



Medford City Council  
Medford, Massachusetts

**The Sixth Regular Meeting, March 25, 2025**

**City Council**

Isaac B. "Zac" Bears  
Anna Callahan  
Kit Collins  
Emily Lazzaro  
Matt Leming  
George A. Scarpelli  
Justin Tseng

This meeting will take place at 7:00 P.M. in the City Council Chamber, 2nd Floor, Medford City Hall, 85 George P. Hassett Drive, Medford, MA and via Zoom.

Zoom Link: <https://us06web.zoom.us/j/87552234346>

Call-in Number: +13092053325,,87552234346#

Live: Channel 22 (Comcast), Channel 43 (Verizon), [YouTube](#), and medfordtv.org.

To submit written comments, please email AHurtubise@medford-ma.gov.

**CALL TO ORDER & ROLL CALL**

**SALUTE TO THE FLAG**

**ANNOUNCEMENTS, ACCOLADES, REMEMBRANCES, REPORTS, AND RECORDS**

**25-046 - Offered by George Scarpelli, City Councilor**

Resolution to Celebrate 50th Anniversary of Richard and Cheryl Montecalvo

**Records**

The Records of the Meeting of March 11, 2025 were passed to Councilor Scarpelli.

The Records of the Joint Session of March 19, 2025 were passed to Councilor Tseng.

### **Reports of Committees**

#### **25-037 - Offered by Isaac Bears, Council President**

Committee of the Whole, March 11, 2025, Report to Follow

#### **24-033 - Offered by Kit Collins, Council Vice President**

Planning and Permitting Committee, March 12, 2025, Report to Follow

#### **25-039 - Offered by Isaac Bears, Council President**

Committee of the Whole, March 18, 2025, Report to Follow

### **HEARINGS**

#### **25-032**

Proposed Amendments to the Medford Zoning Ordinance - 10 & 20 Revere Beach Parkway

### **PETITIONS, PRESENTATIONS, AND SIMILAR PAPERS**

#### **25-045**

Appeal of Sign Permit Refusal - 42 Fulbright Street

### **MOTIONS, ORDERS, AND RESOLUTIONS**

#### **25-040 - Offered by Kit Collins, Council Vice President**

Resolution in Support of a Fair Contract for Tufts University's Full-Time Lecturers

#### **25-041 - Offered by Justin Tseng, City Councilor**

Resolution for Public Engagement Plan for FY26 Budget

#### **25-044 - Offered by Kit Collins, Council Vice President**

Proposed Amendments to the Medford Zoning Ordinance - Neighborhood Residential and Urban Residential Districts (for referral to the Community Development Board)

#### **25-039 - Offered by Isaac Bears, Council President**

FY2026 City Council Budget Recommendations to Mayor

## **COMMUNICATIONS FROM THE MAYOR**

**25-047**

**Offered by Mayor Breanna Lungo-Koehn**

Appropriation of Free Cash and Retained Earnings

## **PUBLIC PARTICIPATION**

To participate outside of Zoom, please e-mail AHurtubise@medford-ma.gov.

## **UNFINISHED BUSINESS**

**24-031** Request a Representative from BJ's Wholesale Club Meet to Discuss Construction and Neighborhood Concerns

IN CITY COUNCIL FEBRUARY 6, 2024

TABLED

**25-020** Transfer and Conveyance of McCormack Avenue Parcels

IN CITY COUNCIL JANUARY 28, 2025

TABLED

**25-028** Loan Order - MWRA Water Bonds

FIRST READING FEBRUARY 25, 2025

ADVERTISED MARCH 13, 2025 - MEDFORD TRANSCRIPT AND SOMERVILLE JOURNAL

ELIGIBLE FOR THIRD MARCH 25, 2025  
READING

### **Reports Due/Deadlines**

**16-574** University Accountability Report (Next Report Due in March 2025)

**22-026** Quarterly Presentation on City's Financial Health by Chief Financial Officer/Auditor

**22-027** Monthly Copy of Warrant Articles from Chief Financial Officer/Auditor

## **Adjournment**



Medford City Council  
Medford, Massachusetts

MEETING DATE	SPONSORED BY
March 25, 2025	George Scarpelli, City Councilor
AGENDA ITEM	<u>25-046</u> - Resolution to Celebrate 50th Anniversary of Richard and Cheryl Montecalvo
FULL TEXT AND DESCRIPTION	<p>In recognition of the 50th Wedding Anniversary of Richard and Cheryl Montecalvo, the warmest congratulations and best wishes on this joyous occasion are offered.</p> <p>For fifty years, Richard and Cheryl have shared a remarkable journey of love, commitment, and devotion, serving as an inspiration to family, friends, and your community. Your partnership is a testament to the strength of love, the power of unity, and the beauty of a lifelong commitment.</p> <p>In recognition of this momentous occasion the City of Medford proudly honors this milestone, celebrating the cherished memories you have created and the legacy of love you continue to build.</p> <p>Therefore, be it so resolved, on behalf of the Medford City Council, I extend heartfelt appreciation and best wishes for continued happiness, health, and love in the years ahead.</p>
RECOMMENDATION	
FISCAL IMPACT	
ATTACHMENTS	None

**25-039**  
**COMMITTEE OF THE WHOLE**  
**MEETING REPORT, JOINT SESSION**  
**OF THE**  
**MEDFORD CITY COUNCIL AND THE MEDFORD SCHOOL COMMITTEE**  
**WEDNESDAY, MARCH 19, 2025 @ 6:00 P.M.**

Attendees: Council President Isaac "Zac" Bears; Council Vice President Kit Collins; Councillor Anna Callahan; Councillor Emily Lazzaro; Councillor Matt Leming; Councillor George Scarpelli; Councillor Justin Tseng; Mayor and School Committee Chair Breanna Lungo-Koehn, School Committee Vice-Chair Jenny Graham; School Committee Member Nicole Branley; School Committee Member John Intoppa; School Committee Member Aaron Olapade; School Committee Member Erika Reinfeld; School Committee Member Paul Ruseau; City Clerk Adam Hurtubise; Chief of Staff Nina Nazarian; Chief Financial Officer Bob Dickinson; other participants as noted in the body of this report.

President Bears and Mayor Lungo-Koehn called the joint session to order at 6:00 p.m. on March 19, 2025 in the City Council Chambers on the second floor of Medford City Hall, and via Zoom. The purpose of the meeting was to adopt Joint Session rules (Paper 25-044) and to discuss a resolution regarding the schedule of the annual budget process for FY2026 (Paper 25-039).

President Bears and Mayor Lungo-Koehn thanked participants for attending.\

The first matter was adoption of the joint rules. Councillor Callahan moved to waive reading and accept (Councillor Lazzaro second)—approved by the Council on a roll call vote of seven in favor and zero opposed. The School Committee made a similar seconded motion which passed with seven in favor and zero opposed.

Discussion turned to discussion of the annual budget process. Member Graham said that there has been a preliminary meeting about the school committee budget from an enrollment projection and from a funding revenue sources perspective. She said we are having our budget meeting on the 24<sup>th</sup>. She said we are slightly off our intended target but we will be ready to submit our initial request to the Mayor by early April.

Director Dickinson presented a financial update and a projection for what might be available for fiscal year 2026. He said that the caveat is that all these numbers change. He said that the Fiscal 24 books are closed and the audit should be in hand by Monday morning. He said that the single audit will all be done well before the end of March. He said free cash is approximately \$28,343,000. Retained water and sewer earnings are about \$12,653,475.

Member Ruseau asked for a definition of turnbacks. Director Dickinson said that's where free cash comes from. He said you estimate your revenue. Councillor Lazzaro asked for electronic copies and Director Dickinson said he would provide it.

President Bears asked about excess local receipts. Director Dickinson said that we still have some unspent ARPA money that has been allocated but not yet spent. He said he does not expect for local receipts to be anywhere near what we got in fiscal 2024.

Councillor Scarpelli said he wanted to clarify that we have \$28 million in free cash today. Director Dickinson confirmed this. President Bears said that the free cash balance decreased by \$6 million.

Director Dickinson said right now we expect everything to be fine for the Medford Public Schools. He discussed new growth numbers. He said that the new levy capacity estimate is \$159,544,213.75 based on a prop 2 and ½ increase of \$3.8 million and a recap estimate of \$18,453,030 and a current 2025 estimate of \$21,124,900. He said we expect motor vehicle excise taxes to be flat at around \$7,063,000, hotel and meals to increase slightly to \$3,200,000. He estimated local receipts to be about \$21,500,000 for 2026. He said that the cherry sheet estimate tends to be a conservative estimate. He said he expects the net cherry sheet revenue to be \$22,358,418.

Member Graham asked if the \$22,358,418 is what we are using for planning purposes and Director Dickinson said yes.

The Mayor said most cities and towns uses the Governor's proposal. She said hopefully we adjust up and not down.

Director Dickinson discussed casino mitigation funds. He said we are probably going to see increases in insurance costs. He detailed snow and ice costs and other costs in non-budgeted expenses. He said every year, it's good to keep a close eye on your overlay. He said that this is the money that funds tax abatements. He said we will have a little less than \$205 million to spend at this time.

Member Ruseau asked about the state assessment and the amount for charter schools.

Councillor Leming asked if there is a way to get the year by year number for the amount of money the city receives from the federal government. Director Dickinson said right now we're keeping a close eye on that. He said he's trying to formulate a list of all the monies that we get from the federal government.

The Mayor said we have been working on this since January, by department, and just gave those numbers to finance. She said we can definitely get a snapshot of this. Councillor Leming said even a ballpark estimate of previous years would be good.

Councillor Lazzaro asked if there is an estimate of new growth for prior years. Director Dickinson said new growth depends on the year and it also depends on staffing. He

said our previous Assessor worked very hard on making sure we got those numbers. He said that the number is certified by the state.

