

AUGUST 8, 2023



Watertown City Council

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

CITY COUNCIL MEETING
TUESDAY, AUGUST 8, 2023, 7:00 P.M.
RICHARD E. MASTRANGELO COUNCIL CHAMBER
ADMINISTRATION BUILDING, 149 MAIN STREET

MINUTES

ACCESS INFORMATION:

- A. This meeting will be held on August 8, 2023 at 7:00 PM in the Richard E. Mastrangelo Council Chamber
- B. The meeting will be televised through WCATV (Watertown Cable Access Television):
<http://vodwcatv.org/CablecastPublicSite/?channel=3>
- C. The Public may join the virtual meeting online: <https://watertown-ma.zoom.us/j/92991331344>
- D. Public may join the virtual meeting audio only by phone: (877) 853-5257 or (888) 475-4499 (Toll Free) and enter Webinar ID: 929 9133 1344
- E. Public may comment through email: vpiccirilli@watertown-ma.gov
- F. Please Visit the City Council Website here: <https://www.watertown-ma.gov/350/City-Council>

1. ROLL CALL

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

2. PLEDGE OF ALLEGIANCE

3. PUBLIC FORUM

There were no participants for Public Forum

4. EXAMINATION OF RECORDS OF PREVIOUS MEETINGS

Councilor Piccirilli moved to approve the minutes from the City Council meeting from June 27th with minor edits and Councilor Feltner seconded.

The motion to approve the meeting minutes from the June 27th City Council meeting was approved unanimously in a Voice Vote.

Councilor Piccirilli moved to approve the minutes from the City Council meeting from July 11th with minor edits and Councilor Feltner seconded.

The motion to approve the meeting minutes from the July 11th City Council meeting was approved unanimously in a Voice Vote.

5. PRESIDENT'S REPORT

There was no President's Report.

6. PUBLIC HEARINGS

- A. Public Hearing and Vote on a Petition from Eversource for a Grant of Location in Grove Street to install and maintain approximately 8 linear feet of conduit from utility pole #63/16 to the property line of Mount Auburn Cemetery. This work is necessary to provide electric service to the meter cabinet at Mount Auburn Cemetery. The recommendations and conditions set out by the Department of Public Works shall be required upon approval of this application.

Joanne Callender - EVERSOURCE - Presented the petition for the grant of location.

Councilor Piccirilli moved to approve the grant of location and Councilor Feltner seconded.

The motion to approve the grant of location was approved unanimously in a Voice Vote.

- B. Public Hearing and Vote on a Petition from Eversource for a Grant of Location in Howard Street to install and maintain approximately 51 linear feet of conduit from utility pole #225/5 to the property line of municipal parking lot. This work is necessary to provide electric service to a municipal parking lot. The recommendations and conditions set out by the Department of Public Works shall be required upon approval of this application.

Joanne Callender - EVERSOURCE - Presented the petition for the grant of location.

Councilor Piccirilli moved to approve the grant of location and Councilor Gannon seconded.

The motion to approve the grant of location was approved unanimously in a Voice Vote.

- C. Public Hearing and Vote on a Petition from Eversource for a Grant of Location in Paramount Place to install and maintain approximately 8 linear feet of conduit from utility pole #16/68-2 to property line of #532 Pleasant Street. This work is necessary to provide electric service to 532 Pleasant Street. The recommendations and conditions set out by the Department of Public Works shall be required upon approval of this application.

Joanne Callender - EVERSOURCE - Presented the petition for the grant of location.

Councilor Piccirilli moved to approve the grant of location and Councilor Gannon seconded.

Councilor Feltner asked if there were any overhead wires included in the grant of location.

President Sideris clarified that the grant of location was for underground conduit.

The motion to approve the grant of location was approved unanimously in a Voice Vote.

- D. Public Hearing and Vote on a Petition from National Grid for a Grant of Location for the following installations:

Work Requiring a Grant of Location:

Nyack Street – Installation of approximately 215 linear feet of 6-inch plastic in Nyack Street from 71 Nyack Street to Madison Ave.

Work Not Requiring a Grant of Location:

Nyack Street - The relay of approximately 900 linear feet of 4-inch coated steel with approximately 900 linear feet of 6-inch plastic in Nyack Street from Belmont Street to end of main at 71 Nyack Street.

This work is part of the water intrusion program. The recommendations and conditions set out by the Department of Public Works shall be required upon approval of this application.

Mary Mulronev – NATIONAL GRID – Presented the petition for the grant of location.

Dennis Holland – 29 Nyack St – Stated that last winter there were a lot of problems on Nyack with lines freezing due to the subsoil being clay that the water doesn't infiltrate through. Water was coming in and the gas lines were freezing up. He acknowledged that the lines needed to be changed but asked that the Superintendent and the DPW make sure that the street is kept clean during the process. He concluded in being optimistic with this grant of location.

Councilor Piccirilli read an email from - Frank Kosco – Nyack Street - He also had his gas meter freeze because of water intrusion last winter, and his water boiler shut down. He supports this replacement of the gas main to stop the water intrusion.

Councilor Piccirilli moved to approve the grant of location and Councilor Feltner seconded.

Councilor Feltner asked as to how soon the work could get done.

Superintendent St. Louis stated that he was aware of the desire to get moving on this project, and that he expected shovels would be in the ground in the next few weeks.

The motion to approve the grant of location was approved unanimously in a Voice Vote.

- E. Public Hearing and Vote on New Demolition Delay Ordinance Chapter 153 as Proposed to Replace the Existing Chapter 153 in its Entirety and Endorse the New Demolition Delay Regulations.

TRANSCRIPT (edited)

Elise Loukas - Good evening. Thank you so much. I appreciate you hearing me, and I apologize for not being present in person. This is extremely important to me. However, I managed to find myself with COVID, and I am currently quarantined and ill. I just wanted to say that I have been on the historical commission for approximately 15 years. I've seen the way in which older homes and preservation have evolved in that time. This is a significant part of why I and the commission believe that having a two-year maximum on the demolition delay is the right way to go. The purpose of the demolition delay ordinance is to give people who have recently purchased properties, or have those properties under contract, time to consider options to preserve all or some of a building. It's not happening in several cases where a historical building is involved because those people have made it part of their plan to just sit out the delay that we currently have. The commission's been extremely judicious as many of you already know in its review of applications. We did a study of applications over a 20-year period and 21% were preferably preserved, and only in 15% did we impose a demolition delay and those delays ranged from months to a year. So from those statistics alone, you can see that the commission has been extremely judicious. In the proposed demo delay ordinance that's before you. The commission has increased the maximum delay that can be imposed to provide an incentive to encourage those who've recent recently purchased homes or have them under contract to think about preservation because that's really what it's all about, and as you said, Mr. President,

Larry Field, the senior planner from Watertown is going to speak to other aspects of the proposed demolition delay ordinance before you. Thank you.

Senior Planner Larry Field - Mr. President, members of the council. The Department of Community Development and Planning has been working with Historical Commission for two years to rewrite the demolition delay ordinance to fit the current needs of the community. The department supports the various elements of this proposed ordinance and regulation. The proposal started with the commission spending a lot of time thoughtfully looking at the ordinance that had what the current issues were and trying to come up with a better way of approaching the issue of preserving our historic homes. Along the way, the economic development and planning committee reviewed the proposal and made, several suggestions that have been incorporated as changes. In addition, KP law has reviewed this ordinance and regulations twice. Again, there are aspects that were changed as a result of that review. The strong housing market in Greater Boston has made Watertown an attractive place for older homes to be demolished and replaced by two families. That is a good thing in that we need housing. In many cases, that is a very appropriate thing to happen to that property. But the issue tonight is how we can encourage the preservation of historic buildings, this ordinance and regulation are designed to address that issue. The proposed ordinance does three things, three major things. The first thing is what Chair Lukas has talked about, which is increasing the maximum length that a demolition delay can be imposed. That is from one year to two years, and I'm going to return to that at the very end of my brief remarks. The second thing it does is it reduces the number of cases before they come to the public hearings. It does that through a quick preliminary review by the commission to eliminate those buildings that are not historically significant.

The third thing this does is that it deals with the issue of applications that are less than a full demolition but the amount of the same thing and being able to bring those into some kind of a review. In addition to those three major changes, I referred to changes that were made by the economic development and planning committee and by KP Law. There are really two things that they did. One was to clarify the notice requirements and, in particular, to specify the abutters who are provided notice. The other thing it did was that it had specific criteria established for the decision of preferably preserved and the length of the demolition delay period. So I said that there were three major things that it did, the reduction in the number of cases, is because the current ordinance requires that every building that is 50 years or older come for a public hearing, and those can be a garage a shed, an industrial building, or a home that was built in the fifties, sixties, even the early seventies. Many of those homes the commissions found are just not historically significant. This proposed ordinance introduces a two-step process. The first step is that every application goes to the chair and another member of the store commission for a review of historic significance. If the building is found to not be historically significant, then that finding ends the process. It then goes to the normal building department process to demolish the structure.

This will save significant time and money for applicants, but what it'll also do is focus the commission on the important cases. The other significant change that is made in the ordinance is addressing the issue of what we call substantial demolition where there is a partial demolition, an application that's for renovation or alteration, that involves taking a part of significant parts of the building so that its character was transformed. The ordinance right now does not address that, the proposed ordinance now has a definition of substantial demolition. It is a general definition and there in the regulations, are very

specific criteria for the zoning enforcement officer to use, to identify something that has come to the building department as a substantial demolition. The idea of regulations was proposed by the department because we felt that flexibility is needed and that we have to have the ability to look at how this works in the real world and see whether those specific criteria need to be tweaked. And so having them in the regulations allows quick adaptation to what we find as the zoning enforcement officer gets these applications. If it's too overinclusive or underinclusive, we can act on that. I said that I wanted to return to the subject of the max delay period. When property owners apply for a demolition permit they are usually people who have lived in the home and have looked for options to expand their living space. Often, they'll come to the department, to the zoning enforcement officer, or to the planning office and say, what can we do with this property so that we can add to the building, and make this something that works better for us as a household?

However, when you have a property that is, recently acquired and also properties that are under contract, where you have essentially a new party who has come in and has, acquired the right to apply, they usually have not looked at the options. Often these properties are marketed as teardowns. They're seen by the market as an opportunity to move from one family to a two family. So why is this particularly an issue for Watertown? We are a community that has a very large percentage of one family that by right can be turned into two families. A third of the properties in the two-family zone are actually one family, in the conversion zone about half of the properties are single families. So there is this population of homes that are very attractive to be converted from a one-family to a two-family. So as I said at the beginning, that's not a bad thing. But when you've got a historic home that is subject to that kind of interest by the market, what we're trying to do is to introduce the same considerations that we want them, to keep in mind when they're looking at the property.

We want them to be looking at, whether can they make a significant addition to the home to make it something that is attractive to the buyer when they turn it around. Can they add a floor? Many of the old homes have an original structure that has been added to over the years and those newer parts are really not historic, or there are features there that are not historic. So can they replace those but not touch the core of the house that has the history with it? So what we have in mind is having those perspective owners thinking about how to look at the property, whether to preserve some or all of it because of its historic character. It's our belief that if you have a two-year period, that's a maximum, even if it's rarely invoked, that it will open the conversation to more of these prospective buyers asking the question, coming to the department and exploring those options. That is what a demolition delay is supposed to do. So, with that, I'll close. I'm happy to answer any questions, but I would like to make a request that if after the public hearing there are questions that council members have, I'm happy to come back and answer those. Thank you.

Stephen Corbett – 14 Irving Park -This proposed two-year demolition delay is not reasonable. It would make Watertown the most extreme of all surrounding communities. Any viable option to preserve a structure can certainly be accomplished in one year. Changing it to two is simply a backdoor approach to preventing property owners from redeveloping their property. It really amounts to private property taking. This may save a handful of structures from the wrecking ball, whether they have any historical significance or not. But you should be aware of the unintended consequences of this decision. Many property owners will avoid consideration of redevelopment because the process is too onerous and uncertain. Inferior properties in terms of poor design, lack of maintenance,

and code deficiency will be strung along simply to maintain a revenue stream.

Underutilized lots and inferior buildings won't be replaced with more attractively designed, code-compliant, and energy-efficient buildings. Rather than pursuing demolition, owners will offer renovations and additions, often resulting in poor hodgepodge designs that are not up to current codes or energy standards. The fact is all human-made structures have a useful life and at some point, they need to be replaced. A more sensible and effective approach for the historical commission would be to task it with proactively identifying the historically significant buildings in the city. Hold the required hearings and let the property owners know where they stand up front. This after-the-fact, knee-jerk reaction approach is counterproductive to all. After all, there are thousands of property owners in Watertown who will be impacted by this ordinance. The vast majority will have no idea the extent to which their property rights have been limited until they go to buy sell or redevelop their property. Thank you.

Jim Savage – Resident of Belmont- I work at Berkshire Hathaway Commonwealth Real Estate. I did grow up in Watertown and lived here for a lot of my life and I live in Belmont now. The question I really have that I think it's very important for the Council to get the information on it, what is deemed historically significant. If someone goes to the historical district and we're talking about the beautiful Victorian homes that we have on Russell, Bailey, Garfield - that's one thing. But is a cape on Rutland Ave historically significant. I know they're relating to fact, but we really need to know what is the definition of a historical home. That's really what I want to hear before I say anything else. Thank you.

Linda Scott – 55 Olcott St- The structure of this amendment seems clear, but it's lacking important process details that will add significantly to the transparency of this ordinance. For instance, in Section 153.04 preliminary review by historical condition, it would help if you had answers to these questions. Again, with Jim Savage said, what are the criteria being used to determine significance, and what documents will be used to determine it? What specific references to historic registers and local ordinances are left out? For instance, the national register resort places have been left out of this ordinance now. What special documentation for this process will be used and shared?. What kinds of buildings, if any, will be exempt? Are there districts like the Mount Auburn Street District and the Watertown Square overlay district that'll be exempt from this process? How will the determination of damage and cost to repair be determined? Should the developers' numbers be used regarding the cost of repairs? Or some other less interesting source. In section 153.05 Commission hearings - there's a stipulation of how meetings will be announced to the public.

Will decisions made about a building be shared with the public as well, if yes, how? Should an architectural historian be contracted for any part of this process to review decisions since we haven't determined a complete list of historic properties in the city? Is there an appeals process for the delay no delays decision? In section 153.06 administration, it states the commission may proactively develop a list of significant buildings that will be subject to this chapter. Buildings proposed for the significant building list shall be added following a public hearing, developing a Watertown significant building list even after incorporating lists like Macris seems like a very large but worthwhile task on a number of levels. One, someone is buying the property. They know what they're getting. Two, it adds to the general knowledge of the history of Watertown. Three, once

established, it cuts down significantly on a lot of the time and administrative costs that building by a building can necessitate. I urge you to continue to refine this document for transparency's sake. This is the city's goal, is it not? This document as written leaves all kinds of opportunities for abuse of power. Thank you for your time.

Elodia Thomas – 67 Marion Rd - One question I had, for a reference point for the change in demolition delay - what year were the six months changed to the 12 months? In the area of a 12-month delay, I know one community, having attended numerous programs through the Mass Historical Commission, that has 18, is there anybody else that has a two-year delay? I'm going to be very direct. I think this is just a backdoor to residential design standards or guidelines that is getting no community vetting, no input, and this idea that the commission may proactively develop a list of significant buildings that will be subject to this bylaw and the buildings proposed for the significant buildings list shall be added following a public hearing. I live in a house that was built in 1897. It was bastardized before I bought it with aluminum siding. I wish I could take it off, but having talked with several contractors in town, that's an \$80,000 price tag at least. This has so many holes; I don't even know why we're listening to this right now, and, Council, you really need to pay attention to this. Let's look at surrounding communities and what their standards are. I've tried to reach all this data today.

I don't even understand the language. I have three projects that come to mind; one was on School Street where they wanted the person that bought the property to promote it for sale because they didn't like what he wanted to do, but it never sold. He put a new building on the property. I don't really like it myself, quite frankly. He turned the property on the access, but you know, he bought it, he did it, you know, that's life. There are other properties near the river, and similar things happened. This is very heavy-handed with the hammer, former Councilor Corbett really summarized exactly how I feel about this. If we have issues in town, we need to address them. It is a backroom way, a backdoor way to set residential design standards, and we know what happened the last time. The community revolted because it was not transparent. It was not above board. This seems really sneaky, and personally, I'm done with the lack of transparency in this town. So please, please vote this down and take it back to the drawing board. You're doing this in August. When people get back and hear about it, you will look like trash. It's just a dumb thing to do right now. And I love old houses. This is not it. Simply put it, it's not a good process and it's dysfunctional for our community. We have enough of that in this town. Thank you for allowing me to finish.

Dennis Holland – 29 Nyack St - From a different perspective, some of the houses aren't in good shape. You know, older residents had them, sold them, or whatever. The condition of the house is maybe in a teardown condition, or maybe some can't be rehabbed. I'm not sure, but one thing that comes to my mind is the public safety aspect of it - delaying a house that's in really bad shape for another year where it may catch fire, and it may spread to the other houses around it - that doesn't need to be. So I wouldn't be in favor of by any means delaying for a year, in the other powers that be, you can all figure it out from there. I'm just thinking that the other person's property. One of the ones that comes to mind a few weeks ago was the Bigelow Ave property, and the older gentleman that lives next door to BNG cheap metal there, he was worried that if anything happened to that building with him being that close, that he could lose his property. Where's he going to go? So just, you know, another thought, any delay could lead to some disaster that's going to affect other people that doesn't need to be. Thank you.

Naomi Depina – Sycamore Street- Hi. My name is Naomi DePina. So when this came to my attention, and I've owned property and buildings in other towns, Winthrop and Chelsea, and I think quite frankly, I'm going to be blunt - this is a little ridiculous. You want younger people to move here - Biotech buildings are being built - you're allowing all these things to happen, and yet a two-year delay. I was listening on Zoom earlier, and it was mentioned for an expansion for families, demolitions are typically for an expansion of families. That's about 30 to 40% if you actually look at statistics. Families are applying for these permits 30 to 40%. What people are doing is renewing historical buildings. Yes. Do we want the town to look more appealing to more residents? For more residents, I think so. Therefore, I do have a few questions I want to just put to your attention. So let's say as a homeowner, if I'm adding a second floor to my home, do I have to wait two years? I don't know if that would work for my growing family, so that's a concern to me. Also, is there any, guidance from the city to help with this historical commission? I just feel that what are the qualifications, I'm wondering, to serve on the historical commission. Why did this come up? What is the purpose here? What does an additional 12 months actually do? So one thing I haven't gathered from the comments earlier is what is the true point. Why do we need to do this? Thank you.

Senior Planner Larry Field - So two years is a maximum. So even if a property were deemed to be historic, preferably preserved, the commission needs to look at whether it should be a six-month, two-year. But to the particular question of when you're doing something to expand your living space, you're adding a floor, you're having an addition that's something that is unlikely to lead the commission to impose any delay, even if it is a building that is historic. Basically, someone would come to the commission, with this application, with the two-step process, this preliminary review might end the whole thing right away. But if it does go to the commission, you explain why it is you want to do it, why you've looked at alternatives, and this is the best thing to do. So I think that this is a particular fear which is remote.

Shin Nagpal – 96 Beachwood Ave - I also serve on the Watertown Energy Conservation Committee. In a follow-up question to what the general said here about the assumption that if you're expanding the household it likely does not require, you know, the extension of the delay. That feels like a false promise. If that's the case, that's something that should be incorporated with clear guidelines. I echo someone else's concerns previously where, this is showing a lack of transparency where you're making the assumption that if you come in certain conditions, it'll likely not be a problem. But if that's really truly the case, it's something that should be very specific and included in the amendment. Thanks.

Len Holt – 44 Grenville Rd - Just a couple of comments. I'd like to quote, the theory is remote. Or, if the fuse is remote. The numbers that are in their own report said we've only had 38 cases in 20 years. So we're talking about two houses per year, approximately. I guess my question becomes, if we're talking about two houses per year, then do we have as big a problem as this is making it to make it go from 12 months to 24 months? Because quite frankly, I concur completely with Steve Corbett that what could be done in 24 months could certainly be done in 12 months if that's the issue. My second comment is with regards to the fact that in the state of Massachusetts, according to the report provided in the minutes, there's only one other town in the state with 24 months as a demolition delay. So apparently 24 months is not the standard by any means. Finally, the devil seems to be in the details because the definitions of substantial demolitions, which I found out today, include any change to the ridge of a roof or the height of a building, and to me, that's a

style of design guidelines than a demolition delay. So that's my comments for today. Thank you very much.

Councilor Piccirilli read an email from - John Lavadini. - I'm unable to meet the meeting, tonight in person or via Zoom. Please be advised that the concerned Watertown Homeowners Association has received numerous contacts from your constituents voicing concern and opposition regarding the proposed new demolition delay ordinance for the city of Watertown. For the record, the CWWHA is unequivocally opposed to any new ordinance that adversely affects the rights of property owners in our city specifically including the extension of the current demolition delay ordinance from 12 to 24 months. In addition, we note that only one other Community in Massachusetts has extended a demolition delay to 24 months. As such, we clearly do not stand alone in our position that this proposed ordinance may create an unnecessary burden that will affect the rights of property owners. I'd also like to request that any vote on this matter be postponed for another 30 days to allow all Watertown homeowners to completely understand the issue at hand and provide their elected officials with feedback, which may not be possible during a midsummer meeting while many of us are on vacation. Respectfully, John Lavadini.

Naomi Depina – Sycamore Street - So I just have a follow-up question, and thank you, Larry, for commenting. So to my earlier comment of imposing the additional 12 months for, let's say if it's a basic home if I want to add a second floor, or even if someone wants to you know, restore a historical home - I want to understand what the additional layer of steps, why are there additional layer, why are we adding. What is the true purpose of why we're adding this additional step? Is it weeding out what needs to be proposed versus in that preliminary what they can kind of sort out, or is it just to add an additional 12 months as, while yes, this is the maximum, why does that need to be in place if this is already working?

Senior Planner Field - So we want homeowners to renovate their homes. It's not a bad thing. It's often the right thing to do to add a floor or to have an addition. This proposed ordinance is not aimed at that. It's aimed at the acquisition of property and taking it from one family to two families and demolishing it completely. There are some instances where the renovation application goes further than, or goes so far that it transforms the character of the building, and that's something that we want to look at to see that what is occurring is not avoiding the demolition delay process by saying, well, I am renovating the property, I'm not demolishing it. So I understand and respect your concern, but this is not an attempt to control or regulate or control the renovation of properties. We found over the years that generally when it's a homeowner that comes to the department, comes to the commission, they are looking at more living space. They're not looking at tearing it down to build a two-family. That's what the two-year delay is really focused on. I'm happy to answer other questions that have come up if that's appropriate now. So, Milton is the other community that has been discussed as having a 24-month period. Milton and Brookline are 18 months. Watertown is in a situation where it has more of a need than many of the communities around us because of what I said earlier about, the number or the percentage of single-family homes that by right can be turned into family. That is not something that is true for many of the communities around us, and that is really the force that's bringing the commission and the department to support a two-year delay period as the maximum.

There has been kind of alternative statements here about the impact of this. Thousands will be affected, or it's only two a year. Over the course of 20 years, there have been 250 demo applications. So we're not talking about thousands. Yes, there are relatively low numbers every year where the commission has been imposing a delay. That's why, the Chair noted the judiciousness of the commission. The fact that it's only two a year isn't a reason not to do it. It's a reason to allow discretion in the hands of the commission because they've shown that they're not going to put a delay on everything. There was a question from the gentleman from Berkshire Hathaway about, well, what is, deemed historically significant Well, there is, in the definition, a two-part, two sets of criteria. it's on the first page with the definitions if I may, I'll read them up to you. Actually, it's page two. 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. Two, the building is historically or architecturally important in terms of period style method of building construction or association with a recognized architecture planner, either by itself or in the context of a group of buildings. There was a concern raised by Dennis Holland about, well what if the building is in bad shape? If there is a building that is condemned, it is automatically off the list, it does not need to go to the historic commission, and it can be demolished as quickly as possible.

The example of the Bigelow property is actually an example of why one part of this ordinance is a good thing, which is, that if there were an application to demolish the Bigelow building, which is, an old industrial building - instead of going to a public hearing, the historical commission will be able to very quickly say this is not a historic structure and give the okay to demolish it. So there will be less risk with buildings like that, not more if the ordinance has passed. There was a series of different questions raised by Linda Scott about this, ordinance, should it have this? Should it have that? Why doesn't it have this? Why doesn't it have that? This is an ordinance that provides a procedure for how to look at demolition delay. It provides criteria, but it is not a regulatory program with all the details filled out. All of those things may be very interesting questions. There may be things that the department should consider, but it's not necessary for this ordinance to be 80 pages long and have all the details laid out. The final point I'll make is that a couple of people have talked about doing an inventory, and I will agree, and the commission agrees that having an inventory of all the historic properties, and potential historic properties in Watertown would be a good thing.

The communities have done that, have done that over the course of five, 10, and 15 years and they have continually invested money in hiring consultants and going building by building. We can do that. But right now, we are in a situation where the strong housing market is leading to properties being demolished and replaced by two families. So, at the same time that we do inventories, and in fact, for the first time since 1982, there's going to be an area inventory in the south side that's not associated with the historic district. So the commission is trying to do an inventory. But at the same time as we go on that path, we have to look at what is in front of us now. What are the problems we have to contend with now? That's why this ordinance is designed to do, as I said, three things. One is the maximum time period, but it's also reducing the number of cases that come before it. So that it's only focusing on the most important. Then it's also dealing with situations that are more ambiguous where you need to have more clarity about what a demolition is. I'm happy to answer any questions that the council members have.

