ 153.04 PRELIMINARY REVIEW BY HISTORICAL COMMISSION

(A) Within fifteen days after receipt of a copy of a permit application, the Chair (or Acting Chair, if applicable) and a second Commission member designated by the Chair may make a written determination that the building is not significant.

(B) Upon determination by the Chair and the Chair's designee that the building is not significant, the Commission shall so advise the Building Commissioner writing. The Building Commissioner may then issue the demolition or building permit for the renovation/alteration.

(C) In the absence of such a written determination by the Chair and the Chair's designee, the Chair shall forward the application to the Commission for a hearing outlined in Sec153.05 and notify the Building Commissioner in writing.

§ 153.05 COMMISSION HEARINGS

(A) The Commission shall hold a public hearing at its next regularly scheduled meeting on all applications reviewed for historic significance which did not receive a written determination that the building or buildings were not significant. Public notice of the time, place and purpose of the hearing shall be disseminated as follows:

- (1) on an internet website operated by the City of Watertown and on an internet website offering local news and public notices online at least 14 days before the hearing;
- (2) written notice posted in the Administration building and the Watertown Free Public Library at least 14 days before the hearing; and

- (3) written notice mailed to the applicant, to the owners (as they appear on the most recent local tax list) of all property abutting the subject property and all abutters to the abutters within three hundred feet of the property line, and to the other persons as the Commission shall deem entitled to notice at least 7 days before the hearing.

(B) The Commission may request that an applicant for a permit for demolition or renovation/alteration that is the subject of a public hearing under sub-section (A) provide additional information about the building, including the reason for proposing exterior demolition, the building's condition, and a description of the proposed reuse, reconstruction or replacement of the exterior elements that would be demolished.

C) The Commission shall decide at the public hearing whether the building is significant, whether it should be preferably preserved, and whether a demolition delay period will be imposed. The determination of the Commission may be postponed if agreed in writing by the applicant.

- (1) If the Commission determines that the demolition of the significant building would be detrimental to the historical architectural heritage or resources of the City, the building shall be considered a preferably preserved significant building. If the Commission determines that the building is preferably preserved, the Commission shall notify the Building Commissioner and applicant in writing. No demolition permit may then be issued during the time period set by the Commission, starting from the date of the determination, and lasting no more than twenty-four months.
- (2) The Commission shall notify the Building Commissioner and applicant in writing if the Commission determines that the building is not preferably preserved. The Building Commissioner may then issue the demolition permit.

(D) No permit for demolition of a building determined to be a preferably preserved building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and have found to comply with all laws pertaining to the issuance of a building permit. All approvals necessary for the issuance of such building permit or certificate of occupancy including without limitation any necessary zoning variances or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a demolition permit under this section.

(E) The Building Commissioner may issue a demolition permit for a preferably-preserved significant building at any time after receipt of written communication from the Commission to the effect that either:

(1) The Commission is satisfied that there is no reasonable likelihood that either the owner or some other person or group is willing to purchase, preserve, rehabilitate or restore the building; or

(2) The Commission is satisfied that for at least 6 months the owner has made continuing bona fide and reasonable efforts to locate a purchaser to preserve, rehabilitate and restore the subject building, and that the efforts have been unsuccessful.

§ 153.06 ADMINISTRATION

The Commission may adopt such rules, regulations and guidance as are necessary to administer the terms of this ordinance. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this ordinance. The Commission may pro-actively develop a list of significant buildings that will be subject to this ordinance. Buildings proposed for the significant building list shall be added following a public hearing.

§ 153.07 ENFORCEMENT

(A) The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof.

(B) No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this chapter for a period of 2 years after the date of the completion of the demolition unless the building permit is for the faithful recreation of the demolished building or unless otherwise agreed by the Commission. As used herein, **PREMISES** includes the parcel of land upon which the demolished significant building was located or any adjoining parcels of land under common ownership.

(C) Upon a determination by the Commission that a building is a preferably preserved significant building, the owner shall be responsible for properly securing the building, to the satisfaction of the Building Commissioner. Should the owner fail to secure the building, the loss of the building through fire or other cause shall be considered voluntary demolition for the purposes of division (B) of this section.

§ 153.08 EMERGENCY DEMOLITION

Nothing in this chapter shall be construed to derogate the authority of the Inspector of Buildings (which term includes Building Commissioner) derived from Mass. Gen. Laws Ch. 143. However, before acting pursuant to this chapter, the Building Commissioner shall make every reasonable effort to inform the Chair of the Historical Commission of his or her intentions to cause demolition before he or she initiates the same.

§ 153.99 PENALTY

Anyone who demolishes a significant building without first obtaining and complying fully with the provisions of a demolition permit in accordance with this chapter will be subject to a fine of \$300 for each day that the violation continues, in addition to any fine that may be imposed for failure to comply with the State Building Code.

Attachment 2. Proposed Demolition Delay Regulations:



City of Watertown
149 Main Street
Watertown, MA 02472

DEMOLITION DELAY REGULATIONS

These regulations are developed pursuant to the Watertown Demolition Delay Ordinance, Chapter 153, Sections 1-5 and 99, to enable the Historical Commission to carry out the City's goal of preserving and protecting significant buildings within the City which are outside designated local Historic Districts and to encourage owners of the buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore the buildings rather than demolish them. Further, the regulations are intended to provide clear guidance and requirements for applicants seeking to demolish buildings, or undertake renovation or alterations that constitute substantial demolition, of significant buildings. The regulations shall take effect when the 2022 Demolition Delay Ordinance is enacted.

I. Determinations by the Department of Community Development and Planning to Assist the Historical Commission

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A. Fifty Years Old or More-In order to appropriately route applications to the Historical Commission or the Zoning Enforcement Officer, the Department shall use the best public record available then available to make a preliminary determination of building age. Examples of such public records are the City's Assessor Database or Building Card files. This preliminary determination shall not affect the Historical Commission's authority to use historical research from private or public sources to further determine a building's age.

B. Substantial Demolition-In order to appropriately route applications to the Historical Commission, the Zoning Enforcement Officer will determine whether the proposed scope of work constitutes substantial demolition as defined in the ordinance. In making that determination, the Zoning Enforcement Officer will deem any of the following as substantial demolition:

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1. Removal of 50% or more of a roof (for example, raising the overall height of a roof, rebuilding the roof to a different pitch, or adding another story to a building).
2. Removal of any part of a roof if the ridge line is changed.
3. Removal of any exterior wall.

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II. Procedural Requirements

A. A copy of these regulations, and any additional written guidance on the operation of the Demolition Delay Ordinance, shall be available to all applicants for demolition permits or renovation/alteration permits, in a manner to be determined by the Department ~~of Community Development and Planning.~~

B.

~~C.~~ All applications to demolish a building that is fifty years or more will be forwarded to the Chair of the Historical Commission for preliminary review. If the building is determined not to be a historically significant building, the Department will proceed with its usual review of the application. The demolition application shall attach the following:

1. Dimensioned site plan of existing building and of the proposed replacement project, signed by the current record owner of the property (and if the current record owner is not the applicant, then the applicant must also sign). The site plan should indicate the relationship to the surrounding structures and properties.
2. Schematic elevation drawings of the proposed replacement project signed by the current record owner of the property (and if the current record owner is not the applicant, then the applicant must also sign). Dimensions and construction materials should be indicated. Elevations that demonstrate the relationship to neighboring structures are preferred.
3. Exterior photographs of the existing building and abutters as seen from a public way.

~~C.~~

~~D.~~ All applicants for renovation/alteration building permits shall provide sufficient information in the application to allow municipal staff to determine the scope of the proposed work.

~~E.~~ If any application for renovation/alteration permit is determined to involve a scope of proposed work that constitutes substantial demolition, as defined in Section II of these regulations, and the building, or any part, is fifty years or more old, the application will be reviewed by, forwarded to the Chair of the Historical Commission ~~and the Chair's designee as set forth in the ordinance, for preliminary review.~~ If the building is determined not to be of historical significance, the ~~Building~~ Department will proceed with its usual review of the application. Otherwise, the application will be referred to the full Historical Commission for a public hearing and further consideration under the Demolition Delay Ordinance.

~~F.D.~~ Any renovation/alteration application referred to the full Historical Commission shall supplement its initial application by providing the following information to the Commission as soon as possible:

1. A description of the building elements to be demolished or removed.
2. The reason for requesting a building permit, including information on the building's condition if this is a reason for removing parts of the building.
3. A brief description of the proposed reuse, reconstruction or replacement of those parts

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elements of the building to be removed.

Exterior A photograph or photographs(s) of the existing building and abutters as seen from a public way, as well as of those elements of the building parts that are proposed to be removed.

