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January 29, 2025
127460-1

Via Hand Delivery

Medford City Council
City Clerk's Office
85 George P. Hassett Drive
Medford, MA 02155

Re: 10 & 20 Revere Beach Parkway, Medford (the "Property")
Petition for Zoning Amendment to Wellington Station Multi-family Overlay
District

Dear Members of the City Council:

Nutter McClennen & Fish LLP represents Transom Real Estate, LLC ("Applicant") and the Petitioners, as hereinafter defined. Pursuant to M.G.L. c. 40A, § 5, the Applicant and the Petitioners request that the City Council amend the text of the Wellington Station Multi-family Overlay District ("WSMOD") as proposed in the enclosed redline text amendment. The Property consists of two parcels which are currently owned by Houllahan Properties LLC and 10 Revere Beach Parkway, LLC ("Petitioners"), both of which consent to the Petition.

The Applicant is prepared to propose a multifamily development on the Property, but in order to do so, seeks three clarifications to the WSMOD.

First, the table of Dimensional Standards in Section E of the WSMOD establishes a Maximum Front Yard Setback of 15 feet. The Petitioners' Property, as well as others on the Fellsway and Revere Beach Parkway is subject to a perpetual deed restriction held by the Massachusetts Department of Conservation and Recreation that requires a minimum front yard setback of 20 feet. Accordingly, it is not possible for any development on the Property, or any property subject to a DCR held setback restriction to comply with the Maximum Front Yard Setback. Accordingly, the Petitioners propose adding a footnote to the dimensional table that would provide that for any property subject to a public agency held building restriction, the maximum setbacks shall coincide with that restriction.

Second, in the table of Development Incentive Bonuses, it currently provides for additional bonus stories of height for a Development that is "Certified" as LEED Gold or LEED Platinum or equivalent standard. The Petitioners propose to modified "Certified" to "Certifiable". Because LEED is a certification by a private entity, while the Applicant can design to the current criteria, it cannot control what criteria may be in effect at the time the building is

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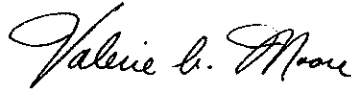
constructed and thus eligible to apply for certification. Accordingly, changing the language to “certifiable” prevents a building from becoming in violation of zoning if the criteria for LEED certification change during the building’s development.

Finally, in the Definitions section, the Applicant proposes to clarify the definition of “Building Coverage” to make clear that it does not include building overhangs. The current definition is ambiguous on this point which could lead to inconsistent interpretations.

Following the clarifications, the Applicant’s proposed redevelopment will still be subject to site plan review by the Community Development Board.

We look forward to discussing the Applicant’s vision for the site further with you and are happy to provide any additional information you require.

Very truly yours,

A handwritten signature in cursive script that reads "Valerie A. Moore".

Valerie A. Moore

VAM:

Enclosure

cc: Peter Spellios
Bryan Lee
Alicia Hunt

7059123.1

Section [x]: Wellington Station Multi-family Overlay District

A. Purpose

The purpose of the Wellington Station Multi-family Overlay District (WSMOD) is to allow multi-family housing as of right in accordance with Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

1. Encourage the production of a variety of housing sizes and typologies to provide equal access to new housing throughout the community for people with a variety of needs and income levels.
2. Locate housing within walking distance of public transit to promote public health, reduce the number of vehicular miles travelled, support economic development, and meet community-based environmental goals, including reducing greenhouse gases and improving air quality.
3. Support vibrant neighborhoods by encouraging an appropriate mix and intensity of uses to support an active public space that provides equal access to housing, jobs, gathering spaces, recreational opportunities, goods, and services within a half-mile of a transit station.

B. Establishment and Applicability

This WSMOD is an overlay district having a land area of approximately 138 acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map.

1. **Applicability of WSMOD.** An applicant may develop multi-family housing located within a WSMOD in accordance with the provisions of this Section [x].
2. **Underlying Zoning.** The WSMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right or by special permit in the WSMOD. Uses that are not identified in Section [x] are governed by the requirements of the underlying zoning district(s).

C. Definitions.

For purposes of this Section[x], the following definitions shall apply.

1. **Active Ground Floor Use.** Active ground-floor uses are those that promote significant pedestrian traffic in and out of the ground floor. These uses can include restaurant, retail, personal services, and lobbies for office and residential uses that also serve other active

uses. The active ground floor spaces should be directly accessible from the sidewalk or a public open space.

2. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, Special Permit, or other zoning relief.
3. **As of right.** Development that may proceed under the Zoning in place at time of application without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
4. **Building coverage.** The maximum area of the lot that can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking and does not include any building overhangs.
5. **Private entertainment/recreation facility.** A type of Retail or Consumer Service Establishment whose principal use is to provide entertainment or recreation services to the general public, wholly in an enclosed building, and for which user fees are charged and which is operated for profit, such as but not limited to a bowling alley, rock climbing gym, skating or skateboard rink, pool hall, billiard parlor, establishment containing more than three pinball machines or similar automatic amusement devices, or game room.
6. **Compliance Guidelines.** Compliance Guidelines for Multi-Family Zoning Districts Under Section 3A of the Zoning Act as further revised or amended from time to time.
7. **Development Incentive Bonus.** An incentive that allows one or two additional stories in exchange for incorporating provisions into the development that provide community benefits and support City goals as provided for in Section [x] Development Incentive Bonuses.
8. **Development standards.** Provisions of Section [x] E. Dimensional Standards made applicable to projects within the WSMOD.
9. **Lot.** An area of land with definite boundaries that is used or available for use as the site of a building or buildings.
10. **Mixed-use development.** Development containing a mix of residential uses and nonresidential uses, including commercial, institutional, industrial, or other uses.
11. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
12. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.
13. **Open space.** Contiguous undeveloped land within a parcel boundary.

14. **Parking, structured.** A structure in which vehicle parking is accommodated on multiple stories; a vehicle parking area that is underneath all or part of any story of a structure; or a vehicle parking area that is not underneath a structure, but is entirely covered, and has a parking surface at least eight feet below grade. Structured Parking does not include surface parking or carports, including solar carports.
15. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for the purposes of this definition.
16. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
17. **Section 3A.** Section 3A of the Zoning Act.
18. **Site Plan Review.** A comprehensive review procedure established by local ordinance by which a Site Plan Review Authority reviews, and potentially imposes conditions on, the appearance and layout of a specific project prior to the issuance of a building permit.
19. **Site plan review authority.** The Site Plan Review Authority shall be the Community Development Board.
20. **Special permit granting authority.** The Special Permit Granting Authority shall be the Community Development Board for the issuance of special permits in the Wellington Multi-Family Overlay District (WSMOD).

D. Table of Uses and Parking Regulations

	WSMOD
A. RESIDENTIAL USES	
8. Senior housing facility	Y
9. Multi-family	Y
B. COMMUNITY USES	
2. Community center or adult recreational center, nonprofit	Y
5. Child care center or school aged child care program	Y
D. COMMERCIAL USES	
1. Private entertainment or recreation facility excluding adult uses	Y
6. Hotel, large	Y
9. Brewery or taproom ¹	Y
E. OFFICE USES	
1. Business, professional, or government office	Y
2. Business, professional, or government office, large	Y
3. Medical office	CD
4. Bank and other financial institution	CD
F. RETAIL AND SERVICE USES	
1. Retail sales ²	Y

2. Convenience retail ²	Y
3. Neighborhood retail	Y
4. Drive through retail sales and consumer service	CD
5. Consumer service establishment	Y
G. EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS	
1. Eating place, without drive through	Y
2. Eating place, with drive through	CD
I. MISCELLANEOUS COMMERCIAL USES	
2. Parking area or garage accessory to a principal use which is on the same lot as a conforming principal use	Y
3. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use but not necessarily in the same district	Y
J. WHOLESALE, TRANSPORTATION, INDUSTRIAL USES	
6. Research and testing laboratory	Y
K. ACCESSORY USES	
1. Home occupation (see § 94-3.4), As of right	Y
2. Accessory child care center or school aged child care program	Y

E. Dimensional Standards

1. Table of Dimensional Standards. Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the WSMOD are as follows:

Baseline Standards	
Minimum Lot Size (SF)	7,000 s.f.
Maximum Building Coverage (%)	80%
Maximum Height	
Stories (minimum)	2
Stories (maximum)	4
Stories (maximum with bonus incentives)	9
Feet (maximum)	80'
Feet (maximum with bonus incentives)	140'
Front Yard Setback (a, b)	
Min. to Max. (ft.)	0 to 15 feet.
Side Yard Setback (a, b, c)	
Corner (ft.)	Same as front yard setback.
Interior (ft.)	0 to 10 feet.
Rear Yard Setback (c, d)	
Min. to Max. (ft.)	10 feet to 40 feet.