Chief of Staff Nazarian said we promoted the Assistant Assessor to Chief Assessor and we are working to fill the assistant role. She said we are in the ballpark of \$2.5 million.

Director Dickinson detailed the work being done to date by his department, the Chief of Staff, the Mayor, and Department Heads. He said he expects the 2026 budget to be ready by Friday, May 30. He said the fiscal 25 health insurance budget was \$28 million and we expect it to be \$31 million for 2026. He said that this amount is going up 10% and the levy is going up 4% so this is a big number. He said that workers' compensation will probably be over budget because of a large settlement. He said pension obligations keep the increase every year to 3.5 to 4%. He said that the latest new growth estimate is \$2.2 million but that MVDC parcels moving out of PILOT payment will reduce local receipts.

President Bears said that this is essentially the Rivers Edge development. Director Dickinson said we will get more in taxes than we will in PILOT payments. He said it is shifting into new growth from local receipts. He said we have been working to keep capital expenditures away from the operating budget. He said you generally use free cash to pay for these items. He said that this is an ongoing process.

Member Ruseau asked if the House and Senate pass a budget before June 30th, does that mean that all of our budget can be done and signed off before they've finalized the numbers. Director Dickinson said that money coming in after that would go into the general fund and then into free cash.

Member Reinfeld asked if on the city side, we are going to see non-standard increases in departments. She said her understanding is that some of the departments were a little restrained last year.

The Mayor said that she and Chief of Staff Nazarian and Budget Director Cardello are meeting with each department head. She said it's a priority of hers, of the Council, and the schools to make sure our schools and library are funded properly. She said we have had tough budgets on the city side. She said we are going to take a hard look to see what can be added. She said that if there is additional funding, we want to make sure we meet the needs of the schools. She said this is a work in progress and we hope to have those meetings done by the end of April.

President Bears asked about pension obligations.

Mayor Lungo-Koehn departed at 7:02 p.m. and Vice Chair Graham took the Chair of the School Committee.

Director Dickinson said pensions are required to be fully funded by 2040.

President Bears asked for a motion to request that Director Dickinson provide a breakdown of the local receipts for 23, 24, and 25. Councillor Callahan so moved (Councillor Lazzaro second)—approved on a roll call vote of seven in favor and zero opposed.

Vice Chair Graham thanked the Chief of Staff and Director Dickinson. She said she is glad that we are here.

Councillor Scarpelli requested that the joint session sing Happy Birthday to School Committee Member Intoppa.

Councillor Lazzaro moved to adjourn and Member Reinfeld moved to adjourn at 7:13 p.m. (Councillor Callahan and Member Olapade second)—School Committee approved on a roll call vote of six in favor, zero opposed, and Mayor Lungo-Koehn absent; Council approved on a roll call vote of six in favor and Councillor Callahan opposed.

President Bears and Vice Chair Graham adjourned the meeting at 7:13 p.m.

**25-037**  
**COMMITTEE OF THE WHOLE**  
**MEETING REPORT**  
**TUESDAY, MARCH 11, 2025 @ 6:00 P.M.**

Attendees: Council President Isaac "Zac" Bears; Council Vice President Kit Collins; Councillor Anna Callahan; Councillor Emily Lazzaro; Councillor Matt Leming; Councillor Justin Tseng; City Clerk Adam Hurtubise; other participants as noted in the body of this report.

President Bears called the meeting to order at 6:10 p.m. on March 11, 2025 in the City Council Chambers on the second floor of Medford City Hall, and via Zoom. The purpose of the meeting was to discuss pedestrian and bicycle safety (Paper 25-037).

President Bears thanked participants for attending. He announced that there has been another pedestrian fatality in Medford.

Councillor Lazzaro said that the Mayor and members of the legislative delegation have met with DCR. She said that DCR will begin improvements at the intersection that was the site of one of the recent pedestrian fatalities. She said that state roads are controlled by MassDOT and DCR and enforced by the state police. She said she would like to hear from the Medford Bicycle Commission.

President Bears read a communication from Transportation Director Blake detailing planned improvements.

Daniel Nuzzo-Mueller, 3 Woburn Street, Chair of the Bicycle Commission, said it is very sad that we have to wait for a fatality to occur in order to see these improvements. He said we would all like it if these incidents did not happen. He read a list of priorities from the Bicycle Commission. He said he knows that enforcement is not on the list of things to address, but he asked that Medford Police do prioritize enforcement of dangerous driving and harassment incidents.

Emily O'Brien, former Chair of the Bicycle Commission, Governors Avenue, thanked the Council for its work and said it is much more important to do this work right now as the Council considers zoning changes. She said it is important to have Amy Ingalls's position filled. She said that the sticking point on bike racks is not the purchase price but the lack of DPW workers available to install them. She said it is also important to have messaging about needing to share the road. She detailed a variety of issues that impact bicycle and pedestrian safety and also items that make bike lanes unsafe to use.

Mr. Nuzzo-Mueller requested a transportation engineer on staff who is familiar with bicycle and pedestrian infrastructure.

Vice President Collins thanked Mr. Nuzzo-Mueller. She said she wanted to echo his original comment that sometimes changes are necessitated by fatalities. She thanked Director Blake for his work.

Councillor Tseng said he echoes his colleagues' comments. He said it is important to protect every single life that we can on our roadways. He said that road safety is not just an ethical issue; it is also a legal issue. He said that harassment of bicyclists by drivers is actually considered assault under state law.

President Bears said that we are going to have more meetings on this issue. He said we will also have upcoming budget meetings and make some recommendations to the Mayor as she creates the proposed City budget.

Councillor Lazzaro thanked Mr. Mueller-Nuzzo for his advocacy. She said that pedestrian and bicycle safety is not contentious. She said that this is universal.

Mr. Mueller-Nuzzo said he would make it a priority as the Chair to outline specific numbers for these items at some point.

Councillor Leming moved to keep the paper in committee and to adjourn at 6:41 p.m. (Councillor Lazzaro second)—approved.

President Bears adjourned the meeting at 6:41 p.m.

**24-033**  
**PLANNING AND PERMITTING COMMITTEE**  
**MEETING REPORT**  
**WEDNESDAY, MARCH 12, 2025 @ 6:00 P.M.**

Attendees: Kit Collins, Council Vice President; Council President Isaac "Zac" Bears; Councillor Anna Callahan; Councillor Matt Leming; Councillor Emily Lazzaro (non-voting member); Councillor Justin Tseng (non-voting member); Clerk Adam Hurtubise; Building Commissioner Scott Vandewalle; Alicia Hunt, Director of Planning, Development, and Sustainability; Senior Planner Danielle Evans; Emily Innes, Innes Associates; Paula Ramos Martinez, Innes Associates; Jimmy Rocha, Innes Associates; other participants as noted in the body of this report.

Vice President Collins called the meeting to order on March 12, 2025 at 6:23 p.m. in the Medford City Council Chamber and via Zoom. The start of the meeting was delayed the swearing-in of the new Medford Fire Chief immediately beforehand. The purpose of the meeting was to discuss zoning updates with the Innes Associates team (Paper 24-033).

Vice President Collins thanked participants for attending. She said that tonight's topics include an introduction to a commercial framework for the entire city. She said that there will be no votes tonight. She said that there would also be a discussion on updates to the ADU zoning ordinance to accommodate state law.

Ms. Ramos Martinez said there would be a high-level presentation tonight. She said that there are different ways for the public to submit comments, and these committee meetings are one way. She said the ADUs would also be a citywide topic. She highlighted the corridors on a map with proposed mixed-use districts. She detailed the proposed lot sizes in the various corridors. She also proposed some additional mixed-use districts in various parts of the city.

President Bears said that especially for Medford Square and West Medford Square, trying to look at a little more density is important. He said he has questions about Harvard Street in South Medford as well. He said he would leave some of these questions for future meetings.

Councillor Leming said we got the current agenda circulated on March 10. He said that there were some issues uploading some of the documents to the portal. He asked for clarification and asked to show the explanations of Mixed-Use 1, 2, and 3. He said he generally agrees that Medford and West Medford Squares need to be more densified. Ms. Ramos Martinez said we would need to look at more parcels to see if it is viable and feasible to do six stories or even higher. She said we need to study if we can go higher without bothering the neighborhoods. Councillor Leming said he would like to see the results of the studies.

Councillor Callahan said she is a little curious about the part that is near Magoun Square. She said she is also curious about the Urban Residential-2 at the very bottom of the map.

Councillor Lazzaro thanked everyone for working on this and put in a plug for what Councillor Leming was saying about West Medford Square. She said we really have to emphasize the potential for greater density of that commercial area, particularly with the new station there.

Vice President Collins said that a lot of tonight's map reflects proposals that have already been made. She said that the Mystic Avenue Corridor and the Salem Street Corridor have already been completed.

President Bears said when we talk about lot size, we also need to be thinking about the lots that are basically small industrial buildings between Canal Street and the train. He said that we might need to put a thick black line around the zones that have already been approved. He said that there is some value to a UR-3 district that would be four stories by right, and maybe an MX 2 and a half district that's between MX 1 and MX 2. He said we need a tool that's a little bit more dense than MX 2 but not quite as dense as MX 3, and there is probably value to a residential only four story structure in a neighborhood.

Vice President Collins apologized for some technical difficulties with the portal and documents in the portal. She said that those would be corrected. She said that residents can reach out to Councillors for clarification if necessary.

Director Hunt said that there would be some little tweaks to be sent to Innes Associates before they are sent to the Council.