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II. Substantial Demolition

~~A. Substantial demolition is the proposed renovation, alteration or other work on a building that is tantamount to demolition because it involves the pulling down, destruction or removal of a substantial portion of the exterior of a building or structure or the removal of architectural elements which define or contribute to the historic character.~~

~~B. Municipal staff will deem any of the following as substantial demolition:~~

- ~~1. Removal of 50% or more of a roof (for example, raising the overall height of a roof, rebuilding the roof to a different pitch, or adding another story to a building).~~
- ~~2. Removal of any part of a roof if the ridge line is changed.~~
- ~~3.4. Removal of any exterior wall.~~

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Attachment 2. Proposed Demolition Delay Regulations:



City of Watertown
149 Main Street
Watertown, MA 02472

DEMOLITION DELAY REGULATIONS

These regulations are developed pursuant to the Watertown Demolition Delay Ordinance, Chapter 153, Sections 1-5 and 99, to enable the Historical Commission to carry out the City's goal of preserving and protecting significant buildings within the City which are outside designated local Historic Districts and to encourage owners of the buildings to seek out persons who might be willing to purchase, preserve, rehabilitate or restore the buildings rather than demolish them. Further, the regulations are intended to provide clear guidance and requirements for applicants seeking to demolish buildings, or undertake renovation or alterations that constitute substantial demolition, of significant buildings. The regulations shall take effect when the 2022 Demolition Delay Ordinance is enacted.

I. Determinations by the Department of Community Development and Planning to Assist the Historical Commission

- A. Fifty Years Old or More-In order to appropriately route applications to the Historical Commission or the Zoning Enforcement Officer, the Department shall use the best public record then available to make a preliminary determination of building age. Examples of such public records are the City's Assessor Database or Building Card files. This preliminary determination shall not affect the Historical Commission's authority to use historical research from private or public sources to further determine a building's age.
- B. Substantial Demolition-In order to appropriately route applications to the Historical Commission, the Zoning Enforcement Officer will determine whether the proposed scope of work constitutes substantial demolition as defined in the ordinance. In making that determination, the Zoning Enforcement Officer will deem any of the following as substantial demolition:
 1. Removal of 50% or more of a roof (for example, raising the overall height of a roof, rebuilding the roof to a different pitch, or adding another story to a building).
 2. Removal of any part of a roof if the ridge line is changed.
 3. Removal of any exterior wall.

II. Procedural Requirements

- A. A copy of these regulations, and any additional written guidance on the operation of the Demolition Delay Ordinance, shall be available to all applicants for demolition permits or renovation/alteration permits, in a manner to be determined by the Department.

- B. All applications to demolish a building that is fifty years or more will be forwarded to the Chair of the Historical Commission for preliminary review. If the building is determined not to be a historically significant building, the Department will proceed with its usual review of the application. The demolition application shall attach the following:
 - 1. Dimensioned site plan of existing building and of the proposed replacement project, signed by the current record owner of the property (and if the current record owner is not the applicant, then the applicant must also sign). The site plan should indicate the relationship to the surrounding structures and properties.
 - 2. Schematic elevation drawings of the proposed replacement project signed by the current record owner of the property (and if the current record owner is not the applicant, then the applicant must also sign). Dimensions and construction materials should be indicated. Elevations that demonstrate the relationship to neighboring structures are preferred.
 - 3. Exterior photographs of the existing building and abutters as seen from a public way.

- C. All applicants for renovation/alteration building permits shall provide sufficient information in the application to allow municipal staff to determine the scope of the proposed work. If any application for renovation/alteration permit is determined to involve a scope of proposed work that constitutes substantial demolition, as defined in Section I of these regulations, and the building, or any part, is fifty years or more old, the application will be forwarded to the Chair of the Historical Commission for preliminary review. If the building is determined not to be of historical significance, the Department will proceed with its usual review of the application. Otherwise, the application will be referred to the full Historical Commission for a public hearing and further consideration under the Demolition Delay Ordinance.

- D. Any renovation/alteration application referred to the full Historical Commission shall supplement its initial application by providing the following information to the Commission as soon as possible:
 - 1. A description of the building elements to be demolished or removed.
 - 2. The reason for requesting a building permit, including information on the building's condition if this is a reason for removing parts of the building.
 - 3. A brief description of the proposed reuse, reconstruction or replacement of those elements of the building to be removed.
 - 4. Exterior photographs of the existing building and abutters as seen from a public way, as well as of those elements of the building to be removed.



CITY OF WATERTOWN
Historical Commission
Administration Building
149 Main Street
WATERTOWN, MASSACHUSETTS 02472

Elise Loukas, Chairperson
Thomas Melone, Member
Susan Steele, Member
Marilynne K. Roach, Member
Joseph Panto, Member
Matthew Walter, Member
Richard Glenn, Member

November 21, 2022

Lisa Feltner, Chair
Economic Development and Planning Committee
Watertown City Council
Via email only

Councillor Feltner,

Attached please find an excel spreadsheet compiled by the City of Watertown Historical Commission staff. The numbers represent the limit of months which each city/town may impose as a demolition delay pursuant to their respective ordinances.

You will note that Milton has the distinction of being the only city/town at this time which may impose a delay of 24 months. There are a number of others, including Brookline and Newton, that have an 18-month maximum. There are at least two significant reasons for adopting a maximum period that allows the Historical Commission to exercise its discretion in appropriate cases.

First, Watertown is experiencing significant market pressure that is leading developers to demolish and replace pre-World War II homes. More than most nearby communities experiencing similar pressure, Watertown has an unusually large percentage of two-family homes (34% of our housing stock). In addition, one-third of the lots in our two-family zoning district currently are occupied by a single family home, as are one-half of those in the single-family conversion zone. These are particularly attractive sites to demolish and replace the existing structure, without any exploration of historic preservation options.

The second reason is the historical planning and protection which many towns who have a shorter period have already developed.

Lexington, for example, has a rich historical base. Four areas in Lexington have been designated as National Historic Landmarks by the U.S. Secretary of the Interior, thirteen properties are listed on the National and State Registers of Historic Places, and the Town has three National Register Historic Districts and shares a Multiple Property National Register listing with Waltham and Belmont for properties at the Metropolitan State Hospital. They have also protected approximately 2,000 properties through inclusion in Town-established local historic districts.

We don't have that kind of comprehensive inventory and level of planning and protection. While the City is working with the Historical Commission to get to that level—e.g., committing funds to apply for a state grant to do the first significant historical inventory in 40 years-- it will take years to catch up with these communities.

We've already shown how judicious the Historical Commission has been in imposing delays. Not just the current Commission but Commissions comprised of various Commissioners over years of data which we have collected and presented.

One thing everyone can agree on is that the City of Watertown deserves the best. Otherwise none of us would be working in these exciting and complicated times for this City with its rich history and incredibly bright future.

The Department of Community Development & Planning supports this Demolition Delay draft which allows the Historical Commission to impose up to a 24 month delay to protect and preserve a historical asset. That's because we deserve the best and in order to be our best we need to act like we deserve the best.

Thank you for your consideration.

Sincerely,

Elise Loukas

Cc: Councillor John G. Gannon
Councillor Vincent J. Piccirilli, Jr.
Steve Magoon
Larry Field

Demolition Delay Bylaws and Ordinances in Massachusetts

Compiled by Massachusetts Historical Commission

Information should be verified at the appropriate municipal offices.

Date: April 30, 2020

MHC COMPILATION SORTED BY WATERTOWN STAFF WITH TWO UPDATES NOTED

Municipalities	Months	
Milton	24	
Brookline	18-12	18 applies when building on Fed/State Register, or in pipeline
Newton	18	
Middleborough	18	
Acton	18	
Amesbury	18	
Medfield	18	
Maynard	18	
Chatham	18	
Wellfleet	18	
Plympton	18	
Leverett	18	
Ipswich	18	amended in 2020/approved by AG effective Feb 2021 went to 18 months
Worcester	12	
Cambridge	12	
New Bedford	12	
Framingham	12	
Malden	12	
Waltham	12	
Plymouth	12	
Barnstable	12	
Arlington	12	
Beverly	12	
Woburn	12	
Amherst	12	
Andover	12	
Chelmsford	12	
Watertown	12	
Lexington	12	
Franklin	12	
Falmouth	12	
North Andover	12	
Northampton	12	
Wellesley	12	
Danvers	12	
Belmont	12	

Walpole	12
Marshfield	12
Easton	12
Winchester	12
Bourne	12
Scituate	12
Newburyport	12
Sharon	12
Concord	12
Greenfield	12
Westport	12
Duxbury	12
Hanover	12
Dennis	12
Bedford	12
Harwich	12
Lynnfield	12
North Adams	12
Wrentham	12
Dudley	12
Weston	12
Sturbridge	12
Freetown	12
Upton	12
Hamilton	12
Lincoln	12
Orleans	12
Eastham	12
Boxborough	12
Hatfield	12
Sheffield	12
Truro	12
Stockbridge	12
Springfield	9
Lawrence	9
Somerville	9
Ashland	9
Longmeadow	9
Swampscott	9
Medway	9
Southborough	9
Ware	9