Elodia Thomas – 67 Marion Rd - This is backward in my opinion and shame on the city that they have never done an inventory. It's been requested for years, and they've avoided

it, and they can get funding from MHC - half the funding - if they go through this. So I'm not sympathetic to this given the shenanigans that have gone on in the city. Larry mentioned three things: The maximum time period. I go back to most communities for 12 months, maybe 18, two years is ridiculous. Ambiguous property. What does that mean? He failed to say what number three was, so I have forgotten that already. There's going to be an inventory of the south side. Before COVID, I made a list of two years of properties that came up for demolition delays and I went out to look at every single one of them. I want to know how many people on the historical commission did that and how many people in the planning department did that. I looked at every single property.

There were only two properties that I thought, wow, they're rather unique. One was on the Common Street. It was right up against the golf course. It was totally hidden. I don't know how you get out of your driveway there. Another one was on Westminster Ave was kind of a cottage beautifully landscaped, very attractive. I mean, those were two out of almost 30 properties. I don't know why we're going to this if the system has been working so well. I think a lot of these things need much more definition. Councilors, you are making a huge mistake if you think this is okay. You need to step back from this, do a lot more public education, and do a lot more investigation. I want to know what are the talents that sit on this historical commission with regard to construction, really understanding engineering etcetera. There are so many holes in this ordinance. I can't even go into it. I'm very disappointed that this has gotten this far with so little advertisement etcetera. It's a bad move. I'm really sorry, I've never fight these things, but this is terrible. I sit on the CPC and I see so many holes in this. It terrifies me. It's just drama, and we have enough drama in this town. This is not transparent - Thank you.

Dennis Holland – 29 Nyack St - Clarification. The longer a property sits empty, the more susceptible it is to something that's going to go wrong, and if we can prevent that by not having it sit empty for two years, I think it'd be better for this public safety. Thank you.

John Cimino - Resident - Hello. My name is John Cimino, a contractor in Watertown. Most of you might know, started back in 1968 with my father being an Italian immigrant. I've developed a lot of properties in Watertown, and I've torn down some houses. I saved a lot of houses that you will see all over this town. I think a lot of people know our business as a well-established high-end when our projects are done. I'm lucky enough that I took the steps for my father to where I am now, and I'm lucky now that I have my son who wants to follow my steps. It keeps asking me, Dad, can we find a project? Well, as well as you know, prices in Watertown are outrageous. So if we buy our house and it sits on the market and has to wait a year, it's about \$90,000 worth of interest. If you guys pass this law and you don't have to be a math genius, you're up to 180. If you still go forward with your project, the only way you're going to get your 180 back is to cut down on the house that you want to develop, which means the town or Watertown will probably get houses that are less developed and not as well high standard. Also what you're doing is, somebody like my son, which is starting out, says, where am I going to come up with this money to sit on a house for two years to satisfy something that probably most people would say needs to come down. So just don't consider a one-way. Think about the land of opportunity for some kid or somebody young who wants to step up and do some construction, because a lot of kids today are on to computers. It's hard to find a young person today who wants to work hard and get into this type of trade. And I hope you understand where I'm coming from, and I'm part of my business, and all the houses I've done in this town over the 40 years, and how many compliments we've got. Thank you.

Elise Loukas - Thank you. I just wanted to also add to a comment that Larry had made regarding the towns that have a 24-month, or an 18-month, or a 12-month. One of the reasons that you don't see more towns within 24 months is that they have other tools. You have a town like Lexington. They have historic districts - multiple historic districts, which means that you can't do anything with those houses. It takes a lot to get anything changed in those houses, but they don't need to have a 24-month because they have the historic district protecting all their houses. So you're not going to see a 24-month delay in Lexington. So when you look at a list and say, oh, there's only one town, that's not really a fair assessment of what's going on with historical preservation of homes, historic homes, across Massachusetts. That's just looking at one tool. There are many tools that towns use. Unfortunately, we don't have many tools. Other towns have used them which is why you're not seeing those numbers. So, I wanted just to clarify that for the council members, just to make sure that you understand that those numbers, although they may seem like Watertown would be just one of a couple. That's not exactly accurate. Yes. We'd be one of a couple that has 24 months, but that's because our town does not have five different historic districts or other tools protecting the houses as you've already heard. I think Larry did a great job of addressing other concerns. But I also wanted to be very clear for the residents who spoke. This is a demolition delay ordinance, which means if you wanted to come in and demolish your property, not necessarily renovated. This is for people who want to knock down the house. So if you wanted to put a dormer or something else - that's different. People come before us like the developers you just heard who want to knock down the house. That's what our commission is about. So I wanted just to make that very clear.

John Cimino – Resident - One more thing I want to say because I like what that last person said about having a tool. If you look behind you, that building that's getting built up there and they're putting up these buildings all over the town and everybody's complaining in the coffee shops on any else in this town, but they don't come here to say something. Why don't you use those tools and have those people have their fees increased so that the money goes to the historical committee? If you guys think a house should be preserved, that money is put in a fund, and you can buy that house yourself for the historical committee and save it. That's what some other towns are trying to do, and that's what you should be doing in Watertown; instead of allowing these people to put these high rises, they're walking in and just paying a permit fee and they're able to do everything and everybody's complaining. Thank you.

City Manager Proakis – Thank you, Mr. President. I didn't expect to speak tonight on this. I know this has been an ongoing conversation with the staff and the historical commission and working to get to this point to bring an ordinance to the Council. But it was just interesting to watch a public hearing where folks who often have very different opinions on different sides of the development issue each have their own challenges. Although all have challenges, it seems that they expressed during the public hearing about this particular item and what it means. This was something that has, you know, I've been here a year now, and work on this was going on before I got here. I wrote the demo ordinance in Somerville. It's one of the few ordinances that I actually sat down typed out beginning to end and wrote. So it's just something that I've spent probably a little bit too much time on as a tool. I just wanted to reflect on where and how this might fit with other pieces of what we do. I think it's really interesting to watch and consider, and this is an issue when we bring up zoning ordinances and zoning updates as well, the balance between how much you specify in detail in an ordinance that you say, okay, this is very specific criteria for

what you can do, versus how much you leave up to a board and discretion, which in zoning, we do a lot with special permits. In general, I spent a good part of my career trying to get more to the specificity side because you often hear the comments of what, you know, we'll what does this guideline mean? What does this circumstance mean? What is this actually going to turn into?

Here, I think that we've had a demo ordinance since 1997, if I'm reading the warehouse clause on the top of your right, which is a long time to have had an ordinance. You're at the 12-month time frame here, which is, where actually Somerville ended up at the end of their process. There was a proposal of 18, and they did actually pull it back to 12, and there was a lot of conversation about that time frame. There was also a lot of conversation about the technical piece of kind of what to make with changes. I can say that one of my biggest challenges is across the board, 1990s-era demo ordinances are poorly written and very difficult to interpret. Not great pieces of law. A lot of them came off of a state template, which honestly is just not that great. I think there's been a lot of effort here to try to provide more specificity to deal with some of the challenges these ordinances typically have. One of them is the definition of partial definition or substantial definition, which is very tricky. Typically, what you don't want to have to happen is you don't want to have a situation where someone leaves half a wall up and claims they're not demolishing the building, and they're just kind of playing around with the ordinance. Well, at the same time, it's reflecting on a lot of the comments made here. You don't want the partial definition to catch circumstances where someone's trying to put a dormer on their house or put an addition on the back of their house, it becomes very disruptive to renovation projects if they have to go through this extra step. The other thing that this ordinance does that I've seen a lot of this ordinance try to do is to provide a first and early level off-ramp.

If someone comes in with a little black garage that was built in 1925. Yes. Technically, it's subject to the ordinance, but there's nothing significant about it. Having a subcommittee or staff committee or some group be able to say, alright, you don't even need to go into the ordinance for this stuff, is a very valuable addition. We don't do that here now, doing that in this ordinance, I think, is an add-on. So I guess I heard a lot of concerns and I understand a lot of concerns. I also think that fitting this in with what else we do, like, you know, if all of our historic buildings were clustered in one place, I would say, you know, just create one more historic district there, and then you wouldn't need a demo ordinance at all. I don't think the intention here is to make it difficult to tear down a falling apart cape house. I think that the issue was every now and then within those two family districts, you find a single family that's a substantially historic structure and you want to be able to at least take a moment to say, can we have a conversation about whether or not there's a way to add on to this house instead of tearing it down. We've been doing that since 1997. So it's not that we haven't been doing that, it's just that making sure to modernize an ordinance and making it work right is something that's still important to me. I think this fits in with what we do on zoning ordinances as well.

I think if based upon the feedback we received here tonight, the Council gives us guidance on things we need to do more on to make sure we're doing that and not capturing some of those other concerns it is something that's important to me as well. I don't think that the intention here is to create vague guidelines or vague processes. I know this team, and that's not what they're trying to do. That's not what I've tried to spend 20 years doing and planning before I became a city manager. I want to be able to make sure that we're actually kind of tightening up on the definitions and the rules so that we're

getting to the point where people know where they stand and know what they're doing and know what circumstances are - circumstances where things are historic. We do have right now a lot of wide variety of things that fall in this demo ordinance, in a commission that, to be fair to them, has been relatively selective in what they send through the process and put a delay on and hold you know, basically determining only a fifth of those is preferably preserved and even less of them is worthy of the one-year delay.

So these are meant for specific circumstances. If we haven't captured that in the language, please, you know, we'll have to try to do more, but I just wanted to share that perspective because I think this is a tool that fits in a very typical property toolkit, that most communities do, and a lot of communities are looking at trying to make them better because I think a lot of them are poorly written vague, and poorly done. And the opportunity to make that clearer, regardless of where the time frame, whether it's 12 months or 15 months or 24 months or whatever it might be - I had someone in Somerville suggest we should do seven years - but, you know, I kind of was like, now wait a minute. That's how we ended up at, at a lot less, we ended up at even at less than 24. But anyway, I appreciate the insight and perspective tonight and sort of putting where we are into a kind of perspective of how some of these processes can work, but at the end of the day, if our goal is to try to make it more predictable, more understandable, more straightforward, easier, and more of an understanding of what the experience coming to the commission is. If we've done that, great. If there are areas where we haven't done that, that's where we need feedback, and I appreciate it. So thank you.

Elodia Thomas – 67 Marion Rd -Thank you very much, Mr. President. I very much appreciate what our city manager had to say tonight. I went to meetings a long time ago in Summerville, and I was so impressed with how Summerville looked at set back and neighborhoods, etcetera. We know a few years ago people tried to create another historic district in town, and the neighborhood rebelled against it. So like I say, this again seems like a backdoor kind of residential design guidelines standards which offends me. I like high standards. I like beautiful development, but this is wrong. John Cimino spoke. He does beautiful work. There are other developers in our community that do beautiful work. I really wish we our planning department would take as much interest in the commercial development that is going on rather than stifle people who want to add an addition, or a dormer, or something to their home to be able to live in it more effectively for an expanding family. This is totally off the rails. Please send it down - it needs to go back. Please stand up for the residents of your community. It's really important. There's a lot of standing up for developers. You can see the contentious issues that have come up with that around town. It's now ready to stand up for the residents. We have very good developers in this community that do sensitive development. Okay, if there's an issue on a particular building, let's deal with that, but this is overkill, and it's offensive to me. Thank you.

Councilor Piccirilli made a motion to approve the proposed Demolition Delay Ordinance and Councilor Feltner seconded.

Councilor Feltner - Yes. I'd just like to reiterate there seems to be a lot of fear in the room, and on Zoom tonight about this affecting renovation or improving properties. As Mr. Fields explained, there's a whole separate process with zoning and or planning boards for that - this is about demolition. And I just want to remind people that, as the manager pointed out, this has been us, well, this started many years ago, the historical commission's kind of been seeking to improve the ordinance for quite some time, but actively the last year

and a half. Last September, in particular, the committee reported a draft ordinance, and attached to the report were regulations to give people an idea of how a lot of specifics would work with the staff, things that wouldn't be included in the ordinance, but that would be in regulation. So if you look at that, that would answer a lot of the questions that came up. I can say that there are a lot of people that participated in the other committee meetings that aren't here tonight and we heard from other people. So we're not springing this on anybody at the last minute, and this has already had a first reading as well. So I just want to thank the staff, and the public, and the developers, and homeowners, people that are concerned, as well about demolition. Because in here, we've also included enhanced and clear notice, people talking about transparency, but particularly notice about decisions about hearings beforehand, and then about decisions afterward as well. There's more than one review as well by our city attorney, so I appreciate that. Thank you.

Councilor Palomba- Thank you. I have just a few questions about it as I read through it. First, I just want to thank the historical commission for its work. I know a number of people on the commission, and I believe they do excellent work. As one of our many boards and commissions, they do that as volunteers, so I appreciate their work. I did have some questions about it. If I understand this correctly, the thing that I like particularly about it is the idea that two people can decide whether something is historically significant, and well, can decide whether it needs to go to the commission to determine whether it's historically significant, and that would help alleviate quite a number of cases. So if I'm writing this, if someone has a demolition delay request that the chair of the committee, the commission, and one of the other members of the commission can look at the building and determine whether it needs to go on to the full commission, that would have seemed to me to eliminate a lot of work on the part of the commission, and also make it easier for folks to do demolition on their building. The part that's a little bit hard is, and I think this is part of being his being a member of the commission, is that you determine whether something is historical, and needs to be preserved.

The possible keys are on page two. Well, it's on my page three. are a little bit interpretive that's not hard and fast, a little bit interpretive. So I think that part, of what makes something historical, it's determined whether it makes something historical has to be somewhat interpreted, and that's the job of the commission. I do think that 24, if I understand this correctly, the reason that we're doing a bigger term of 24 instead of 12 is that many of the efforts of the commission to work with people who requested the demolition delay, were not fruitful. That is efforts to think about other ways to deal with the building, other things that that the developer could do, there wasn't that dialogue that was happening. I understand this, if I'm correct in this, is that that dialogue wasn't taking place. What was happening was that developers would just wait it out until the demolition delay, expired. Now, why did that happened? I'm not sure, why the commission members and the developers couldn't find ways to address the issues that were of concern.

The purpose of this extension was to give more time, give that dialogue more time, and also not allow someone to sit on the property and just wait it out. I think that's, as I understand the purpose of it. I do think that the regulations, and I think this might be something that could be addressed, about what a substantial debt demolition is - and that's on page one of the demolition delay regulations, number 2B - says that if we remove 50% or more of the roof, that would deem it as a substantial demolition. Remove any part of the roof if the ridgeline has changed and remove an exterior wall. To me, that's pretty broad, and you could find yourself wanting to expand your house in such a way, but if you need to remove an exterior wall, then you would be considered a substantial

demolition. So, and then finally, I would like to propose an amendment, if I could at this point and during the proceedings. I would like to propose an amendment to the demolition, and this would be in the section number 153.5 C1 and I'd like to change the words "no demolition permit may be issued during the time period set by the commission, starting from the date of determination and lasting no more than 24 months". I'd like to make an amendment to change the 24 months to 18 months.

There was no second so the motion to make an amendment failed.

Councilor Gannon - Yes. Thank you, Mr. President. So, Councilor Palomba alluded to it, but, I'm curious if, Mr. Fields can come and address it. What typically happens after a demolition delay is ordered? I'm interested in learning about the dialogue between, is it the commission, the planning board, and the developer. What typically happens? Does a developer wait or is there dialogue, and who initiates the dialogue?

Senior Planner Field - In some cases, the staff explicitly takes the initiative and asks the developer and the owner if they are interested in exploring options. But it's always clear that the commission is interested in that, and it's often clear that the applicant is not interested. They're just going to wait out the period.

Councilor Piccirilli - Oh, thank you, Mr. President. So we heard a lot of concerns from the public on this. We had some really good committee meetings. During the committee meeting, we actually dove into a lot of these questions and tried to answer them in the committee reports. There are two committee reports on this that seem to answer the question. If you think about the proposed and revised ordinance there are really three elements. One is sort of a streamlining process, and part of that first step is to look at the 80 percent of the petitions that come to the historic commission, which really don't need to go to the historic commission and have a public hearing or research about the historic nature of that building. So the process is designed to sort of streamline that, and so those 80% of the projects that a developer's proposing actually would never have to go to the commission for a public hearing. So that really sort of streamlines it, and it allows then the historic commission and staff to focus on the 20% that are perhaps preferably preserved. So that's the first major element in this change. The second is a definition of substantial demolition.

This has come up through a number of developers that basically said one thing and did something else. We really needed to tighten up the language about what that is. So the original ordinance was very vague on that. We decided to do that in regulation, and the second part of this, if you look at what was proposed, there's an ordinance, and then there's also the regulation. I think the regulation then raised some concerns about the removal of a roof or, the removal of a ridge line on the roof, a removal of an exterior wall, and the concerns about that. So I want to go back to that as part of the regulation. Then the third piece is the change in the demolition delay from 12 months to 24 months. Now the state model demolition regulation recommends 18 months. When we first started, my question to the historic commission and the staff is why? I think the answer is, and you heard chair Elise Loukas and Larry Field explained why that we're at that. Other communities have different things. In Newton, their concern is single-family houses and big lots being torn down and McMansions being built. We don't have a problem with single-family zones in Watertown - that's not really an issue with development. It's all the two family zones. And so it was felt that you know, 24 months would be better even

though there's only one other community in the state that has it. So, I think if you separate the other two elements and talk about the time and delay, that's sort of a third thing. I want to add another point that there were a lot of questions from the public about whether this is going to prevent people from renovating their houses.

I think that question is asking Larry Field answered that this is a demolition delay ordinance to prevent people from tearing down houses, not renovating houses. In fact, if you read the very first sentence in section 153.01 in purpose, it says this is enacted for the purpose of preserving and protecting significant buildings within the city outside designated historic districts, and to encourage owners of the buildings to seek out people who may be willing to purchase, preserve, rehabilitate, or restore buildings rather than demolish them. So the intention of the demolition delay ordinance as written is to have an opportunity for a house that, again, the criteria, a house that is determined by the historic commission to be a significant building and preferably preserved - two steps there. Not any building - just because a building is old, doesn't mean it's a historically significant building. I think that everybody needs to be clear about that and the language of the ordinance is very clear about that. But instead of tearing it down, is there a way to renovate it or restore it rather than tear it down? So, many of the questions you heard about adding a dormer, adding a room, adding a bump out, all those things are actually encouraged under this ordinance, not prohibited. I think that that's the very plain language of the law written that way. That goes back to the regulations, and the question of if you look at the regulations, which is not the law, it's actually guidance for the departments.

It says "determined by the Department of Community Development Planning to assist the historic commission" and says "a substantial demolition, in order to determine whether the scope of work constitutes substantial demolition as defined by the ordinance. Here are some things that the building inspector would look at, removal of 50% or more of the roof, and removal of any part of the roof of the ridge line's change from moving exterior wall". So those are three things that if that's in the application, that doesn't make it a historic preserve building - it's going to automatically get the demolition delay. What that does is, as it says right here, this preliminary determination is to go to ask the historic commission. If you look at section 1.03, C1, if they determined that, whether it consists of substantial demolition, it actually goes to the preliminary review by the historic commission at 153.04 - they can weed that out to say, no, this is just a renovation, this is not a substantial demolition. So I think that's the sort of checks and balances, about what's happening here. It's not to say if you're removing a roof, you're getting a demolition delay. It's only trying to determine whether it is actually a substantial demolition.

The last point I want to make is if you look at 153.05, paragraph E2, the building commission may issue a demolition permit for preferably preserved significant building if all the other requirements are read". And also, number two, it says "if the historic commission is satisfied that for at least six months, the owner's 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". So I think this is the key paragraph because the whole point of this is if a building is preferably preserved, this is the opportunity to say it can't be preserved. I think all of us know here that there are a lot of old buildings in Watertown, which used to be really nice buildings, but for lack of maintenance, non-intentional, just that's the way life is - they've fallen into disrepair, and they are not economically viable to preserve or renovate unless you want to spend thousands of dollars doing that. But to any business owner that says that you can't make

a return on investment on this - all this is asking is if you go back to the commission and say, we've done our due diligence, this can't be renovated, nobody wants to buy it. The historical commission, after six months, can remove the demolition delay. It doesn't have to wait the full 24 months. So all these pieces work together, and I think the committee sort of tried to hammer out these in a way that we remove 80% of the buildings from the historic commission process in exchange for having a little bit more, look at the remaining 20%. Is that the right balance? I don't know. But that's how we arrived at this decision. Thank you.

Councilor Feltner - Thank you, Mr. President one point, I forgot to mention then councilor Piccirilli's comments reminded me that the 24 months, again, it's Watertown specific. Mr. Magoon spoke to that at one of our committee meetings, and he really preferred that with the staff and the conditions in Watertown. So this isn't I'll just say it's not an arbitrary number, and it's up to 24 months, and all the other things that have been said, we really tried to look at this a whole package. I encourage everybody, to well, I'm happy to talk to anyone as chair on the committee, but again, the regulations are in the former committee reports. There's a lot of detail in there. I'm sure as President Sideris says all time, any of us are happy to talk to people who have questions and I'm sure the staff as well. Thank you.

Councilor Palomba - Thank you. I just wanted to ask if Larry could answer a question - I thought you had said earlier that the commission can put a six-month, 12-month, or a 24-month, that it doesn't have to be 24 months. Is that correct?

Senior Planner Field - Any time period up to 24 months is allowable, and in fact, the commission has from time to time said it's preferably preserved, zero. No delay imposed.

Councilor Palomba - Okay, and then the question that I wasn't clear about, what Councilor Piccirilli said. Are we saying, I'm looking at the regulations, but I was taken by definition 2B, "substantial, demolition". Are we saying that if the zoning enforcement officer sees any of these three things, they could recommend that they could see it as substantial, demolition. Does it go back to the commission, to make a determination after the Code Enforcement Officer sees these three?

Senior Planner Field - Right. So the process is that a renovation application is filed with the billing department. As part of the process now, the zoning enforcement officer looks at it for zoning. In addition to that, they'll look at it for this, and within a matter of hours, a day or two, they will make the determination that it's either is or isn't substantial demolition, and then we'll refer it to the historic commission chair. Then it's that two-step process, the Councilor was referring to, where if it's not historically significant, they make the finding, and then kick it back to the building department right away.

President Sideris - One clarification - Someone stated that Newton was 18 months, Newton is 12 months, but 18 months for a home on the historic register. Cambridge is 12 months. The point I'm trying to make is, we've done many demo delays, and they haven't resulted in us saving houses. So, my point is I'm not supporting adding 12 months to having a house sit there and rot, grass overflowing houses falling apart, just for the sake of adding 12 months. I don't see how this makes sense. I understand that we want to clean some things up, and I can appreciate that we can eliminate some of the problems

that would come with someone making an application in front of the commission. There has been a lot of work done here, and I appreciate it all, but I feel that Watertown has been the lead on many positions throughout my term on this council, and this council is aware. I'm not sure we want to be the second city in Massachusetts to impose another 12 months in a demodely. I think it's sending a bad message, and I can't support this. So at this point we have a motion and second, can I get a roll call please.

*** END OF TRANSCRIPT***

The motion to approve the proposed Ordinance establishing a new Demolition Dealy passed 6- 3 in a Roll Call Vote with Gardner, Palomba, Bays, Feltner, Gannon, and Piccirilli Voting Yes, and Izzo, Airasian, and Sideris Voting No.

9. MOTIONS, ORDINANCES, ORDER, AND RESOLUTIONS

- A. First Reading on an Order of Taking to acquire, by eminent domain, the necessary easements for the Mt. Auburn reconstruction project.

City Manager Proakis presented the first reading. He explained that, while eminent domain is a scary term, in this case it is referring to small slivers of land in the form of temporary easements. That it is necessary to appease the government funding; that the proper channels are being used every time a construction worker "steps on a piece or owned grass", and that each particular resident is getting compensated for it.

Superintendent St. Louis reiterated that this is project is mostly funded by MASS DOT and that the majority of the easements are temporary. He went on to mention that the entire project is buffered for a total of five years, and that the properties will be restored and improved to meet the ADA standards along the corridor. The appropriate letters have gone out with the appraisals of each piece of property. There will be a public forum, and the city will go out for bid in September and received the \$30 million from MASS DOT.

- B. Resolution Authorizing a Transfer of Funds in the amount of \$27,937 from the Fiscal Year 2024 City Council Reserve to the Fiscal Year 2024 Health and Human Services Study.

City Manager Proakis presented the request for the Transfer of Funds. He made note that they had entered into a contracting process with an organization called Health Management Associates to conduct the study on health and human services. The request represents the balance left over from money that was previously set aside for the study.

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

The request to approve the Transfer of Funds was approved unanimously in a Roll Call Vote.

- C. Resolution Authorizing Acceptance and Expenditure of Gifts of Funds in the Amount of \$1,000 from the Watertown Savings Bank for the SNAP match for the Farmers Market.

City Manager Proakis presented the request for the Acceptance and Expenditure of Gifts of Funds.

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

The request to approve the Acceptance and Expenditure of Gifts of Funds was approved unanimously in a Roll Call Vote.

10. REPORTS OF COMMITTEES

- A. Committee on Parks and Recreation regarding a report from the meetings held on June 26, 2023 and July 17, 2023 - Palomba, Chair

ACTION ITEM:

To recommend that the City Council confirm Dennis Duff for reappointment to the Community Preservation Committee for a term to expire on February 1, 2026.

ACTION ITEM:

To Recommend that the City Council confirm Mark Krackiewicz for reappointment to the Community Preservation Committee for a term to expire on February 1, 2026.

Councilor Palomba presented the report.

Councilor Piccirilli moved to accept the report and Councilor Gardner seconded.

The reports were accepted unanimously in a Voice Vote.