William Navarre, 108 Medford Street #1B, said that four stories along the corridors would be a good idea whenever it's residential. He said he agrees that we really need the extra density in the squares, particularly Medford Square and West Medford Square. He said he is not worried about matching Medford Square to the area south of Medford Square. He asked how much housing would be necessary to allow two floors of commercial at the lower levels of buildings.

Gaston Fiore, 61 Stickney Road, said he wanted to echo the comments from Councillor Lazzaro. He said West Medford Square is heavily underdeveloped. He said that the Lowell Line is only one station away from North Station and it is eleven minutes. He said West Medford Square is lucky to have rail. He said he would encourage everyone to increase the density over there.

Cheryl Rodriguez, 281 Park Street, said that the lots in West Medford look substantially larger than in Haines Square. She said it seems that you may be treating some neighborhoods different from other neighborhoods.

Jean Nuzzo, 35 Paris Street, said it is important to execute the necessary studies. She said that these areas do have some vibrancy and while it is great to bring in new businesses, you will get rid of the mom and pop stores. She said that there is a lot of opportunity here, particularly in proximity to the transit station. She said we need to be purposeful, unlike Salem Street. She said that the tone and the tenor that is being discussed here is unlike what was discussed elsewhere in the city and she finds that unjust and reprehensible.

John Elliott, 34 Emory Street, said he is concerned that this drawing is incomplete and not yet finished. He said he found too many cases of buildings that he knows are there but aren't allowed by the zoning as it is depicted. He said that there are other discrepancies and said he would put them in writing. He asked if this zoning was finished. Vice President Collins said that this is a jumping off point and that the zoning is absolutely not finished. She said the goal is not to downzone any part of the city.

Ms. Ramos Martinez next discussed updates to the ADU ordinance. She said the state passed a new law for a protected use of the ADU. She said now that we are revising the zoning we are also going to update the ADU ordinance. She highlighted the current laws and regulations. She went through the regulations that cannot be applied. She also discussed some design standards that municipalities can establish for ADUs.

Vice President Collins said that the new state law has updates to ADUs and we need to update the ADU ordinance to comply with the new state law.

Councillor Leming said he would personally be in favor of having ADUs by right in these districts. Director Hunt said that the SPGA can be the ZBA, the Community Development Board, or the Council, and she thinks it should probably be the Community Development Board and not the Council. Councillor Leming said he agrees that it should not be the Council. Ms. Evans said it would be good to be the CD Board because protected use ADUs are part of the Dover Amendment now. Ms. Ramos Martinez said municipalities can choose to allow ADUs that are larger than state law, but that they cannot force them to be smaller than state law.

Councillor Lazzaro asked some questions about allowing ADUs beyond what the state mandates, and doing those by special permit as opposed to by right, and if that is going to prohibitive to people trying to do these projects.

Ms. Evans said that we can't require a special permit where it is allowed by right. Councillor Lazzaro said she understands that we can't add on restrictions where state law allows ADUs by right. Director Hunt clarified some issues. She said that in some areas, the state is not requiring us to allow ADUs by right, but we could choose to allow ADUs. Director Hunt explained procedural requirements for special permits.

Vice President Collins said that this can be a little confusing. She said the bulk of this has no room because it is required by state law. She said that the next major decision bucket is to discuss whether a second ADU should be allowed by special permit.

Councillor Tseng thanked Vice President Collins and also thanked Innes Associates. He said it is helpful to know these things about ADUs. He said that there are many neighbors who want to be able to turn something into an ADU for various reasons.

President Bears said he would like to see increases and also detailed where he would like to see ADUs. He said he doesn't see a need for multiple ADUs on the same lot. He said he doesn't want to see an ADU used as a short-term rental.

Councillor Tseng said he generally agrees with President Bears. He said that the goal with zoning is to get more units on the market. Ms. Ramos Martinez said that there are circumstances where municipalities cannot prohibit development of an ADU in a non-conforming manner.

Councillor Leming asked about enforcement of bans on short-term rentals in ADUs. Director Hunt said that this is a better question for the Building Commissioner. She said one thing being discussed is allowing short term rentals only in owner-occupied properties. Councillor Leming asked if there is any way to disincentivize the behavior. Director Hunt said that might be a good research project for some people on her team. Director Hunt said she would also ask the attorney engaged on the project.

Vice President Collins said that our current ordinance gets into some of this. She said that the issue has really been enforcement. She said she is not interested in tailoring our ADU ordinance to short-term rentals. She said we have a shortage of very specific types of housing, including small apartments.

Vice President Collins said she wanted to leave this meeting with at least a draft of a consensus for where to go. She said she would like to see ADUs allowed in all of our residential districts. She said she agrees with the idea from President Bears in UR 1 and 2 that it makes sense to be looking at by right for detached. She said it is hard for her to picture a lot with two detached ADUs on the same property. She said she would defer to the planners on whether to allow ADUs larger than 900 square feet and said 900 square feet is quite small.

Councillor Leming said he would still be interested to see if there are any possible mechanisms that other communities have included in their zoning enforcement.

Mr. Fiore said he wanted to speak about the 900 square foot restriction. He said he would like to read the analysis that the state did in order to determine this number.

Matthew Page-Lieberman said a question at a previous meeting he attended was about short-term rentals. He said he referred a person to Council leadership.

Judith Weinstock, 144 Burget Avenue, asked a clarifying question about ADUs. Ms. Ramos Martinez said that there are no minimum requirements. She said that if the ADU fits within the lot, it doesn't have to be 900 square feet. She said it can be smaller. She

said it can be within the primary building. She recommended that people look at the guidebook that Boston did on land use.

Vice President Collins summarized the meeting. She then highlighted the next items on the timeline. She said she has heard that we want to allow ADUs in all residential subdistricts. She said we do want to see some tailoring and exceptions. She said it makes sense to receive a recommendation from the zoning consultant on this. She said it looks like we would also like to see some enforcement mechanisms for ADU short term rentals. She said this was a very substantive discussion. She said we are going to focus next on Medford Square and West Medford Square and we are going to continue talking about updates to the ADU ordinance. She said that we hope to progress to West Medford Square in our discussion of squares and corridors. She said we hope to be looking at Wellington-Glenwood and talking about parking in May.

Councillor Leming said some of these topics are blending. He said he would also like information on the internal planning meetings about TDM that will take place.

Vice President Collins thanked everyone.

Councillor Callahan moved to adjourn at 8:14 p.m. (Councillor Callahan second)—approved on a roll call vote of four in favor, zero opposed, and Councillor Scarpelli absent.

Vice President Collins adjourned the meeting at 8:14 p.m.

**25-039**  
**COMMITTEE OF THE WHOLE**  
**MEETING REPORT**  
**TUESDAY, MARCH 18, 2025 @ 6:00 P.M.**

Attendees: Council President Isaac "Zac" Bears; Council Vice President Kit Collins; Councillor Anna Callahan; Councillor Emily Lazzaro; Councillor Matt Leming; Councillor George Scarpelli; Councillor Justin Tseng; City Clerk Adam Hurtubise; other participants as noted in the body of this report.

President Bears called the meeting to order at 6:12 p.m. on March 18, 2025 in the City Council Chambers on the second floor of Medford City Hall, and via Zoom. The purpose of the meeting was to discuss Council budget priorities (Paper **25-039**).

President Bears thanked participants for attending. He highlighted priorities and said that the City Council and School Committee would have a joint meeting tomorrow night. He listed the timeline under the budget ordinance. He said last year, individual Councillors discussed their budget proposals and those were submitted, some as joint recommendations and others as individual recommendations.

Councillor Leming asked for allocation of funding for a therapeutic recreation specialist and an office manager for the Recreation Department, with the likely impact of \$125,000 per year. He said his other priority is ensuring that enough capital earmarks are available to create either a nexus study for a new affordable housing system, or \$150,000 for a study to overhaul the entirety of the capital improvements program.

Councillor Lazzaro said she wanted to focus on safety. She said she wanted to adopt the recommendations of the Medford Bicycle Advisory Commission. She said she doesn't have a specific amount but the only significant cost would be hiring the traffic engineer whose focus would be on walking, biking, and transit. She said it's an open position right now.

Councillor Lazzaro said that the new Fire Chief let her know that Medford doesn't have a dive team for the Fire Department and other communities do. She said lacking a dive team is a hole in our public safety. She said ten of our firefighters became certified after a drowning, but it takes 12 for a dive team. She said Chief Evans found the costs to finish training for the 10, to train the additional two, and the equipment costs, and the total estimated costs were about \$122,000.

Councillor Scarpelli said the Administrative Assistant for the Recreation Department would be cost-efficient. He said that the therapeutic position for the Recreation Department is also a priority. He said another supervisor in that department to free that person up would be a success for us.

He said that he is meeting with parents and having an inclusion specialist within the City is also a goal. He said he would also like to see a City Solicitor and an Assistant City Solicitor, with the Assistant working directly with the Council. He said that we're not going to get qualified applicants with the numbers that are out there. He said he just got off the phone with a representative from the Fire Department who said that there will be a huge class going out soon. He said that with the Police Department, it's not that we're not hiring, it's that there aren't enough people to hire. He said he also wants to make sure we work with the DPW Commissioner to get the support he needs with our roads and sidewalks and department. He said he also wants to make sure that our homeowners are assessed correctly.