Newbury	9
Rowley	9
Dunstable	9
Fall River	6
Medford	6
Taunton	6
Weymouth	6
Methuen	6
Salem	6
Pittsfield	6
Leominster	6
Billerica	6
Holyoke	6
Natick	6
Randolph	6
Dartmouth	6
Needham	6
North	6
Stoughton	6
Agawam	6
Wakefield	6
Burlington	6
Reading	6
Yarmouth	6
Westford	6
Canton	6
Hingham	6
Wareham	6
Westborough	6
Sudbury	6
Hopkinton	6
Foxborough	6
Somerset	6
Westwood	6
Easthampton	6
Northborough	6
Holliston	6
Kingston	6
Tyngsborough	6
Norfolk	6
Lunenburg	6
Carver	6

Lakeville	6
Norwell	6
Groton	6
Leicester	6
Littleton	6
Middleton	6
Georgetown	6
Dighton	6
Halifax	6
Topsfield	6
Ashburnham	6
Mendon	6
Dover	6
Bolton	6
Oak Bluffs	6
Provincetown	6
Berlin	6
Huntington	6
Becket	6
Chilmark	6
Lynn	5
Braintree	4
East Bridgewater	4
Essex	4
Boston	3
Peabody	3
Westfield	3
Tewksbury	3
Pembroke	3
Williamstown	3
Nantucket	1
Millis	1
Saugus	21 days
Lenox	

Watertown City Council
Committee on Human Services
Councilor Palomba-Chair, Councilor Bays-Vice Chair, Councilor Gannon-Secretary
Committee Report – Meeting on October 24, 2022

Members Present: Councilor Tony Palomba, Chair; Councilor Caroline Bays, Vice Chair; and Councilor John Gannon, Secretary

The Committee on Human Services held a public meeting on October 24, 2022, at 7:00 PM to conduct a Discussion Regarding the Establishment of a City-Wide Rodent Control Plan. This was a hybrid meeting so residents could join on zoom. Also, questions and comments could be sent to Councilor Gannon at jgannon@watertown-ma.gov. Finally, the meeting was recorded by WCATV and broadcasting at a future date.

1. Call to Order

Committee Chair Palomba called the meeting to order at 7:05 pm and introduced the other committee members present: Caroline Bays, Vice Chair and John Gannon, Secretary. Other city councilors present included Emily Izzo and John Airasian. Members from the Administration included Larry Ramdin, Director, Health Department and Tom Watkins, Director of Administration and Finance, Department of Public Works. Also, there were at any one time 35-40 residents on zoom and 10-15 residents in the audience.

Councilor Palomba announced that the meeting was being held to conduct a discussion on the need for a citywide rodent control program. Councilor Gannon stated his opinion that rodent control had become a citywide problem for some time, and it was time that the city addressed the issue in a comprehensive manner. He stated his prior involvement in municipal rodent control programs and noted that COVID displacement, climate change, and current construction have exacerbated a rodent problem.

Residents testified at length on their individual experiences and described a widespread rodent problem. A number cited increased construction and restaurant and business maintenance as factors for the increase in the rodent population, and concurred that there is large rodent population in the city. Others expressed concern that using rodent treatment containing poison could harm many wildlife species, and suggested that rodent control measures utilizing electricity and carbon monoxide were less harmful. They suggested that developers should be held more accountable for controlling rodents at their construction sites, and that large building owners should keep their dumpsters free of debris that attract rodents. Most residents supported a strong citywide rodent control plan.

Councilor Palomba closed the public comment period and stated that he agreed with the sentiment that there is a citywide rodent control problem. He then recognized Tom Watkins of the Department of Public Works to address the issue. Mr. Watkins concurred that the DPW recognizes that rodent issue was a citywide problem and the DPW hopes to be more proactive in addressing the rodent problem. There is a \$100,000 grant to conduct a one-year program to address rodent problems connected to the upcoming reconstruction of Mt. Auburn Street, which will take place in FY 24. Chair Palomba expressed his opinion that the upcoming reconstruction of parts of Arsenal Street should be the focus of the first rodent control plan given that it will happen sooner than the Mt. Auburn reconstruction which has yet to be fully vetted and approved.

Councilor Palomba next recognized Health Department Director Larry Ramdin to speak about the rodent control problem. Mr. Ramdin also acknowledged that rodent control was a citywide problem but not unique to Watertown. He addressed some of the issues that he thinks cause problems with rodents, including produce gardens, uncovered compost piles, and open trash barrels. He stated that the Health Department does respond to rodent issues, but has limited resources. He stated that the Health Department and DPW have been working cooperatively in trying to develop a public/private partnership between city officials and developers to address the rodent population, which he believes started becoming a problem in 2018. The Health Department regularly conducts investigations and tries to identify causes.

When asked if the Health Department enforces private developers' rodent control plans, Mr. Ramdin stated that the Health Department's response is complaint-based. Mr. Ramdin also stated that his department is planning to create a new task force comprised of city departments, developers, and local business owners. He stated he would be developing a policy brief that would outline the problem and propose solutions to combat the rodent problem. Councilor Palomba stated that efforts should be made now to provide relief. He stated that he had read that one rat can cause 15,000 rats to be born in one year, so the problem is urgent. He expressed his hope that the task force can come up with solutions by the end of the calendar year. Mr. Ramdin stated that the objective of the task force was to make recommendations by the end of FY 23. Councilor Palomba stated that he would prefer that the recommendations be made by the end of this calendar year, so that funding can be found as soon as possible to address these issues. Councilor Gannon concurred and stated that this has been a problem for some time.

Chair Palomba thanked Mr. Ramdin for convening the task force and expressed his hope that recommendations could be made in a more expeditious manner. He

stated that the Committee on Human Services would meet in December to review the policy brief and learn about the status of the task force.

Councilor Bays made a motion to adjourn, seconded by Councilor Gannon. The Committee voted 3-0 to adjourn. The meeting ended at 9:12 pm.

Respectfully submitted,
John Gannon



Watertown City Council

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

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

Report of the Municipal Policy Analyst Screening Committee City Council Office Meeting Dates: November 17, 2022 & November 21, 2022

Meeting Date: November 17, 2022

The Committee convened on November 17, 2022 at 5:30 pm in the Council office.
Present were Chair Caroline Bays and Councilors, Nicole Gardner and Vinnie Piccirilli.

The meeting was called to order at 5:30 pm.

The Committee voted by a roll call vote of 3-0 to move to Executive Session pursuant to G.L. C30A, sec. 21 (a)(8) to consider or interview applicants for employment or appointment by a Preliminary Screening Committee as the Chair declared that an open meeting would have a detrimental effect in obtaining qualified applicants for the Municipal Policy Analyst position.

The meeting was adjourned at 8:30 pm, by roll call vote of 3-0.

Meeting Date: November 21, 2022

The Committee convened on November 21, 2022 at 5:30 pm in the Council office.
Present was Chair Caroline Bays and Councilors John Gannon, Nicole Gardner and Vinnie Piccirilli.

The meeting was called to order at 5:30 pm.

The Committee voted by a roll call vote of 3-0 to move to Executive Session pursuant to G.L. C30A, sec. 21 (a)(8) to consider or interview applicants for employment or appointment by a Preliminary Screening Committee as the Chair declared that an open meeting would have a detrimental effect in obtaining qualified applicants for the Municipal Policy Analyst position.

The meeting was adjourned at 6:30 pm, by roll call vote of 4-0.

Report prepared by Caroline Bays

Watertown City Council
Committee on Public Works
Councilor Piccirilli, Chair, Councilor Feltner, Vice Chair, Councilor Palomba, Secretary
Committee Report of November 1, 2022 Meeting

The Committee on Public Works met on Monday, November 1 in the City Council Chambers at 6:30 PM. It was a hybrid meeting so residents could attend the meeting on Zoom. Also, comments could be directed through email to vpiccirilli@watertown-ma.gov.

The purpose of the meeting was to review and make recommendations on the **2023 Local Road Construction Program**.

Present at the meeting were the three members of the Committee, Councilors Piccirilli, Chair, Councilor Feltner, Vice Chair, Councilor Palomba, Secretary as well as Councilor Gardner and Councilor Bays. Also present were the following employees of the Department of Public Works (DPW), Greg St. Louis, Superintendent, Tom Watkins, Director of Administration and Finance, and Matt Shuman, City Engineer. Members from the Bicycle/Pedestrian Committee included Maria Saiz, Hanna Rokoff, and Andy Campagna. Resident Ed Marcus was also present.