Councilor Piccirilli moved to accept Dennis Duff and Mark Krackiewicz for reappointment to the Community Preservation Committee and Councilor Gannon seconded.

The reappointments were accepted unanimously in a Voice Vote.

- B. Ad Hoc Committee regarding interviews for the position of Municipal Policy Analyst.

Councilor Bays presented the report.

Councilor Piccirilli moved to accept the report and Councilor Gardner seconded.

The report was accepted unanimously in a Voice Vote.

- C. Committee on Economic Development & Planning regarding a meeting held on July 10, 2023 - Feltner, Chair

ACTION ITEM:

To recommend that the City Council schedules a joint Public Hearing with the Planning Board to adopt the Updated Comprehensive Plan with the eight changes recommended by the Committee.

Councilor Feltner presented the report.

Councilor Piccirilli moved to accept the report and Councilor Gardner seconded.

The report was accepted unanimously in a Voice Vote.

President Sideris stated he will schedule the meeting with the Planning Board.

- D. Committee on Economic Development & Planning regarding a report from the meeting on July 13, 2023 - Feltner, Chair

ACTION ITEM:

To recommend that the City Council authorize the Administration to negotiate with the three cannabis operators for amendments to the Host Community Agreements as proposed, and to include a release of liability for prior impact fee payments either as part of the HCA amendment or as a separate agreement, and to bring the final agreements back to the City Council for a vote of authorization for the Manager to sign.

Councilor Feltner presented the report.

Councilor Piccirilli moved to accept the report and Councilor Gardner seconded.

The report was accepted unanimously in a Voice Vote.

Councilor Piccirilli moved to accept the Action Item in from the report and Councilor Feltner seconded.

The Action Item was accepted unanimously in a Voice Vote.

- E. Committee on Economic Development and Planning regarding a report from the meeting on August 2, 2023 - Feltner, Chair

ACTION ITEM:

To recommend that the City Council confirm Samuel Odamah for appointment as an alternate member of the Zoning Board of Appeals for a term expiring February 15, 2025.

ACTION ITEM:

To recommend that the City Council confirm Christopher Heep for reappointment as a full member of the Zoning Board of Appeals for a term expiring February 15, 2028.

ACTION ITEM:

To recommend that the City Council confirm Payson Whitney for reappointment to the Planning Board for a term expiring February 15, 2026.

Councilor Feltner presented the report.

Councilor Piccirilli moved to accept the report and Councilor Gannon seconded.

The report was accepted unanimously in a Voice Vote.

Councilor Piccirilli moved to accept to confirm Samuel Odamah for appointment as an alternate member of the Zoning Board of Appeals for a term expiring February 15, 2025 and Councilor Feltner seconded.

The Action Item was accepted unanimously in a Voice Vote.

Councilor Piccirilli moved to accept to confirm Christopher Heep for reappointment as a full member of the Zoning Board of Appeals for a term expiring February 15, 2028 and Councilor Feltner seconded.

The Action Item was accepted unanimously in a Voice Vote.

Councilor Piccirilli moved to accept to confirm Payson Whitney for reappointment to the Planning Board for a term expiring February 15, 2026 and Councilor Feltner Seconded.

The Action Item was accepted unanimously in a Voice Vote.

11. NEW BUSINESS

- A. Referral to the Committee on Public Works regarding winter parking bans.

President Sideris made note that this had been requested from several members of the City Council. He went on to say that while this past winter was very mild in terms of snowfall, other years have experienced very heavy snow and the parking ban had worked. He concluded that when this item was placed on the agenda, it was done so to refer to public works, but now the proper channel is to let the comprehensive plan be responsible for it, as it is part of the street parking policy.

12. COMMUNICATION FROM THE CITY MANAGER

A. Hiring update / refer for committee review:

- Human Resources Director
- Chief Financial Officer
- Police Chief

City Manager Proakis stated that the Watertown Charter requires that he request advice from the City Council when making department head hires.

President Sideris designated each position to their respective subcommittees.

B. Personnel / HR Department Assessment

City Manager Proakis stated that the HR study has been completed. He went on to thank Emily Monea for her hard work in helping to facilitate it. He went on to say that he would like to wait to hire an HR Director to begin implementing steps and guidelines that were written in the report.

C. Request for Confirmation of Reappointment to the Traffic Commission

City Manager Proakis read the request for the reappointment of Kelly Gallagher to the Traffic Commission.

President Sideris referred the request to the Committee on Public Safety.

D. Request for Confirmation of Appointments to the Public Arts & Culture Committee

City Manager Proakis read the request to make reappointments for the Public Arts and Culture Committee in Swati Biswas, Barbara Epstein, and Matthew Hanna.

President Sideris referred the request to the Committee on Economic Development and Planning.

City Manager Proakis announced a swearing in event at the Commanders Mansion that includes the promotions of several members of the Fire Department, including the swearing in of the new Fire Chief, and several public service awards. He went on to announce that the state aid estimates were accurate to the sum that Watertown will receive. He stated that funds being received will help close the gap on the budget of the new Watertown High School, while also providing funds to the Special Ed, Watertown Boys and Girls Club, and Housing Authority.

He continued to say that there are new hearing listening devices that are available on hand for City Council Meetings. He concluded with announcements of the continued Farmers Market, concert series, Council on Aging BBQ, and the upcoming State of the City address.

13. REQUEST FOR INFORMATION

Councilor Feltner requested information about the HR progress.

President Sideris and City Manager Proakis confirmed that it had been addressed.

President Sideris requested information on what process is being used to follow up on how the conditions that are set for major developments are being met in Watertown.

14. ANOUNCEMENTS

Councilor Gardner announced the first Planning Board meeting set to discuss the Watertown Mall transformation project. She also announced the Watertown Arts Market that will be hosted at Filippello Park.

Councilor Izzo announced a community meeting for 10 to 30 Manely Way.

President Sideris announced that they will be interviewing the finalist for the Municipal Policy Analyst Position. He went on to announce the eminent domain takings for Mount Auburn Street. He concluded by announcing that they will need to have a meeting with the Planning Board.

15. PUBLIC FORUM

Dennis Holland – 29 Nyack Street – Congratulated the appointments and reappointments to each committee. He particularly made note of Dennis Duff, Christopher Heep, and Payson Whitney. He went on to say that he would like the public to know more about the appointees prior to them getting appointed.

He continued to make reference to the winter parking ban issue. He acknowledged that while we can't predict mother nature, we can understand the best practices in which to deal with the weather. He noted his 45 years of experience in snow plowing Watertown and surrounding communities and made the request to be a part of decisions in regarding potential policy changes to snow plowing.

16. ADJOURNMENT

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

The motion was adopted unanimously in a Voice Vote.

The meeting adjourned at 9:27 p.m.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted by a vote of 4 for, 0 against, 0 present on September 26, 2023.



Mark S. Sideris, Council President
s:/BTM

ELECTED OFFICIALS

Mark S. Sideris,
Council President

Caroline Bays,
Councilor At Large

Nicole Gardner,
District A Councilor

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

John G. Gannon,
Councilor At Large

Lisa J. Feltner,
District B Councilor

John M. Airasian,
Councilor At Large

Anthony Palomba,
Councilor At Large

Emily Izzo,
District D Councilor

ADDENDUM TO THE MINUTES OF THE AUGUST 8, 2023 CITY COUNCIL MEETING

City Council Meeting

Tuesday, August 8, 2023 at 6:30 PM

Richard E. Mastrangelo Council Chamber

Administration Building, 149 Main Street

List of Documents

1. Grove Street Grant of Location - Eversource - Item 6A
2. Howard Street Grant of Location – Eversource – Item 6B
3. Paramount Place Grant of Location – Eversource – Item 6C
4. Nyack Street Grant of Location – National Grid – Item 6D
5. Demolition Delay Ordinance and Supporting Documents – Item 6E
6. FY 2024 City Council Reserve to Y 2024 Heal and Human Services Study
Transfer of Funds – Item 7B
7. Watertown Savings Bank / SNAP match for Farmers Market Acceptance and
Expenditure of Gifts of Funds – Item 7C
8. Committee Report from the Committee on Parks and Recreation Meeting on
June 26, 2023 and July 17, 2023 – Item 8A
9. Committee Report from Ad Hoc Committee Meeting – Item 8B
10. Committee Report from the Committee on Economic Development and Planning
Meeting on July 10, 2023 – Item 8C
11. Committee Meeting from the Committee on Economic Development and
Planning Meeting on July 13, 2023 – 8D
12. Committee Report from the Committee on Economic Development and Planning
Meeting on August 2, 2023 – 8E

CITY COUNCIL ATTENDANCE
MEETING DATE: AUGUST 8, 2023

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

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: AUGUST 8, 2023

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

Motion to accept the minutes from the City Council Meeting on June 27, 2023 as written with minor edits.

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: AUGUST 8, 2023

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

Motion to accept the minutes from the City Council Meeting on July 11, 2023 as written with minor edits.

**CITY COUNCIL ROLL CALL VOTE
MEETING DATE: AUGUST 8, 2023**

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

Motion to approve a grant of location for Eversource in Grove Street to install and maintain approximately 8 linear feet of conduit from utility pole #63/16 to the property line of Mount Auburn Cemetery.



Watertown City Council

Administration Building

149 Main Street

Watertown, MA 02472

Phone: 617-972-6470

RESOLUTION # 50

2023 – R - 50

BE IT RESOLVED: That the Watertown Department of Public Works has reviewed the attached petition by Eversource for consideration of a Grant of Location in Grove St. to install and maintain approximately 8 linear feet of conduit from utility pole #63/16 to the property line of Mount Auburn Cemetery. This work is necessary to provide electric service to the meter cabinet at Mount Auburn cemetery. Said Grant of Location shall be subject to the following recommendations and conditions.

Standard Conditions

1. During construction, uninterrupted pedestrian access (or temporary pedestrian facilities) shall be provided at all times or an appropriate alternative path provided.
2. Please be aware that there may be utility infrastructure that is not shown on the plan and may be encountered in the field. If a conflict occurs between the proposed installation and existing City-Owned and/or private utility infrastructure, The City Engineer shall be contacted directly to discuss an appropriate resolution.
3. It is the sole responsibility of the Applicant, and their Contractor, to ensure that and City-Owned and or private utilities, if located within the limits of work should be properly marked and protected during construction activities.

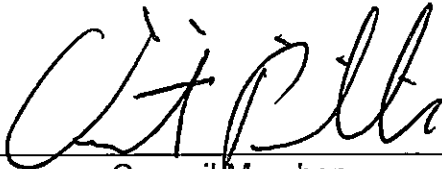
The City of Watertown is not a member of Dig Safe and must be notified separately.

4. The proposed scope of work requires a DPW Street Opening Permit through the Watertown DPW prior to the start of construction.
5. All disturbances to curbing, grass strips, sidewalks, walkways, and roadway surfaces shall be repaired in kind to the satisfaction of the City of Watertown DPW. If any existing sidewalk is proposed to be removed and replaced in full width, the restoration must be completed in accordance with all current ADA, MAAB and City of Watertown standards.
6. All work within the Right of Way shall require the Contractor to schedule and coordinate a police traffic detail. Traffic control and safety measures shall be implemented in adherence to all applicable OSHA requirements, Massachusetts DOT Work Zone Safety Guidelines and Part VI of the Manual of Uniform Traffic Control Devices.
7. All material stockpiled on roadways and/or roadway shoulders shall be protected with erosion control devices such as silt fence or straw wattles. It will be the sole responsibility of the Contractor to remove any sediment that enters the City drainage system as a result of the proposed work.
8. Equipment, staging, and stockpiles shall not be located in a manner so as to interfere with intersection sightlines and shall be kept in a neat and orderly fashion.
9. Public shade trees within and adjacent to the proposed work zone must be protected. The Contractor shall install individual tree protection on any public shade tree that may be impacted and the Contractor shall not stockpile material or equipment within the drip zone of a public shade tree.

10. Contractor shall coordinate with City Health Department on rodent control requirements.
11. An as-built survey shall be performed upon completion of the work and provided to the Department of Public Works.

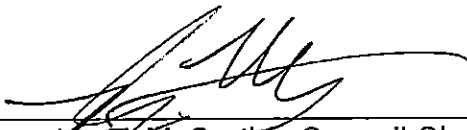
BE IT FURTHER RESOLVED: That the petitioner shall deposit sufficient cash surety as determined by the Superintendent of Public Works to be held in escrow until the Superintendent of Public Works is satisfied with the condition of repair and restoration of the street.

BE IT FURTHER RESOLVED: That a copy of said petition is forwarded to the City Clerk for processing.



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 1 for, 2 against, and 0 present on August 8, 2023.



Brendan T. McCarthy, Council Clerk



Mark S. Sideris, Council President

ELECTED OFFICIALS

Mark S. Sideris,
Council President

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

John M. Airasian,
Councilor At Large

Caroline Bays,
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

Nicole Gardner,
District A Councilor

Lisa J. Feltner,
District B Councilor

Emily Izzo,
District D Councilor



CITY OF WATERTOWN

DEPARTMENT OF PUBLIC WORKS

124 ORCHARD STREET

WATERTOWN MA 02472

Gregory M. St. Louis, PE
Superintendent of Public Works

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

TYPE: Grant of Location
DATE: July 10, 2023
APPLICANT: Eversource
WORK ORDER: WO# 12632339
LOCATION: Grove Street

The City of Watertown Department of Public Works has reviewed the attached petition by Eversource for consideration of a Grant of Location for the following installations:

- **Grove Street – Install and maintain approximately 8 linear feet of conduit from utility pole #63/16 to property line of Mount Auburn Cemetery.**

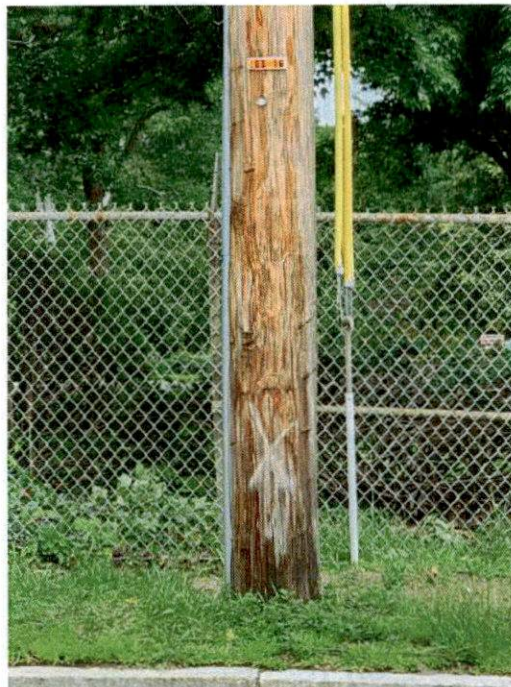
This work is necessary to provide electric service to meter cabinet at Mount Auburn Cemetery. Upon completion of our review, we are submitting the following recommendations and conditions for consideration by the City Council should the Grant of Location be approved for this application. A photo of the location of the proposed work is presented attached to this document.

Standard Conditions

1. During construction, uninterrupted pedestrian access (or temporary pedestrian facilities) shall be provided at all times or an appropriate alternative path provided.
2. Please be aware that there may be utility infrastructure that is not shown on the plan and may be encountered in the field. If a conflict occurs between the proposed installation and existing City-Owned and/or private utility infrastructure, The City Engineer shall be contacted directly to discuss an appropriate resolution.
3. It is the sole responsibility of the Applicant, and their Contractor, to ensure that and City-Owned and or private utilities, if located within the limits of work should be properly marked and protected during construction activities. **The City of Watertown is not a member of Dig Safe and must be notified separately.**
4. The proposed scope of work requires a DPW Street Opening Permit through the Watertown DPW prior to the start of construction.
5. All disturbances to curbing, grass strips, sidewalks, walkways, and roadway surfaces shall be repaired in kind to the satisfaction of the City of Watertown DPW. If any existing sidewalk is proposed to be removed and replaced in full width, the restoration must be completed in accordance with all current ADA, MAAB and City of Watertown standards.
6. All work within the Right of Way shall require the Contractor to schedule and coordinate a police traffic detail. Traffic control and safety measures shall be implemented in adherence to all applicable OSHA requirements, Massachusetts DOT Work Zone Safety Guidelines and Part VI of the Manual of Uniform Traffic Control Devices.
7. All material stockpiled on roadways and/or roadway shoulders shall be protected with erosion control devices such as silt fence or straw wattles. It will be the sole responsibility of the Contractor to remove any sediment that enters the City drainage system as a result of the proposed work.
8. Equipment, staging, and stockpiles shall not be located in a manner so as to interfere with intersection sightlines and shall be kept in a neat and orderly fashion.
9. Public shade trees within and adjacent to the proposed work zone must be protected. The Contractor shall install individual tree protection on any public shade tree that may be impacted and the Contractor shall not stockpile material or equipment within the drip zone of a public shade tree.
10. Contractor shall coordinate with City Health Department on rodent control requirements.
11. An as-built survey shall be performed upon completion of the work and provided to the Department of Public Works.



View of Mount Auburn Cemetery and utility pole #63/16 on Grove Street.



View of utility pole #63/16 on Grove Street facing Mount Auburn Cemetery.



View of meter cabinet at Mount Auburn Cemetery and utility pole #63/16.



180 Calvary Street
Waltham, Ma 02453

June 5, 2023

City Council
City Hall
149 Main Street
Watertown, MA 02472

RE: Grove Street
Watertown, MA
W.O.# 12632339

Dear Members of the Council:

The enclosed petition and plan are being presented by the NSTAR Electric Company d/b/a EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install approximately 8 feet of conduit in Grove Street.

The reason for this work is to provide service to a meter cabinet at Mount Auburn Cemetery.

If you have any further questions, please contact Joanne Callender at 781-314-5053. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M. Schifone, Supervisor
Rights and Permits

RMS/HC
Attachments

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
City of WATERTOWN

WHEREAS, **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the City thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said City:

Grove Street - Northeasterly from pole 63/16, approximately 70 feet east of Coolidge Hill Road, install approximately 8 feet of conduit.

WO# 12632339

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by **T. Thibault, dated June 5, 2023**, on the file with said petition:
2. Said company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. All work shall be done to the satisfaction of the city council or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	

**City Council
the City of
WATERTOWN**

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit: after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the council to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2023 at _____ in said City.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	

**City Council
the City of
WATERTOWN**

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the **City Council** of the City of **WATERTOWN**, Massachusetts, duly adopted on the _____ day of _____, 2023 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter. Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the City of **WATERTOWN**, Massachusetts

**PETITION OF NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY FOR
LOCATION FOR CONDUITS
AND MANHOLES**

To the **City Council** of the City of **WATERTOWN** Massachusetts:

Respectfully represents **NSTAR ELECTRIC Company d/b/a Eversource Energy** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the council may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **T. Thibault, dated June 5, 2023**, and filed herewith, under the following public way or ways of said City:

**NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY**

Grove Street -

Northeasterly from pole 63/16, approximately 70 feet east of Coolidge Hill Road, install approximately 8 feet of conduit.

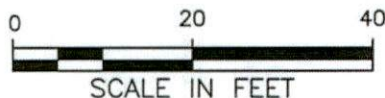
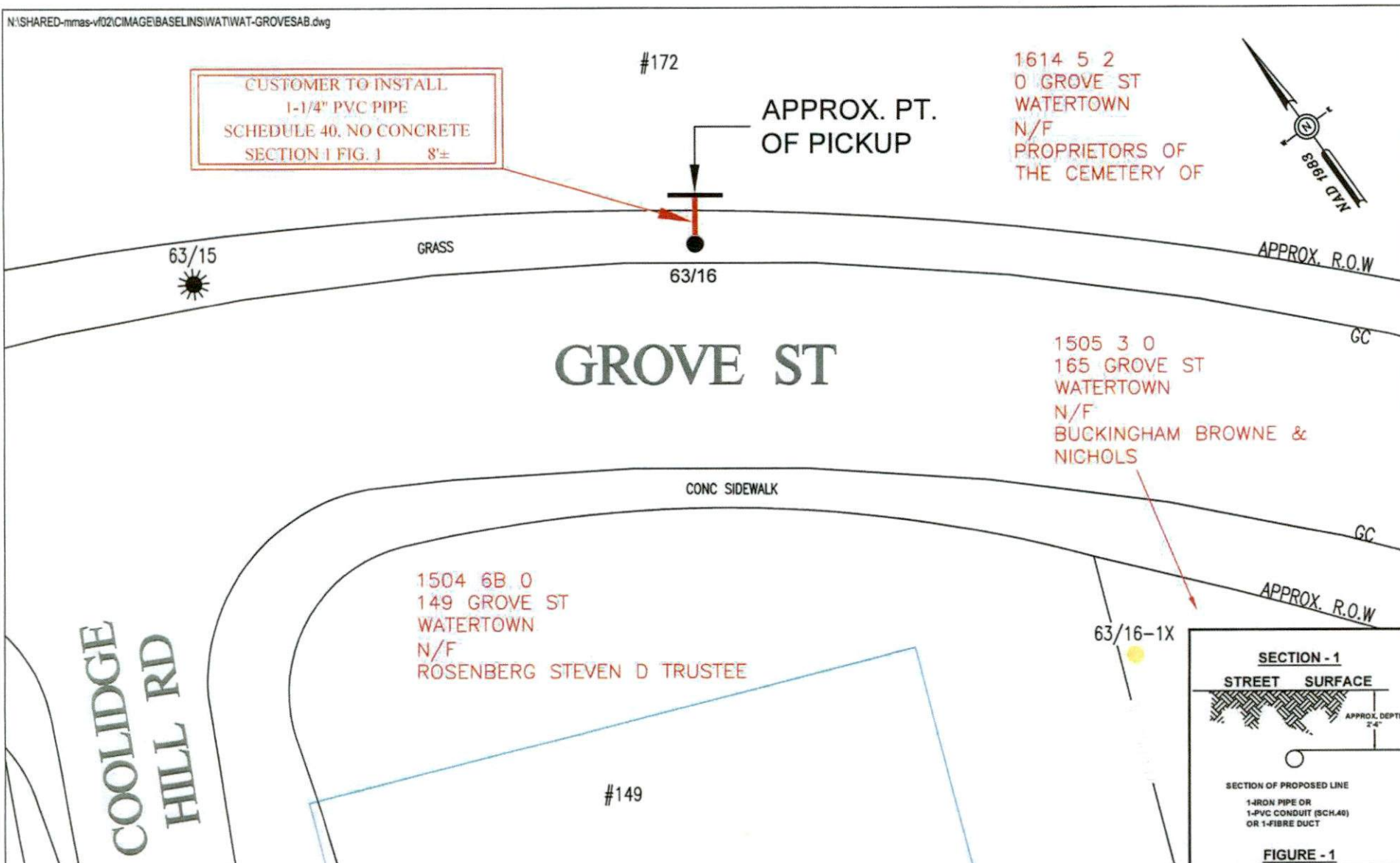
WO# 12632339

BY *Richard M. Schifone*
Richard M. Schifone, Supervisor
Rights & Permits

Dated this 5 day of June 2023

City of **WATERTOWN** Massachusetts

Received and filed _____ 2023



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS COLLECTIVELY THE "NSTAR ENTITIES" SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES
BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

C#	NSTAR EVERSOURCE ELECTRIC d/b/a 1155 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125	
Ward #		
Work Order # 12632339	Plan of GROVE ST	
Surveyed by: N/A	WATERTOWN	
Research by: GR	Showing PROPOSED CUSTOMER CONDUIT LOCATION	
Plotted by: LM		
Proposed Structures: LM		
Approved: T THIBAUT	Scale 1"=20'	Date JUNE 5, 2023
P#	SHEET 1 of 1	

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: AUGUST 8, 2023

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

Motion to approve a grant of location for Eversource in Howard Street to install and maintain approximately 51 linear feet of conduit from utility pole #225/5 to the property line of the municipal parking lot.



Watertown City Council

Administration Building

149 Main Street

Watertown, MA 02472

Phone: 617-972-6470

RESOLUTION # 51

2023 – R - 51

BE IT RESOLVED: That the Watertown Department of Public Works has reviewed the attached petition by Eversource for consideration of a Grant of Location in Howard Street to install and maintain approximately 51 linear feet of conduit from utility pole #225/5 to the property line of municipal parking lot. This work is necessary to provide electric service to the municipal parking lot. Said Grant of Location shall be subject to the following recommendations and conditions.

Standard Conditions

1. During construction, uninterrupted pedestrian access (or temporary pedestrian facilities) shall be provided at all times or an appropriate alternative path provided.
2. Please be aware that there may be utility infrastructure that is not shown on the plan and may be encountered in the field. If a conflict occurs between the proposed installation and existing City-Owned and/or private utility infrastructure, The City Engineer shall be contacted directly to discuss an appropriate resolution.
3. It is the sole responsibility of the Applicant, and their Contractor, to ensure that and City-Owned and or private utilities, if located within the limits of work should be properly marked and protected during construction activities.

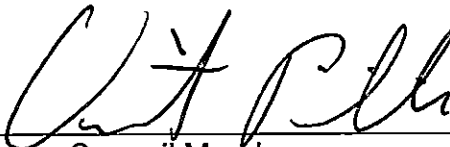
The City of Watertown is not a member of Dig Safe and must be notified separately.