Councillor Callahan said she supports many of the other items that have been brought up. She said one item is the volunteer tree planting program. She said she has been working with folks from Trees Medford. She said Commissioner McGivern came in to speak about what it would take to get the program off the ground. She said we do lose about twice as many trees as we plant each year. She said if you live South of the River, there are fewer trees where there used to be a canopy of trees. She said this depresses home prices and creates heat islands. She said we need to be replacing these trees. She said on her street there is one remaining tree. She said she thinks we can solve this problem with very little addition to the budget. She said that Commissioner McGivern said all it would take is a half-time staffer who is a volunteer coordinator. She said her second request is a half-time person involved in housing to run a home sharing program. She said many seniors would like to downsize but they are worried about aging in place. She said she's hearing that they could use a little more financial security. She said 50 years ago we had 9,000 more people living in the City with less housing. She said we have fewer people per bedroom. She said we can also help solve our housing crisis by helping to solve this problem. She said a sharing program is a matchmaking service that ensures that older folks who have extra bedrooms can make them available for a mixture of financial payment and service, through personal matchmaking.

Vice President Collins thanked her colleagues for their work and their ideas that have already been submitted. She said we are off to a strong start. She said she wanted to summarize the priorities that she submitted ahead of this meeting. She said we cannot permit a reduction in the request from the schools. She said we also need to prioritize the library, and the funding proposed by the Bicycle Advisory Committee. She said we need an additional traffic engineer. She also wants to see more for the Complete Streets program. She said she would also like to see a therapeutic recreation and inclusion specialist and an office manager for Medford Recreation. She said she would like to put things into the budget that will move us to a more accessible Medford. She said she would also like to see more funding for the City Solicitor and Assistant City Solicitor positions and see them filled this year. She said she would also like to maintain funding for all grant-funded personnel. She said she'd like to see us increase our capital spending earmark. She said we need more road safety equipment interventions and new crosswalks where we already know we need them. She said she

also wanted to endorse the dive team training for the Fire Department. She said she also wanted to support Councillor Leming's efforts on housing and linkage.

Councillor Tseng said it is really nice to hear his colleagues' ideas and details. He said he'd like to start with basics. He said he wants to make sure that pedestrians, cyclists, and drivers all have safe roads. He said he wants to invest in accessibility and inclusion. He said he wants to increase the budgeted amount for the City Solicitor and he wants to see general infrastructure spending as well. He thanked voters for the Prop Two and a Half passage. He said that vote helps us to maintain financial stability even with ongoing challenges and random cuts to federal funding. He said he also wants to support Vice President Collins's requests about the budgetary requests for the schools and the solicitor's office. He said he also wants to ensure funding for the Human Rights Commission and Youth Commission, in part to ensure diversity for those bodies. He suggested \$15,000 for the HRC and \$20,000 for the Youth Commission. He said he also wants to see the City's financial software updated. He said he knows Vice President Collins mentioned this as well. He said if we are looking at tax reforms like the residential exemption, we need the support for it. He said sometimes HR needs more modern resources and technologies to do their jobs. He said he also sees the need for a real plan to address our childcare crisis. He said he views budget season as a time to ask for more concrete things, even if they don't make it into this budget. He said he wants to make sure things aren't cut. He wants to maintain funding for our community liaisons program. He said he wants to ensure we are maintaining or improving our translation services. He said many residents are worried about what's happening at the national level.

President Bears said he is trying to keep a list of priorities. Vice President Collins said that there is shared priority around the therapeutic inclusion specialist, the office manager for recreation, prioritizing the suggestions of the Bicycle Committee, the dive team, increasing funding for the solicitor, meeting the schools and library requests, the nexus study for affordable housing, maintaining grant-funded positions, and the health department. She said we should be funding these this year and as soon as possible. She said we are talking about improvements for all people in Medford.

President Bears said his list might have been a little bit shorter. He said he heard the therapeutic recreation specialist and the office manager, the increase in funding for DPW and Engineering, with a focus on the Bicycle Commission recommendations, he said he also heard calls for increases in funding in the Solicitor's Office, the Fire Department Dive Team, and maintaining funding at level service and staff levels for the schools and libraries, and then community liaisons and grant-funded positions. He said the remainder were individual recommendations.

President Bears said he would take recommendations from this meeting and put together a document for next week's meeting, and that Councillors can also write something up for next week, and for inclusion in a packet to be sent to the Mayor.

President Bears read the six items to be moved forward.

Councillor Callahan said if we are asking for increases in the budget in six places and not cutting funding anywhere, the Prop two and a half money is already accounted for. President Bears said we can argue for level service. Vice President Collins said that this is a really good question that is on the minds of our residents. She said she advocated for increased powers of the Council for this kind of question exactly. She said we don't have a seat at the table when it comes to getting in the weeds on this process. She said at this stage, it is valuable to put on the table and emphasize what we think residents want and deserve. She said she thinks it's valuable to start by saying we know that these are things the community wants.

Councillor Callahan said we do not have the legal review to make the decisions about reducing line items, and we can't tell the Mayor what to add, either, and that this is our opportunity to do that. She said that there is something to making our thoughts known on this.

Councillor Leming said he didn't catch in the second time the studies for the capital improvements among the six items. President Bears said that he had items about the DPW and Capital spending but did not have the nexus study in there. He said he received an e-mail about the McCormack Avenue parcels as it relates to funding the nexus study. President Bears said he only had that item coming from Councillor Leming. Councillor Leming said that his understanding of the McCormack Avenue parcel is that it would fund the affordable housing bucket only, with about \$80,000. He said in order to update all the linkage buckets, that would cost around \$150,000 and would have to come from free cash. He said he is not sure it would be a line item on this budget but he said he would like to see it included. He said once linkage fees are updated, that could end up bringing in a lot more money each year from developers.

Councillor Callahan said she supports the solicitor and the funding for the linkage fees.

Councillor Leming said he is comfortable making the ask for the linkage study. He said it is important to get all the linkage fees updated as soon as the zoning is done. President Bears said he would include this.

President Bears said we need to discuss the residential exemption because there was a recent vote about enabling that to happen, because it would take work and staff time to put it into place.

Vice President Collins said she could forward that at this time as a funding priority for the Assessors' Department. Councillor Scarpelli said that this was one of the avenues we looked at to support our seniors.

Vice President Collins said she is comfortable with this short list of the top seven going forward, and also the funding for the Assessors' Office, and moved to have those go forward, including the individual recommendations made by individual Councillors

(Councilor Tseng second)—approved on a roll call vote of seven in favor and zero opposed.

Councilor Scarpelli said that there is a 5:00 Zoom with the parent organization working on the next steps for the inclusionary specialist.

Councilor Lazzaro moved to adjourn at 7:14 p.m. (Councilor Tseng second)—approved on a roll call vote of seven in favor and zero opposed.

President Bears adjourned the meeting at 7:14 p.m.



## City of Medford

## Office of Planning, Development and Sustainability

City Hall - Room 308  
85 George P. Hassett Drive  
Medford, Massachusetts 02155

| Contact:  
(781)393-2480  
Fax: (781)393-2342  
[ocd@medford-ma.gov](mailto:ocd@medford-ma.gov)

## **PUBLIC HEARING NOTICES**

**Medford Community Development Board: March 19, 2025  
Medford City Council: March 25, 2025  
Chapter 94, Zoning**

The Medford Community Development Board shall conduct a public hearing on Wednesday, March 19, 2025, after 6:30 p.m. via Zoom Remote Videoconferencing relative to a petition by Nutter McClellan & Fish LLP representing Transom Real Estate, LLC to amend the text of the Wellington Station Multi-family Overlay District ("WSMOD") of the City of Medford Zoning Ordinance as follows:

1. Amend the Table of Dimensional Standards in Section E to add a footnote to the dimensional table regarding maximum front yard setbacks that would provide for any property subject to a public agency held building restriction, that the maximum setbacks shall coincide with that restriction.
  2. Amend the Table of Development Incentive Bonuses to change "Certified" to "Certifiable".
  3. Amend the Definitions section to add clarifying text to the definition of "Building Coverage" to make clear that it does not include building overhangs.

The Zoom link to the meeting is <https://us06web.zoom.us/j/95629298475> and also posted on the City website calendar.

A subsequent public hearing on the same matter will be held by the Medford City Council on March 25, 2025 at 7pm in the Medford City Council Chamber, on the second floor of Medford City Hall, 85 George P. Hassett Drive, Medford, MA, and via Zoom. A link to the public hearing will be posted no later than March 21, 2025.

The full materials for the amendment can be viewed in the Office of the City Clerk, City Hall Room 103, or on the City's website at <https://www.medfordma.org/boards-commissions/community-development-board> by clicking on '***Current CD Board Filings.***' Questions and comments may be submitted via email to [ocd@medford-ma.gov](mailto:ocd@medford-ma.gov) or via phone to 781-393-2480.

If you need a reasonable accommodation to attend/participate in either meeting, please contact: Frances Nwajei (Telephone: 781-393-2439 Email: [fnwajei@medford-ma.gov](mailto:fnwajei@medford-ma.gov)).

### Per Order

Emily Hedeman, CDB Chair

S/Adam Hurtubise, City Clerk



# City of Medford

Office of Planning, Development and Sustainability

City Hall - Room 308  
85 George P. Hassett Drive  
Medford, Massachusetts 02155

Contact:  
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**To:** City Council President Zac Bears and Honorable Members of the City Council  
**From:** Danielle Evans, Senior Planner, Office of Planning, Development, and Sustainability *on behalf of* the City of Medford Community Development Board  
**Date:** March 21, 2025  
**RE:** Community Development Board Recommendation (Amendments to Wellington Station Multi-Family Overlay District- Council Paper #24-032)

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In accordance with the provisions of M.G.L. c.40A, s. 5, the City of Medford Community Development Board held a duly noticed public hearing on March 19, 2025 to consider and make a recommendation to City Council on the following amendments to the Wellington Station Multi-Family Overlay District proposed by Transom Real Estate, LLC:

1. Amend the Table of Dimensional Standards in Section E to add a footnote to the dimensional table regarding maximum front yard setbacks that would provide for any property subject to a public agency held building restriction, that the maximum setbacks shall coincide with that restriction.
2. Amend the Table of Development Incentive Bonuses to change “Certified” to “Certifiable”.
3. Amend the Definitions section to add clarifying text to the definition of “Building Coverage” to make clear that it does not include building overhangs.