- a. The building façade must be set back from the lot line at a distance sufficient to create a 12-15-foot sidewalk in conjunction with an existing City sidewalk. A maximum setback of an additional ten feet is allowed for the purpose of creating an active public plaza.
- b. The required setback distances may be waived to allow for a cut-out along the curb for loading and short-term parking for deliveries or drop-off/pick-up zones. Such a cut-out must be coordinated with City staff. The required setback distances may also be waived to allow a development to meet the requirements of Chapter 91.
- c. A setback next to an existing lot with a residential use of fewer than 5 units must include a landscaped buffer at least 10 feet wide or a fence of eight feet in height a minimum of five feet from the lot line. The area between the lot line and the fence must be landscaped. The property owner must maintain the buffer, landscaping, and fence, as applicable.
- d. Deeper setbacks are encouraged along the rail line.
- d.e. For any lot subject to a building restriction held by a state agency, including, but not limited to, an easement, a taking, or deed restriction, the maximum front, side, and rear yard setbacks shall be the minimum setback allowed by the state-agency held restriction for the applicable lot line.

2. **Table of Development Incentive Bonuses.** In exchange for incorporating certain provisions that further the City's goals for affordability, economic development, environmental sustainability, and climate resiliency, Applicants may receive Development Incentive Bonuses that allow for certain development permissions beyond what is allowed as of right.

Development Incentive Bonuses	
Provide active ground floor space at no less than 75% of the ground floor.	1 additional story
Provide a minimum of 50% of the ground floor at rents no less than 15% below market for a minimum tenancy of three years to qualified nonresidential tenants (nonprofits, local business under 10 employees)	1 additional story
Affordability Requirements	
<ul style="list-style-type: none"> Designate 20% of the total required affordable units at or below 65% AMI, OR Designate 30% of the total required affordable units at or below 65% AMI 	1 additional story OR 2 additional stories
<ul style="list-style-type: none"> Provide an additional 20% additional affordable units above the required number, OR Provide an additional 30% additional affordable units above the required number, 	1 additional story OR 2 additional stories

Building is certified as Net Zero Emissions Building	1 additional story
Development is: Certifiable as LEED Gold or equivalent standard, OR Certifiable as LEED Platinum or equivalent standard	1 additional story OR 2 additional stories

3. **Multi-Building Lots.** In the WSMOD, lots may have more than one principal building.
4. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.
5. **Exceptions: Renewable Energy Installations.** The Site Plan Review Authority or Special Permit Granting Authority may waive the height and setbacks in **Section [x] E. Dimensional Standards** to accommodate the installation of solar photovoltaic, solar thermal, living, and other eco-roofs, energy storage, and air-source heat pump equipment. Such installations shall not create a significant detriment to abutters in terms of noise or shadow and must be appropriately integrated into the architecture of the building and the layout of the site. The installations shall not provide additional habitable space within the development.

F. Off-Street Parking Refer to existing parking

Development in the WSMOD is subject to the requirements of Section 94-6.1 Parking and Loading except for the provisions below.

1. **Number of parking spaces.** The following maximum numbers of off-street parking spaces shall be permitted by use, either in surface parking or within garages or other structures:

Use	Minimum Spaces	Maximum Spaces
Multi-family	0.5 spaces per dwelling unit	1.2 spaces per dwelling unit

2. **Number of bicycle parking spaces.** The following minimum numbers of covered bicycle storage spaces shall be provided by use:

Use	Minimum Spaces
Multi-family	1 space per dwelling unit
Mixed-Use (Non-residential)/Commercial	0.5 spaces per 1,000 SF

3. **Bicycle storage.** For a multi-family development or a mixed-use development, a minimum of 50% of the required bicycle spaces shall be covered or integrated into the structure of the building(s). E-bike storage is only permitted in an area that is separated from the dwelling units by a fire-rated structure.

4. **Number of electric vehicle (EV) charging stations.** For all uses within the WSMOD, electric charging stations are required with one EV space required for every [twenty (20)] parking spaces, rounded up to the next highest number of EV stations.