4. The proposed scope of work requires a DPW Street Opening Permit through the Watertown DPW prior to the start of construction.
5. All disturbances to curbing, grass strips, sidewalks, walkways, and roadway surfaces shall be repaired in kind to the satisfaction of the City of Watertown DPW. If any existing sidewalk is proposed to be removed and replaced in full width, the restoration must be completed in accordance with all current ADA, MAAB and City of Watertown standards.
6. All work within the Right of Way shall require the Contractor to schedule and coordinate a police traffic detail. Traffic control and safety measures shall be implemented in adherence to all applicable OSHA requirements, Massachusetts DOT Work Zone Safety Guidelines and Part VI of the Manual of Uniform Traffic Control Devices.
7. All material stockpiled on roadways and/or roadway shoulders shall be protected with erosion control devices such as silt fence or straw wattles. It will be the sole responsibility of the Contractor to remove any sediment that enters the City drainage system as a result of the proposed work.
8. Equipment, staging, and stockpiles shall not be located in a manner so as to interfere with intersection sightlines and shall be kept in a neat and orderly fashion.
9. Public shade trees within and adjacent to the proposed work zone must be protected. The Contractor shall install individual tree protection on any public shade tree that may be impacted and the Contractor shall not stockpile material or equipment within the drip zone of a public shade tree.

10. Contractor shall coordinate with City Health Department on rodent control requirements.
11. An as-built survey shall be performed upon completion of the work and provided to the Department of Public Works.

BE IT FURTHER RESOLVED: That the petitioner shall deposit sufficient cash surety as determined by the Superintendent of Public Works to be held in escrow until the Superintendent of Public Works is satisfied with the condition of repair and restoration of the street.

BE IT FURTHER RESOLVED: That a copy of said petition is forwarded to the City Clerk for processing.

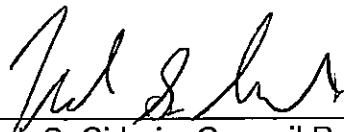


Council Member

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 9 for, 0 against, and 0 present on August 8, 2023.



Brendan T. McCarthy, Council Clerk



Mark S. Sideris, Council President

ELECTED OFFICIALS

Mark S. Sideris,
Council President

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

John M. Airasian,
Councilor At Large

Caroline Bays,
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

Nicole Gardner,
District A Councilor

Lisa J. Feltner,
District B Councilor

Emily Izzo,
District D Councilor



CITY OF WATERTOWN

DEPARTMENT OF PUBLIC WORKS

124 ORCHARD STREET

WATERTOWN MA 02472

Gregory M. St. Louis, PE
Superintendent of Public Works

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

TYPE: Grant of Location
DATE: July 10, 2023
APPLICANT: Eversource
WORK ORDER: WO# 12020736
LOCATION: Howard Street

The City of Watertown Department of Public Works has reviewed the attached petition by Eversource for consideration of a Grant of Location for the following installations:

- **Howard Street – Install and maintain approximately 51 linear feet of conduit from utility pole #225/5 to property line of municipal parking lot.**

This work is necessary to provide electric service to a municipal parking lot. Upon completion of our review, we are submitting the following recommendations and conditions for consideration by the City Council should the Grant of Location be approved for this application. A photo of the location of the proposed work is presented attached to this document.

Standard Conditions

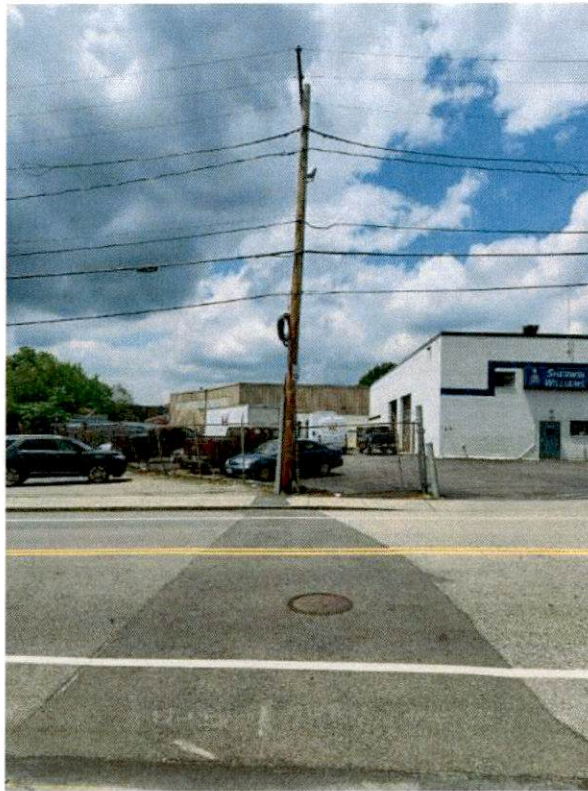
1. During construction, uninterrupted pedestrian access (or temporary pedestrian facilities) shall be provided at all times or an appropriate alternative path provided.
2. Please be aware that there may be utility infrastructure that is not shown on the plan and may be encountered in the field. If a conflict occurs between the proposed installation and existing City-Owned and/or private utility infrastructure, The City Engineer shall be contacted directly to discuss an appropriate resolution.
3. It is the sole responsibility of the Applicant, and their Contractor, to ensure that and City-Owned and or private utilities, if located within the limits of work should be properly marked and protected during construction activities. **The City of Watertown is not a member of Dig Safe and must be notified separately.**
4. The proposed scope of work requires a DPW Street Opening Permit through the Watertown DPW prior to the start of construction.
5. All disturbances to curbing, grass strips, sidewalks, walkways, and roadway surfaces shall be repaired in kind to the satisfaction of the City of Watertown DPW. If any existing sidewalk is proposed to be removed and replaced in full width, the restoration must be completed in accordance with all current ADA, MAAB and City of Watertown standards.
6. All work within the Right of Way shall require the Contractor to schedule and coordinate a police traffic detail. Traffic control and safety measures shall be implemented in adherence to all applicable OSHA requirements, Massachusetts DOT Work Zone Safety Guidelines and Part VI of the Manual of Uniform Traffic Control Devices.
7. All material stockpiled on roadways and/or roadway shoulders shall be protected with erosion control devices such as silt fence or straw wattles. It will be the sole responsibility of the Contractor to remove any sediment that enters the City drainage system as a result of the proposed work.
8. Equipment, staging, and stockpiles shall not be located in a manner so as to interfere with intersection sightlines and shall be kept in a neat and orderly fashion.
9. Public shade trees within and adjacent to the proposed work zone must be protected. The Contractor shall install individual tree protection on any public shade tree that may be impacted and the Contractor shall not stockpile material or equipment within the drip zone of a public shade tree.
10. Contractor shall coordinate with City Health Department on rodent control requirements.
11. An as-built survey shall be performed upon completion of the work and provided to the Department of Public Works.



View of utility pole #225/5 on Howard Street facing the intersection between Howard Street and Acton Street.



View of utility pole #225/5 on Howard Street opposite of municipal parking lot.



View of Howard Street and utility pole #225/5 from municipal lot.



180 Calvary Street
Waltham, Ma 02453

June 6, 2023

City Council
City Hall
149 Main Street
Watertown, MA 02472

RE: Howard Street
Watertown, MA
W.O.# 12020736

Dear Members of the Council:

The enclosed petition and plan are being presented by the NSTAR Electric Company d/b/a EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install approximately 51 feet of conduit in Howard Street.

The reason for this work is to provide service to a municipal parking lot.

If you have any further questions, please contact Joanne Callender at 781-314-5053. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M. Schifone, Supervisor
Rights and Permits

RMS/HC
Attachments

**PETITION OF NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY FOR
LOCATION FOR CONDUITS
AND MANHOLES**

To the **City Council** of the City of **WATERTOWN** Massachusetts:

Respectfully represents **NSTAR ELECTRIC Company d/b/a Eversource Energy** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the council may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **T. Thibault, dated April 13, 2023**, and filed herewith, under the following public way or ways of said City:

**NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY**

Howard Street -

**Easterly from pole 225/5, approximately 80 feet south
of Acton Street, install approximately 51 feet of
conduit.**

WO# 12020736

BY *Richard M. Schifone*
Richard M. Schifone, Supervisor
Rights & Permits

Dated this 6 day of June 2023

City of **WATERTOWN** Massachusetts

Received and filed _____ 2023

**ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
City of WATERTOWN**

WHEREAS, **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the City thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said City:

Howard Street - Easterly from pole 225/5, approximately 80 feet south of Acton Street, install approximately 51 feet of conduit.

WO# 12020736

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by **T. Thibault, dated April 13, 2023**, on the file with said petition.
2. Said company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. All work shall be done to the satisfaction of the city council or such officer or officers as it may appoint to supervise the work.

1 2 3 4 5	_____ _____ _____ _____ _____	City Council the City of WATERTOWN
-----------------------	---	---

CERTIFICATE

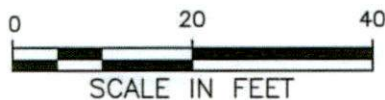
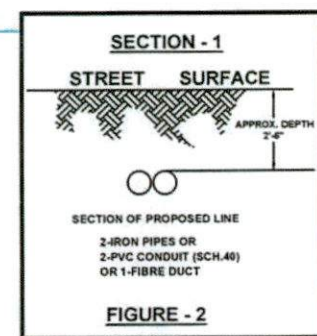
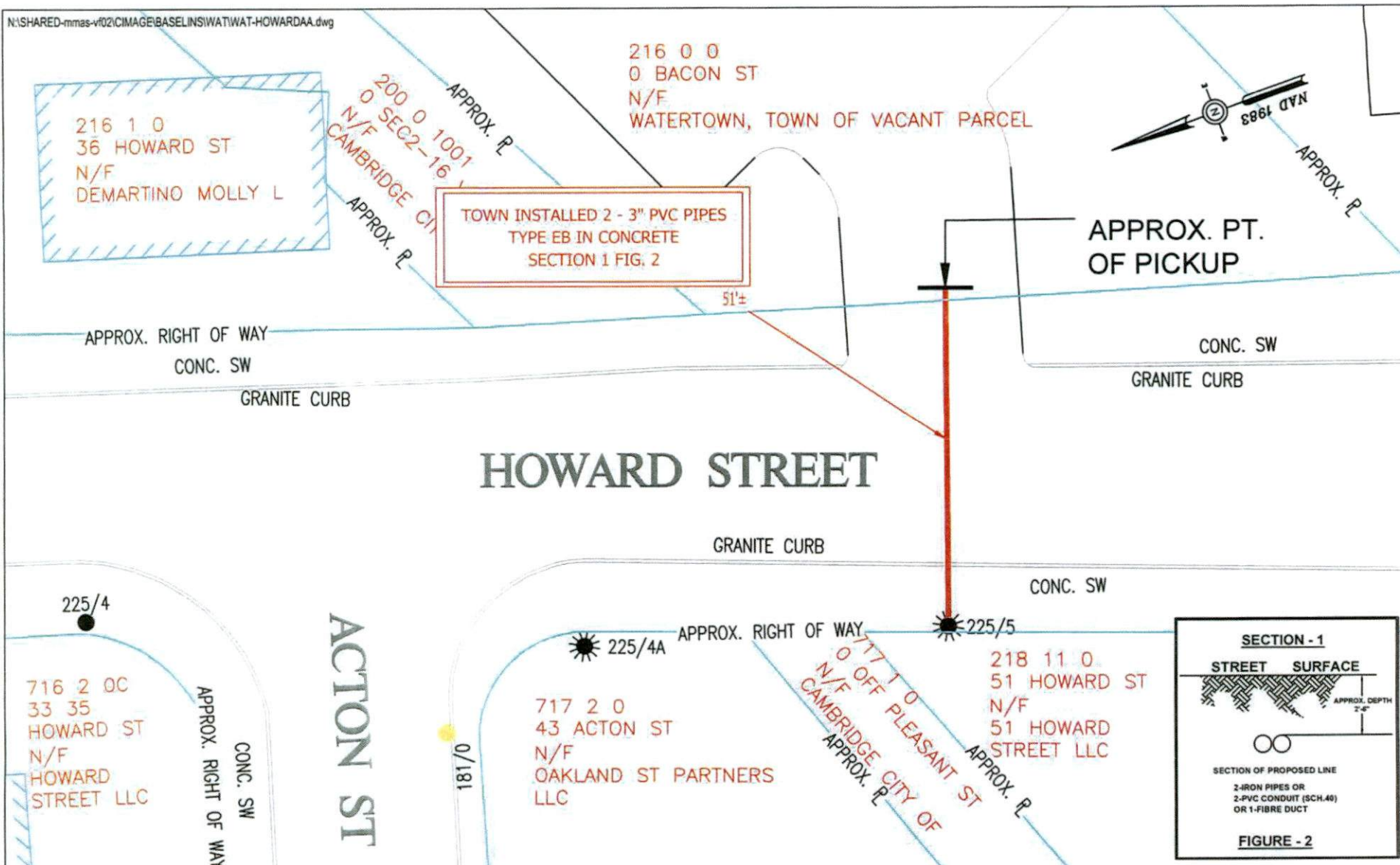
We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit: after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the council to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2023 at _____ in said City.

1 2 3 4 5	_____ _____ _____ _____ _____	City Council the City of WATERTOWN
-----------------------	---	---

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the **City Council** of the City of **WATERTOWN**, Massachusetts, duly adopted on the _____ day of _____, 2023 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the City of **WATERTOWN**, Massachusetts



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION, OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSURED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

C# -		NSTAR EVERSOURCE ELECTRIC d/b/a 1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125	
Ward #	-		
Work Order #	12020736	Plan of HOWARD STREET	
Surveyed by:	N/A	WATERTOWN	
Research by:	GR	Showing PROPOSED CUSTOMER CONDUIT LOCATION	
Plotted by:	JC		
Proposed Structures:	JC		
Approved:	T THIBAUT	Scale	1"=20'
P#		Date	4/13/23
		SHEET	1 of 1

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: AUGUST 8, 2023

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

Motion to approve a grant of location for Eversource in Paramount Place to install and maintain approximately 8 linear feet of conduit rom utility pole #16/68-2 to property line of #532 Pleasant Street.



Watertown City Council

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

RESOLUTION # 52

2023 – R - 52

BE IT RESOLVED: That the Watertown Department of Public Works has reviewed the attached petition by Eversource for consideration of a Grant of Location in Paramount Place to install and maintain approximately 8 linear feet of conduit from utility pole #16/68-2 to property line of #532 Pleasant Street. This work is necessary to provide electric service to 532 Pleasant Street. Said Grant of Location shall be subject to the following recommendations and conditions.

Standard Conditions

1. During construction, uninterrupted pedestrian access (or temporary pedestrian facilities) shall be provided at all times or an appropriate alternative path provided.
2. Please be aware that there may be utility infrastructure that is not shown on the plan and may be encountered in the field. If a conflict occurs between the proposed installation and existing City-Owned and/or private utility infrastructure, The City Engineer shall be contacted directly to discuss an appropriate resolution.
3. It is the sole responsibility of the Applicant, and their Contractor, to ensure that and City-Owned and or private utilities, if located within the limits of work should be properly marked and protected during construction activities.

The City of Watertown is not a member of Dig Safe and must be notified separately.

4. The proposed scope of work requires a DPW Street Opening Permit through the Watertown DPW prior to the start of construction.
5. All disturbances to curbing, grass strips, sidewalks, walkways, and roadway surfaces shall be repaired in kind to the satisfaction of the City of Watertown DPW. If any existing sidewalk is proposed to be removed and replaced in full width, the restoration must be completed in accordance with all current ADA, MAAB and City of Watertown standards.
6. All work within the Right of Way shall require the Contractor to schedule and coordinate a police traffic detail. Traffic control and safety measures shall be implemented in adherence to all applicable OSHA requirements, Massachusetts DOT Work Zone Safety Guidelines and Part VI of the Manual of Uniform Traffic Control Devices.
7. All material stockpiled on roadways and/or roadway shoulders shall be protected with erosion control devices such as silt fence or straw wattles. It will be the sole responsibility of the Contractor to remove any sediment that enters the City drainage system as a result of the proposed work.
8. Equipment, staging, and stockpiles shall not be located in a manner so as to interfere with intersection sightlines and shall be kept in a neat and orderly fashion.
9. Public shade trees within and adjacent to the proposed work zone must be protected. The Contractor shall install individual tree protection on any public shade tree that may be impacted and the Contractor shall not stockpile material or equipment within the drip zone of a public shade tree.

10. Contractor shall coordinate with City Health Department on rodent control requirements.
11. An as-built survey shall be performed upon completion of the work and provided to the Department of Public Works.

BE IT FURTHER RESOLVED: That the petitioner shall deposit sufficient cash surety as determined by the Superintendent of Public Works to be held in escrow until the Superintendent of Public Works is satisfied with the condition of repair and restoration of the street.

BE IT FURTHER RESOLVED: That a copy of said petition is forwarded to the City Clerk for processing.



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 9 for, 0 against, and 0 present on _____, 2023.
August 8, 2023



Brendan T. McCarthy, Council Clerk



Mark S. Sideris, Council President

ELECTED OFFICIALS

Mark S. Sideris,
Council President

Caroline Bays,
Councilor At Large

Nicole Gardner,
District A Councilor

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

John G. Gannon,
Councilor At Large

Lisa J. Feltner,
District B Councilor

John M. Airasian,
Councilor At Large

Anthony Palomba,
Councilor At Large

Emily Izzo,
District D Councilor



CITY OF WATERTOWN
DEPARTMENT OF PUBLIC WORKS
124 ORCHARD STREET
WATERTOWN MA 02472

Gregory M. St. Louis, PE
Superintendent of Public Works

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

TYPE: Grant of Location
DATE: July 10, 2023
APPLICANT: Eversource
WORK ORDER: WO# 11677602
LOCATION: Paramount Place

The City of Watertown Department of Public Works has reviewed the attached petition by Eversource for consideration of a Grant of Location for the following installations:

- **Paramount Place – Install and maintain approximately 8 linear feet of conduit from utility pole #16/68-2 to property line of #532 Pleasant Street.**

This work is necessary to provide electric service to 532 Pleasant Street. Upon completion of our review, we are submitting the following recommendations and conditions for consideration by the City Council should the Grant of Location be approved for this application. A photo of the location of the proposed work is presented attached to this document.

Standard Conditions

1. During construction, uninterrupted pedestrian access (or temporary pedestrian facilities) shall be provided at all times or an appropriate alternative path provided.
2. Please be aware that there may be utility infrastructure that is not shown on the plan and may be encountered in the field. If a conflict occurs between the proposed installation and existing City-Owned and/or private utility infrastructure, The City Engineer shall be contacted directly to discuss an appropriate resolution.
3. It is the sole responsibility of the Applicant, and their Contractor, to ensure that and City-Owned and or private utilities, if located within the limits of work should be properly marked and protected during construction activities. **The City of Watertown is not a member of Dig Safe and must be notified separately.**
4. The proposed scope of work requires a DPW Street Opening Permit through the Watertown DPW prior to the start of construction.
5. All disturbances to curbing, grass strips, sidewalks, walkways, and roadway surfaces shall be repaired in kind to the satisfaction of the City of Watertown DPW. If any existing sidewalk is proposed to be removed and replaced in full width, the restoration must be completed in accordance with all current ADA, MAAB and City of Watertown standards.
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10. Contractor shall coordinate with City Health Department on rodent control requirements.
11. An as-built survey shall be performed upon completion of the work and provided to the Department of Public Works.



View of utility pole #16/68-2 and utility pole #16/68-2A 2A on Pleasant Street opposite of Paramount Place.



View of utility pole #16/68-2A on Pleasant Street opposite of Paramount Place.



180 Calvary Street
Waltham, Ma 02453

June 2, 2023

City Council
City Hall
149 Main Street
Watertown, MA 02472

RE: Paramount Place
Watertown, MA
W.O.# 11677602

Dear Members of the Council:

The enclosed petition and plan are being presented by the NSTAR Electric Company d/b/a EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install approximately 8 feet of conduit in Paramount Place.

The reason for this work is to provide service to #532 Pleasant Street.

If you have any further questions, please contact Joanné Callender at 781-314-5053. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M. Schifone, Supervisor
Rights and Permits

RMS/HC
Attachments

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
City of WATERTOWN

WHEREAS, NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the City thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said City:

Paramount Place - Easterly from pole 16/68-2, approximately 152 feet south of Pleasant Street, install approximately 8 feet of conduit.

WO# 11677602

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by T. Thibault, dated May 16, 2023, on the file with said petition.
2. Said company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. All work shall be done to the satisfaction of the city council or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	
		City Council the City of WATERTOWN

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit: after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the council to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2023 at _____ in said City.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	
		City Council the City of WATERTOWN

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the City Council of the City of **WATERTOWN**, Massachusetts, duly adopted on the _____ day of _____, 2023 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter. Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the City of **WATERTOWN**, Massachusetts

**PETITION OF NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY FOR
LOCATION FOR CONDUITS
AND MANHOLES**

To the **City Council** of the City of **WATERTOWN** Massachusetts:

Respectfully represents **NSTAR ELECTRIC Company d/b/a Eversource Energy** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the council may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **T. Thibault, dated May 16, 2023**, and filed herewith, under the following public way or ways of said City:

**NSTAR ELECTRIC COMPANY
d/b/a EVERSOURCE ENERGY**

Paramount Place - Easterly from pole 16/68-2, approximately 152 feet south of Pleasant Street, install approximately 8 feet of conduit.

WO# 11677602

BY *Richard M. Schifone*
Richard M. Schifone, Supervisor
Rights & Permits

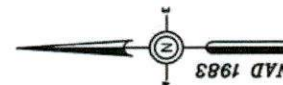
Dated this 2 day of June 2023

City of **WATERTOWN** Massachusetts

Received and filed _____ 2023

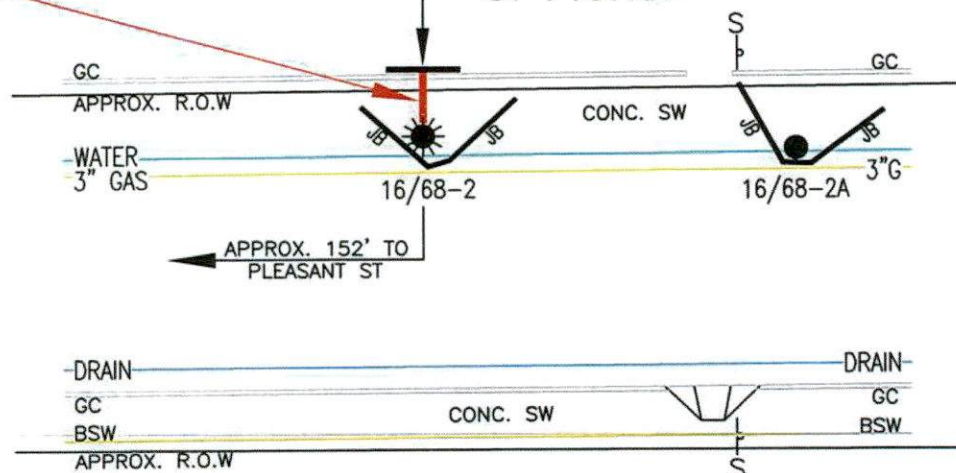
#532

809 4 0
532 PLEASANT ST
WATERTOWN
N/F
BDPF PLEASANT STREET OWNER LLC



INSTALL 2 - 4" PVC PIPES
TYPE EB IN CONCRETE
SECTION 2 FIG. 1 8'±

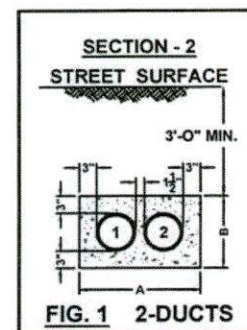
TO BE RETAIL SPACE
APPROX. PT.
OF PICKUP



NOTES:

THE LOCATION OF UNDERGROUND STRUCTURES ARE FROM PLANS AND RECORDS AND ARE APPROXIMATE ONLY. IN ADDITION, SURFACE FEATURES OF UTILITIES AND SERVICES LOCATED BY FIELD SURVEY ARE TIED-IN TO THEIR NEAREST MAIN SERVICE LINE IF NO RECORDS WERE AVAILABLE TO CONFIRM ITS UNDERGROUND EXISTENCE.

ANY UNDERGROUND STRUCTURES NOT EVIDENT WERE REQUESTED, YET UNAVAILABLE AT THIS PRESENT TIME.



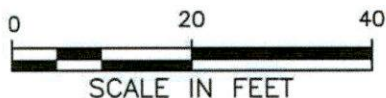
PARAMOUNT PL

NOTE:

EVERSOURCE CONSTRUCTION WILL MAINTAIN 18" OF CLEARANCE BY GOING EITHER OVER OR UNDER ANY UTILITIES IT CROSSES.

809 2D 0
560 PLEASANT ST
WATERTOWN
N/F
BDPF PLEASANT STREET OWNER, LLC

FIG	4" Ducts				6" Ducts			
	A Inches	B Inches	A Inches	B Inches	A Inches	B Inches	A Inches	B Inches
1A	10"	10"	11"	11"	12"	12"		
1	16"	10"	18"	11"	21"	12"		
2	22"	10"	25"	11"	29"	12"		
3	28"	10"	32"	11"	37"	12"		
4	16"	16"	18"	18"	21"	21"		
5	22"	16"	25"	18"	29"	21"		
6	16"	22"	18"	25"	21"	29"		
7	16"	28"	18"	32"	21"	37"		
8	28"	16"	32"	18"	37"	21"		
9	22"	22"	25"	25"	29"	29"		
10	34"	16"	39"	18"	45"	21"		
11	16"	34"	18"	39"	21"	45"		
12	22"	28"	25"	32"	29"	37"		
13	28"	22"	32"	25"	37"	29"		
14	40"	16"	46"	18"	53"	21"		
15	16"	40"	18"	46"	21"	53"		
16	16"	46"	18"	53"	21"	61"		



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MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

C# 122-23

Ward #

Work Order # 11677602

Surveyed by: GR/LM

Research by: GR

Plotted by: LM

Proposed Structures: LM

Approved: T THIBAUT

P#

NSTAR EVERSOURCE
ELECTRIC
d/b/a

1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of PLEASANT ST. @ PARAMOUNT PL.