### Background:

The Wellington Station Multi-Family Overlay District (“WSMOD”) was adopted in December 2023 in accordance with the deadline for the twelve (12) rapid transit communities to comply with the MBTA Communities Act. As part of their due diligence in advance of proposing a new multifamily development at 10 & 20 Revere Beach Parkway (currently occupied by Kappy’s Liquors), Transom Real Estate, LLC (the “Applicant”) identified some requirements of the WSMOD that would prove problematic for developing the subject parcels as well as many other parcels in the WSMOD.

Last Fall, the Applicant met with PDS staff to discuss the issues, the most significant of which are the permanent easements held by the Department of Conservation and Recreation (“DCR”) along the DCR controlled roadways that conflict with the maximum building setbacks. In addition, they sought clarification on the calculation of building coverage and flagged the timing issue of requiring LEED “certification” and recommended the change to “certifiable”. In consultation with PDS and the City’s zoning consultants (Inness Associates) who assisted in development of the original WSMOD, the Applicant submitted the proposed amendment.

## **Public Hearing Proceedings and Board Actions**

- **March 19, 2025**

Board members present at the meeting were Chair Emily Hedeman, Vice Chair Peter Calves, Member Ari Fishman, Member Ayni Strang, Member Sabrina Alpino, and Associate Member Benjamin Lavallee. Member Adam Behrens was absent.

Attorney Valerie Moore representing Transom Real Estate, LLC appeared before the Board and presented the proposed amendments to the WSMOD. Moore explained that they are proposing additional language to the definition of building coverage to limit the exclusion of overhangs that do not exceed 10% of the building footprint.

There was discussion around how best to limit the exclusion of building overhangs from building coverage and whether 10% was an appropriate threshold. Moore explained that they arrived at the 10% number in consultation with their architects. Danielle Evans, Senior Planner, added that she had asked the zoning consultants to review the language, and they suggested some additional clarifying language and did not identify the 10% limit to be out of alignment.

No members of the public provided comments.

The CDB voted unanimously 6-0 to recommend to City Council approval of the zoning amendment with the following recommended revision to the definition of Building Coverage to be incorporated into a new draft:

**“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. Building coverage also does not include any portion of the building above the ground floor that overhangs such ground floor. If the overhang does not exceed 10% of the footprint of the ground floor of the building, then the overhang is not part of the calculation of building coverage. Overhangs greater than 10% are counted as part of the building coverage.”

cc: Alicia Hunt, Director of Planning, Development, and Sustainability  
Emily Hedeman, Chair, Community Development Board  
Breanna Lungo-Koehn, Mayor  
Adam Hurtubise, City Clerk



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**Valerie A. Moore**

Direct Line: (617) 439-2233  
Fax: (617) 310-9233  
E-mail: vmoore@nutter.com

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 McClellan & 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 modify "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

January 29, 2025

Page 2

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,



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
<b>A. RESIDENTIAL USES</b>	
8. Senior housing facility	Y
9. Multi-family	Y
<b>B. COMMUNITY USES</b>	
2. Community center or adult recreational center, nonprofit	Y
5. Child care center or school aged child care program	Y
<b>C. COMMERCIAL USES</b>	
1. Private entertainment or recreation facility excluding adult uses	Y
6. Hotel, large	Y
9. Brewery or taproom <sup>1</sup>	Y
<b>E. OFFICE USES</b>	
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
<b>F. RETAIL AND SERVICE USES</b>	
1. Retail sales <sup>2</sup>	Y

2. Convenience retail <sup>2</sup>	Y
3. Neighborhood retail	Y
4. Drive through retail sales and consumer service	CD
5. Consumer service establishment	Y
<b>G. EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS</b>	
1. Eating place, without drive through	Y
2. Eating place, with drive through	CD
<b>J. MISCELLANEOUS COMMERCIAL USES</b>	
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
<b>J. WHOLESALE, TRANSPORTATION, INDUSTRIAL USES</b>	
6. Research and testing laboratory	Y
<b>K. ACCESSORY USES</b>	
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.
- 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"> <li>• Designate 20% of the total required affordable units at or below 65% AMI, OR</li> <li>• Designate 30% of the total required affordable units at or below 65% AMI</li> </ul>	1 additional story OR 2 additional stories
<ul style="list-style-type: none"> <li>• Provide an additional 20% additional affordable units above the required number, OR</li> <li>• Provide an additional 30% additional affordable units above the required number,</li> </ul>	1 additional story OR 2 additional stories

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

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 skylight.
- 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.

6967717.2

LAW OFFICE OF  
KATHLEEN A. DESMOND, LLC  
580 Main Street, Suite 204  
Reading, Massachusetts 01867  
Telephone: [REDACTED]  
Facsimile: [REDACTED]

RECEIVED  
CITY CLERK  
MEDFORD, MASS.  
2015 JAN 22 PM 1:20

Kathleen A. Desmond, Esq.  
[kdesmond@kadlaw.net](mailto:kdesmond@kadlaw.net)

January 22, 2025

Mr. Adam Hurtubise, City Clerk  
Office of City Clerk  
Medford City Hall, Room 103  
85 George P. Hassett Drive  
Medford, MA 02155

Re: Aim Realty Medford LLC  
42 Fulbright Street, Medford, MA 02155  
Appeal of Sign Denial S24-00053

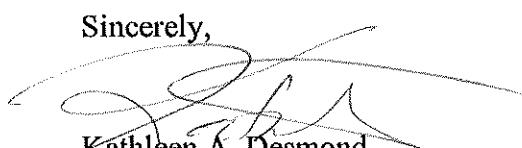
Dear Clerk Hurtubise:

Enclosed for filing please find the following documents:

- (1) Notice of Appeal of Sign Permit Refusal No: S24-00053;
- (2) Memorandum in Support of Appeal of Denial of Sign Permit S24-00053 with supporting exhibits and Table of Cases and Statutes; and,
- (3) Existing Site Plan.

Thank you in advance for your anticipated cooperation. If you should have any questions, relative to the application, please feel free to contact me.

Sincerely,



Kathleen A. Desmond

KAD  
Enclosures

RECEIVED  
CITY CLERK  
MEDFORD, MASS.

JAN 22 PM 1:20

**COMMONWEALTH OF MASSACHUSETTS  
MEDFORD CITY COUNCIL**

**IN RE: SIGN PERMIT REFUSAL NO.: S24-00053**

**NOTICE OF APPEAL OF SIGN PERMIT REFUSAL  
NO.: S24-00053 TO THE HONORABLE MEDFORD CITY COUNCIL**

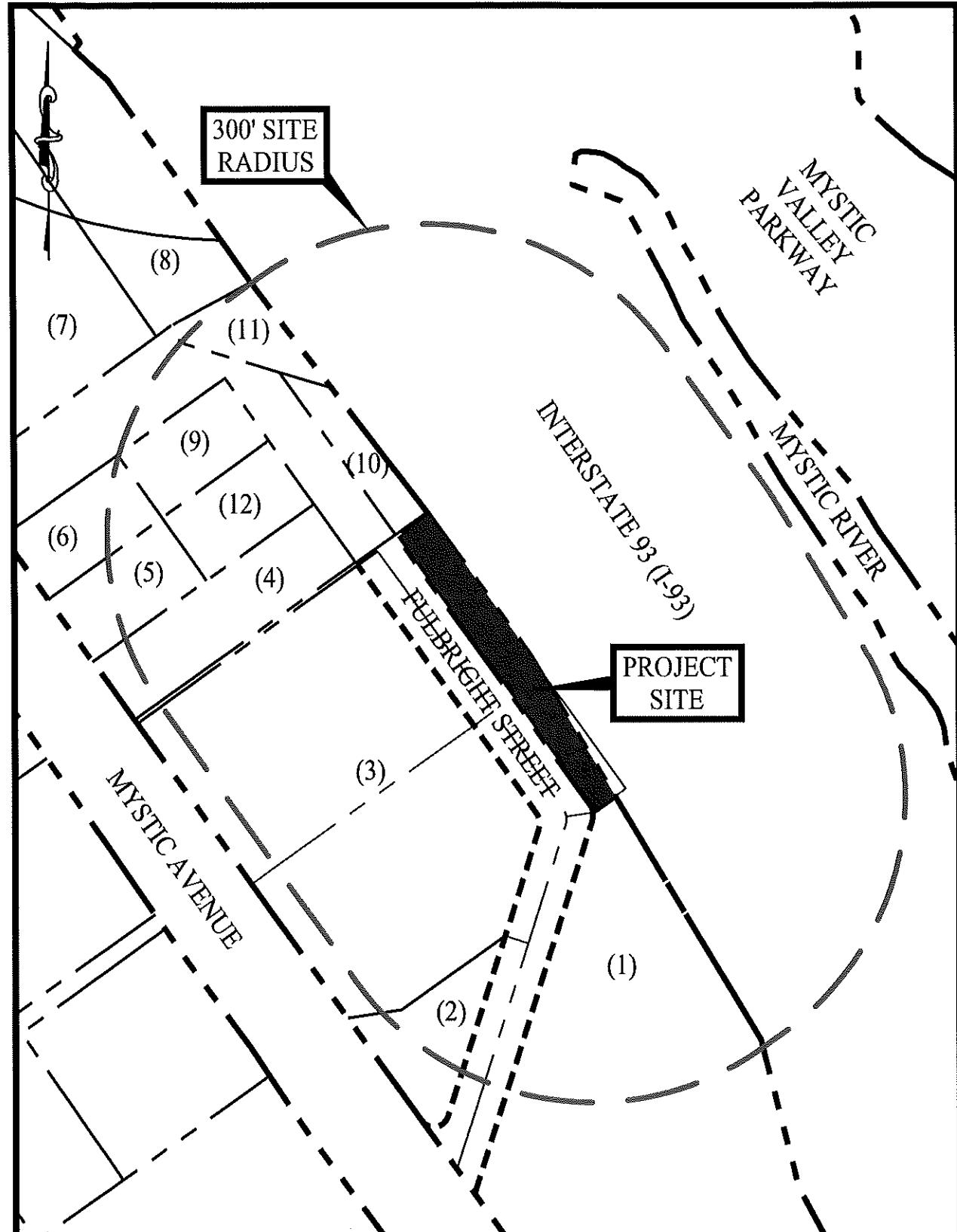
Now comes the Applicant, Aim Realty Medford LLC, in the above captioned matter, being aggrieved by the denial of its application to reface the existing pylon sign situated at 42 Fulbright Street, Medford, MA 02155, hereby appeals the aforesaid decision pursuant to Chapter 94 Section 6.2.6 (4) of the Medford Zoning Ordinance.