Councilor Piccirilli began that meeting at 6:30 PM and introduced himself and the members of the Committee. He invited Mr. Shuman to give the 2023 Road Program slide presentation. This is available on the DPW website at <http://www.watertowndpw.org/191/Annual-Road-Program>. Additional information on the 2022 sidewalk and street repairs can be found at <https://www.watertowndpw.org/DocumentCenter/View/1774/2022-Work-Completed-To-date?bidId=>. Given the length of the presentation, the Secretary chose to list the highlights and related discussions by the Committee.

1) The City borrows annually for the Road Program, including \$2 million for road reclamation and \$500,000 for sidewalk repairs. Also, starting in FY 21 the City borrows \$1.5 million annually for the long streets and connector program.

2) Boylston, Chester, and Locke Streets, the roads selected in the 2022 Local Road Construction Program, have been or will be completed by the end of the 2022 construction season (April 2022 through November 2022).

3) However the long streets and connector program for the reconstruction of Highland Avenue was delayed and is anticipated to begin in the spring of 2023. Funding for this project is from FY 21. The borrowing for FY 22 and FY 23 for the long streets and connector program has not happened at this time.

4) The anticipated future long streets and connector program include:

Morse Street- FY 22 borrowing – construction spring of 2023

Fifth and Watertown Streets – FY 23 borrowing- construction spring of 2024

Forest and Springfield Streets – FY 24 borrowing – construction spring of 2025

Riverside Street – FY 25 borrowing – construction spring of 2026

5) DPW's priority is to maintain the pavement on all Watertown streets and roads. To that end they employ pavement management techniques including deferred maintenance, crack sealing, mill and overlay, and reclamation. Reclamation is the most expensive and involves the complete excavation of the road, granite curbing, concrete sidewalks, driveway aprons, handicap ramps, and rehabilitation or additions of planting strips.

6) DPW also employs a Pavement Management Index or PCI which is a snap shot of the road conditions throughout the City. Our PCI has declined since 2016 dropping from a PCI of 65 to a PCI of 61 in 2021. The decline is attributed to the significant number of excavation permits. There were 1,700 permits issued between 2016 and 2021 for gas main installations and gas, water, and sewer main replacements. In part this is related to the many new developments being built, all of which access these services.

7) After considering a number of factors including whether upgraded utility services are or will be completed, what streets are in the greatest state of disrepair, the funding that is available, and other factors, DPW has selected the following streets for reclamation in the spring of 2023 – **Bates Road, Bates Road East, Essex Street, Nash Street, Francis Street and Bradshaw Street.**

8) Council Feltner raised the concern that the lack of curbing on streets can lead to the erosion of planting strips and hoped that every effort can be made to install curbing when streets that are not scheduled for reclamation are repaired. Councilor Piccirilli noted the City's ordinance addressing curbing does provide for DPW to install asphalt curbing as well as granite curbing.

9) DPW has funds for sidewalk repairs separate from the funds in the road programs. It also is in the process of developing a sidewalk index. Though it has not been completed, it is used to determine what sections of sidewalks are repaired during a construction season by contractors hired by the DPW.

The following four motions were made by Councilor Feltner, seconded by Councilor Palomba and approved by a 3 – 0 votes.

The Committee recommends that the City Council approve that the Department of Public Works recommendation for the 2023 Road Program as presented using the FY 23 \$2.5 million loan order for Bates Road, Bates Road East, Essex Street, Francis Street, and Bradshaw Street.

The Committee recommends that the City Council approve that the Department of Public Works recommendation to remove Fifth Avenue from the FY 22 long streets and connector program (which includes Morse Street), and use the FY 23 \$1.5 million loan order for the long streets and connector program for the repair of Fifth Avenue and related work on Watertown Street.

The Committee recommends that the City Council approve that the Department of Public Works use of the FY 24 funding for the long streets and connector program for the repair of Forest and Springfield Streets, and to use the FY 25 funding for the long streets and connector program for the repair of Riverside Street.

The Committee recommends that the City Council ask the Administration to increase annual funding for the long streets and connector program in the CIP from \$1.5 million to \$2 million.

Councilor Palomba made a motion to adjourn which was seconded by Councilor Feltner and passed by a 3-0 vote.

The minutes were prepared by Councilor Palomba

2023 Road Program



Public Works Subcommittee Presentation
November 1, 2022

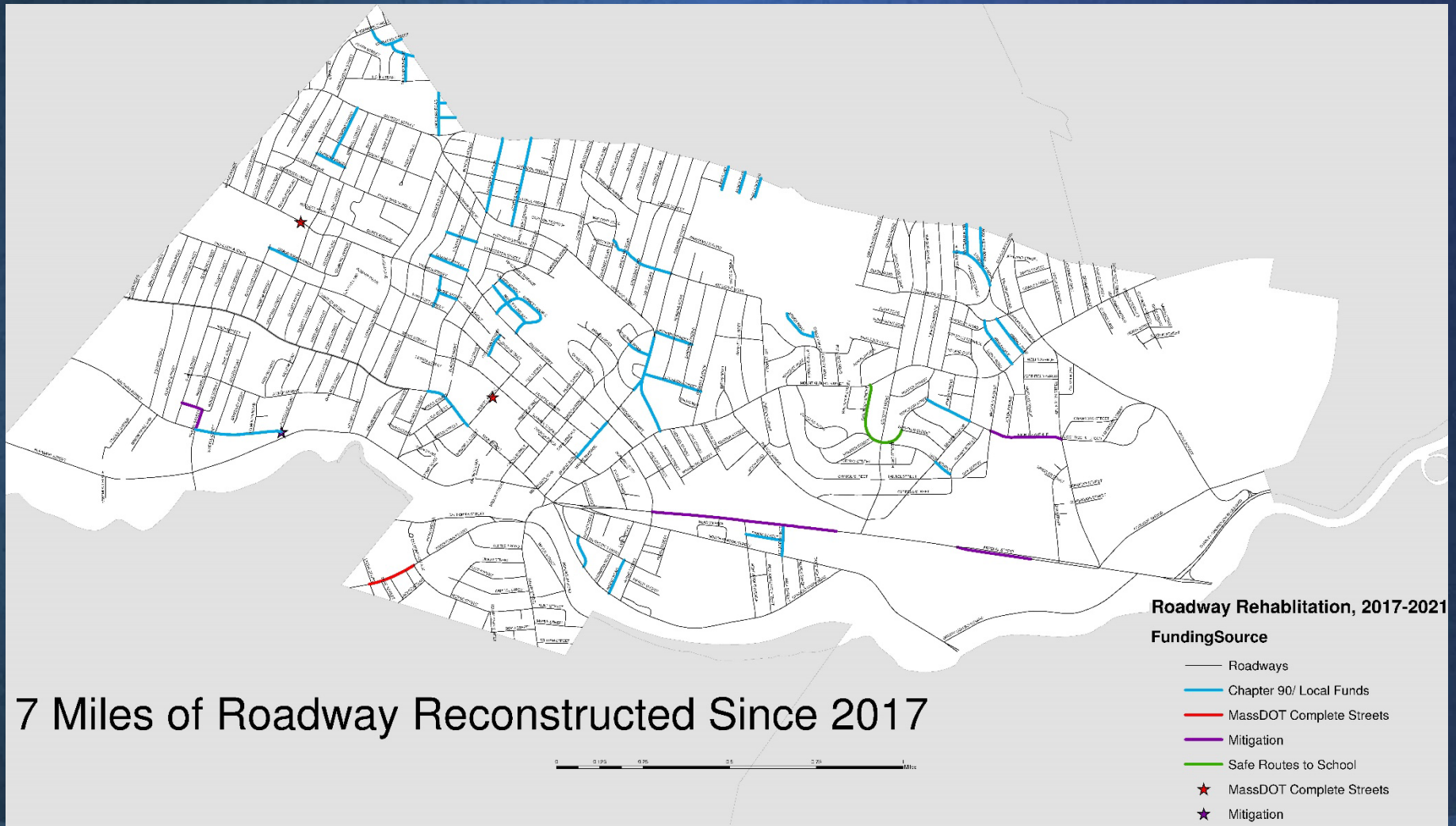
Agenda

- Road Program Updates
- Pavement Management Update
- 2023 Road Reconstruction Program
- Long Streets & Connector Program
- Recommendations
- Questions



Road Program Updates

Road Reconstruction Progress



Road Program Updates

Funding History

- \$2.5 million road program began in FY'13 and has remained constant
 - Budgeted increases to begin in FY'24 through FY'27
- Starting in FY'21, an additional \$1.5 million per year for long streets and connector program
 - FY'21 money borrowed for Highland Ave. (increased to \$2 million)
 - FY'22 and FY'23 monies have not been borrowed yet

Excerpts from FY 2023- FY 2027 CIP

	FY '23	FY '24	FY '25	FY '26	FY '27
Highway Recon.	\$2,000.0	\$2,100.0	\$2,200.0	\$2,300.0	\$2,400.0
Sidewalk Recon.	\$500.0	\$525.00	\$550.0	\$575.0	\$600.0
Long Streets/Connectors	\$1,500.0	\$1,575.0	\$1,650.0	\$1,725.0	\$1,800.0