WATERTOWN

Showing PROPOSED CONDUIT LOCATION

Scale 1"=20' Date MAY 16, 2023

SHEET 1 of 1

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: AUGUST 8, 2023

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

Motion to approve a grant of location for National Grid in Nyack Street to install approximately 215 linear feet of 6 -inch plastic from 71 Nyack Street to Madison Avenue, and the relay of approximately 900 linear feet of 6-inch plastic from Belmont Street to end of main at 71 Nyack Street.



Watertown City Council

Administration Building

149 Main Street

Watertown, MA 02472

Phone: 617-972-6470

RESOLUTION # 53

2023 – R - 53

BE IT RESOLVED: That the Watertown Department of Public Works has reviewed the attached petition by National Grid for consideration of a Grant of Location in:

Nyack Street: the installation of approximately 215 linear feet of 6-inch plastic in Nyack Street from 71 Nyack Street to Madison Ave.

Nyack Street: The relay of approximately 900 linear feet of 4-inch coated steel with approximately 900 linear feet of 6-inch plastic in Nyack Street from Belmont Street to end of main at 71 Nyack Street.

This work is part of the water intrusion program.

Standard Conditions

1. During construction, uninterrupted pedestrian access (or temporary pedestrian facilities) shall be provided at all times or an appropriate alternative path provided.
2. Please be aware that there may be utility infrastructure that is not shown on the plan and may be encountered in the field. If a conflict occurs between the proposed installation and existing City-Owned and/or private utility infrastructure, The City Engineer shall be contacted directly to discuss an appropriate resolution.
3. It is the sole responsibility of the Applicant, and their Contractor, to ensure that and City-Owned and or private utilities, if located within the limits of work should be properly marked and protected during construction activities.

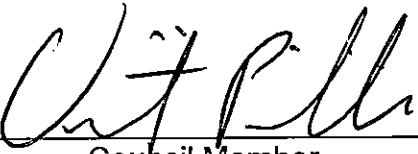
The City of Watertown is not a member of Dig Safe and must be notified separately.

4. The proposed scope of work requires a DPW Street Opening Permit through the Watertown DPW prior to the start of construction.
5. All disturbances to curbing, grass strips, sidewalks, walkways, and roadway surfaces shall be repaired in kind to the satisfaction of the City of Watertown DPW. If any existing sidewalk is proposed to be removed and replaced in full width, the restoration must be completed in accordance with all current ADA, MAAB and City of Watertown standards.
6. All work within the Right of Way shall require the Contractor to schedule and coordinate a police traffic detail. Traffic control and safety measures shall be implemented in adherence to all applicable OSHA requirements, Massachusetts DOT Work Zone Safety Guidelines and Part VI of the Manual of Uniform Traffic Control Devices.
7. All material stockpiled on roadways and/or roadway shoulders shall be protected with erosion control devices such as silt fence or straw wattles. It will be the sole responsibility of the Contractor to remove any sediment that enters the City drainage system as a result of the proposed work.

8. Equipment, staging, and stockpiles shall not be located in a manner so as to interfere with intersection sightlines and shall be kept in a neat and orderly fashion.
9. Public shade trees within and adjacent to the proposed work zone must be protected. The Contractor shall install individual tree protection on any public shade tree that may be impacted and the Contractor shall not stockpile material or equipment within the drip zone of a public shade tree.
10. Contractor shall coordinate with City Health Department on rodent control requirements.
11. An as-built survey shall be performed upon completion of the work and provided to the Department of Public Works.

BE IT FURTHER RESOLVED: That the petitioner shall deposit sufficient cash surety as determined by the Superintendent of Public Works to be held in escrow until the Superintendent of Public Works is satisfied with the condition of repair and restoration of the street.

BE IT FURTHER RESOLVED: That a copy of said petition is forwarded to the City Clerk for processing.

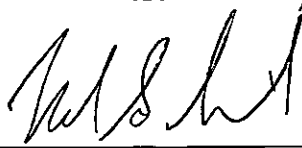


Council Member

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 4 for, 0 against, and 0 present on August 8, 2023, 2023.



Brendan T. McCarthy, Council Clerk



Mark S. Sideris, Council President

ELECTED OFFICIALS

Mark S. Sideris,
Council President

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

John M. Airasian,
Councilor At Large

Caroline Bays,
Councilor At Large

John G. Gannon,
Councilor At Large

Anthony Palomba,
Councilor At Large

Nicole Gardner,
District A Councilor

Lisa J. Feltner,
District B Councilor

Emily Izzo,
District D Councilor



CITY OF WATERTOWN

DEPARTMENT OF PUBLIC WORKS
124 ORCHARD STREET
WATERTOWN MA 02472

Gregory M. St. Louis, PE
Superintendent of Public Works

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

TYPE: Grant of Location
DATE: July 10, 2023
APPLICANT: National Grid
WORK ORDER: WO# 1519300
LOCATION: Nyack Street

The City of Watertown Department of Public Works has reviewed the attached petition by National Grid for consideration of a Grant of Location for the following installations:

Work Requiring a Grant of Location:

- **Nyack Street – Installation of approximately 215 linear feet of 6-inch plastic in Nyack Street from 71 Nyack Street to Madison Ave.**

Work Not Requiring a Grant of Location:

- **Nyack Street - The relay of approximately 900 linear feet of 4-inch coated steel with approximately 900 linear feet of 6-inch plastic in Nyack Street from Belmont Street to end of main at 71 Nyack Street.**

This work is part of the water intrusion program. Upon completion of our review, we are submitting the following recommendations and conditions for consideration by the City Council should the Grant of Location be approved for this application. A photo of the location of the proposed work is presented attached to this document.

Standard Conditions

1. During construction, uninterrupted pedestrian access (or temporary pedestrian facilities) shall be provided at all times or an appropriate alternative path provided.
2. Please be aware that there may be utility infrastructure that is not shown on the plan and may be encountered in the field. If a conflict occurs between the proposed installation and existing City-Owned and/or private utility infrastructure, The City Engineer shall be contacted directly to discuss an appropriate resolution.
3. It is the sole responsibility of the Applicant, and their Contractor, to ensure that and City-Owned and or private utilities, if located within the limits of work should be properly marked and protected during construction activities. **The City of Watertown is not a member of Dig Safe and must be notified separately.**
4. The proposed scope of work requires a DPW Street Opening Permit through the Watertown DPW prior to the start of construction.
5. All disturbances to curbing, grass strips, sidewalks, walkways, and roadway surfaces shall be repaired in kind to the satisfaction of the City of Watertown DPW. If any existing sidewalk is proposed to be removed and replaced in full width, the restoration must be completed in accordance with all current ADA, MAAB and City of Watertown standards.
6. All work within the Right of Way shall require the Contractor to schedule and coordinate a police traffic detail. Traffic control and safety measures shall be implemented in adherence to all applicable OSHA requirements, Massachusetts DOT Work Zone Safety Guidelines and Part VI of the Manual of Uniform Traffic Control Devices.
7. All material stockpiled on roadways and/or roadway shoulders shall be protected with erosion control devices such as silt fence or straw wattles. It will be the sole responsibility of the Contractor to remove any sediment that enters the City drainage system as a result of the proposed work.
8. Equipment, staging, and stockpiles shall not be located in a manner so as to interfere with intersection sightlines and shall be kept in a neat and orderly fashion.

9. Public shade trees within and adjacent to the proposed work zone must be protected. The Contractor shall install individual tree protection on any public shade tree that may be impacted and the Contractor shall not stockpile material or equipment within the drip zone of a public shade tree.
10. Contractor shall coordinate with City Health Department on rodent control requirements.
11. An as-built survey shall be performed upon completion of the work and provided to the Department of Public Works.

Work Requiring a Grant of Location:



View of Nyack Street and Tappan Avenue facing southwest at the location where the new gas main will be installed to extend the existing main towards Madison Avenue.



View of the end connection of the new gas main at the intersection of Nyack Street and Madison Avenue.

Work Not Requiring a Grant of Location:



View of Nyack Street and Belmont Street where existing gas man is to be replaced facing southwest.



View of Nyack Street and Belmont Street intersection facing Belmont Street.



View of Nyack Street and Grant Avenue intersection facing northeast.

PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS

City of Watertown / City Council:

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **City of Watertown** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

As part of the water intrusion program, Nationalgrid recommends:

The relay of approximately 900 feet of 4-inch, Coated Steel (1948/1951) with approximately 900 feet of 6-inch, Plastic in Nyack St from Belmont St to end of main at #71 Nyack St, and

The installation of approximately 215 feet of 6- inch, Plastic in Nyack St from #71 Nyack St to Madison Av.

Date: **June 23, 2023**

By:


Mary Mulroney
Permit Representative

City of Watertown / City Council:

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **Town of Watertown** substantially as described in the petition dated **June 23, 2023** attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **City of Watertown** applicable to the enjoyment of said locations and rights.

Date this _____ day of _____, 20____.

I hereby certify that the foregoing order was duly adopted by the _____ of the Town of _____, MA on the _____ day of _____, 20____.

By: _____

Title

WO #1519300

**RETURN ORIGINAL TO THE PERMIT SECTION
NATIONAL GRID
40 SYLVAN RD, WALTHAM, MA 02451
RETAIN DUPLICATE FOR YOUR RECORDS**

FORM # 1444, Rev. 90

04

C-001

SHEET NO. PROJECT NO.

OVERALL SCOPE OF WORK

045 MAIN REPLACEMENT

NYACK STREET & MADISON AV

WATERTOWN, MA

NO.	DESCRIPTION	DATE	BY	CHECKED	DATE	BY
1	ISSUED FOR PERMIT	02/03/2023	W. J. DAVIS			
2	REVISIONS					

nationalgrid

170 DAVIS DRIVE

WATERTOWN, MA 02157

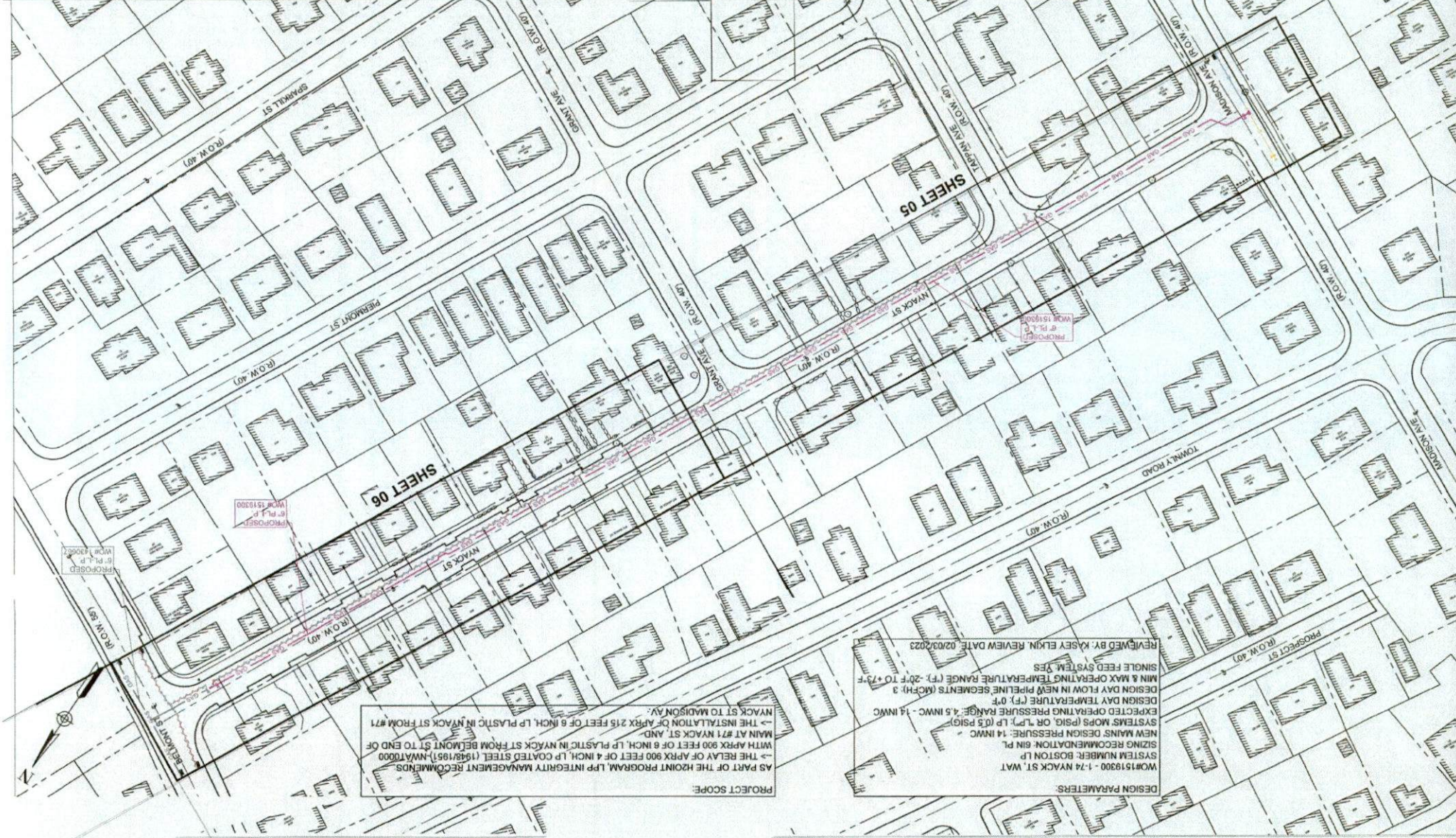
IPC

DDS

DESIGN DEVELOPMENT SERVICES

170 DAVIS DRIVE

WATERTOWN, MA 02157

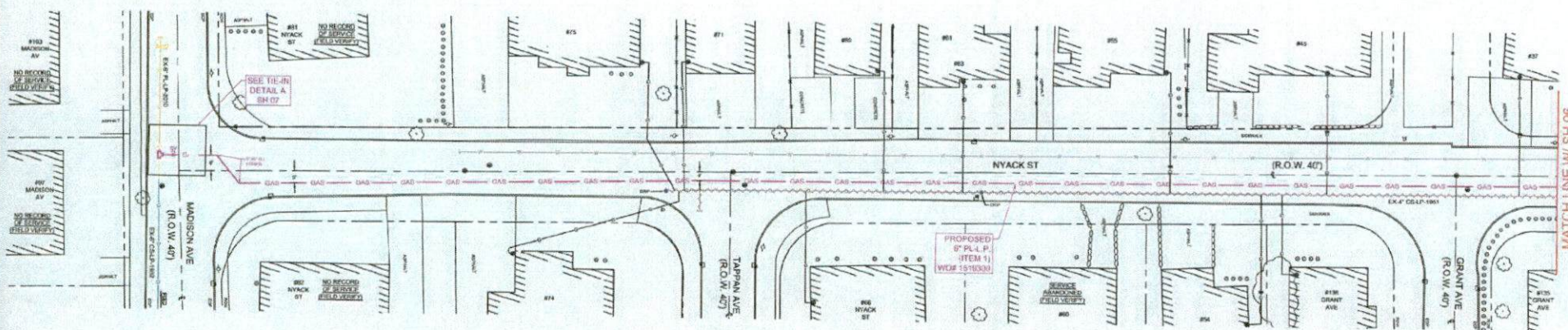


PROJECT SCOPE:

AS PART OF THE H20INT PROGRAM, LPP INTEGRITY MANAGEMENT RECOMMENDS
 THE RELAY OF APPROX 900 FEET OF 4 INCH, LP COATED STEEL (1948/1951) IN WATERTOWN
 WITH APPROX 900 FEET OF 6 INCH, LP PLASTIC IN NYACK ST FROM BELMONT ST TO END OF
 MAIN AT #71 NYACK ST. AND
 THE INSTALLATION OF APPROX 215 FEET OF 6 INCH, LP PLASTIC IN NYACK ST FROM #71
 NYACK ST TO MADISON AV.

DESIGN PARAMETERS:

WORKSHEET NUMBER: 1-74 NYACK ST, WAT
 SYSTEM NUMBER: BOSTON LP
 SIZING RECOMMENDATION: 6IN PL
 NEW MAINS DESIGN PRESSURE: 14 INWC
 SYSTEMS MOPS (PSIG, OR 1.7P): LP (15 PSIG)
 EXPECTED OPERATING PRESSURE RANGE: 4.5 INWC - 14 INWC
 DESIGN DAY TEMPERATURE (F): 0°F
 MIN & MAX OPERATING TEMPERATURE RANGE (F): -20°F TO +75°F
 SINGLE FEED SYSTEM: YES
 REVIEWED BY: KASEY ELKIN, REVIEW DATE: 02/03/2023



NOTE:
1. DO NOT COMPLETE TIE-IN AT NYACK & BELMONT UNDER WO#1519300 UNTIL WO#1430667 IS COMPLETE. IF WO#1519300 IS SCHEDULED TO BE COMPLETED BEFORE WO#1430667, CONTACT ENGINEERING FOR A DESIGN REVISION.



40 NEWBURY ROAD
WEST HENRIETTA, NY 14221
PHONE (716) 339-7349
FAX (716) 339-7341

BOSTON GAS COMPANY
A.P. 1/15/15
nationalgrid

IPC



NO.	DESCRIPTION	DATE	DR BY	CHK BY	APP BY
1	REVISED TIE-IN DETAILS	08/11/2010	GLY	ENL	MEP
2	ISSUED FOR CONSTRUCTION	08/11/2010	GLY	ENL	MEP

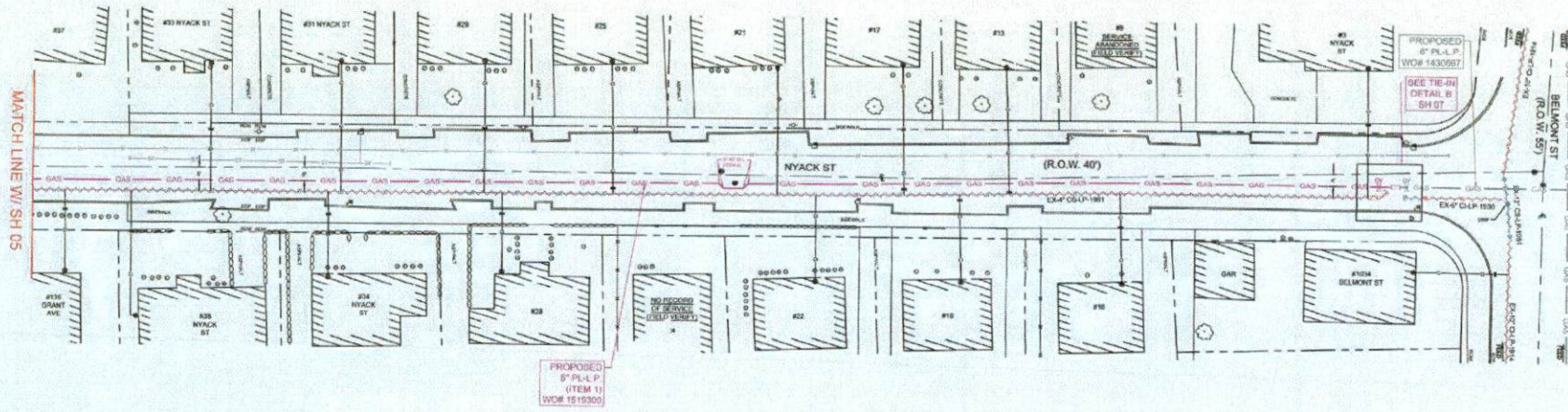
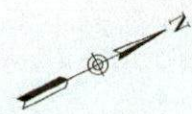
1-74 NYACK ST
GAS MAIN REPLACEMENT
NYACK STREET & MADISON AV
WATERTOWN, MA

LAYOUT SHEET

DESIGNED	GLY	ENL	MEP
DRAWN	GLY	ENL	MEP
CHECKED	GLY	ENL	MEP
DATE	08/11/2010	08/11/2010	08/11/2010

PAGE 05 OF 08

DRAWING NO.	SHEET NO.
C-002	05



NOTE:
 1. DO NOT COMPLETE TIE-IN AT NYACK & BELMONT UNDER WO#1519300 UNTIL WO#1430667 IS COMPLETE. IF WO#1519300 IS SCHEDULED TO BE COMPLETED BEFORE WO#1430667, CONTACT ENGINEERING FOR A DESIGN REVISION.



THE DDS COMPANIES
 41 HENRIE ROAD
 WEST HENRIETTA, NY 14080
 PHONE (608) 280-7200
 FAX (608) 280-7201

DESIGN SEAL COMPANY
 6/4/14
nationalgrid
 170 DATA DRIVE
 WALTHAM, MA 02451



1	REMOVED TIE-IN DETAILS	DATE	BY	CHK	APP	BY
2	ISSUED FOR CONSTRUCTION	DATE	BY	CHK	APP	BY
3	ISSUED FOR CONSTRUCTION	DATE	BY	CHK	APP	BY

1-74 NYACK ST
 GAS MAIN REPLACEMENT
 NYACK STREET & MADISON AV
 WATERTOWN, MA
LAYOUT SHEET

DESIGNER	ENGINEER	DATE	ASSET ID	W.O. NO.
C. VINTAGE	C. VINTAGE	06/03/2013	00000000	1519300

PROJECT NO.	SHEET NO.
C-003	06

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: AUGUST 8, 2023

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

Motion to adopt an Ordinance to amend the Demolition Delay of Historic Buildings.



Watertown City Council

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

ORDINANCE # 54

2023 – O - 54

WHEREAS: The City of Watertown adopted a demolition delay ordinance on October 28, 1997 (Ordinance 97), and amended it on September 12, 2006 (Ordinance 57) for the purpose of preserving and protecting significant buildings 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; and

WHEREAS: The purpose of preserving and protecting significant buildings is best served by replacing the existing demolition delay ordinance in its entirety; and

WHEREAS: On May 23, 2023, the City Council had a first reading on amendment of Title XV, Chapter 153 of the Watertown Code of Ordinances and

WHEREAS: On August 8, 2023 the City Council conducted a duly advertised Public Hearing with respect to the proposed Amendment.

NOW THEREFORE BE IT ORDAINED by the City Council of Watertown that Title XV, Chapter 153 of the Watertown Code of Ordinances, Demolition of Historic Buildings, is hereby amended, by deleting the existing chapter in its entirety and replacing it with the language below, as follows:

Chapter 153 Demolition of Historic Buildings

§ 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 chapter: 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 and/or Demolition 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 better preserved than demolished. A preferably preserved building is subject to imposition of a demolition delay period as set forth in this chapter. Factors the Commission may consider in making this determination include the following:

- The extent to which demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the City; and/or
- The feasibility of preserving all or part of the building.

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 of the building(s).

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

- (B) Demolition Application. When the Building Commissioner receives an application proposing to demolish a building subject to this chapter the Commissioner shall within five business days of receipt 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 chapter includes exterior demolition as part of its application, the Building Commissioner shall forward said application to the Zoning Enforcement Officer within two business days of receiving the application for a determination as to whether the proposed work constitutes substantial demolition.
 - (1) If the Zoning Enforcement Officer determines, pursuant to the Department of Community Development and Planning's ("Department") demolition delay regulations, that such an application constitutes substantial demolition, the Zoning Enforcement Officer shall within five business days of receiving the application notify the Building Commissioner of the determination and forward a copy of the application to the Chair of the Commission to conduct a preliminary review as set forth in §153.04.
 - (2) If the Zoning Enforcement Officer determines, pursuant to the Department's demolition delay regulations, that the application does not constitute a substantial demolition, the Zoning Enforcement Officer shall within five business days of receiving the application notify the Building Commissioner in writing of the determination. Upon being notified of such determination the Building Commissioner may issue the building permit if all other requirements pertaining to the requested permit are met.

§ 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 shall either
 - (1) Make a written determination that the building is not significant and so advise the Historical Commission and the Building Commissioner in writing, after which the Building Commissioner may issue the demolition or building permit for the renovation/alteration if all other requirements pertaining to the requested permit are met; or
 - (2) Forward the application to the Commission for a hearing outlined in §153.05 and notify the Building Commissioner in writing of such action.

§ 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) written notice posted at the Administration Building and on an internet website operated by the City of Watertown at least 14 days before the hearing; and
 - (2) 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.

- (3) In addition to the above requirements, the Commission may also require that applicants post a written notice at the Watertown Free Public Library and/or on an internet website offering local news and public notices online at least 14 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(s), 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 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. In setting the duration of the demolition delay, the Commission may consider the criteria used in determining that a building is preferably preserved and may also consider whether the owner has already made bona fide and reasonable efforts to preserve all or part of the building.
 - (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 if all other requirements pertaining to the requested permit are met.
- (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 been 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 chapter.
- (E) The Building Commissioner may issue a demolition permit for a preferably-preserved significant building, if all other requirements pertaining to the requested permit are met, once the delay period set by the Commission has expired or 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 chapter. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this chapter. The Commission may proactively develop a list of significant buildings that will be subject to this chapter. Buildings proposed for the significant building list shall be added following a public hearing.

§ 153.07 ENFORCEMENT

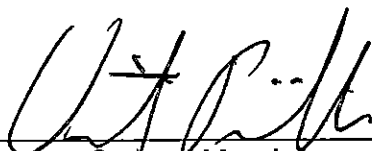
- (A) The Commission and/or the Building Commissioner are each specifically authorized to institute any and all actions and proceedings, in law or equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof.
- (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 three (3) years after the date of the completion of the demolition unless the building permit is for the faithful recreation of the demolished building. 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 sub-section (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 that chapter, the Building Commissioner shall make every reasonable effort to inform the Chair of the Historical Commission of the Building Commissioner's intention to cause demolition.