Respectfully Submitted by,  
The Applicant, Aim Realty Medford, LLC,  
By its Attorney,



Kathleen A. Desmond, Esquire  
Law Office of Kathleen A. Desmond, LLC  
580 Main Street, Suite 204  
Reading, MA 01867  
Tel: [REDACTED]  
[REDACTED]

Dated: January 22, 2025

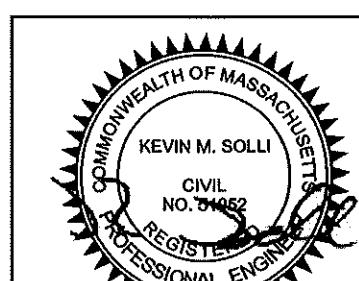


## GENERAL NOTES

1. THESE PLANS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT FOR CONSTRUCTION. NO CONSTRUCTION OR DEMOLITION SHALL BEGIN UNTIL APPROVAL OF THE FINAL PLANS IS GRANTED BY ALL GOVERNING AND REGULATORY AGENCIES.
2. ALL SITE WORK TO BE COMPLETED IN ACCORDANCE WITH ALL PERMITS, APPROVALS AND CONDITIONS OF APPROVALS ISSUED BY THE CITY OF MEDFORD FOR THIS PROJECT.
3. EXISTING SITE CONDITIONS AND BOUNDARY INFORMATION TAKEN FROM A PLAN TITLED "EXISTING CONDITIONS PLAN, #42 FULBRIGHT STREET IN MEDFORD, MA", DATED DECEMBER 30, 2022, SCALE: 1"-20', PREPARED BY PRECISION LAND SURVEYING, INC.
4. THE PROJECT SITE IS A SINGLE PARCEL CONSISTING OF A TOTAL ACREAGE OF 0.292± ACRES LOCATED IN THE COMMERCIAL 2 (C2) ZONING DISTRICT OF THE CITY OF MEDFORD, MA. CARWASH FACILITIES ARE PERMITTED BY SPECIAL PERMIT APPROVAL FROM THE MEDFORD BOARD OF APPEALS.
5. THE PROJECT SITE AND ALL ADJOINING PROPERTIES LIE WITHIN THE COMMERCIAL 2 (C-2) ZONING DISTRICT OF THE CITY OF MEDFORD.

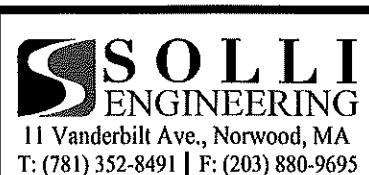
## 300 FOOT ABUTTERS LIST

ID	PARCEL NUMBER	ADDRESS	AREA	ZONE	OWNER
(1)	5-02-12	400 MYSTIC AVE.	4.87 AC	C-2	HERB CHAMBERS 400 MYSTIC LLC
(2)	5-02-16	0 MYSTIC AVE.	12,693 SF	C-2	EMPIRE MANAGEMENT CORPORATION
(3)	5-02-17	340 MYSTIC AVE.	50,423 SF	C-2	EMPIRE MANAGEMENT CORPORATION
(4)	5-02-19	326 MYSTIC AVE.	20,724 SF	C-2	MYSTIC PROPERTY ASSOCIATES LIMITED PARTNERSHIP
(5)	5-02-20	322 MYSTIC AVE.	12,306 SF	C-2	MYSTIC PROPERTY ASSOCIATES LIMITED PARTNERSHIP
(6)	5-02-21	312 MYSTIC AVE.	10,735 SF	C-2	MYSTIC PROPERTY ASSOCIATES LIMITED PARTNERSHIP
(7)	5-02-23	300 MYSTIC AVE.	63,827 SF	C-2	MYSTIC PROPERTY ASSOCIATES LIMITED PARTNERSHIP
(8)	5-02-28	0 MYSTIC AVE.	8,640 SF	C-2	MYSTIC AV TRUST 312-326 C/O COMBINED PROPERTIES INC
(9)	5-02-29	314 MYSTIC AVE.	10,156 SF	C-2	MYSTIC PROPERTY ASSOCIATES LIMITED PARTNERSHIP
(10)	5-02-31	0 FULBRIGHT ST	6,743 SF	C-2	MYSTIC PROPERTY ASSOCIATES LIMITED PARTNERSHIP
(11)	5-02-31A	0 FULBRIGHT ST	7,505 SF	C-2	MYSTIC PROPERTY ASSOCIATES LIMITED PARTNERSHIP
(12)	5-02-32	320 MYSTIC AVE.	11,634 SF	C-2	MYSTIC PROPERTY ASSOCIATES LIMITED PARTNERSHIP



Kevin Solli, P.E.  
MA 51952

Rev. #:	Date	Description
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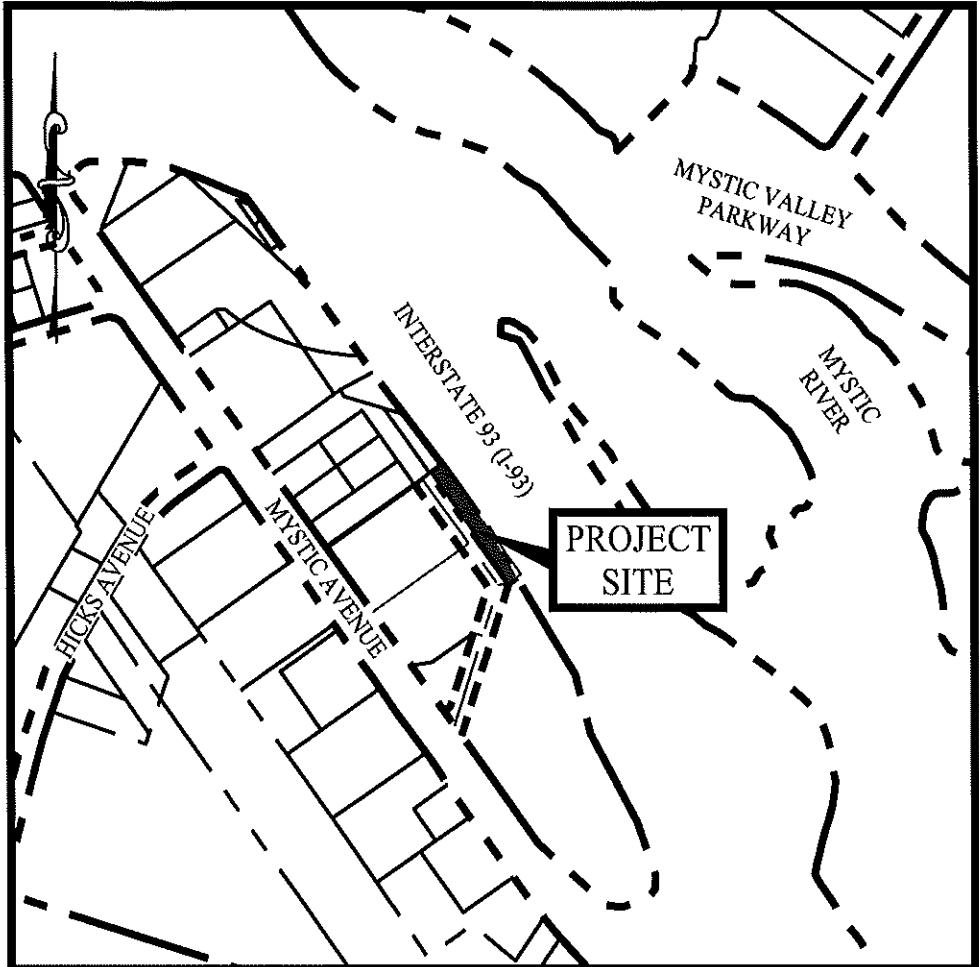
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Checked By: KMS  
Project #: 22204101  
Plan Date: 06/26/23  
Scale: 1" = 150'