Road Program Updates

2023 Construction Updates

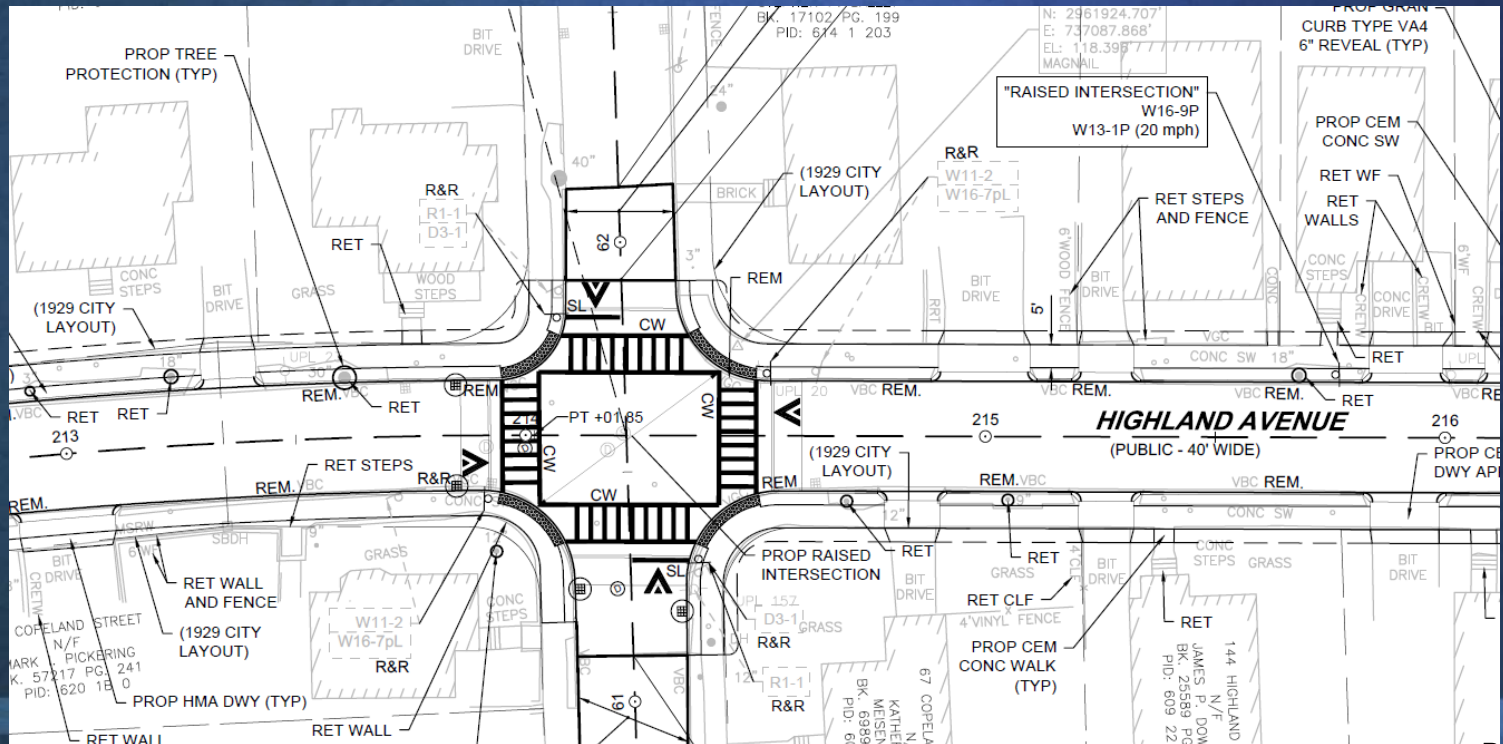
- Boylston Street (Fairfield Street to Porter Street)
- Chester Street
- Locke Street
- Chapman Street—bid with Highland Ave.



Road Program Update

Highland Ave. and Chapman St

- Joint project bid out in August 2022
- Contract awarded to Newport Construction
- Anticipate construction to begin in Spring



Road Program Update

Morse Street & Fifth Ave.

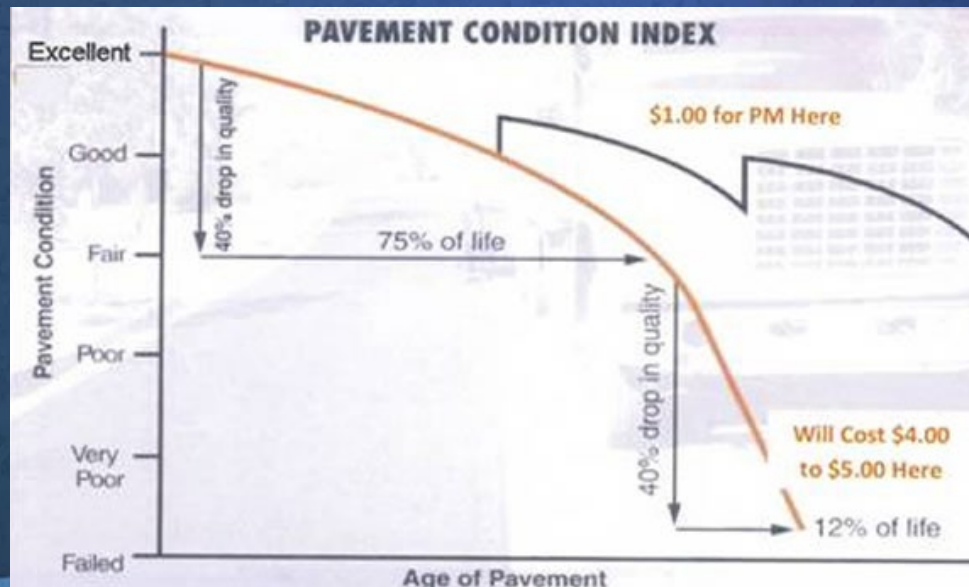
- Project recommended in 2021 for 2023 construction
- Morse Street concept plan being finalized
- Additional evaluation and funding required for Fifth Ave. and Watertown Street



Pavement Management Update

Pavement Preservation Techniques

- Pavement deteriorates more quickly as it ages
- Use a variety of methods to prolong the useful life of road surfaces
- Cost-effective versus complete reconstruction

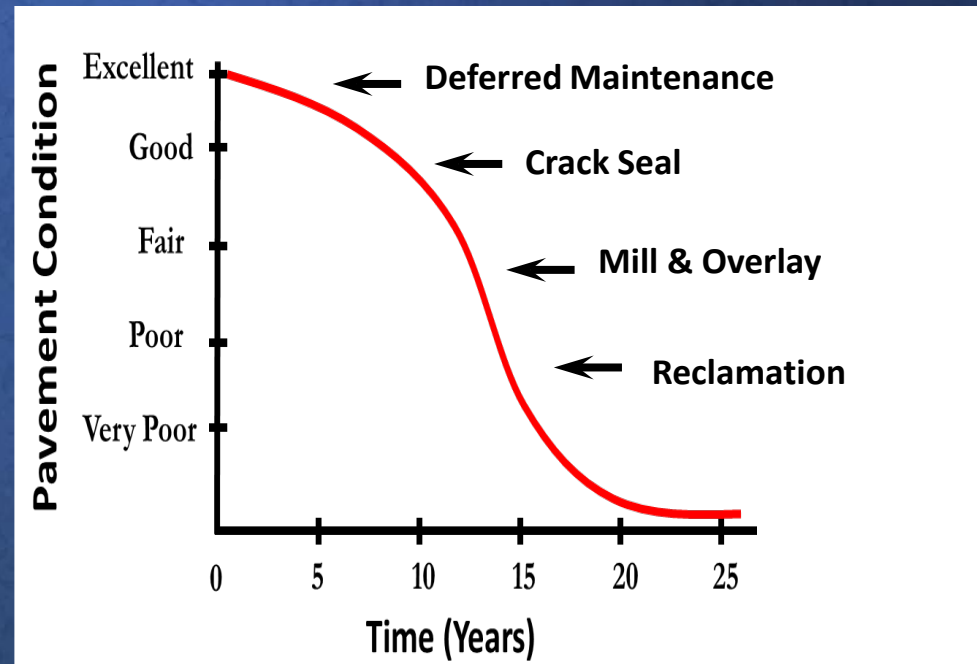


Pavement Management Update

Typical Management Techniques

- Provide a variety of maintenance treatments to **prolong the useful life** of less deteriorated roadways

- Deferred Maintenance
\$ Crack Seal
\$\$\$ Mill & Overlay
\$\$\$\$\$ Reclamation