§ 153.99 PENALTY

Anyone who demolishes or substantially demolishes a significant building without first obtaining and complying fully with the provisions of a demolition or building 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.

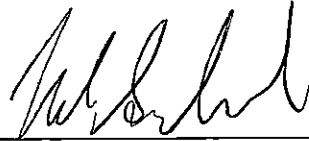


Council Member

I hereby certify that at a regular meeting of the City Council for which a quorum was present, the above Ordinance was adopted by a vote of 6 for, 3 against, and 0 present on August 8, 2023.



Brendan T. McCarthy, Council Clerk



Mark S. Sideris, Council President

ELECTED OFFICIALS

Mark S. Sideris,
Council President

Caroline Bays,
Councilor At Large

Nicole Gardner,
District A Councilor

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

John G. Gannon,
Councilor At Large

Lisa J. Feltner,
District B Councilor

John M. Airasian,
Councilor At Large

Anthony Palomba,
Councilor At Large

Emily Izzo,
District D Councilor



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

ORDINANCE #

2023 – O –

WHEREAS: The City of Watertown adopted a demolition delay ordinance on October 28, 1997 (Ordinance 97), and amended it on September 12, 2006 (Ordinance 57) for the purpose of preserving and protecting significant buildings 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; and

WHEREAS: The purpose of preserving and protecting significant buildings is best served by replacing the existing demolition delay ordinance in its entirety; and

WHEREAS: On May 23, 2023, the City Council had a first reading on amendment of Title XV, Chapter 153 of the Watertown Code of Ordinances and

WHEREAS: On August 8, 2023 the City Council conducted a duly advertised Public Hearing with respect to the proposed Amendment.

NOW THEREFORE BE IT ORDAINED by the City Council of Watertown that Title XV, Chapter 153 of the Watertown Code of Ordinances, Demolition of Historic Buildings, is hereby amended, by deleting the existing chapter in its entirety and replacing it with the language below, as follows:

Chapter 153 Demolition of Historic Buildings

§ 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 chapter: 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 and/or Demolition 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 better preserved than demolished. A preferably preserved building is subject to imposition of a demolition delay period as set forth in this chapter. Factors the Commission may consider in making this determination include the following:

- The extent to which demolition of the significant building would be detrimental to the historical or architectural heritage or resources of the City; and/or
- The feasibility of preserving all or part of the building.

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 of the building(s).

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

(B) Demolition Application. When the Building Commissioner receives an application proposing to demolish a building subject to this chapter the Commissioner shall within five business days of receipt 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 chapter includes exterior demolition as part of its application, the Building Commissioner shall forward said application to the Zoning Enforcement Officer within two business days of receiving the application for a determination as to whether the proposed work constitutes substantial demolition.

(1) If the Zoning Enforcement Officer determines, pursuant to the Department of Community Development and Planning's ("Department") demolition delay regulations, that such an application constitutes substantial demolition, the Zoning Enforcement Officer shall within five business days of receiving the application notify the Building Commissioner of the determination and forward a copy of the application to the Chair of the Commission to conduct a preliminary review as set forth in §153.04.

(2) If the Zoning Enforcement Officer determines, pursuant to the Department's demolition delay regulations, that the application does not constitute a substantial demolition, the Zoning Enforcement Officer shall within five business days of receiving the application notify the Building Commissioner in writing of the determination. Upon being notified of such determination the Building Commissioner may issue the building permit if all other requirements pertaining to the requested permit are met.

§ 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 shall either

- (1) Make a written determination that the building is not significant and so advise the Historical Commission and the Building Commissioner in writing, after which the Building Commissioner may issue the demolition or building permit for the renovation/alteration if all other requirements pertaining to the requested permit are met; or
- (2) Forward the application to the Commission for a hearing outlined in §153.05 and notify the Building Commissioner in writing of such action.

§ 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) written notice posted at the Administration Building and on an internet website operated by the City of Watertown at least 14 days before the hearing; and
- (2) 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.
- (3) In addition to the above requirements, the Commission may also require that applicants post a written notice at the Watertown Free Public Library and/or on an internet website offering local news and public notices online at least 14 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(s), 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 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. In setting the duration of the demolition delay, the Commission may consider the criteria used in determining that a building is preferably preserved and may also consider whether the owner has already made bona fide and reasonable efforts to preserve all or part of the building.
- (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 if all other requirements pertaining to the requested permit are met.

(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 been 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 chapter.

(E) The Building Commissioner may issue a demolition permit for a preferably-preserved significant building, if all other requirements pertaining to the requested permit are met, once the delay period set by the Commission has expired or 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 chapter. The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this chapter. The Commission may proactively develop a list of significant buildings that will be subject to this chapter. 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 three (3) years after the date of the completion of the demolition unless the building permit is for the faithful recreation of the demolished building. 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 sub-

section (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 that chapter, the Building Commissioner shall make every reasonable effort to inform the Chair of the Historical Commission of the Building Commissioner's intention to cause demolition.

§ 153.99 PENALTY

Anyone who demolishes or substantially demolishes a significant building without first obtaining and complying fully with the provisions of a demolition or building 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.

Council Member

I hereby certify that at a regular meeting of the City Council for which a quorum was present, the above Ordinance was adopted by a vote of ____ for, ____ against, and ____ present on August 8, 2023.

Brendan McCarthy, Council Clerk

Mark S. Sideris, Council President

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, , 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 such 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 on the date that the 2023 Demolition Delay Ordinance goes into effect.

I. Definitions

The definitions contained in Chapter 153.02 of the City Code are incorporated by reference.

II. 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 of Community Development and Planning (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.

III. 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 old 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, such as review for compliance with the State Building Code and any of the City's General or Zoning Ordinances. The demolition application shall attach the following:
 - 1. Dimensioned site plan of the existing building(s) 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 between the existing building(s) and 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 grade, scale, and height in relation to neighboring structures are preferred.
 - 3. Exterior photographs of the existing building and immediately abutting properties 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 pursuant to Section 153.03 of the City Code. If the building is determined not to be of historical significance, the Department will proceed with its usual review of the application. Otherwise, pursuant to Section 153.04 of the City Code, the application will be referred to the full Historical Commission for a public hearing and further consideration under the Demolition Delay Ordinance.

- D. Any applicant whose renovation/alteration application is referred to the full Historical Commission shall supplement the initial application by providing the following information to the Commission at least five business days before the scheduled hearing:
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 showing those elements of the building to be removed.



CITY OF WATERTOWN

Department of Community Development and Planning

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

To: City Council President Mark Sideris and City Council members
From: Steve Magoon, Director of Community Development and Planning/Assistant
City Manager; Gideon Schreiber, Assistant Director; Larry Field, Senior Planner
CC: George Proakis, City Manager; Elise Loukas, Chair, Historical Commission
Brendan McCarthy, City Council Clerk
Date: August 1, 2023
Re: **Additional changes in proposed demolition delay ordinance**

As you know there was a first reading of the proposed demolition delay ordinance on May 23 and the public hearing for this proposal is scheduled for August 8, 2023. Since the first reading, a member of the Economic Development & Planning Committee requested further legal review on the public notice and fee-setting provisions. As a result of that review, the Department of Community Development & Planning suggests minor revisions to the notice provision and adds an explanation on the fee-setting provision.

Unlike the planning and zoning boards, state law does not specify that cases before a historical commission be noticed in a particular way. The city's current demolition delay ordinance requires notice in a "local newspaper" as well a mailing to "affected" parties. However, with the *Watertown Tab* no longer publishing in print, applicants are forced to pay significant sums to advertise in the *Boston Globe*. Also, the current ordinance does not define "affected" parties. The proposed ordinance seeks to address these issues.

The minor revisions (full notice provision pasted below) continue to require certain forms of public notice that have long been provided by the city (at the clerk's office, on our website and via mailed notices). However, as to public notices that depend on other parties (the library and private websites), this version provides flexibility by allowing the Commission to require such additional notices. The various forms of notice have been reorganized to reflect this change.

§ 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) written notice posted at the Administration Building and on an internet website operated by the City of Watertown at least 14 days before the hearing; and
- (2) 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.

- (3) In addition to the above requirements, the Commission may also require that applicants post a written notice at the Watertown Free Public Library and/or on an internet website offering local news and public notices online at least 14 days before the hearing.

The fee-setting provision appears in § 153.06 (Administration) and reads: "The Commission is authorized to adopt a schedule of reasonable fees to cover the costs associated with the administration of this chapter." As you know, in order for a board or commission to set fees, the city must first accept M.G.L. Ch. 40, Sec. 22F. We understand that the City Council is interested in considering adoption so that it has the flexibility to allow other boards and commission to set fees. Since the Historical Commission is not planning on setting fees at this time—and is content to wait for the City Council to decide whether to adopt Ch. 40, Sec. 22F—staff believes it is appropriate for the Council to act on the ordinance as proposed.



Boston Globe Media

Order Confirmation

own of Watertown
49 Main Street
Watertown, MA 02472

Thank you for placing your advertisement in The Boston Globe.

Your order information and a preview of your advertisement are displayed below for your review. If there are any changes or questions, please contact the Classified Department at 617-929-1500 or email classified@globe.com.

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

Thank you,
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Monday – Friday 9:30 am - 4:30 pm
classified@globe.com

Order Number	719338	Order Price	\$953.00
Sales Rep.	Lindy Rodriguez	PO No.	
Account	2105782	Payment Type	
Publication	Boston Globe	Number of dates	2
First Run Date	07/24/2023	Last Run Date	07/31/2023
Payment Type			

AD PREVIEW:

City of Watertown
City Council
Administration Building
149 Main Street
Watertown, Massachusetts 02472
LEGAL NOTICE

Watertown City Council Public Hearing: Tuesday, August 8, 2023, with meeting starting at 7:00 pm, Council Chamber, Administration Building, 149 Main St, Watertown, MA, with remote access link on the Agenda posted 48 hours prior to the meeting.

To consider a Demolition Delay Ordinance to replace the existing Ordinance (Chapter 153 adopted in 1997 and amended in 2006) in its entirety and endorse new regulations with significant changes including 1) a process to allow the Historical Commission to determine a building is not historically significant without a public hearing, 2) specific criteria for when demolition of less than the entire building must be reviewed by the Commission and 3) allowing a demolition delay of up to two years.

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: AUGUST 8, 2023

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

Motion to approve the transfer of funds in the amount of \$27,937 from the FY24 City Council Reserve to the FY24 Health and Human Services Study.



Watertown City Council

Administration Building

149 Main Street

Watertown, MA 02472

Phone: 617-972-6470

RESOLUTION# 55

2023 – R – 55

BE IT RESOLVED: That the City Council of Watertown hereby approves the transfer of funds in the amount of \$27,937 from the Fiscal Year 2024 City Council Reserve to the Fiscal Year 2024 Health and Human Services Study.

BE IT FURTHER RESOLVED: That a copy of said transfer is forwarded to the City Auditor and City Treasurer/Collector.

Council Member

I hereby certify that at a Meeting of the City Council for which a quorum was present, the above Resolution was adopted by a vote of 9 for, 0 against, and 0 present on August 8, 2023.

Brendan T. McCarthy, Council Clerk

Mark S. Sideris, Council President

ELECTED OFFICIALS

Mark S. Sideris,
Council President

Caroline Bays,
Councilor At Large

Nicole Gardner,
District A Councilor

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

John G. Gannon,
Councilor At Large

Lisa J. Feltner,
District B Councilor

John M. Airasian,
Councilor At Large

Anthony Palomba,
Councilor At Large

Emily Izzo,
District D Councilor



George J. Proakis
City Manager

CITY OF
WATERTOWN
Office of the City Manager

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

To: Honorable City Council

From: George J. Proakis, City Manager 

Date: August 2, 2023

RE: Agenda Item – Transfer of Funds Request

Attached please find a Transfer of Funds request in the amount of \$27,937 from Fiscal Year 2024 City Council Reserve to the Fiscal Year 2024 Health and Human Services Study (HHS Study).

This proposed Transfer of Funds request is necessary to sufficiently fund the HHS Study as noted in the 2024 Budget Message: "There will also likely be costs in Fiscal Year 2024 related to the implementation of the Human Resources and Health and Human Services studies, and these may also be funded through transfers from council reserve. This is consistent with Budget Priority Guideline item II.J."

I respectfully request the attached transfer be placed on the August 8, 2023, City Council Agenda.

Thank you for your consideration and favorable action in this matter.

TRANSFER AMOUNT: \$ 27,937

FROM: FY 2024 CITY COUNCIL RESERVE
0111152-570780

\$ 27,937

TO: FY 2024 HEALTH AND HUMAN SERVICES STUDY
0194000-530332

\$ 27,937

I hereby certify to the availability, authority of funding source, mathematical accuracy
and appropriate fiscal year.

8/2/2023
DATE

Wen Zeng
CITY AUDITOR

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: AUGUST 8, 2023

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

Motion to approve the acceptance and expenditure of gifts and funds – Watertown Savings Bank SNAP match.



Watertown City Council

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

RESOLUTION# 56

2023 – R – 56

Resolution approving the Acceptance and Expenditure of Gifts of Funds

WHEREAS: From time to time, this community is the beneficiary of a gift donated towards improving the quality and spirit of its inhabitant's lives; and,

WHEREAS: The Watertown Savings Bank has committed to a generous gift of funds in the amount of \$1,000 for the SNAP match for the Farmers Market; and,

WHEREAS: The SNAP Match Program offers customers using SNAP benefits a dollar-for-dollar match on their SNAP purchase, up to \$15 per market day. Since established many years ago, the SNAP Match has grown to reach many more food insecure customers each season.

NOW THEREFORE BE IT RESOLVED: that the City Council of the City known as the City of Watertown, hereby accepts and appropriates, pursuant to Massachusetts General Laws Chapter 44, Section 53A, a gift of \$1,000 from Watertown Savings Bank toward for the SNAP match for the Farmers Market.



Council Member

I hereby certify that at a Meeting of the City Council for which a quorum was present, the above Resolution was adopted by a vote of 7 for, 0 against, and 0 present on August 8, 2023.



Brendan T. McCarthy, Council Clerk

Mark S. Sideris, Council President

ELECTED OFFICIALS

Mark S. Sideris,
Council President

Caroline Bays,
Councilor At Large

Nicole Gardner,
District A Councilor

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

John G. Gannon,
Councilor At Large

Lisa J. Feltner,
District B Councilor

John M. Airasian,
Councilor At Large

Anthony Palomba,
Councilor At Large

Emily Izzo,
District D Councilor



George J. Proakis
City Manager

CITY OF
WATERTOWN
Office of the City Manager

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

To: Honorable City Council

From: George J. Proakis, City Manager 

Date: August 2, 2023

RE: Agenda Item – Acceptance of Gift of Funds and Expenditure

I am pleased to inform you that the Watertown Savings Bank has committed to a generous gift of funds in the amount of \$1,000 for the SNAP match for the Farmers Market. As stated in the attached email, the SNAP Match Program offers customers using SNAP benefits a dollar-for-dollar match on their SNAP purchase, up to \$15 per market day.

Pursuant to Massachusetts General Laws Chapter 44, Section 53A, any expenditure of gifts of funds by a city department or board needs the approval of the City Manager and City Council.

I have approved this item and respectfully request the attached Resolution accepting these gift expenditures be placed on the August 8, 2023, City Council Agenda.

Thank you for your favorable consideration and action in this matter.

Resolution #

R – 2023 -

Resolution approving the Acceptance and Expenditure of Gifts of Funds

WHEREAS: From time to time, this community is the beneficiary of a gift donated towards improving the quality and spirit of its inhabitant's lives; and,

WHEREAS: The Watertown Savings Bank has committed to a generous gift of funds in the amount of \$1,000 for the SNAP match for the Farmers Market; and,

WHEREAS: The SNAP Match Program offers customers using SNAP benefits a dollar-for-dollar match on their SNAP purchase, up to \$15 per market day. Since established many years ago, the SNAP Match has grown to reach many more food insecure customers each season.

NOW THEREFORE BE IT RESOLVED: that the City Council of the City known as the City of Watertown, hereby accepts and appropriates, pursuant to Massachusetts General Laws Chapter 44, Section 53A, a gift of \$1,000 from Watertown Savings Bank toward for the SNAP match for the Farmers Market.

Council Member

I hereby certify that at a meeting of the City Council for which a quorum was present, the above resolution was adopted by a vote of ____ for, ____ against and ____ present on August 8, 2023.

Council Clerk

Mark Sideris, Council President

Osmond, Marsha

From: Magoon, Steve
Sent: Wednesday, August 2, 2023 2:51 PM
To: Proakis, George; Sideris, Mark
Cc: Hand, JoAnna; Osmond, Marsha; McCarthy, Brendan; Venizelos, Stephanie
Subject: FW: Donation from Watertown Savings Bank to the Watertown Farmers' Market
Attachments: WFM-SNAP-HIP-MatchingFlyer-V4.pdf

Attached is a very generous gift from the Watertown Savings Bank for the SNAP match for the Farmers Market. Can we place this on a City Council agenda for the acceptance of a gift? Thanks

From: Venizelos, Stephanie <svenizelos@watertown-ma.gov>
Sent: Wednesday, August 2, 2023 1:01 PM
To: Magoon, Steve <smagoon@watertown-ma.gov>
Subject: Donation from Watertown Savings Bank to the Watertown Farmers' Market

Hi Steve,

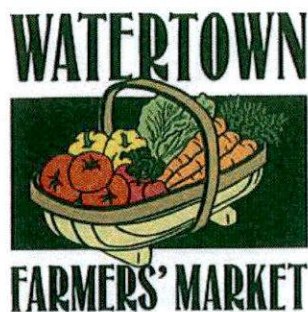
Watertown Savings Bank has donated \$1000 to the Watertown Farmers' Market in support of its SNAP Match food assistance program. The SNAP Match Program offers customers using SNAP benefits a dollar-for-dollar match on their SNAP purchase, up to \$15 per market day. Since established many years ago, the SNAP Match has grown to reach many more food insecure customers each season. Several grants have supported the market's SNAP match program and this donation will help fund this year's SNAP match budget, which I anticipate increasing significantly.

Attached is a copy of the market flyer about food assistance programs. Please let me know if you need any additional information.

Thanks,
Stephanie

Stephanie Venizelos
Community Wellness Program Manager

City of Watertown
svenizelos@watertown-ma.gov
C: 781.482.4511
[Website](#)
[Facebook](#)



SALTONSTALL PARK (Next to City Hall, 149 Main St)

JUNE 14 - OCTOBER 25, 2023

WEDNESDAYS, 2:30-6:30 PM (Closing at 6pm in October)



1. VISIT
the managers booth



2. SWIPE
your EBT card



3. DOUBLE
your dollars



4. SHOP
at the market

GET MORE

at the Watertown Farmers' Market

The Watertown Farmers' Market (WFM) Accepts SNAP, HIP, and Farmers' Market Coupons including WIC and Senior FMNP.



Double Your SNAP Dollars. (up to \$15 per market day)

Use SNAP dollars to buy SNAP eligible foods that include produce, fish, meat, honey, eggs, bread and much more.

SPEND \$15 → RECEIVE \$30



Get Free Food.

Purchase fruits and vegetables using your SNAP/EBT card and the amount of the sale will be automatically reimbursed. It's an **INSTANT REBATE** and your produce is **FREE**.

Household Size	Max. Amount Per Mo.
1-2 PEOPLE	\$40
3-5 PEOPLE	\$60
6+ PEOPLE	\$80



watertownmarket.com

Brought to you by
the City of Watertown

LIVE WELL WATERTOWN

**CITY COUNCIL ROLL CALL VOTE
MEETING DATE: AUGUST 8, 2023**

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

Motion to accept the Committee Report from the Committee on Parks and Recreation
Meeting Held on June 26, 2023 and July 17, 2023



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

Committee on Parks and Recreation Meeting Monday, June 26, 2023 at 5:00 PM City Council Office

The Committee convened on June 26, 2023 at 5:00 pm in the City Council Office. Present were Councilors Tony Palomba, chair, Lisa Feltner, vice-chair, and Caroline Bays, secretary. Also present was Dennis Duff, member of the Community Preservation Committee.

The purpose of the meeting was to interview Dennis Duff for reappointment to the Community Preservation Committee for a term to expire on February 1, 2026.

Councilor Feltner asked Mr. Duff why he wanted to serve on the CPC. Mr. Duff explained he had a long history working on boards in town and had a lot of experience that was relevant to the development in town such as working on the Watertown Redevelopment Authority, where he played a crucial role in who developed the Arsenal and helped to put 156 units of housing in the east end. He knows Watertown's past and wants to make the city better. He felt, given his long history serving on boards and commissions for the city, that he had the experience necessary to make decisions about where CPC funds would be best spent.

Councilor Palomba questioned his rationale for his vote against the Nichols St. project. Mr. Duff said he voted against the housing because he wanted housing on Templeton Parkway and hoped for more housing on the East End. He was also worried about how far Nichols is from public transit, but Mr. Duff added that he will support it when it comes back next year, given that it will be moving forward.

Councilor Palomba asked why he did not vote for Mark Krackiewicz and Jon Bockian as chair and vice chair of the committee. Mr. Duff felt that there should have been more movement and different ideas. Councilor Palomba also asked if the committee was working towards affordable housing. Mr. Duff said he really wants to see a good proposal which he could support. He felt they were not getting the quality of grant applications he wanted and felt the need to increase awareness in the community about what can be done.

Councilor Feltner made a motion to recommend that the City Council confirm Dennis Duff for reappointment to the Community Preservation Committee for a term to expire on February 1, 2026. Councilor Bays seconded. The motion passed 3-0.

The meeting adjourned at 6:23 pm.

Committee on Parks and Recreation Meeting
Monday, July 17, 2023 at 5:00 PM
City Council's Office

The Committee convened on July 17, 2023 at 5:00 pm in the City Council Office. Present were Councilors Tony Palomba, chair, Lisa Feltner, vice-chair, and Caroline Bays, secretary. Also present was Mark Krackiewicz, member of the Community Preservation Committee.

The purpose of the meeting was to interview Mark Krackiewicz for reappointment to the Community Preservation Committee for a term to expire on February 1, 2026.

Mr. Krackiewicz feels that after two terms the Community Preservation Committee is beginning to get a pipeline of projects and feels that several of the projects currently in planning will come before them again for financing for the construction phase. He said they amended the process so that if you are approved for a planning process you can get the construction funding more quickly outside of the regular cycle.

He hopes that when the affordable housing trust finds property the CPC can help to fund it and CPC members have been building a relationship with members of the trust with the hope that their continued cooperation and communication will result in a good housing project.

The CPC is beginning the application process now and they are looking at eligibility forms this week. Tony expressed concern about how friendly the committee is to those coming before them. Mark said they are bound by ordinance as to what they can do so they can't fund projects unless they meet the legal requirements.

Mr. Krackiewicz, asked councilors to be on the look out for possible projects as well as for possible future CPC committee members.

Councilor Feltner made a motion to recommend that the City Council confirm Mark Krackiewicz for reappointment to the Community Preservation Committee for a term to expire on February 1, 2026. Councilor Palomba seconded. The motion passed 3-0

The committee adjourned at 5:20 pm.

Report submitted by Caroline Bays

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: AUGUST 8, 2023

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

Motion to accept the Committee Report from the Ad Hoc Committee Meeting regarding the
Municipal Policy Analyst Search



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 Ad Hoc Committee for the Municipal Policy Analyst Report Date: August 8, 2023

The Preliminary Screening Committee for the Municipal Policy Analyst convened in Open Session, and entered Executive Session on July 25, 2023 at 5:00 pm, July 27, 2023 at 5:00 pm, and August 1, 2023 at 6:00 pm in the City Council office, pursuant to General Laws Chapter 30A, Section 21(a)(8) *“To consider or interview applicants for employment by a preliminary screening committee, if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants. This shall not apply to any meeting regarding applicants who have passed a prior preliminary screening.”*

Present as the Preliminary Screening Committee were Councilors Caroline Bays, chair, John Gannon, Nicole Gardner, and Vincent Piccirilli, secretary.

The Preliminary Screening Committee reviewed all 41 resumes received, and narrowed the list down to 9 people for preliminary interviews.

Preliminary Screening Committee voted unanimously to select three finalists for the Municipal Policy Analyst position: Rosalyn Impink, Doug Newton, and Michael Pearce.

The Committee also voted unanimously to request the Council President schedule a Special City Council Meeting so that the full City Council can conduct the final interviews.

Report prepared by Vincent Piccirilli

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: AUGUST 8, 2023

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

Motion to accept the Committee Report from the Committee on Economic Development & Planning Meeting on July 10, 2023



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: July 10, 2023

The Committee convened on Monday July 10, 2023 at 6:00 pm in the Richard E. Mastrangelo Council Chamber, with remote participation by Zoom pursuant to Chapter 2 of the Acts of 2023. Present were Lisa Feltner, chair; John Gannon, vice chair; and Vincent Piccirilli, secretary. See attachment A for other attendees.

The purpose of the meeting was Discussion, Public Comment, and Recommendations to the Planning Board and City Council on the Comprehensive Plan Draft Update of June 26, 2023. All the documents on the Comprehensive Plan update are located on the website: <https://engagestantec.mysocialpinpoint.com/watertown-plan>

The documents the Committee reviewed were:

- Stantec memo June 26, 2023 incorporating public comments (Attachment B)
- June 26, 2023 revised draft of the Comprehensive Plan (Attachment C)

Phil Schaeffing from Stantec, the consultant hired for the Comprehensive Plan review project, began with a presentation (Attachment D) which highlighted all the changes made to the plan from the first draft published February 16, 2023. This included comments from the open house on March 9, 2023, as well as comments from the website and received by email.