Project: PROPOSED  
SCRUBADUB CARWASH  
42 FULBRIGHT STREET  
MEDFORD, MASSACHUSETTS

Sheet Title:  
SITE AREA  
MAP

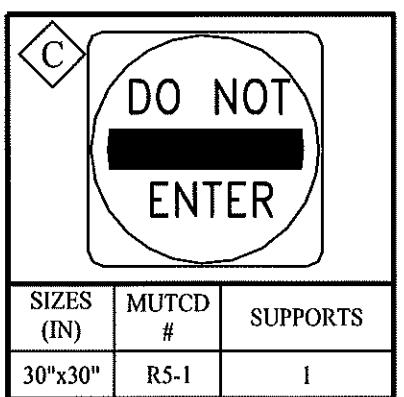
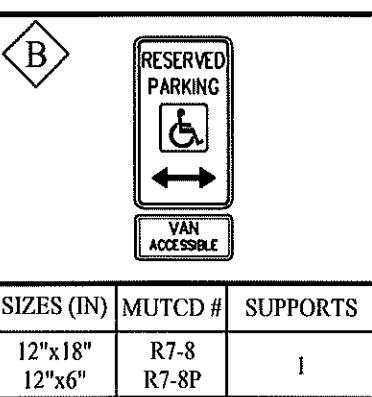
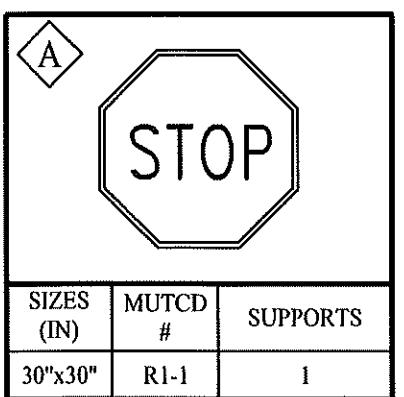
Sheet #:  
3 of 3



PROPERTY INSET MAP

SCALE: 1" = 500'

### SIGN LEGEND

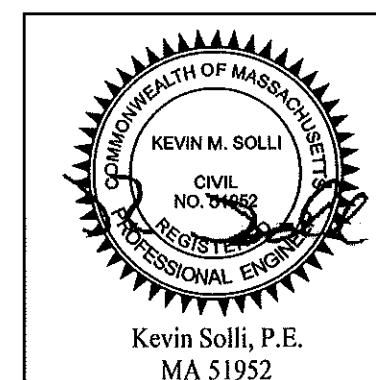


### LEGEND

	PROPERTY LINE
	RIGHT-OF-WAY LINE
	ADJOINING LOT LINE
	BUILDING SETBACK
	LIMIT OF EASEMENT
	EXISTING BUILDING LIMITS
	PROPOSED BUILDING LIMITS
	PROPOSED BUILDING HATCH
	BUILDING OVERHANG LINE / CANOPY
	SAWCUT PAVEMENT LINE
	EDGE OF PAVEMENT
	CONCRETE CURB
	STANDARD DUTY BITUMINOUS CONCRETE PAVEMENT
	CONCRETE SIDEWALK / PAVEMENT
	SIDEWALK LIMITS
	PARKING SPACE COUNT
	FENCE ENCLOSURE
	VEHICLE
	DUMPSTER / TRASH RECEPTACLE
	TRAFFIC SIGN

### SITE PLAN NOTES

- PRIOR TO DEMOLITION OR CONSTRUCTION, THE CONTRACTOR SHALL CONTACT "DIG SAFE" 72 HOURS BEFORE THE COMMENCEMENT OF WORK AT "811" AND VERIFY ALL UTILITY AND STORM DRAINAGE SYSTEM LOCATIONS. INFORMATION ON EXISTING UTILITIES AND STORM DRAINAGE SYSTEMS HAS BEEN COMPILED FROM AVAILABLE INFORMATION INCLUDING UTILITY PROVIDER AND MUNICIPAL RECORD MAPS AND/OR FIELD SURVEY AND IS NOT GUARANTEED CORRECT OR COMPLETE. UTILITIES AND STORM DRAINAGE SYSTEMS ARE SHOWN TO ALERT THE CONTRACTOR TO THEIR PRESENCE AND THE CONTRACTOR IS SOLELY RESPONSIBLE FOR DETERMINING ACTUAL LOCATIONS AND ELEVATIONS OF ALL UTILITIES AND STORM DRAINAGE SYSTEMS INCLUDING SERVICES.
- SHOULD ANY UNCHARTED OR INCORRECTLY CHARTED, EXISTING PIPING OR OTHER UTILITY BE UNCOVERED DURING EXCAVATION, CONSULT THE ENGINEER OF RECORD IMMEDIATELY FOR DIRECTIONS BEFORE PROCEEDING FURTHER WITH WORK IN THIS AREA.
- CONTRACTOR SHALL BE RESPONSIBLE FOR SITE SAFETY AND SECURITY OF THE SITE DURING ALL PHASES OF CONSTRUCTION. THE ARCHITECT AND ENGINEER OF RECORD ARE NOT RESPONSIBLE FOR SITE SAFETY MEASURES TO BE EMPLOYED DURING CONSTRUCTION. THE ARCHITECT AND ENGINEER HAVE NO CONTRACTUAL DUTY TO CONTROL THE SAFEST METHODS OR MEANS OF THE WORK, JOB SITE RESPONSIBILITIES, SUPERVISION OR TO SUPERVISE SAFETY AND DOES NOT VOLUNTARILY ASSUME ANY SUCH DUTY OR RESPONSIBILITY.
- THE OWNER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY ZONING PERMITS REQUIRED BY GOVERNMENT AGENCIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL OBTAIN ALL LOCAL AND STATE PERMITS. THE CONTRACTOR SHALL POST ALL BONDS, PAY ALL FEES, PROVIDE PROOF OF INSURANCE AND PROVIDE TRAFFIC CONTROLS NECESSARY FOR THIS PROJECT.
- CONTRACTOR SHALL REFERENCE ARCHITECTURAL PLANS FOR EXACT DIMENSIONS AND CONSTRUCTION DETAILS OF BUILDING AND SIDEWALKS ADJACENT TO THE BUILDING.
- ALL SITE DIMENSIONS ARE REFERENCED TO THE FACE OF CURBS OR EDGE OF PAVING AS APPLICABLE UNLESS OTHERWISE NOTED.
- TRAFFIC CONTROL SIGNAGE SHALL CONFORM TO THE STATE DOT STANDARD DETAIL SHEETS AND THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. SIGNS SHALL BE INSTALLED PLUMB WITH THE EDGE OF THE SIGN 2' OFF THE FACE OF THE CURB, AND WITH 7' VERTICAL CLEARANCE UNLESS OTHERWISE DETAILED OR NOTED.
- THE CONTRACT LIMIT IS THE PROPERTY LINE UNLESS OTHERWISE SPECIFIED OR SHOWN ON THE CONTRACT DRAWINGS.
- PAVEMENT MARKING KEY:
  - 4" SSWL 4" SINGLE SOLID WHITE LINE
  - 24" SSSWB 24" SINGLE SOLID WHITE STOP BAR
- PARKING SPACES SHALL BE STRIPED WITH 4" SSWL; HATCHED AREA SHALL BE STRIPED WITH 4" SSWL AT A 45° ANGLE, 2' ON CENTER. HATCHING, SYMBOLS, AND STRIPING FOR HANDICAPPED SPACES SHALL BE PAINTED BLUE AND WHITE. OTHER MARKINGS SHALL BE PAINTED WHITE OR AS NOTED.
- THE CONTRACTOR SHALL RESTORE ANY DRAINAGE STRUCTURE, PIPE, UTILITY, PAVEMENT, CURBS, SIDEWALKS, LANDSCAPED AREAS OR SIGNAGE DISTURBED DURING CONSTRUCTION TO THEIR ORIGINAL CONDITION OR BETTER, AS APPROVED BY THE ENGINEER OF RECORD. DURING CONSTRUCTION CONTRACTOR IS TO HAVE THE SITE MAINTAINED FREE OF ALL TRASH, LITTER, DEBRIS AND OVERGROWN VEGETATION.
- THE OWNER SHALL BE RESPONSIBLE TO HAVE THE SITE MAINTAINED FREE OF ALL TRASH, LITTER, DEBRIS AND OVERGROWN VEGETATION.
- PAVEMENT MARKINGS SHALL BE HOT APPLIED TYPE IN ACCORDANCE WITH MASSACHUSETTS DOT SPECIFICATIONS, UNLESS WHERE EPOXY RESIN PAVEMENT MARKINGS ARE INDICATED.



Rev. #:	Date	Description
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**S O L L I**  
ENGINEERING  
11 Vanderbilt Ave., Norwood, MA  
T: (781) 352-8491 | F: (203) 880-9695

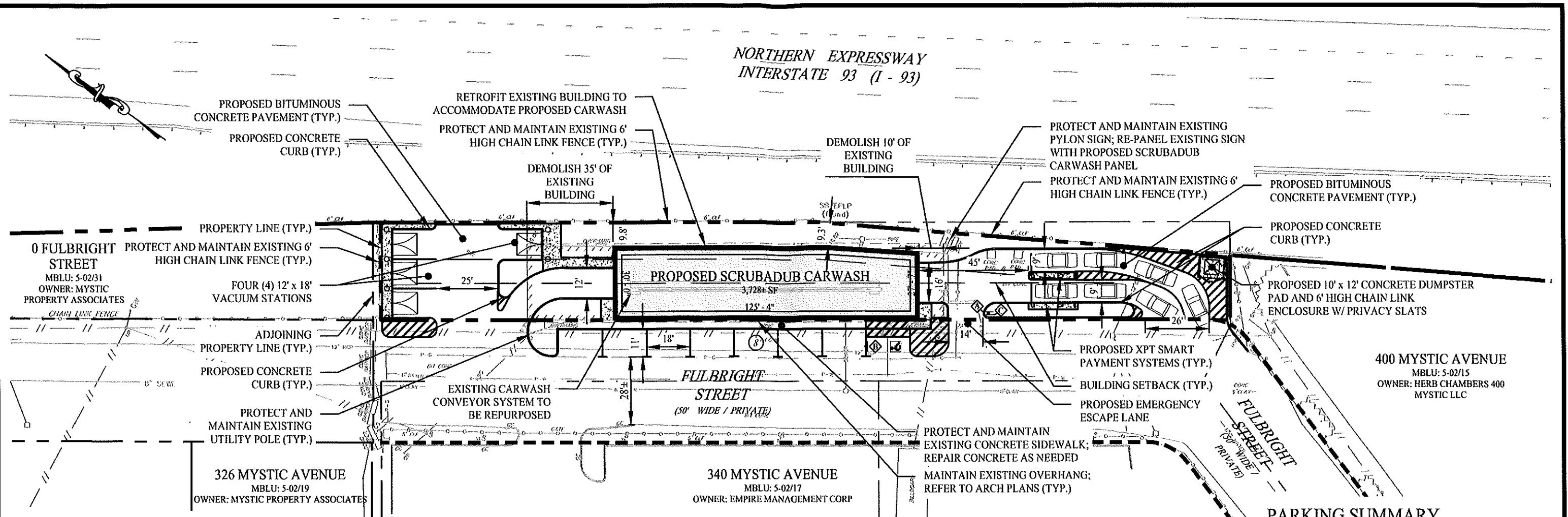
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Checked By: KMS  
Project #: 22204101  
Plan Date: 06/26/23  
Scale: NTS