Pavement Management Update

Typical Management Techniques

- Deferred Maintenance

\$ Crack Seal

\$\$\$ Mill & Overlay

\$\$\$\$\$ Reclamation



Pavement Management Update

Typical Management Techniques

- Deferred Maintenance

\$ Crack Seal

\$\$\$ Mill & Overlay

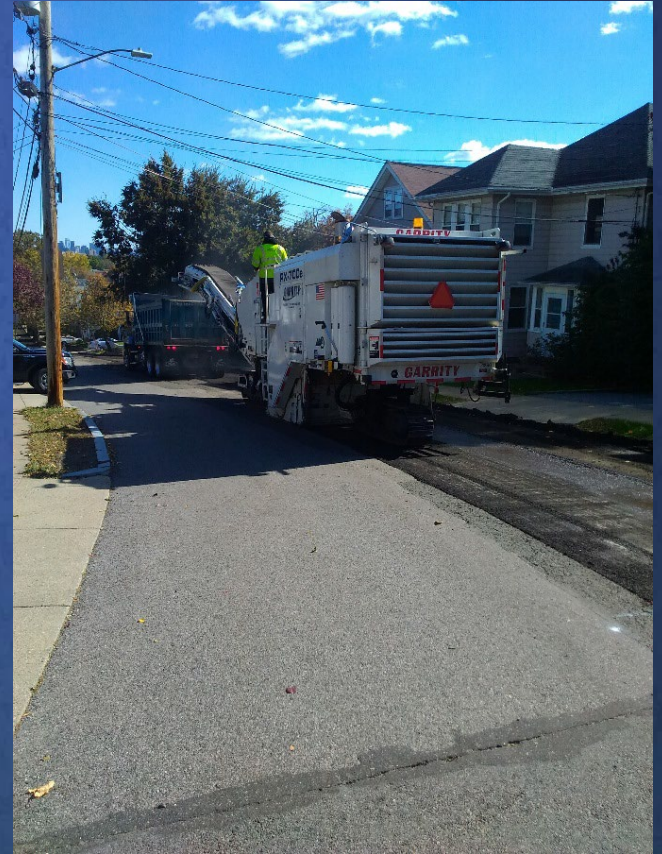
\$\$\$\$\$ Reclamation



Pavement Management Update

Typical Management Techniques

- Deferred Maintenance
- \$ Crack Seal
- \$\$\$ Mill & Overlay
- \$\$\$\$\$ Reclamation



Pavement Management Update

Typical Management Techniques

- Deferred Maintenance
- \$ Crack Seal
- \$\$\$ Mill & Overlay
- \$\$\$\$\$ Reclamation



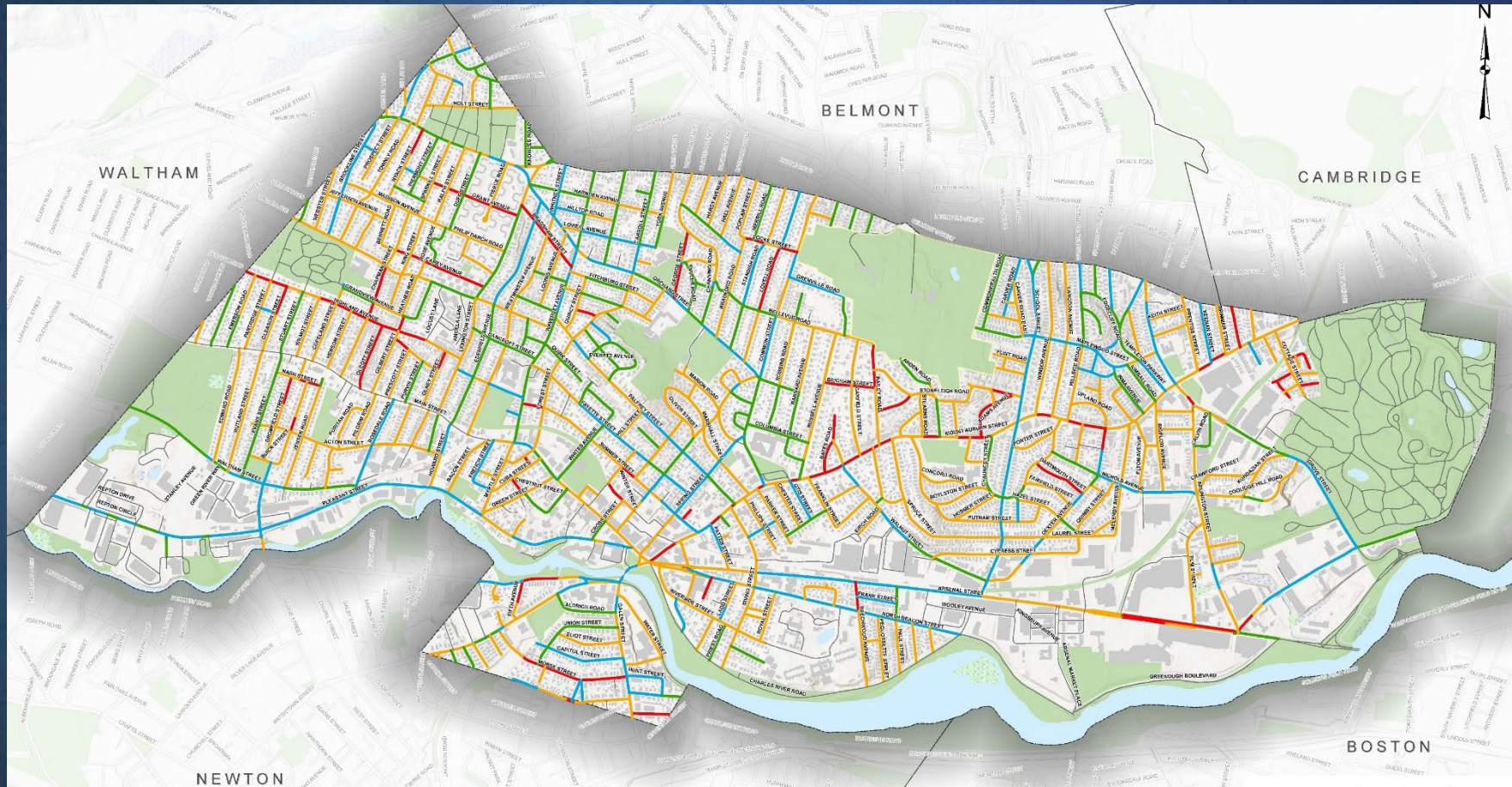
Pavement Management Update

Pavement Management Index (PCI)

- Snapshot of road conditions throughout City
- Street survey performed in 2021, evaluates many factors that contribute to road deterioration
- Develop a “Pavement Condition Index” (PCI) for all streets
 - Industry standard practice developed by Army Corps of Engineers, adopted by APWA
 - Numerical measure (0-100) of roadway condition based on observed surface distresses (cracking, patching, potholes, utility cuts, etc.)
- Planning level repair recommendations and cost estimates

Pavement Management Update

2021 Pavement Condition Index Map



<https://www.watertowndpw.org/DocumentCenter/View/1716/Pavement-Condition-Index-PCI?bidId=>

Pavement Management Update

Pavement Management Index (PCI)

	2012	2016	2021
Average PCI	59	65	61
Backlog	\$92 M	\$88 M	\$106 M

● Between 2016 and 2021:

- Almost 1,700 excavation permits issued
- Over 750 municipal utility repairs
- About 11.5 miles of gas main installed
- Almost 3 miles of water main replaced
- Almost 3/4 mile of sewer main replaced
- Almost 1/3 mile of drain main replaced

VS.

