



CITY OF WATERTOWN
Planning Board
Administration Building
149 Main Street
WATERTOWN, MASSACHUSETTS 02472

Telephone (617) 972-6417
www.watertown-ma.gov

PLANNING BOARD MEETING
WEDNESDAY, MARCH 8, 2023 AT 7:00 PM
RICHARD E. MASTRANGELO COUNCIL CHAMBER
AGENDA

Pursuant to Chapter 107 of the Acts of 2022, the meeting and public hearing will be conducted with remote opportunities for participation. Remote participation and access methods include:

ACCESS INFORMATION:

- A. The meeting will be televised through WCATV (Watertown Cable Access Television): RCN 13; Comcast 99 or on the web: <http://vodwcatv.org/CablecastPublicSite/watch/3?channel=3>
- B. The Public may join the virtual meeting online: <https://watertown-ma.zoom.us/j/92709029148>
- C. Public may join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Meeting ID#: 92709029148
- D. Public may comment through email: imarchesano@watertown-ma.gov

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- 1. Administrative Business
 - A. Resignation of Chairman Jeff Brown - Selection of Chairman
 - B. Minutes of 1/11/2023 Meeting
 - 2. Public Hearing
 - A. To consider Watertown Zoning Ordinance Map Amendment to apply the Religious/School Building Overlay District (R/SOD) to 126-134 Templeton Parkway.
 - B. To consider Watertown Zoning Ordinance amendments for requiring an Affordable Housing Linkage Fee. Amendments to be considered add language as necessary, including to Section 5.01, notes relating to the Table of Use Regulations, and to Section 5.07, relating to establishment of a linkage fee, for new non-residential development of 30,000 square feet or greater to fund affordable housing in Watertown.
 - 3. Other
 - A. Comprehensive Plan Update: For discussion, project updates can be found on the website: www.watertown-ma.gov/comp-plan



CITY OF WATERTOWN

Department of Community Development and Planning

Staff Report

This Report provides the Department of Community Development and Planning's staff recommendation to the Planning Board for the public hearing on a Zoning Ordinance Map Amendment applying the Religious/School Overlay District to 126-134 Templeton Parkway.

ZONING AMENDMENT:	Amend the Zoning Ordinance Map to apply the Religious/School Building Overlay District (R/SOD) to.
PARCEL NUMBERS:	1144 1A 0
ADDRESS:	126-134 Templeton Parkway
DATE OF CITY COUNCIL FIRST READING:	February 14, 2023
STAFF RECOMMENDATION:	Adopt Zoning Ordinance Map Amendment
DATE OF PLANNING BOARD HEARING:	Scheduled March 8, 2023

I. PUBLIC NOTICE

A. Procedural Summary:

As required by the Watertown Zoning Ordinance § 9.22, notice was given as follows:

- Published in the newspaper of record (Boston Globe) on February 21 and 28, 2023;
- Posted at the Administration Building on February 21, 2023; and,
- Mailed to parties of interest on February 22, 2023.

B. Planning Board Public Notice:

"City of Watertown Planning Board will hold a public hearing on Wednesday March 8, 2023 with the meeting starting at 7:00 pm, City Council Chamber, Administration Building, 149 Main St., Watertown, MA. Pursuant to Chapter 107 of the Acts of 2022, or as updated, the meeting will be conducted with remote participation opportunities identified on the agenda posted 48 hours prior to the meeting. To consider Watertown Zoning Ordinance Map Amendment to apply the Religious/School Building Overlay District (R/SOD) to 126-134 Templeton Parkway."



II. DESCRIPTION

A. Nature of the Request

Article III, §3.02 provides for amendments to the Zoning Ordinance Map. Article V, §5.14 establishes zoning that can be applied “from time to time” to specific portions of the zoning map. The proposed map amendment applies the Religious/School Building Overlay District (R/SOD) to 126-134 Templeton Parkway. The proposed zoning map amendment is attached as Exhibit 1.

III. STAFF RECOMMENDATIONS

A. Background

Article V, §5.14, establishes zoning intended to “guide and encourage the reuse and redevelopment of both religious and school buildings as defined in accordance with G.L. c. 40A, §3...and further protecting the historic building structures and preserving architectural features and character along with the associated tracts of land in a manner that is beneficial to the City.” Under this section, the City Council may “from time to time” apply the Religious/School Building Overlay District (R/SOD) to specific portions of the map.