G. Design Guidelines and General Development Standards

1. The Site Plan Review Authority may adopt and amend, by simple majority vote, Design Standards which shall be applicable to all rehabilitation, redevelopment, or new construction submitted under this WSMOD. Such Design Guidelines must be objective and not subjective and may only address the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties. Design Guidelines may contain graphics illustrating a particular standard or definition to make such standard or definition clear and understandable.
2. Development standards in the WSMOD are applicable to all projects submitted under this WSMOD. These standards are components of the Site Plan Review process in **Section [x] I. Site Plan Review**.
3. **Site Design.**
 - a. **Connections.** Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
 - b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged. Designated drop-off and pick-up areas for deliveries and ridesharing companies should be incorporated to reduce conflicts associated with double-parking and blocking of bicycle lanes, crosswalks, and bus stops. These areas should be clearly marked with signs and conveniently located near entrances to buildings and major destinations.
 - c. **Open Space.** Open Space shall be contiguous and connected to the pedestrian network. Isolated pockets of space that cannot be accessed for maintenance are prohibited. Open Space may be either private or public. Public open space shall be in the front or side setback.
 - d. **Screening for Surface Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy establishment of trees, shrubs, and perennials, but no less than [6 (six)] feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk. Chain-link and vinyl fences are prohibited.
 - e. **Parking Materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure.

- f. **Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
 - g. **Lighting.** Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) and shall provide illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing the amount of skyglow.
 - h. **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
 - i. **Dumpsters.** Dumpsters shall be screened by a combination of fencing and plantings. Where possible, dumpsters or other trash and recycling collection points shall be located within the building.
 - j. **Stormwater management.** Strategies that demonstrate the compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, and the City of Medford's Stormwater Management Rules and Regulations. The applicant shall also provide an Operations and Management Plan for both the construction activities and ongoing post-construction maintenance and reporting requirements.
4. **Buildings: General.**
- a. **Position relative to principal street.** The primary building shall have its principal façade and entrance facing the principal street. See also Section G.7. Buildings: Corner Lots.
 - b. **Entries.** Where feasible, entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk.
5. **Buildings: Multiple buildings on a lot.**
- a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
 - b. Parking and circulation on the site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
 - c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.

- d. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
 - e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.
6. **Buildings:** Mixed-use development.
- a. In a mixed-use building, access to and egress from the residential component shall be clearly differentiated from access to other uses. Such differentiation may occur by using separate entrances or egresses from the building or within a lobby space shared among different uses.
 - b. Paved pedestrian access from the residential component shall be provided to residential parking and amenities and to the public sidewalk, as applicable.
 - c. Materials for non-residential uses shall be stored inside or under cover and shall not be accessible to residents of the development.
 - d. Parking and circulation on the site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
7. **Buildings:** Shared Outdoor Space. Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be in any combination of ground floor, courtyard, rooftop, or terrace. All outdoor space shall count towards the project's minimum Open Space requirement.
8. **Buildings:** Corner Lots. A building on a corner lot shall indicate a primary entrance either along one of the street-facing façades or on the primary corner as an entrance serving both streets.
- a. Such entries shall be connected by a paved surface to the public sidewalk, if applicable.
 - b. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
 - c. Fire exits serving more than one story shall not be located on either of the street-facing façades.
9. **Buildings:** Infill Lots. If the adjacent buildings are set back at a distance that exceeds the minimum front yard requirements, infill buildings shall meet the requirements of Section [x] E. Dimensional Standards. Otherwise, infill buildings may match the setback line of either adjacent building, or an average of the setback of the two buildings to provide consistency along the street.

10. **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade.

- a. **Surface parking.** Surface parking shall be located to the rear or side of the principal building. Parking shall not be in the setback between the building and any lot line adjacent to the public right-of-way.
- b. **Integrated garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
- c. **Parking structures.** Above grade parking structures (stand-alone or within a residential, commercial, or mixed-use building) shall be subordinate in design and placement to the primary uses. Ground floor parking levels shall be wrapped with active uses such as commercial/retail, community spaces, or residential amenity spaces. Exposed facades of upper parking levels shall incorporate design treatments such as public art installations, vertical planting, or other architectural features for visual interest and to disguise the parking uses within. Vehicular openings shall have doors.

11. **Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance Guidelines, the Site Plan Review Authority may waive the requirements of this Section [x] G. General Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the WSMOD.]

H. Affordability Requirements. Development in the WSMOD is subject to the requirements of Section 94-8.1 Inclusionary Housing.

I. Site Plan Review. Development in the WSMOD is subject to the requirements outlined in section 94-11.7 Site Plan Review.

J. Severability.

If any provision of this Section [x] is found to be invalid by a court of competent jurisdiction, the remainder of Section [x] shall not be affected but shall remain in full force. The invalidity of any provision of this Section [x] shall not affect the validity of the remainder of the City of Medford's Zoning.

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