- 5.6 miles of road reclaimed
- 10 miles of road milled and overlaid

Pavement Management Update

Challenges Affecting PCI

- Increased road repair needs as utility improvements are completed
 - National Grid gas main replacements
 - Water and sewer main rehabilitation and replacements
 - City-wide lead service replacement program
- Private development
 - Utility extensions/upgrades
- Severe weather conditions can lead to higher than expected levels of deterioration on streets

Pavement Management Update

Challenges Affecting Cost

- Contractor availability and bidding environment
- Materials cost escalations
- Roadway reconstruction includes curbing, sidewalks, and drainage improvements

Full Road Reconstruction Costs

	2018	2020	2021	2022
Price per linear foot of road	\$360	\$575	\$910	\$865

Pavement Management Goals

Pavement Reconstruction Techniques

- Roadway reclamation
 - Addresses the structural integrity of the roadway
 - Fully replaces the pavement surface (4-inch thickness)
 - Per City Ordinance, scope of work also includes:
 - Installation of granite curbing, concrete sidewalks, driveway aprons and handicap ramps
 - Rehabilitation or addition of a planting strip
 - Review of driveway openings for compliance with Zoning
 - Drainage and stormwater management improvements
 - Tree plantings
 - Streets proposed for road reconstruction are submitted to City Council for review

2023 Road Reconstruction Program

Developing a “Universe of Projects”

- City staff evaluate roadway conditions each year
 - Pavement Management Plan
 - Field reconnaissance
 - Status of utility work
 - Work order/maintenance requests
- Streets may be categorized for maintenance or reconstruction

2023 Road Reconstruction List

Developing the List

- Streets considered for full reconstruction based on a variety of factors:
 - Only streets with upgraded utilities will be completely reconstructed
 - Priority to streets in greatest state of disrepair
 - Program must fit within funding constraints
 - FY'23 CIP is level funded at \$2.5 Million
 - Secondary considerations include traffic volumes, the pedestrian network and geographic equity

2023 Road Reconstruction

Utility Coordination & Capital Planning

- Water main replacement program
 - Highland Ave. (Emerson Rd. to Partridge St.)
- Sewer and drain repairs and replacements
- Substandard water service replacements—110 locations
- National Grid gas main replacements



2023 Road Reconstruction List

Proposed Streets

- Bates Road
- Bates Road East
- Essex Street
- Nash Street
- Francis Street
- Bradshaw Street



2023 Road Reconstruction List

Bates Road & Bates Road East



Bates Road & Bates Road East

- Gas main replacement in 2016
- Water main replacement in 2013
- Sewer replacements in 2020
- Alligator cracking, trench patches

1,220 feet long – 24 feet wide

2023 Road Reconstruction List

Essex Street



Essex Street

- Gas main replacement in 2021
- Water and sewer main replacement in 2020
- Alligator cracking, trench repairs
- Asphalt sidewalks in poor condition
- Portions lack curb, no complete sidewalk

290 feet long – 24 feet wide

2023 Road Reconstruction List

Nash Street



Nash Street

- Gas main replaced in 2015 & 2021
- Water main replaced in 2020
- Gaps in sidewalk network, mixture of curb and berm with gaps

630 feet long – 24 – 35 feet wide



2023 Road Reconstruction List

Francis Street



Francis Street

- Gas main replacement in 2021
- Potholes, trenches
- Concrete sidewalks with asphalt berm

610 feet long – 24 feet wide

2023 Road Reconstruction List

Francis Street

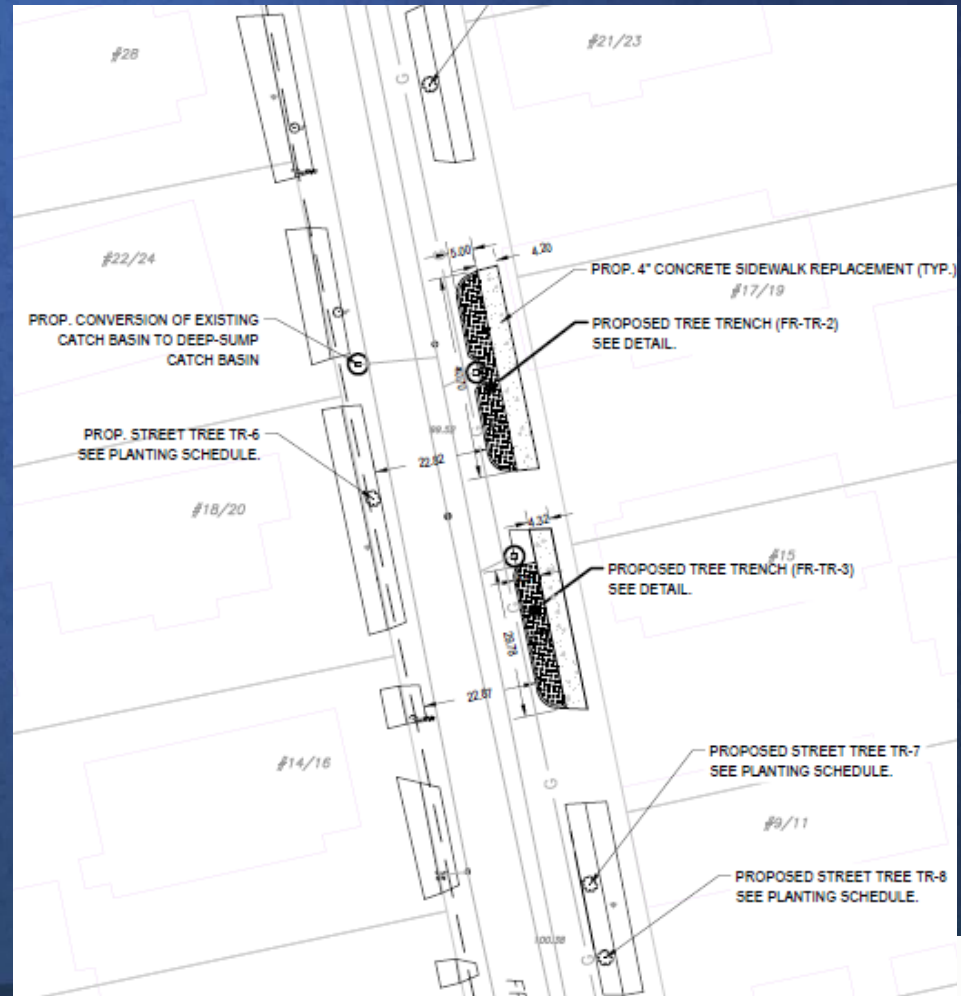
- Evaluated as part of Watertown Green Streets program
- Residents reported street flooding during high intensity rain events



2023 Road Reconstruction List

Francis Street

- City cleaned and inspected drains in street
- Consultant developed 75% design plans to install 4 stormwater tree trenches and 1 drywell
- 25 to 75% reduction in runoff rates anticipated
- Identified locations for 7 additional street trees



2023 Road Reconstruction List

Bradshaw Street



Bradshaw Street

- Gas main replacement in 2021
- Alligator cracking, cross trenching
- Concrete and asphalt sidewalks
- Sections with no curb, concrete curb, or granite curb

1,035 feet long – 23.5-24' feet wide



2023 Road Reconstruction List

Next Steps

- Review driveways with DCDP
- Review street trees with Tree Warden
- Review water services and fire hydrants
- Green infrastructure review
- Finalize concepts, where applicable
- Complete Streets working group review
- Supplemental survey, where necessary
- Notify residents of future work
- Maintain schedule for January bid

Long Streets & Connector Program

Description

- \$1.5 million supplemental funding longer streets & connectors
- Short list streets
 - Forest Street (Springfield Street to Path) & Springfield Street (Fitchburg St. to Forest St.)
 - Riverside Ave.
- Considerations
 - Future utility needs
 - Traffic volumes
 - Connection to existing bike and pedestrian facilities, and important destinations

Long Streets & Connector Program

Forest Street & Springfield Street



Forest St. & Springfield St. Corridor

- Gas main replacement in 2015 and 2020
- Water main replacement in 2016
- Alligator cracking, cross trenching
- Concrete and asphalt sidewalks with some gaps
- Sections with no curb, concrete curb, or granite curb

2,400 feet long – 24' feet wide

Long Streets & Connector Program

Forest Street & Springfield Street

- Corridor included in City's *Complete Streets Prioritization Plan* (#20)
 - Install granite curbing, install and/or replace sidewalks
 - Provide ADA compliant accessible ramps at intersections
 - Stripe crosswalks

<http://www.watertowndpw.org/DocumentCenter/View/303/Watertown-Complete-Streets-Plan-Final>