The property is a .714-acre site at the corner of Templeton Parkway and Belmont Street. It consists of a religious building (the First Belmont Street Shalom International Baptist Church), a lot with an estimated 15 parking spaces and open space east of the church. The building is three stories, with 9,318 square feet of finished space. The lot is a triangular shape, with the longest segment on Belmont Street. The site is in the Two-Family (T) zone. To the north, the site abuts a condominium complex with 16 units. To the south (across Templeton Parkway) are one- and two-

family homes and (along Belmont Street) a gas station and one-story retail uses. To the west, on Belmont Street (in Belmont) is a mix of one-story retail uses and small multi-family homes.

The First Belmont Street Shalom International Baptist Church has agreed to sell the property to Eaglebrook Capital LLC. The rezoning request includes a proposed use for the property: rehabilitation of the church and reuse for an educational, daycare or other non-profit use, and development of townhomes along Belmont Street. While this conceptual plan is illustrative of how the property could be repositioned under the R/SOD, such a plan will require filing and approval of a special permit application.

B. Analysis

In evaluating the request, there are two questions: (1) does the property contain a historic religious or school building? and (2) is applying the R/SOD zone to this property “beneficial” to Watertown?

According to the Petitioner, the church was built between 1923 and 1927.¹ Under the city’s demolition delay ordinance, any structure built 50 years ago or more is required to go before the Historical Commission to determine if it is “preferably preserved” and if a demolition delay should be imposed. Based on a visual inspection of the church’s exterior, it still includes architectural features and character dating from the early 20th century. As shown in the attached photos, the building is Greek Revival-style with front columns, front pediment, low gable roof, brackets, brick façade, and a rooftop cupola. In sum, this property contains a historic religious building.

Applying the R/SOD zone to this property will benefit the city. First, applying the designation is essential to preserving the existing building. It is economically infeasible to rehabilitate and reuse the structure without development elsewhere on the site. Rehabilitating a church structure is notoriously challenging without a potential use that has a significant financial return. The small floor plates of this church limit its use for apartments/condo units. Potential reuse as retail or office is highly speculative in today’s real estate market.

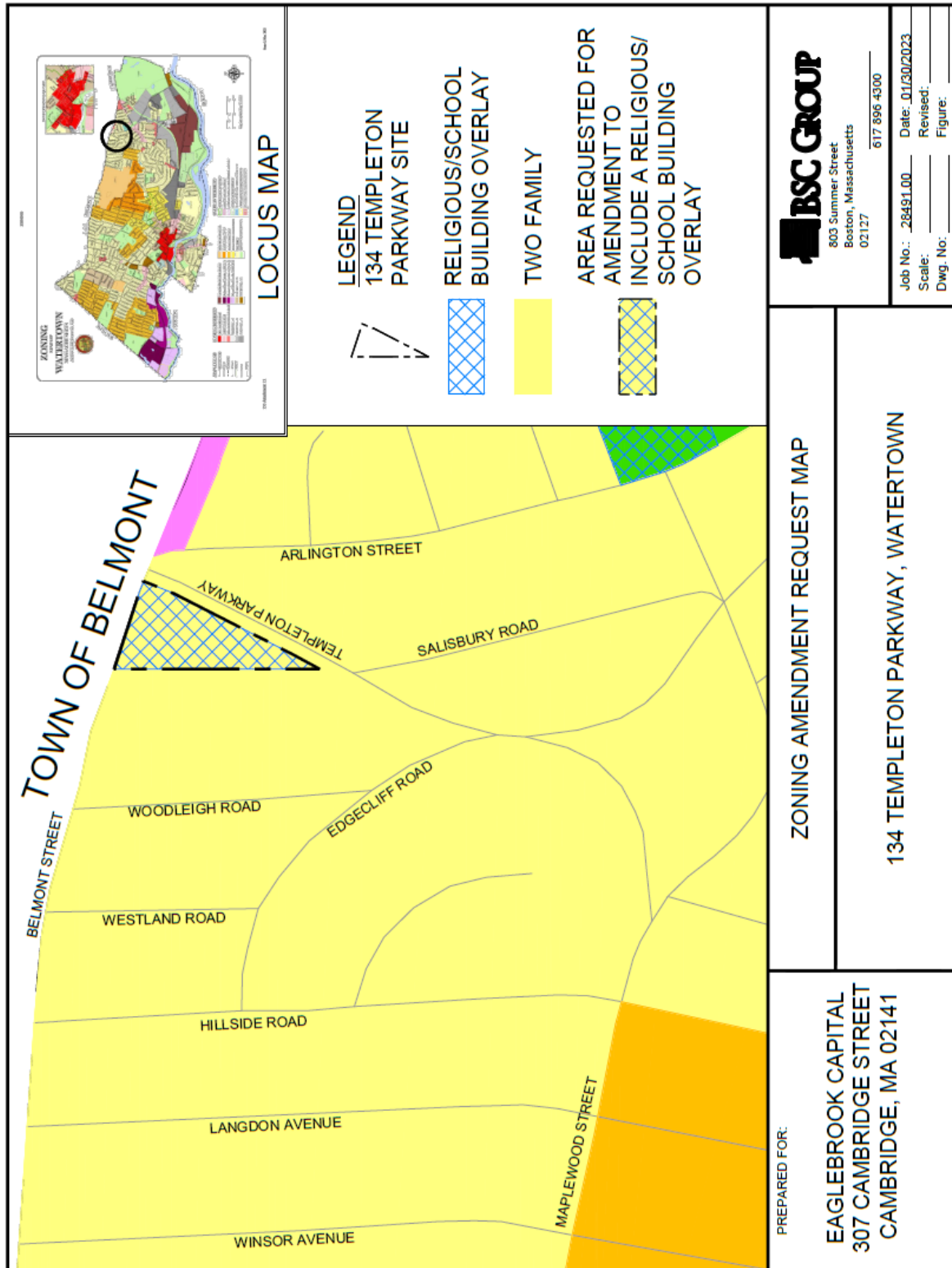
Second, the designation would allow the remaining land to be developed with uses and dimensions that are appropriate for this site. Any proposal utilizing R/SOD zoning will require a special permit application under §5.14 (i). The city’s special permit criteria include whether the site is “an appropriate location for such a use, structure or condition” and that the use “as developed will not adversely affect the neighborhood.” R/SOD zoning provides for dimensions that correspond to the R.75 or R1.2 zones (depending on whether the number of proposed residential units is more than 10) and correspond to the Neighborhood Business zone for a “residential and mixed use-limited business development.” Given the surrounding land uses, and with special permit requirements, the R/SOD zoning is appropriate for the site.