Next, the chair opened public comments. The following people spoke on a variety of topics: Elodia Thomas, Maria Saiz, Mark & Ernesta Krackiewicz, Sam Ghilardi, Susan LaDue, Councilor Anthony Palomba, Susan Falkoff, Jaime Burke, Jamie Gordon, Amy Plovnick, Rita Colafella, and Tom Floros.

Lastly, based on the public input, the Committee discussed changes to the draft plan with the staff and attendees, and agreed on the following eight changes:

1. For strategy 7E *"Support and expand mental health and stress management resources. Strive to reduce substance use through social services, programming, and other resources."* change to *"Support and expand health and human services resources, including: (1) Mental health and stress management; (2) Social services, programming, and other resources to reduce substance use; (3) Increase food security; and (4) Access to healthcare."*
2. For strategy 7F *"Celebrate diversity and cultural traditions through public art, community events, formal recognition, and other appropriate means. Formal recognition of Watertown's commitment to arts and culture as integral to city life may include the designation of a cultural district."* move it down to the heading "Arts & Culture" and renumber it as 7G. Add a new 7F under the heading "Wellness and Inclusivity" with text provided by staff based on committee discussion, which now reads *"Provide a welcoming community for all, one that celebrates and fosters diversity, equity, and inclusion in everything we do. Work in partnership with the Human Rights Commission, the Commission on*

Disability, and dedicated community groups to ensure continued progress.” Add HRC and COD to Partner(s).

3. For strategy 4J bullet 6 “*Continue annual capital plan commitments to upgrade connector roads and local streets with new sidewalks, planting strips, street trees, and curbs, thereby improving pedestrian safety.*” change to “Expand annual capital plan commitments to upgrade connector roads and local streets with new sidewalks, street trees, curbs, and other strategies to protect existing and new planting strips, thereby improving pedestrian safety”.

4. On page 26 under groups, add Commission on Disability (COD), Conservation Commission (CC), and Human Rights Commission (HRC).

5. For strategy 8 “*Proactively maintain and improve infrastructure and services to responsibly meet current and future needs.*” under the heading “Facilities and Infrastructure: add a new strategy to address Americans with Disabilities Act (ADA) self-assessment and transition plan to address ADA problems. Lead(s) are ADA Coordinator and COD; Partner(s) are DCDP, DPW, and DPB. Add mid-term to When. Re-letter the remaining strategy list.

6. For strategy 6D “*Expand access to and recreational use of the Charles River through continued partnerships with the Massachusetts Department of Conservation and Recreation (DCR) and private developers.*” change to “Expand access to and recreational use of the Charles River through continued partnerships with the Massachusetts Department of Conservation and Recreation (DCR), private developers, the Charles River Watershed Association and other organizations.” Add DCDP to Lead(s), add CC and COD to Partner(s).

7. For strategy 7L “*Inventory historic assets and consider using a city-wide historic preservation plan to set priorities.*” it lists CPC as a partner, but it was noted that CPA funds can’t be used for preservation plans, only for the preservation work itself. The partners should be Historical Commission, Historic District Commission, Historical Society.

8. On page 78, under the section “Future Land Use” for areas of “Low Density Residential” and “Medium Density Residential”, change “preserve” to “conserve” to indicate some changes could be made to these areas while at the same time maintaining their character. The committee also welcomed additional text references to be included by staff to specifically improve public understanding of land use descriptions.

The Committee asked the staff to consider these eight changes above, and to rework the language as necessary for clarity and editorial purposes. The staff’s revised language was sent in an email by Mr. Magoon on July 31, 2023 (Attachment E).

➔ **Action Item:** Councilor Piccirilli made a motion, seconded by Councilor Gannon, to recommend that the City Council schedules a joint Public Hearing with the Planning Board to adopt the Updated Comprehensive Plan with the eight changes recommended by the Committee. Voted 3-0

The meeting adjourned at 8:55 pm.

Report prepared by Vincent Piccirilli

Attachment A - List of Attendees

Name	Title	Zoom
George Proakis	City Manager	
Steven Magoon	Director of Community Development & Planning/Assistant City Manager	Y
Gideon Schrieber	Senior Planner	
Lawrence Field	Senior Planner	
Phil Schaeffing	Stantec (consultant)	Y
Steve Kearney	Stantec (consultant)	Y
John Airasian	City Council	
Caroline Bays	City Council	
Nicole Gardner	City Council	
Emily Izzo	City Council	Y
Anthony Palomba	City Council	
Elodia Thomas	Resident	
Ernesta Krackiewicz	Resident	Y
Mark Krackiewicz	Resident	Y
Josh Rosmarin	Resident	Y
Pat Rathbone	Resident	Y
Susan Falkoff	Resident	
Andy Compagna	Resident	Y
Connie Henry	Resident	Y
Greg Reibman	Charles River Regional Chamber	Y
Louise Enoch	Resident	Y
Jamie Gordon	Resident	Y
Maria Saiz	Resident	
Linda Scott	Resident	Y
Susan LaDue	Resident	
Jamie Burke	Resident	
Jacky van Leeuwen	Resident	Y
Sam Ghilardi	Resident	Y
Hannah Rakoff	Resident	
Rita Colafella	Resident	Y
Thomas Floros	Resident	
Amy Plovnick	Resident	Y

To:	Gideon Schrieber City of Watertown	From:	Phil Schaeffing Stantec
Project/File:	Watertown Comprehensive Plan	Date:	June 26, 2023

Reference: Response to Public Comments on First Draft Comprehensive Plan

The first draft of the Watertown Comprehensive Plan was published on the project website on February 17, 2023. On March 9, 2023, the City and consultant team hosted a public open house at the Watertown Free Public Library to present highlights of the draft plan and invite review and comment on the recommended strategies. Meeting participants provided written comments via sticky notes placed on posters listing the draft strategies and via comment cards. An approximately 30-minute general comment speaking period was provided at the end of the meeting for participants to share their opinions with the planning team and audience. After the open house, an online survey was available for two weeks for additional public comment. The survey offered multiple choice ranking for each strategy and a free response opportunity for each goal. A City email address (planning@watertown-ma.gov) was also available to receive written comments from residents and community groups.

The planning team compiled and reviewed numerous comments from individuals or groups in response to the first draft of the Watertown Comprehensive Plan. This feedback came from:

- 105+ open house attendees on March 9, 2023 (in-person and online)
- 110 completed online surveys (survey available on the project website March 9-24, 2023)
- Five residents via email
- City Councilor Tony Palomba
- Bicycle & Pedestrian Committee
- Watertown Environment & Energy Efficiency Committee (WE3C)
- Live Well Watertown (LWW)
- Trees for Watertown (TFW)
- Watertown Faces Climate Change (WFCC)
- Watertown TMA

This feedback is an invaluable part of the public process to test the plan's recommended strategies and to refine them to better reflect community priorities. Both City staff and the consultant team reviewed these comments and discussed how to address them. The first draft plan has been revised to incorporate many of these suggestions. The revised draft plan will be submitted to the Watertown City Council for consideration and adoption.

The comprehensive plan is a living document designed to incorporate the many specific topic-based plans that have been completed in Watertown in recent years. As a living document, it can be revisited and

Reference: Response to Public Comments on First Draft of Comprehensive Plan

updated—as the 2015 plan has been updated by this document. In order to be comprehensive, the plan document makes higher-level policy recommendations that work to integrate the efforts of other important planning documents. Therefore, the goals and policies of the plan are aspirational but achievable strategies that are further informed by the many more specific recommendations of these other, more detail-oriented plans.

The table below outlines the general comment themes and the plan revisions made in response to them. These significant themes were identified from comments that are broadly shared by many respondents. It is important to recognize, however, that every comment provided a specific perspective.

Themes from Public Comments RE: First Draft Plan	Response in Revised Draft Plan
More emphasis should be placed on recent existing plans (like <i>Resilient Watertown</i> , <i>Bicycle and Pedestrian Plan</i> , and others) – identifying those plan goals and implementing their recommendations.	New strategy added in relevant goals to implement existing plans and to periodically revisit them in response to changing conditions. Goal 1 strategies re-organized to mirror structure of <i>Resilient Watertown</i> plan.
Highlight how quality of life, transportation, local businesses, and sustainability are linked (“15-minute neighborhood” referenced). More and better non-vehicular transportation options that connect residents to squares and corridors will improve quality of life and reduce car trips and greenhouse gas (GHG) emissions.	Emphasis added in Goal 2 includes call-out box explaining “15-minute neighborhood” concept and its relevance to Watertown.
Concern expressed about scale and character of many recent development projects, particularly life science building height near neighborhoods.	“Managing Redevelopment” and “Neighborhoods” subsections of Goal 2 revised re: shared benefits of new development and zoning assessment.
Concern expressed for prevalence of life science buildings in recent and planned development, particularly in light of recent economic trends.	New strategies added in Goal 3 to diversify economic base via an in-depth economic development study (new call-out box added as well), to continue oversight of life science buildings, and to highlight importance of creating an economic development staff position (new strategy 3A).

Reference: Response to Public Comments on First Draft of Comprehensive Plan

Greater support desired for local and small businesses in Watertown.	Strategies in Goal 3 revised (including new strategy 3E) to place greater emphasis on increasing small business support, improving physical conditions of squares and corridors to support customers and businesses, and creating an economic development staff position.
Transportation strategies should be more closely linked to climate goals re: reduced single-occupancy vehicle trips and GHG emissions, as well as accessibility needs for who are unable to walk, bike, or drive.	Goal 4 intro text revised to acknowledge connection between transportation and climate. Microtransit and additional shuttles added to strategies as alternatives to explore for greater accessibility. <i>Resilient Watertown</i> VMT and electric vehicle goals added to call-out box.
Desire for more concrete language about taking action rather than just considering certain transportation strategies.	Goal 4 modified from " <i>Promote</i> safe, efficient multimodal transportation..." to " <i>Provide</i> ..." Strategies for multimodal policy goals (4B) and Vision Zero (4C) changed to "adopt" and "develop" respectively.
General support for more housing but some differing opinions about new housing scale. General support for more affordable housing, housing for families, and housing for seniors.	Goal 5 encourages more housing and identifies strategies to support it.
Desire for greater emphasis on importance of trees – both preserving existing ones and planting new ones	Strategies 1H, 2C, 2I, 6G support tree preservation and planting.
Live Well Watertown (LWW) is an engaged community partner for health and wellness related efforts.	LWW added as implementing partner to several strategies in Goals 6 and 7.

Regards,

STANTEC CONSULTING SERVICES INC.

Reference: Response to Public Comments on First Draft of Comprehensive Plan

Phil Schaeffing AICP

Associate

philip.schaeffing@stantec.com

Attachment: Watertown Comprehensive Plan, Revised June 2023

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: AUGUST 8, 2023

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

Motion to accept the Committee Report from the Committee on Economic Development & Planning Meeting on July 13, 2023



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: July 13, 2023

The Committee convened on Thursday July 13, 2023 at 6:00 pm in the Richard E. Mastrangelo Council Chamber, with remote participation by Zoom pursuant to Chapter 2 of the Acts of 2023. Present were Lisa Feltner, chair; John Gannon, vice chair; and Vincent Piccirilli, secretary. Also present were Steven Magoon, Assistant City Manager/Director of Community Development and Planning, Council President Mark Sideris, and Councilor Anthony Palomba by zoom.

The purpose of the meeting was to consider updates to cannabis Host Community Agreement (HCA), and make a recommendation to the City Council.

The documents the Committee reviewed were:

- KP Law memo September 6, 2022 "An Act Relative To Equity In The Cannabis Industry" (Attachment A)
- Existing Host Community Agreement July 23, 2020 - Bud's Goods & Provisions (Attachment B)
- Draft amendment to the Existing Host Community Agreement - Bud's Goods & Provisions (Attachment C)

Mr. Magoon gave an overview of the recent changes to state law and its impact on the three HCA's that Watertown has with cannabis operators. There are ambiguities in the law as it relates to existing agreements negotiated in good faith, and well as in the pending regulations yet to be implemented by the Cannabis Control Commission. The essence of the HCA change in law is that the 3% impact fee must be directly related to the operation, and the actual costs must be documented. He added that the City Manager felt it was important for Watertown to be proactive in addressing this.

Key points:

1. There have been no legal challenges from the three cannabis operators in Watertown, but cannabis industry groups may file lawsuits.
2. The proposed draft amendment to the HCAs would eliminate the impact fee tied to a percent of revenue, and instead there would be a \$20,000 annual fee that would fund substance abuse programs, and the city will invoice them annually.
3. Watertown will contract with a social service provider to provide substance abuse counseling, and would not be limited to just cannabis.
4. Staff has discussed this proposal with all three cannabis operators and they agreed in principle.
5. In FY23, Watertown has collected over \$500K in cannabis excise tax, and about \$355K in cannabis impact fees.
6. Cannabis impact fees received to date are being held in a special account and have not been expended. A discussion on how to spend these can occur with the City Council at a future date.

7. Any amendment to the HCAs must include a release of claims on any impact fees paid to date. While this is not in the draft HCA amendment, Mr. Magoon said that Mark Reich from KP Law has already proposed that he would prefer a separate release of claims to be executed in parallel with the HCA amendment.
 8. The amendment to the HCAs would be signed by the City Manager, and there would be a vote of the City Council authorizing him to sign the agreement.
- ➔ **Action Item:** Councilor Piccirilli made a motion, seconded by Councilor Gannon, to recommend that the City Council authorize the Administration to negotiate with the three cannabis operators for amendments to the Host Community Agreements as proposed, and to include a release of liability for prior impact fee payments either as part of the HCA amendment or as a separate agreement, and to bring the final agreements back to the City Council for a vote of authorization for the Manager to sign. Voted 3-0

The meeting adjourned at 7:08 pm.

Report prepared by Vincent Piccirilli

An Act Relative To Equity In The Cannabis Industry Marijuana Reform September 6, 2022

The legalization of medical and recreational marijuana in Massachusetts raises many significant legal issues for municipalities as they navigate the permitting for and licensing of this fairly new industry. Many Massachusetts municipalities have engaged in extensive host community agreement negotiations to address both direct and indirect impacts within their communities. After much negotiation at the state level, the General Court recently enacted "An Act Relative to Equity in the Cannabis Industry" (the "Act"), which was signed by Governor Baker on August 11, 2022.

The Act makes numerous changes to Massachusetts' marijuana laws, including those governing host community agreements ("HCAs"), community impact fees, so-called "social consumption" establishments," also referred to as marijuana cafes, taxation, and the role of the Massachusetts Cannabis Control Commission (the "CCC"). This is the first in a two-part series exploring these extensive amendments. This memorandum provides an overview of changes made to the law concerning HCAs and community impact fees; we will address separately the issues of social consumption and social equity businesses.

HOST COMMUNITY AGREEMENTS

The Act substantially revises the regulatory oversight for and approval of HCAs, limits municipalities' ability to collect impact fees for anticipated costs, establishes penalties for municipalities that fail to, or improperly, document impact costs, prohibits an HCA from imposing other types of monetary commitments beyond community impact fees, and establishes a mechanism by which municipalities may waive the HCA requirement entirely.

Impact Fees - While the Act does not eliminate the concept of a community impact fee, it does impose new and different requirements on host communities.

The Act identifies the following requirements applicable to the calculation of impact fees:

1. Fee must be reasonably related to the costs imposed upon the municipality in the preceding year by the operation of the marijuana business, as documented;
2. Fee must be based on actual costs, rather than as a percentage of total or gross sales;
3. Fee may amount to not more than three percent (3%) of the gross sales of the marijuana business;
4. Fee can be effective for no longer than the eighth (8th) year of operation of the marijuana business;

THE LEADER IN PUBLIC SECTOR LAW

5. Fee commences on the date the marijuana business is granted a final license by the CCC, with payment due annually to the host community;
6. Fee must be documented and transmitted by the host community to the marijuana business not later than one (1) month after the marijuana business' license is renewed by the CCC; and
7. Fee must encompass all payments and obligations between the host community and the marijuana business.

The significance of these changes is that a community impact fee cannot, without being at risk for a challenge, be calculated with regard to what a municipality predicts to be the costs of impacts but must instead be based on actual documented expenditures in the prior year. Further, the Act prohibits an HCA from providing for any other kind of financial commitment to a municipality or a non-profit as directed by the municipality and renders unenforceable “[a]ny other contractual financial obligation that is explicitly or implicitly considered in, or is a condition of a host community agreement.”

Breach of Contract Claim, Damages, Attorneys Fees – The Act also creates a breach of contract claim, to be brought in Court, to allow a licensed marijuana business to challenge a municipality’s documentation of costs for purposes of calculating the community impact fee. If the marijuana business prevails on the claim that a host community’s documented costs are not “reasonably related to the actual costs” imposed by its operation in the preceding year, the violation may be punishable by the award of damages attorneys’ fees and other costs encompassed in the community impact fee. This is a significant remedy and likely imposes a high burden on municipalities to (1) contemporaneously document the process used to track expenditure-related matters that can be characterized as community impact fees, and (2) fund any anticipated impacts for the upcoming fiscal year, with the hope of being reimbursed through the community impact fee process after the end of that fiscal year.

Minimum Standards for Addressing Opportunity for those Disproportionately Harmed – By July 1, 2023, potential host communities must adopt procedures and policies that establish minimum standards for facilitating opportunity in the industry for those disproportionately harmed by marijuana prohibition before entering into an HCA with a marijuana business. Failure to adopt such procedures creates a significant risk for the host community, as the Act provides that such a community may be required to forfeit a monetary amount equal to the annual total of community impact fees received from all marijuana businesses operating within the host community. Further, the failure of any host community to abide by the regulations concerning such minimum acceptable standards, once promulgated by the CCC, may also result in forfeiture.

Role of the CCC – The Act provides the CCC with enhanced authority concerning HCAs. The CCC has jurisdiction to “review, regulate, enforce and approve” HCAs as part of a completed marijuana business license application and at each license renewal. The Act directs the CCC to promulgate rules and regulations applicable to the negotiation and approval of HCAs, with a focus on encouraging host communities to work with social equity businesses and economic empowerment priority applicants, as well as to prepare a model HCA.

While the Act makes significant changes to existing law regulating municipalities and marijuana businesses, the effect of the Act on the status of pre-existing HCAs is still not entirely clear and will likely require specific review

on a case-by-case basis. Communities may have already begun receiving request to amend existing HCAs in light of the aforementioned legislative amendments. We will continue to work with municipalities to negotiate appropriate HCAs and HCA amendments based on, among other things, each municipality's unique physical characteristics, demographics, and guidance provided by the CCC.

We are closely monitoring developments in this changing area of the law, particularly as the CCC proposes, and then formally promulgates regulations, procedures, and policies, and will provide further updates as we know more.

Should you have further questions on this topic, please contact Attorney Nicole Costanzo at ncostanzo@k-plaw.com or 617.556.0007 with further questions on this topic.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

TOWN OF WATERTOWN AND
BUD'S GOODS & PROVISIONS CORP.

HOST COMMUNITY AGREEMENT

23rd THIS HOST COMMUNITY AGREEMENT ("AGREEMENT") is entered into this day of July, 2020 by and between BUD'S GOODS & PROVISIONS, CORP., a Massachusetts corporation, and any successor in interest, with a principal office address of 12 Pennsylvania Avenue, Newton, Massachusetts 02464 ("the Company"), and the TOWN OF WATERTOWN, a Massachusetts municipal corporation with a principal address of 149 Main Street, Watertown, MA, 02472 ("the Town"), acting by and through its Town Council in reliance upon all of the representations made herein.

WHEREAS, the Company wishes to locate a licensed Marijuana Establishment (the "Marijuana Establishment") for an adult use marijuana storefront retailer establishment within approximately 5,000 square feet of an existing building (the "Facility") at 330-350 Pleasant Street, Town of Watertown Assessor's Parcel ID 219-10A-0, in accordance with and pursuant to applicable state laws and regulations, including, but not limited to 935 CMR 500.00 and such approvals as may be issued by the Town in accordance with its Zoning Ordinance and other applicable local regulations; and

WHEREAS, the Company intends to provide certain benefits to the Town in the event that it receives the requisite licenses from THE CANNABIS CONTROL COMMISSION (THE "CCC") or such other state licensing or monitoring authority, as the case may be, to operate the Marijuana Establishment and receives all required local permits and approvals from the Town; and

WHEREAS, the parties intend by this Agreement to satisfy the provisions of G.L. c.94G, §3(d), applicable to the operation of Marijuana Establishment, such activities to be only undertaken in accordance with the applicable state and local laws and regulations in the Town.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Company and the Town agree as follows:

1. Recitals

The Parties agree that the above Recitals are true and accurate and that they are incorporated herein and made a part hereof.

2. Annual Payments

In the event that the Company obtains the requisite licenses and/or approvals as may be required for the operation of a Marijuana Establishment, and receives any and all necessary and required permits and licenses of the Town, and at the expiration of any final appeal period related thereto, said matter not being appealed further, which permits and/or licenses allow the Company to

locate, occupy and operate the BUD'S GOODS & PROVISIONS, CORP. in the Town, then the Company agrees to provide the following Annual Payments: An amount equal to three (3%) of the gross sales from marijuana and marijuana product sales from the Marijuana Establishment. The term "gross sales" shall have the same meaning as defined in Paragraph 2.A.1 below.

Provided, however, if the Company fails to secure any such other license and/or approval as may be required, or any of the required municipal approvals, the Company shall reimburse the Town for its legal fees associated with the negotiation of this Agreement.

A. Community Impact Fee

The Company anticipates that the Town will incur additional expenses and impacts on the Town's road and other infrastructure systems, law enforcement, fire protection services, inspectional services, and permitting and consulting services, as well as unforeseen impacts on the Town. Accordingly, in order to mitigate the financial impact on the Town and use of Town resources, the Company agrees to pay an Annual Community Impact Fee to the Town, in the amount and under the terms provided herein.

1. Company shall annually pay an Annual Community Impact Fee in an amount equal to three percent (3%) of gross sales from marijuana and marijuana product sales at the Facility. The term "gross sales" shall mean the total of all sales transactions of the Facility without limitation, whether wholesale or retail, and shall include but not be limited to all sales occurring at the Facility, including the sale of marijuana, marijuana infused products, paraphernalia, and any other products sold by the Facility.
2. The Annual Community Impact Fee shall be made Annually within sixty (60) days following the end of each twelve (12) months of operation, and shall continue for a period of five (5) years. At the conclusion of each of the respective five year terms, the parties shall negotiate in good faith the terms of a new Annual Community Impact Fee as an Amendment to this Agreement; provided, however, that if the parties are unable to reach an agreement on a successor Community Impact Fee, the Annual Community Impact Fee specified in Paragraph 2.A.1 of this Agreement shall remain in effect and shall not be reduced below the amount set forth above until such time as the Parties negotiate a successor Community Impact Fee.
3. The Town shall use the above referenced payments in its sole discretion, but shall make a good faith effort to allocate said payments to offset costs related to road and other infrastructure systems, law enforcement, fire protection services, inspectional services, public health and addiction services and permitting and consulting services, as well as unforeseen impacts upon the Town.

B. Additional Costs, Payments and Reimbursements

1. **Permit and Connection Fees:** The Company hereby acknowledges and accepts, and waives all rights to challenge, contest or appeal, the Town's building permit fee and other permit application fees, sewer and water connection fees, and all other local charges and fees generally applicable to other commercial developments in the Town.
2. **Facility Consulting Fees and Costs:** The Company shall reimburse the Town for any and all reasonable consulting costs and fees related to any land use applications concerning the Facility, negotiation of this and any other related agreements, and any review concerning the Facility, including planning, engineering, legal and/or environmental professional consultants and any related reasonable disbursements at standard rates charged by the above-referenced consultants in relation to the Facility.
3. **Other Costs:** The Company shall reimburse the Town for the actual costs incurred by the Town in connection with holding public meetings and forums substantially devoted to discussing the Facility and/or reviewing the Facility and for any and all reasonable consulting costs and fees related to the monitoring and enforcement of the terms of this Agreement, including, but not limited to independent financial auditors and legal fees.
4. **Late Payment Penalty:** The Company acknowledges that time is of the essence with respect to their timely payment of all funds required under Section 2 of this Agreement. In the event that any such payments are not fully made with ten (10) days of the date they are due, the Town shall provide the Company with written notice of such failure to make a timely payment. The Company shall have a ten (10) day period to cure such failure to make timely payment from the date of receipt of such notice. If the Company fails to make full payment within such cure period, the Company shall be required to pay the Town a late payment penalty equal to five percent (5%) of such required payments.

C. Annual Charitable/Non-Profit Contributions

The Company, in addition to any funds specified herein, shall annually contribute to public local charities/non-profit organizations in the Town an amount no less than \$10,000.00, said charities/non-profit organizations to be determined by the Company in its reasonable discretion. The Annual Charitable Non/Profit Contribution shall be made annually beginning on the first anniversary following the commencement of the operations, and shall continue for the term of this Agreement.

D. Annual Reporting for Host Community Impact Fees and Benefit Payments

The Company shall submit annual financial statements to the Town within 30 days after the payment of its Annual Community Impact Fee with a certification of its annual sales. The Company shall maintain books, financial records, and other compilations of data pertaining to the requirements of this Agreement in accordance with standard accounting practices and any applicable regulations or guidelines of the CCC. All records shall be kept for a period of at least seven (7) years. Upon request by the Town, the Company shall provide the Town with the same access to its financial records (to be treated as confidential, to the extent allowed by law) as it is required by the CCC and Department of Revenue for purposes of obtaining and maintaining a license for the Facility

During the term of this Agreement and for three years following the termination of this Agreement the Company shall agree, upon request of the Town to have its financial records examined, copied and audited by an Independent Financial Auditor, the expense of which shall be borne by the Company, such audits not to be conducted more than two times every five years without good cause. The Independent Financial Auditor shall review the Company's financial records for purposes of determining that the Annual Payments are in compliance with the terms of this Agreement. Such examination shall be made not less than thirty (30) days following written notice from the Town and shall occur only during normal business hours and at such place where said books, financial records and accounts are maintained. The Independent Financial Audit shall include those parts of the Company's books and financial records which relate to the payment, and shall include a certification of itemized gross sales for the previous calendar year, and all other information required to ascertain compliance with the terms of this Agreement. The independent audit of such records shall be conducted in such a manner as not to interfere with the Company's normal business activities.