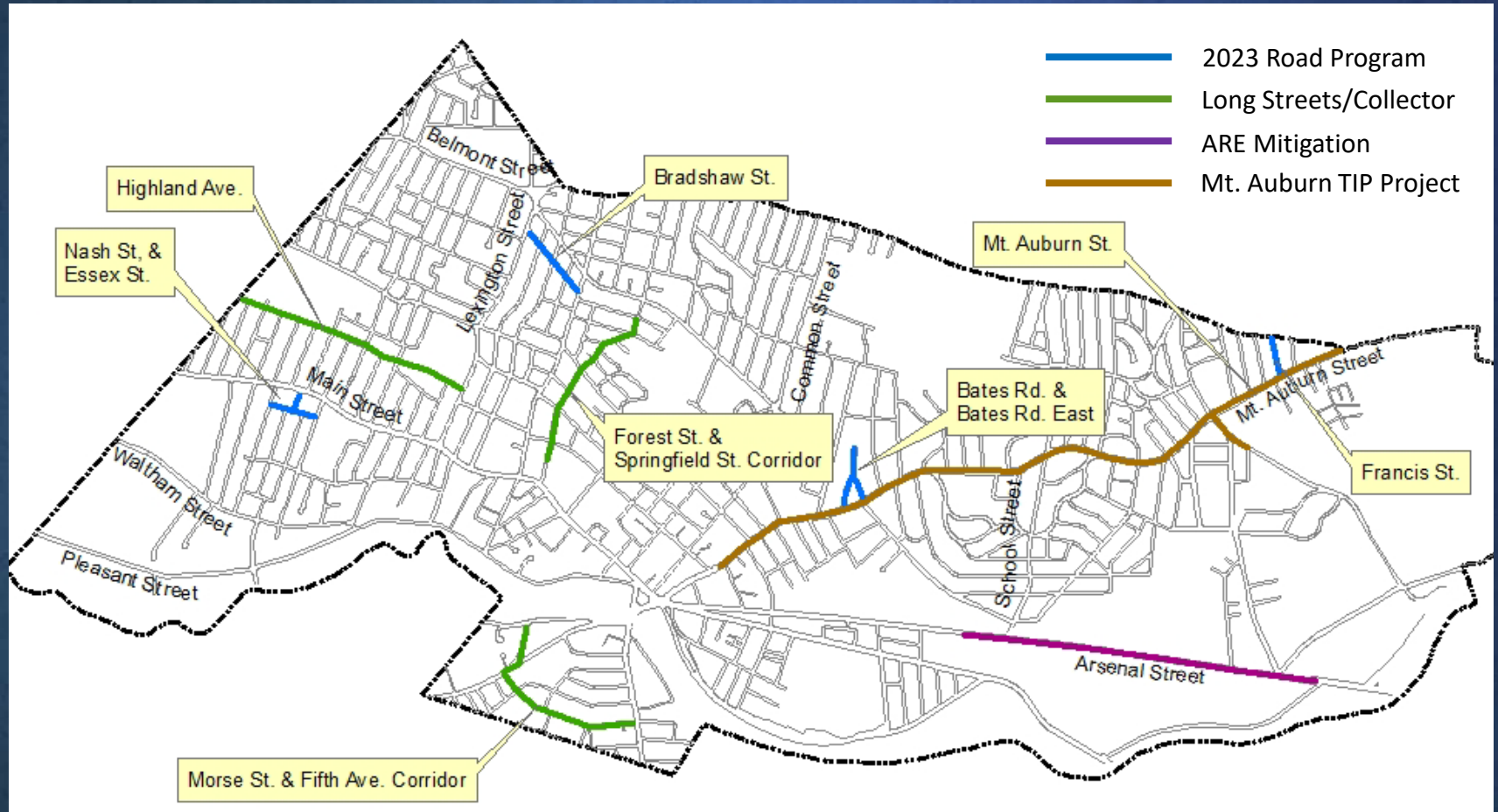
Long Streets & Connector Program

Forest Street & Springfield Street

- Next steps
 - Design during 2023
 - Complete Streets review
 - Develop concept plans
 - Bid for 2024 construction season

2023 Road Reconstruction List

Proposed Streets



Recommendations

Proposed Streets

- 2023 Road Program Streets
 - Bates Road
 - Bates Road East
 - Essex Street
 - Nash Street
 - Francis Street
 - Bradshaw Street
- Long Streets/Collector Program
 - Forest Street—Springfield Street to Linear Path & Springfield Street—Fitchburg Street to Forest Street

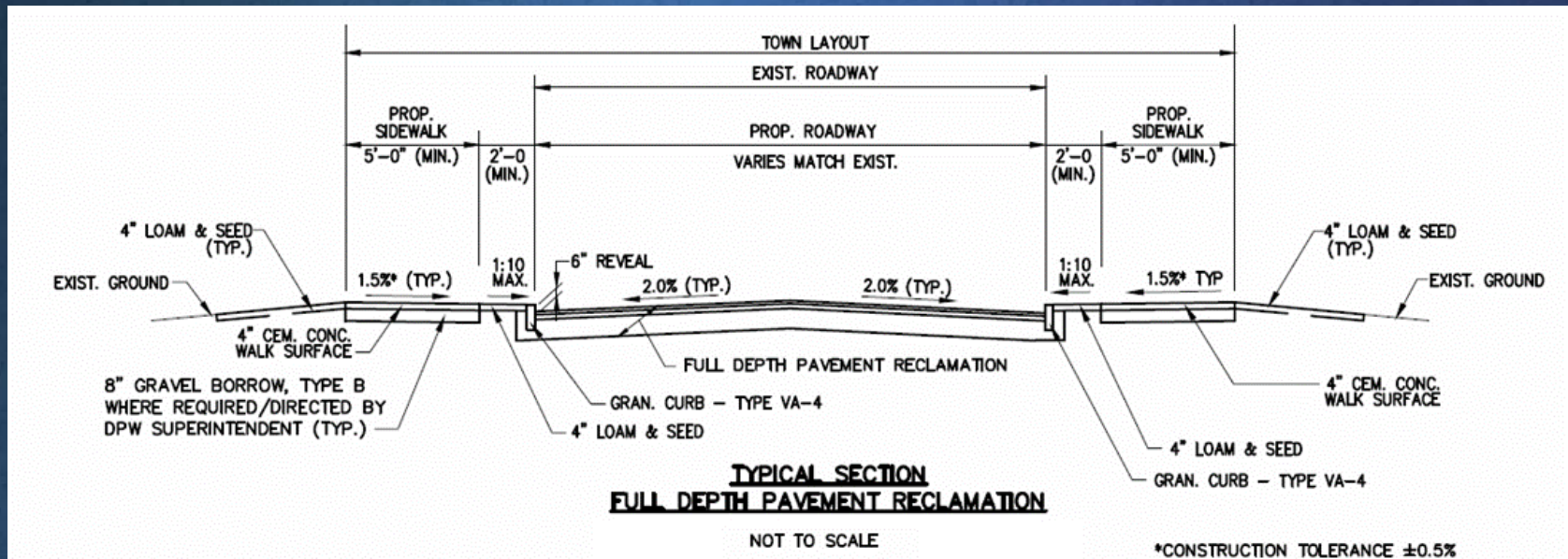
Recommendations

For Further Consideration

- Fund Fifth Ave. and Watertown St. road reconstruction through FY'23 long streets/connectors program
- Accelerate planned increases in CIP funding
- Increase long streets/connectors allocation to \$2 million
- Accelerate mill and overlay program to prolong roadway life

Excerpts from FY 2023- FY 2027 CIP

	FY '23	FY '24	FY '25	FY '26	FY '27
Highway Recon.	\$2,000.0	\$2,100.0	\$2,200.0	\$2,300.0	\$2,400.0
Sidewalk Recon.	\$500.0	\$525.00	\$550.0	\$575.0	\$600.0
Long Streets/Connectors	\$1,500.0	\$1,575.0	\$1,650.0	\$1,725.0	\$1,800.0



Questions?

<http://www.watertowndpw.org/191/Annual-Road-Program>



CITY OF WATERTOWN

DEPARTMENT OF PUBLIC WORKS

124 ORCHARD STREET

WATERTOWN MA 02472

(P) 617-972-6420

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Gregory St. Louis, PE
Superintendent

TO: Honorable Council Members of Committee on Public Works

FROM: Matthew I. Shuman, P.E., City Engineer

DATE: November 1, 2022

RE: Pavement Preservation and Sidewalk Maintenance Work

Please see the list of pavement and sidewalk maintenance work performed during 2022, listed below:

<u>Pavement Preservation</u> (Mill and Overlay)	<u>Sidewalk Repair</u>
• Chapman Street (Grandview to Warren Street) • Derby Road • Grant Ave., Lexington St. to Duff St. • Hazel St., Dexter Ave. to Howe St. • Heather Road • King St. (Grandview Ave. to Warren St.) • Laurel St., Cypress St. to Melendy Ave. • Lexington St., east side, Main St. to Warren St. • Lexington St., Bradshaw St. to Belmont St. • Lincoln St. (various sections) • Melendy Ave., Nichols Ave. to Laurel St. • Oak St. • Pierce Road • Spruce St. (various sections) • Stoneleigh Circle • Stoneleigh Road, between Bailey Road and Oakley Road • Theurer Park • Warren St., Desmond to Chapman • Watertown St., Pond St. to Newton City Line • Williams St.	• Chapman Street, Grandview Ave. to Warren St. • Derby Road • Falmouth Road • Gill Road • Grant Ave. • Hazel St., Dexter Ave. to Howe St. • Heather Road • King Street, Grandview Ave. to Warren St. • Laurel St., Cypress St. to Melendy Ave. • Lexington St., east side, Main St. to Warren St. • Lincoln St. • Lovell Road • Melendy Ave., Nichols Ave. to Laurel St. • Midland Road • Morton St. • Oak Street • Patten St. • Pierce Road • Spruce St. • Stoneleigh Circle • Stoneleigh Road, between Bailey Road and Oakley Road • Sycamore St. near Gill Road

	• Theurer Park • Warren St., south side, Desmond Ave. to Chapman St. • Watertown Square • Watertown Street, between Pond St. and Washburn St. • Williams St.
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