C. Staff Recommendation:

Based on these facts and findings, Staff recommends that the Planning Board **favorably** report on the proposed Zoning Ordinance Map Amendment to apply the Religious/School Building Overlay District (R/SOD) to 126-134 Templeton Parkway.

¹ Although the Petitioner’s request correctly states that the city’s assessor database uses 1900 as the construction date, aerial photographs, historic maps, and similar sources put the date in the mid-1920s.

Exhibit 1 – Map Amendment Request (Parcel # 1144 1A 0)





CITY OF WATERTOWN

Department of Community Development and Planning

Staff Report

This Report provides the Department of Community Development and Planning's staff recommendation to the Planning Board for the public hearing on Zoning Amendments relating to a linkage fee to fund affordable housing.

ZONING AMENDMENT:	Article V, §5.01 and §5.07, to establish a linkage fee for new non-residential development of 30,000 square feet or greater to fund affordable housing in Watertown
DATE OF CITY COUNCIL FIRST READING:	January 24, 2023
STAFF RECOMMENDATION:	Adopt Zoning Amendment
DATE OF PLANNING BOARD HEARING:	Scheduled March 8, 2023

I. PUBLIC NOTICE

A. Procedural Summary:

As required by the Watertown Zoning Ordinance § 9.22, notice was given as follows:

- Published in the newspaper of record (Boston Globe) on February 2 and 9, 2023; and
- Posted at the Administration Building on January 30, 2023;

B. Planning Board Public Notice:

*"City of Watertown Planning Board will hold a public hearing **on Wednesday, March 8 2023** with the meeting starting **at 7:00 pm**, City Council Chamber, Administration Building, 149 Main St., Watertown, MA. Pursuant to Chapter 107 of the Acts of 2022, or as updated, the meeting will be conducted with remote participation opportunities identified on the agenda posted 48 hours prior to the meeting.*

*To consider Watertown Zoning Ordinance amendments for requiring an **Affordable Housing Linkage Fee**. Amendments to be considered add language as necessary, including to Section 5.01, notes relating to the Table of Use Regulations, and to Section 5.07, relating to establishment of a linkage fee, for new non-residential development of 30,000 square feet or greater to fund affordable housing in Watertown."*

II. DESCRIPTION

A. Nature of the Request

On January 20, 2023, the City Manager and Department of Community Development & Planning staff submitted proposed zoning amendments setting an initial fee and other terms relating to administration of a linkage fee to fund affordable housing to the City Council. Following first

reading and referral to the Planning Board, staff received suggestions from KP Law LLC, the city's counsel, for ways to improve the language. The wording proposed by staff is set forth in Attachment 1.