3. Local Vendors and Employment

To the extent such practice and its implementation are consistent with federal, state, and municipal laws and regulations, the Company will make every effort in a legal and non-discriminatory manner to give priority to local businesses, suppliers, contractors, builders and vendors in the provision of goods and services called for in the construction, maintenance and continued operation of the BUD'S GOODS & PROVISIONS, CORP. when such contractors and suppliers are properly qualified and price competitive and shall use good faith efforts to hire Town residents.

4. Local Taxes

At all times during the Term of this Agreement, property, both real and personal, owned or operated by the Company shall be treated as taxable, and all applicable real estate and personal property taxes for that property shall be paid either directly by the Company or by its landlord and neither the Company nor its landlord shall object or otherwise challenge the taxability of such property and shall not seek a non-profit or agricultural exemption or reduction with respect to such taxes.

Notwithstanding the foregoing, (i) if real or personal property owned, leased or operated by the Company is determined to be non-taxable or partially non-taxable, or (ii) if the value of such property is abated with the effect of reducing or eliminating the tax which would otherwise be paid if assessed at fair cash value as defined in G.L. c. 59, §38, or (iii) if the Company is determined to be entitled or subject to exemption with the effect of reducing or eliminating the tax which would otherwise be due if not so exempted, then the Company shall pay to the Town an amount which when added to the taxes, if any, paid on such property, shall be equal to the taxes which would have been payable on such property at fair cash value and at the otherwise applicable tax rate, if there had been no abatement or exemption; this payment shall be in addition to the payment made by the Company under Section 2 of this Agreement.

5. Security

To the extent requested by the Town's Police Department, and subject to the security and architectural review requirements of the CCC, or such other state licensing or monitoring authority, as the case may be, the Company shall work with the Town's Police Department in determining the placement of exterior security cameras.

The Company agrees to cooperate with the Police Department, including but not limited to periodic meetings to review operational concerns, security, delivery schedule and procedures, cooperation in investigations, and communications with the Police Department of any suspicious activities at or in the immediate vicinity of the BUD'S GOODS & PROVISIONS, CORP., and with regard to any anti-diversion procedures.

To the extent requested by the Town's Police Department, the Company shall work with the Police Department to implement a comprehensive diversion prevention plan to prevent diversion, such plan to be in place prior to the commencement of operations at the Establishment.

6. Community Impact Hearing Concerns

The Company agrees to employ its best efforts to work collaboratively and cooperatively with its neighboring businesses and residents to establish written policies and procedures to address mitigation of any concerns or issues that may arise through its operation of the Facility, including, but not limited to any and all concerns or issues raised at the Company's required Community Outreach Meeting relative to the operation of the Facility; said written policies and procedures, as may be amended from time to time, shall be reviewed and approved by the Town and shall be incorporated herein by reference and made a part of this Agreement, the same as if each were fully set forth herein.

7. Additional Obligations

The obligations of the Company and the Town recited herein are specifically contingent upon the Company obtaining a license for operation of BUD'S GOODS & PROVISIONS, CORP. in the Town, and the Company's receipt of any and all necessary local approvals to locate, occupy, and operate BUD'S GOODS & PROVISIONS, CORP. in the Town, provided, however, that if the Company fails to secure any such other license and/or approval as may be required, or any of

required municipal approvals, the Company shall reimburse the Town for its legal fees associated with the negotiation of this agreement.

This agreement does not affect, limit, or control the authority of Town boards, commissions, and departments to carry out their respective powers and duties to decide upon and to issue, or deny, applicable permits and other approvals under the statutes and regulations of the Commonwealth, the General and Zoning Ordinances of the Town of Watertown, or applicable regulations of those boards, commissions, and departments or to enforce said statutes, Ordinances, and regulations. The Town, by entering into this Agreement, is not thereby required or obligated to issue such permits and approvals as may be necessary for a BUD'S GOODS & PROVISIONS, CORP. to operate in the Town, or to refrain from enforcement action against the Company and/or its BUD'S GOODS & PROVISIONS, CORP. for violation of the terms of said permits and approvals or said statutes, Ordinances, and regulations.

8. Re-Opener/Review

The Company or any "controlling person" in the Company, as defined in 935 CMR 500.02, shall be required to provide to the Town notice and a copy of any other Host Community Agreement entered into for any establishment in which the Company, or any controlling person in the Company, has any interest and which is licensed by the CCC as the same type of establishment as the entity governed by this agreement.

In the event the Company or any controlling person enters into a Host Community Agreement for Marijuana Establishment with another municipality in the Commonwealth that contains financial terms resulting in payments of a Community Impact Fee or other payments totaling a higher percentage of gross sales for the same type of establishment than the Company agrees to provide the Town pursuant to this Agreement, then the parties shall reopen this Agreement and negotiate an amendment resulting in financial benefits to the Town equivalent or superior to those provided to the other municipality.

9. Support

The Town agrees to submit to the CCC, or such other state licensing or monitoring authority, as the case may be, the required certifications relating to the Company's application for a license to operate the Facility where such compliance has been properly met, but makes no representation or promise that it will act on any other license or permit request, including, but not limited to any zoning application submitted for the Facility, in any particular way other than by the Town normal and regular course of conduct and in accordance with its rules and regulations and any statutory guidelines governing them.

10. Term

Except as expressly provided herein, this Agreement shall take effect on the date set forth above, and shall be applicable for as long as the Company operates BUD'S GOODS & PROVISIONS, CORP. in the Town with the exception of the Community Impact Fee, which shall be subject to the five (5) year statutory limitations of G.L. c.94G, §3(d).

In the event the Company has not secured a final license from the CCC and all necessary local permits from the Town and commenced operations at the Facility within two years from the date this Agreement takes effect, this Agreement shall expire and the Company shall be required to negotiate a new Host Community Agreement in order to operate the Facility within the Town. The Board of Selectmen, in its discretion, may agree to an extension of the two year expiration, for good cause, which shall include the time required to pursue or await the determination of an appeal of the special permit or other legal proceeding.

11. Successors/Assigns

The Company shall not assign, sublet, or otherwise transfer its rights nor delegate its obligations under this Agreement, in whole or in part, without the prior written consent from the Town, and shall not assign or obligate any of the monies payable under this Agreement, except by and with the written consent of the Town, such consent not to be unreasonably withheld, conditioned or delayed. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. Neither the Town nor the Company shall assign, sublet, or otherwise transfer any interest in the Agreement without the written consent of the other.

Events deemed an assignment include, without limitation: (i) Company's final and adjudicated bankruptcy whether voluntary or involuntary; (ii) the Company's takeover or merger by or with any other entity; (iii) the Company's outright sale of assets and equity, majority stock sale to another organization or entity for which the Company does not maintain a controlling equity interest; (iv) or any other change in ownership or status of the Company; (v) any assignment for the benefit of creditors; and/or (vi) any other assignment not approved in advance in writing by the Town.

12. Notices

Any and all notices, consents, demands, requests, approvals or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, and shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service, or, if sent by private overnight or other delivery service, when deposited with such delivery service.

To Town: Michael J. Driscoll
Town Manager
Town Hall
149 Main Street
Watertown, MA 02472

To Company: Alexander Mazin, President
BUD'S GOODS & PROVISIONS, CORP.
12 Pennsylvania Avenue
Newton, MA 02464

With a copy to: Brian S. Grossman
Bowditch & Dewey, LLP
200 Crossing Boulevard, Suite 300
Framingham, MA 01702

13. Severability

If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless the Town would be substantially or materially prejudiced. Further, the Company agrees that it will not challenge, in any jurisdiction, the enforceability of any provision included in this Agreement; and to the extent the validity of this Agreement is challenged by the Company in a court of competent jurisdiction, the Company shall pay for all reasonable fees and costs incurred by the Town in enforcing this Agreement.

14. Governing Law

This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, and the Company submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

15. Entire Agreement

This Agreement, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the Company and the Town with respect to the matters described herein. This Agreement supersedes all prior agreements, negotiations and representations, either written or oral, and it shall not be modified or amended except by a written document executed by the parties hereto.

16. Amendments/Waiver:

Amendments, or waivers of any term, condition, covenant, duty or obligation contained in this Agreement may be made only by written amendment executed by authorized representatives of both parties to the original Agreement, prior to the effective date of the amendment.

17. Headings:

The article, section, and/or paragraph headings in this Agreement are for convenience of reference only, and shall in no way affect, modify, define or be used in interpreting the text of this Agreement.

18. Counterparts

This Agreement may be signed in any number of counterparts all of which taken together, each of which is an original, and all of which shall constitute one and the same instrument, and any party hereto may execute this Agreement by signing one or more counterparts.

19. Signatures.

Facsimile signatures affixed to this Agreement shall have the same weight and authority as an original signature.

20. No Joint Venture:

The Parties hereto agree that nothing contained in this Agreement or any other documents executed in connection herewith is intended or shall be construed to establish the Town, or the Town and any other successor, affiliate or corporate entity as joint ventures or partners.

21. Nullity

This Agreement shall be null and void in the event that the Company does not locate a Marijuana Establishment in the Town or relocates the Marijuana Establishment out of the Town, provided, however, that if the Company decides not to locate a Marijuana Establishment in the Town, the Company shall reimburse the Town for its legal fees associated with the negotiation of this Agreement. Further, in the case of any relocation out of the Town, the Company agrees that an adjustment of Annual Payments due to the Town hereunder shall be calculated based upon the period of occupation of the Marijuana Establishment within the Town, but in no event shall the Town be responsible for the return of any funds provided to it by the Company.

22. Indemnification

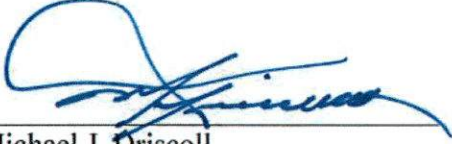
The Company shall indemnify, defend, and hold the Town harmless from and against any and all claims, demands, liabilities, actions, causes of action, defenses, proceedings and/or costs and expenses, including attorney's fees, brought against the Town, its agents, departments, officials, employees, insurers and/or successors, by any third party arising from or relating to the development of the Property and/or Facility. Such indemnification shall include, but shall not be limited to, all reasonable fees and reasonable costs of attorneys and other reasonable consultant fees and all fees and costs (including but not limited to attorneys and consultant fees and costs) shall be at charged at regular and customary municipal rates, of the Town's choosing incurred in defending such claims, actions, proceedings or demands. The Company agrees, within thirty (30) days of written notice by the Town, to reimburse the Town for any and all costs and fees incurred in defending itself with respect to any such claim, action, proceeding or demand.

23. Third-Parties

Nothing contained in this agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Town or the Company.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first written above.

TOWN OF WATERTOWN



Michael J. Driscoll
Town Manager,
On behalf of the
TOWN OF WATERTOWN

BUD'S GOODS & PROVISIONS,
CORP.



Alexander Mazin, President
On behalf of BUD'S GOODS &
PROVISIONS, CORP.

FIRST AMENDMENT TO HOST COMMUNITY AGREEMENT

This First Amendment to Host Community Agreement (the "Amendment") is entered into this day of [REDACTED], 2023 (the "Effective Date") by and between the City of Watertown (the "City"), a municipal corporation duly organized under the laws of the Commonwealth with a principal office address of 149 Main Street, Watertown, Massachusetts, acting by and through its Town Council (the "City"), in reliance upon all of the representations made herein, and Bud's Goods and Provisions, Corp., a Massachusetts corporation with a principal office address of 54 West Boylston Street, Worcester, Massachusetts (the "Company") (the City and Company, collectively, the "Parties" and each a "Party").

Commented [NJC1]: Please confirm; this is the address listed with the Secretary of State, which is different from the address provided in the HCA.

RECITALS

WHEREAS, the City and the Company entered into a Host Community Agreement on or about July 23, 2020 (the "HCA"), with respect to the Company's use of land known as at 330-350 Pleasant Street, Watertown, Massachusetts (the "Property"), as a licensed marijuana retail establishment (the "Facility");

WHEREAS, the Company obtained a final license from the Cannabis Control Commission (the "CCC") to commence operations at the Facility on or about [REDACTED] and seeks to continue operations in accordance with and pursuant to applicable state laws and regulations, including, but not limited to G.L. c.94G and 935 CMR 500.000, et seq., and such approvals as may be issued by the City in accordance with its ordinances, rules, regulations, and policies;

WHEREAS, Chapter 180 of the Acts of 2022, "An Act Relative to Equity in the Cannabis Industry" (the "Act"), amends G.L. c. 94G, §3 relative to host community agreements and community impact fees effective November 9, 2022;

WHEREAS, the CCC has been charged with promulgating rules and regulations for the implementation, administration and enforcement of the Act by November of 2023;

WHEREAS, the Company agrees that the City has already and will continue to experience additional expenses and impacts, both quantifiable and unquantifiable, on the City's road and other infrastructure systems, law enforcement, fire protection services, inspectional services, substance abuse programs and services, permitting and consulting services and public health, as well as unforeseen impacts on the City in the future as a result of the Company's continued operation of the Facility ("City Impact Costs");

WHEREAS, the Company desires to be a good corporate citizen and responsible member of the business community of the City and to reimburse the City for impacts associated with the Facility over and above typical economic development impacts attributable to typical retail operations in the City;

WHEREAS, the PARTIES agree that there is a dispute as to whether the Act retro-actively affects pre-existing host community agreements, such as the HCA; and

WHEREAS, the Parties desire to compromise and settle all disputes and potential disputes among them arising from the Act, and to commit the complete terms of their settlement to writing.

NOW, THEREFORE, in consideration of the mutual promises of the PARTIES contained herein and other good and valuable consideration, the receipt of which is hereby acknowledged, the PARTIES hereby agree as set forth herein.

1. The PARTIES agree that the above Recitals are true and accurate and that they are incorporated herein and made a part hereof.
2. The following language in the first paragraph of Section 2 of the HCA shall be stricken in its entirety:

An amount equal to three (3%) of the gross sales from marijuana and marijuana product sales from the Marijuana Establishment. The term "gross sales" shall have the same meaning as defined in Paragraph 2.A.1 below.

3. Section 2. A of the HCA shall be stricken in its entirety and replaced with the following new Section II. A:

A. Community Impact Fees

The Company acknowledges that, as a result of the Company's operation of the Facility, the City may incur both direct and indirect expenses and impacts including, but not limited to, consulting services, administrative services and public health education and substance abuse counseling services, and any necessary and related legal and enforcement costs, as well as unforeseen impacts on the City. Accordingly, in order to mitigate any direct and indirect financial impacts on the City and use of City resources, both quantifiable and unquantifiable, the Company agrees to pay community impact fees to the City under the terms provided herein (the "Community Impact Fees").

The Company shall annually provide written notice to the City within forty-eight (48) hours of each renewal of its marijuana establishment license (the "Annual License Renewal") from the CCC to operate the Facility.

Not later than one (1) month after the date of each Annual License Renewal, the City shall transmit to the Company its documentation of all actual costs, both incurred and reasonably anticipated, imposed upon City in the preceding year in relation to the operation of the Facility ("City Impact Costs") (the "Transmittal"); provided, however, that upon prior written notice to the

Commented [NJC2]: This is the timeframe required by the Act.

Company, the City may request an extension of time for the Transmittal, which request shall not be unreasonably denied by the Company. The Company agrees that the term "actual costs" includes anticipated costs rather than solely already-incurred costs, where such anticipated costs are part of an annual fiscal year budget approved by the City. The Company further agrees that an appropriation for funds or a contract for services shall be sufficient document of City Impact Costs.

The Company agrees and acknowledges that City Impact Costs shall include costs of the City for substance abuse counseling and waives any and all claims to the contrary. The Company shall therefore annually pay the City \$20,000.00 annually in Community Impact Fees for substance abuse counseling upon the City's inclusion of said amount in the Transmittal.

Commented [NJC3]: This is the specific payment the City is seeking. The new impact fee language in this draft amendment is broad enough to allow the City to invoice for any other impacts that become known in the future as well.

Each annual Transmittal setting forth the City Impact Costs shall constitute an invoice for Community Impact Fees and shall be payable by the Company within two (2) months of the issuance of the Transmittal; provided, however, that if the Company believes that the Community Impact Fees due (with the exception of the aforementioned substance abuse counseling costs) are not reasonably related to actual costs imposed upon City in the preceding year by the operation of the Facility, the Company shall submit a written request to the City within one (1) month of the issuance of the respective Transmittal (the "Request") and shall engage in good faith negotiations with the City to review the Community Impact Fees due.

Commented [NJC4]: See waiver above.

In the event that the Parties cannot resolve a dispute by informal negotiations under the preceding paragraph of this Section, the Company agrees to submit the dispute to mediation prior to challenging the Community Impact Fees in a court of competent jurisdiction. Within fourteen (14) days following the expiration of the time period for informal negotiations, the Parties shall propose and agree upon a neutral and otherwise qualified mediator, unless a longer time period is agreed to by the Parties. In the event that the Parties fail to agree upon a mediator, the Parties shall request the American Arbitration Association to appoint a mediator. The period for mediation shall commence upon the appointment of the mediator and shall not exceed ninety (90) days, unless such time period is modified by written agreement of the Parties. The decision to continue mediation shall be in the sole discretion of each Party. The Parties shall each bear their own costs of the mediation. In the event that the Parties cannot resolve a dispute by informal negotiations or mediation, either Party shall be entitled to seek judicial review of the Community Impact Fees.

Further, the Company acknowledges that the impacts of its operations at the Facility may be impracticable to ascertain and assess as impacts may result in budgetary increases though not separately identified, and consequently, unless the Company timely submits a timely Request to the City and engages in information negotiations and mediation as set forth in the preceding paragraphs of this Section, the Community Impact Fees shall be deemed reasonably related to the actual City Impact Costs, due and payable, and the Company hereby expressly waives any claims to the contrary; in exchange for and in reliance on such representation, among others, the City has entered into this Agreement. Therefore, the Parties agree that in the event that the Company challenges the City Impact Costs and Community Impact Fees requested by the City, it shall, notwithstanding the result of such challenge, waive any claim or request for the City to pay the Company its attorneys' fees and costs. The Company agrees that the foregoing provision is not intended to prohibit it from exercising any right to judicial relief nor as a penalty for any such exercise, but as an allocation of a specified risk to the Company.

The Community Impact Fees shall continue for a period of eight (8) years from the date the Company first commenced operations at the Facility.

The Community Impact Fees payments shall be sent to the City, Attn:

The Community Impact Fees are expressly included as "other municipal charges" pursuant to M.G.L. c. 40, § 57. A City licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of the Company or agent thereof if the Company's name appears on a list furnished to the licensing authority from the City Collector of individuals delinquent on their taxes and/or water bills.

The Company acknowledges that time is of the essence with respect to performance of its obligations hereunder and that late payments shall be subject to interest at the rates prescribed by G.L. c. 59, §57.

The Company agrees that City Impact Costs sought as Community Impact Fees may include anticipated costs rather than solely already-incurred costs. The Company acknowledges that the City may use the monies received from it as Community Impact Fees in its sole discretion. The City shall make a good faith effort to allocate such expenditures to off-set actual and anticipated costs arising from the impacts of the operation of marijuana establishments within its borders, including but not limited to Company's operations.

4. Section 2.C of the HCA shall be stricken in its entirety.

Commented [NJC5]: The Act allows impact fees for a term of 8 years from operation, did the City want to extend the impact fee term to the 8 years?

Commented [NJC6]: City treasurer?

Commented [NJC7]: Please confirm. The Act prohibits charitable contributions.

5. Section 2.D of the HCA shall be stricken in its entirety.
6. The following language in the first paragraph of Section 10 of the HCA shall be stricken in its entirety:
- with the exception of the Community Impact Fee, which shall be subject to the five (5) year statutory limitations of G.L. c.94G, §3(d)
7. Capitalized terms used herein, but not otherwise defined, shall have the meanings set forth in the HCA.
8. Except as expressly set forth in this Amendment, the HCA otherwise remains in full force and effect and is incorporated and restated herein as if fully set forth at length. Any reference in the HCA to the HCA shall be deemed to also refer to this Amendment.
9. In the event of any inconsistencies between the HCA and this Amendment, the terms of this Amendment shall take precedence.
10. This Amendment may be signed in any number of counterparts, each of which is an original, and all of which taken together shall constitute one and the same instrument, and any party hereto may execute this Amendment by signing one or more counterparts.
11. Each Party hereto represents and warrants that it is duly organized and existing and in good standing, has the full power, authority, and legal right to enter into and perform this Amendment, and the execution, delivery and performance hereof and thereof (i) will not violate any judgment, order, state law, bylaw, or regulation, and (ii) does not conflict with, or constitute a default under, any agreement or instrument to which the parties may be bound or affected.
12. Each person signing this Amendment hereby represents and warrants that he or she has the full authority and is duly authorized and empowered to execute this Amendment on behalf of the Party for which he or she signs.
13. Facsimile and electronic signatures affixed to this Amendment shall have the same weight and authority as an original signature.
14. This Amendment shall be effective as of [REDACTED], 2023.

Commented [NJC8]: This section required certification of gross sales for purposes of the impact fee percent based payment.

Commented [NJC9]: See comment above re: 8 vs. 5 years.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment under seal as of the day and year first written above.

CITY OF WATERTOWN,
by and through its Town Council,

BUD'S GOODS & PROVISIONS,
CORP.,

Mark S. Sideris
Council President
Authorized by Town Council

Alexander Mazin, President

862659/WATR/0420

CITY COUNCIL ROLL CALL VOTE
MEETING DATE: AUGUST 8, 2023

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

Motion to accept the Committee Report from the Committee on Economic Development & Planning Meeting on August 2, 2023 and its Action Items



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: August 2, 2023

The Committee convened on Wednesday August 2, 2023 at 5:00 pm by Zoom, pursuant to Chapter 2 of the Acts of 2023. Present were Lisa Feltner, chair; Gannon, vice chair; and Vincent Piccirilli, secretary. Also present were residents Joan Gumbleton, Linda Scott, and Jacky van Leeuwen.

The purpose of the meeting was to conduct Zoning Board of Appeals and Planning Board interviews. It was called to order at 5:03 pm.

Samuel Odamah has a Masters in Architecture and a Masters in Education, and is a candidate for appointment to the ZBA as an alternate member. He currently works for the Harvard Graduate School of Education as an academic coach. His career path changed, and he never worked professionally as an architect, but as a student he worked for Community Solutions by Design doing visioning for city planning, working with the public and community leaders. As a parent with two small children, he has a deep interest in the future of the city that his children will grow up in. He feels that good design needs to take into account the feelings of the community. With his educational and career experience, he feels well equipped, when making a decision with his colleagues on the ZBA, to listen to input from all stakeholders, and balance what is allowed by the law versus the priorities voiced by the public.

Christopher Heep is an attorney at Miyares & Harrington specializing in municipal, land use, and environmental law. He has been on the ZBA since 2011 and is seeking reappointment as a full member. He loves volunteering on the ZBA as both a way to share his expertise with the community, as well as play a role in its future. He thinks the ZBA works well together and is doing a very good job in developing recommendations for projects that are being approved. He listens carefully to all input from developers, the public, and staff. When reaching a decision, he weighs what is allowed under the zoning ordinance, what the impacts are to the public, how those impacts can be mitigated, and if the impacts are too big and can't be mitigated, then a perhaps a project should not be approved.

Payson Whitney is a Registered Professional Engineer with 25 years of experience in civil and coastal engineering and project management at ESS Group. He has been on the Planning Board since 2017 and is seeking reappointment. He is enthusiastic serving on the Board, and as the Special Permit Granting Authority for very large projects on Pleasant and Arsenal Streets, there are still a lot of projects underway that he is working on. He respects the expertise and insights that his colleagues bring to discussions, and he has changed his mind on occasion based on what he learned. He understands the emotions that come into play with public comments, but he strives to take the emotion out of it and stick to facts when making a decision. He believes that the Planning Board should work with DCDP to develop guidelines for their proceedings, perhaps with input from developers/applicants and the public; for example, he has browsed the Salem, MA Planning Board Handbook. He would also like to be sure that Planning Board has adequate time to review all applicant materials prior to

meetings; it would also be more helpful to receive emailed comments from the public beforehand, while understanding it can take time to absorb the details of large projects and comments would still be welcomed during the meetings.

- ➔ **Action Item:** Councilor Piccirilli made a motion, seconded by Councilor Gannon, to recommend that the City Council confirm Samuel Odamah for appointment as an alternate member of the Zoning Board of Appeals for a term expiring February 15, 2025. Voted 3-0 on a roll call.
- ➔ **Action Item:** Councilor Piccirilli made a motion, seconded by Councilor Gannon, to recommend that the City Council confirm Christopher Heep for reappointment as a full member of the Zoning Board of Appeals for a term expiring February 15, 2028. Voted 3-0 on a roll call.
- ➔ **Action Item:** Councilor Piccirilli made a motion, seconded by Councilor Gannon, to recommend that the City Council confirm Payson Whitney for reappointment to the Planning Board for a term expiring February 15, 2026. Voted 3-0 on a roll call.

The meeting adjourned at 6:05 pm on a roll call.

Report prepared by Vincent Piccirilli