III. STAFF RECOMMENDATIONS

A. Background

The Housing Plan adopted by City Council in March 2021 recommended consideration of a linkage fee on new non-residential development to fund affordable housing. Later that year, City Council authorized a "nexus" study to determine whether and to what extent there is a nexus between new non-commercial development in Watertown and demand for affordable housing. The report, issued in May 2022, documented and quantified that nexus and recommended that the city consider a linkage fee in the range of \$9.44 to \$11.12 per square foot (sf). The City Council approved filing of a home rule petition seeking state authorization to impose a linkage fee of up to \$18/sf on non-residential developments of 30,000 sf or greater. In December 2022, the legislature passed, and the Governor signed, the home rule petition. The proposed zoning amendments are the last step in creating a linkage fee.

The nexus study, conducted by Karl F. Seidman Consulting Services, concluded that Watertown is expected to have 2.6 million square feet in new large-scale commercial development over the next ten years. This development is expected to create over 6,200 new jobs. Based on this data, the study documented the nexus between the new commercial development and affordable housing demand, projecting that 360 new deed-restricted affordable housing units would be required to meet this new demand. The study then projected the cost of meeting the additional demand and analyzed linkage fees that would be proportionate to the impact of such development. The \$9.44 to \$11.12/sf range is based on the projected local share of affordable housing development. Unlike inclusionary zoning units, which are created without city funds, 100% affordable and mixed income projects require federal and state tax credits, grants and loans. The state typically requires a significant local match; the recommended linkage fee range is based on the local match that may be required for future Watertown projects. The study also looked at linkage fees imposed by nearby communities and tested the impact of various fee levels on new commercial development.

In September 2022, the city created an affordable housing trust under MGL c. 44, §55C to facilitate the creation and preservation of affordable housing. The home rule petition and the proposed zoning amendments specifically require that any linkage fees be "administered and expended by the trustees of a municipal affordable housing trust."

B. Proposed Zoning Amendments

The proposed zoning amendments set an initial fee of \$11.12/sf on new non-residential development of 30,000 square feet or greater and set forth how this fee is to be administered. Below are key elements of the proposed zoning amendments, incorporating the changes proposed by legal counsel and staff:

- New development. The definition consists of two categories: new construction or additions to existing buildings and substantial rehabilitation or conversion to accommodate a change to Non-Residential uses.

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- Non-residential. The definition lists uses in Section 5.01 that are considered non-residential. In a mixed-use project, the GFA devoted to housing is not counted. Although the Zoning Ordinance lists hotel/motel uses as residential, they are specifically classified as Non-Residential in the definition.
 - Exemptions. Certain projects are specifically exempted. These include: projects on land owned by the City and religious and educational uses protected by G.L. c. 40A §3.
 - Cost of living increases. The initial fee would rise annually with increases in cost of living. The home rule petition specified use of the Consumer Price Index for all Urban Consumers, CPI-U, compiled by the Bureau of Labor Statistics.
 - When the fee is paid. A project becomes obligated to pay the linkage fee when it obtains zoning relief (including site plan review) from the permit-issuing authority. Payment of the fee would be included as a condition of approval. However, the payment would be made when an occupancy permit allows occupation of any part of the building by workers. For example, if a temporary certificate of occupancy allows use of one floor for a commercial tenant, the linkage fee for that building would be due. Staff recommended this timing to avoid giving a developer any incentive to prolong completion of punch list items.
 - Multiple phases/multiple buildings. The project threshold (30,000 sf or greater) is based on the overall project, including all phases and all buildings. Once a project is over the threshold, the entire GFA is included in the fee calculation. However, as described in the last bullet, payment is made as each building receives an occupancy permit.
 - Periodic re-evaluation. The zoning amendments require that a nexus study be conducted every five years, with the fee reset upon recommendation of the city manager and approval of the City Council.

C. Public Comments:

Staff received two letters on the proposed ordinance. The Charles River Regional Chamber of Commerce, which includes Watertown, asked the city to be “thoughtful” in establishing the linkage program, and said that setting the fee too high could have negative consequences to Watertown’s efforts to attract commercial development, revitalize Watertown Square and obtain other important community benefits from developers. The Watertown Affordable Housing Trust strongly supports a linkage ordinance and said it provided comments to staff on a prior draft. The Trust took no position on the proposed fee level.

D. Staff Recommendation:

Based on these facts and findings, Staff recommends that the Planning Board **favorably** report to the City Council on the requested Zoning Amendments to amend Sections 5.01 and 5.07 to establish a linkage fee for new non-residential development of 30,000 square feet or greater to fund affordable housing in Watertown.

Attachment 1. Proposed Zoning Amendments:

1. Article V—Add a new note within Section 5.03 Notes to Table of Use Regulations, referencing that an affordable housing linkage fee may be applicable.

Proposed language:

(18) New non-residential development may be subject to an affordable housing linkage fee under Section 5.07.

2. Article V—Strike out the word “Requirements” in the title of Section 5.07, to read:
§ 5.07 Affordable housing ~~requirements~~
3. Article V—Substitute the name “Watertown Affordable Housing Trust” and “WAHT” for the name “Watertown Housing Partnership” and “WHP” throughout Section 5.07.
4. Article V—Insert a new clause in Section 5.07 (a) after the fourth stated purpose and before the fifth stated purpose of this section:

Proposed language:

- (a) Intent and Purpose. The purposes of this Section are to encourage the expansion and improvement of the City of Watertown's housing stock; to provide for housing choices for households of all incomes, ages, and sizes; to prevent the displacement of low- and moderate-income residents; to produce affordable housing units in order to meet existing and anticipated employment needs within the City; to provide opportunities for conventional residential and mixed-use development to contribute to increasing the supply of affordable housing; **to mitigate the impact of the increased demand for housing generated by employees of new commercial development wanting to live in Watertown**; and to establish standards and guidelines in order to implement the foregoing.
5. Article V—Insert two new definitions after “12. Maximum Affordable Purchase Price or Rent” and renumber definitions “13. Small-Scale Inclusion Development” and “14. Subsidized Housing Inventory” accordingly.

Proposed language:

13. NEW DEVELOPMENT -- For purposes of §5.07 (c), New Development shall mean any of the following that results in 30,000 square feet or more of Gross Floor Area:
a. construction of new buildings or additions to existing buildings to accommodate Non-Residential Uses
b. or substantial rehabilitation or conversion of buildings (or portions of buildings) to accommodate change to Non-Residential Uses.

14. NON-RESIDENTIAL USES. For purposes of §5.07 (c), the following uses listed in the Table of Uses (§5.01) are Non-Residential Uses: Hotel and Motel Use; Institutional, Transportation, Utility and Agricultural Uses (except for nursing home, rest home, convalescent home or assisted living); Business, Office and Consumer Service Uses;

Open-Air Drive-in Retail and Service; Light Industry, Wholesale, Laboratory; Heavy Industry; and Accessory Uses q (scientific research, development and production) and r (games of chance). Any Non-Residential portion of a Mixed Use Development shall be considered a Non-Residential Use.

6. Article V— After Definitions and before Applicability, insert a new sub-section (c) and re-letter sub-sections (c) through (i).

Proposed language:

(c) Affordable Housing Linkage Fee.

(1) §5.07 (c) applies to any New Development that consists of 30,000 square feet or more of Gross Floor Area devoted to Non-Residential Uses. The following are exempt: real property owned by the City of Watertown, and religious and educational uses protected by M.G.L. 40A Section 3.

(2) Any New Development subject to §5.07 (c) must pay an affordable housing linkage fee of \$11.12 per square foot of Gross Floor Area devoted to Non-Residential Uses plus the inflation adjustment applicable when the fee is paid. The inflation adjustment shall be made annually in January, based on the Consumer Price Index for all Urban Consumers, CPI-U, compiled by the Bureau of Labor Statistics. The Department of Community Development and Planning shall publish and annually update the adjusted affordable housing linkage fee on the City's website. The payment shall be made to the Watertown Affordable Housing Trust.

(3) The affordable housing linkage payment must be made before any Non-Residential Use that is part of the New Development receives an Occupancy Permit that would allow it to be occupied by workers. In the case of a multi-building New Development, the timing of each payment shall be based on the building that is being occupied. No certificate of occupancy or additional building permits shall be issued until the payment has been made.

(4) The permit-granting authority for a New Development shall require as a condition of any approval for zoning relief (including site plan review) that Applicants pay the affordable housing linkage fee prior to issuance of an Occupancy Permit.

(5) Where a New Development consists of multiple buildings/phases, the 30,000 square feet threshold is based on the overall development proposed. Applicants may not use segmentation or surrogate or subsidiary entities to avoid compliance with §5.07 (c).

(6) The Department of Community Development and Planning shall request a nexus study every five (5) years from the effective date of this ordinance to assess the linkage between New Development devoted to Non-Residential Uses and demand for affordable housing and to assess any other factor relevant to the linkage fee and the rate charged. Based upon the nexus study, the fee may be reset as required based on recommendation of the city manager and approval of the city council.