Project: PROPOSED  
SCRUBADUB CARWASH  
42 FULBRIGHT STREET  
MEDFORD, MASSACHUSETTS

Sheet Title: SITE PLAN  
NOTES &  
LEGENDS

Sheet #: 2 of 3



## PARKING SUMMARY

PROPOSED DEVELOPMENT	GFA	REQUIREMENT	REQ.	PROP.
PROPOSED CARWASH FACILITY	3,728± SF	1 SPACE / 350 SF	11	12*

NOTE: \* THE PROPOSED NUMBER OF PARKING SPACES IS INCLUSIVE OF THE FOUR (4) PROPOSED VACUUM SPACES AND THE EIGHT (8) PARALLEL PARKING SPACES LOCATED WITHIN FULBRIGHT STREET.

## GENERAL NOTES

- THESE PLANS ARE FOR PERMITTING PURPOSES ONLY AND ARE NOT FOR CONSTRUCTION. NO CONSTRUCTION OR DEMOLITION SHALL BEGIN UNTIL APPROVAL OF THE FINAL PLANS IS GRANTED BY ALL GOVERNING AND REGULATORY AGENCIES.
- ALL SITE WORK TO BE COMPLETED IN ACCORDANCE WITH ALL PERMITS, APPROVALS AND CONDITIONS OF APPROVALS ISSUED BY THE CITY OF MEDFORD FOR THIS PROJECT.
- EXISTING SITE CONDITIONS AND BOUNDARY INFORMATION TAKEN FROM A PLAN TITLED "EXISTING CONDITIONS PLAN, #42 FULBRIGHT STREET IN MEDFORD, MA", DATED DECEMBER 30, 2022, SCALE: 1"-20', PREPARED BY PRECISION LAND SURVEYING, INC.
- THE PROJECT SITE IS A SINGLE PARCEL CONSISTING OF A TOTAL ACREAGE OF 0.292± ACRES LOCATED IN THE COMMERCIAL 2 (C2) ZONING DISTRICT OF THE CITY OF MEDFORD, MA. CARWASH FACILITIES ARE PERMITTED BY SPECIAL PERMIT APPROVAL FROM THE MEDFORD BOARD OF APPEALS.
- THE ENTIRE SITE LIES WITHIN THE 500-YEAR FEMA FLOODPLAIN. FLOODPLAIN INFORMATION TAKEN FROM FEMA FLOOD INSURANCE RATE MAP, MAP NUMBER 25017C0438E, EFFECTIVE 06/4/2010, PANEL 438 OF 656.
- REFER TO SHEET 2 OF 3 FOR SITE PLAN NOTES AND LEGENDS.

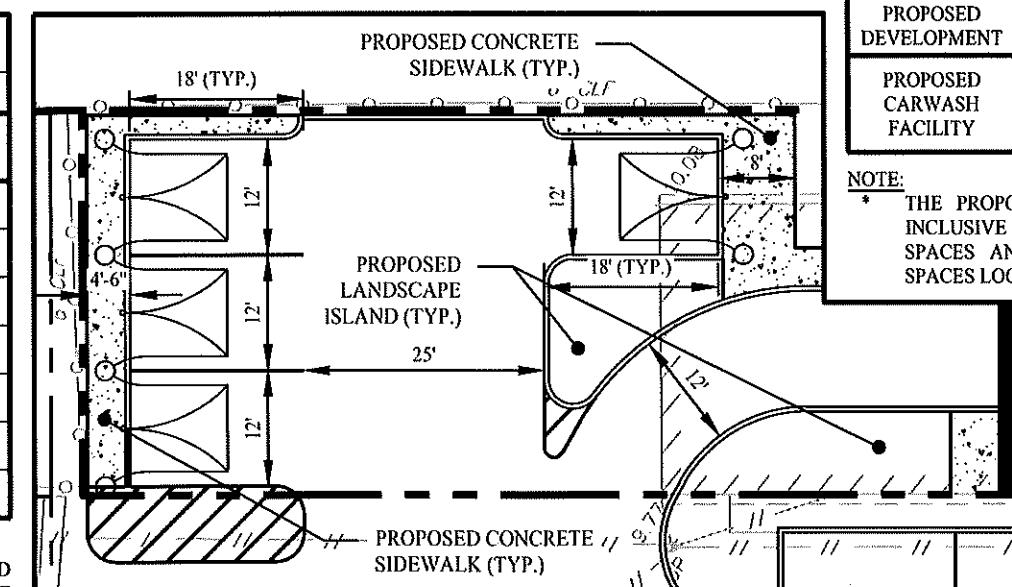


## ZONING COMPLIANCE TABLE

ZONE: COMMERCIAL 2 ZONING DISTRICT (C-2)			
ZONING REQUIREMENT (C-2)	REQUIREMENT	EXISTING CONDITIONS	PROPOSED CONDITIONS
MIN. PARCEL AREA	10,000 SF	12,716± SF	12,716± SF
MIN. FRONTAGE	35 FT	347.88± FT	347.88± FT
MIN. FRONT YARD BUILDING SETBACK	15 FT	0.00 FT	0.00± FT
MIN. SIDE YARD BUILDING SETBACK	15 FT	59.9± FT	95.11± FT
MIN. REAR YARD BUILDING SETBACK	15 FT	9.3± FT	9.3± FT
MAXIMUM LOT COVERAGE	50%	39.8%	29.3%
MAXIMUM BUILDING HEIGHT	2 STORIES / 30 FT	24± FT	27± FT

### NOTE:

\* THE EXISTING STRUCTURE IS EXISTING NON-COMFORMING WITH THE FRONT AND REAR BUILDING SETBACKS. THE PROJECT PROPOSES TO MAINTAIN PORTIONS OF THE EXISTING STRUCTURE AND RETROFIT ACCORDINGLY TO ACCOMMODATE THE NEW TENANT.



## VACUUM AREA ENLARGEMENT

SCALE: 1" = 20'



Kevin Solli, P.E.  
MA 51952



Drawn By: STM  
Checked By: KMS  
Project #: 22204101  
Plan Date: 06/26/23  
Scale: 1" = 40'



Project: PROPOSED SCRUBADUB CARWASH  
42 FULBRIGHT STREET  
MEDFORD, MASSACHUSETTS

Sheet Title: SITE LAYOUT PLAN

Sheet #:

1 of 3

**COMMONWEALTH OF MASSACHUSETTS  
MEDFORD CITY COUNCIL**

**IN RE: APPEAL OF SIGN PERMIT REFUSAL NO.: S24-00053**

**MEMORANDUM IN SUPPORT OF APPEAL OF DENIAL OF  
SIGN PERMIT S24-00053**

**I. INTRODUCTION:**

The Petitioner, Aim Realty Medford, LLC (“Aim Realty”) seeks to Appeal the Denial of Sign Permit S24-00053. The first issue raised on appeal relates to when Aim Realty first received a Notice of Denial as required by Chapter 94 Section 6.4.6 (2) for purposes of Appeal to the City Council pursuant to Chapter 94 Section 6.4.6(4). The second issue raised on Appeal relates to whether the use of the existing pylon sign has lapsed due to its abandonment or nonuse in accordance with Chapter 94 Section 5.6 of the Medford Zoning Ordinance, (the “Ordinance”).

**II. FACTUAL BACKGROUND:**

Aim Realty, is the current owner of the property situated at 42 Fulbright Street, Medford, MA 02155 (the “Property”).<sup>1</sup> The Property was acquired by deed of Winafred B. Silk, Trustee of the Silk Realty Trust (“Silk Realty”) dated September 7, 2022 and filed with the Middlesex South District Registry of Deeds Registered Land Section, Document No. 1922609, Book 01593, Page 171. The Property is a 12,716 square foot parcel of land situated within the C-2 District. The car wash use is a permitted use within the C-2 zoning district upon the issuance of a special permit by the special permit granting authority which is presently the Community Development Board. Aim Realty purchased the Property in 2022, with the purpose of renovating the existing

---

<sup>1</sup> The owner of the property is Aim Realty; however, the car wash will be operated by ScrubaDub Auto Wash Centers, Inc. for purposes of simplicity, Aim Realty will be referenced with respect to both parties. The Property is further referred to in various City records as “2 Fulbright Street, Medford, MA;

car wash facility and continuing the operation of a car wash in accordance with the existing special permit granted to Silk Realty.

By way of background, in September of 1966 a special permit was issued by the Medford Zoning Board of Appeals (the “Zoning Board”) to Silk Realty relative to the operation of a “car washing facility.” The special permit issued to Silk Realty did not contain any limiting language that would serve to limit the operation of the car wash, restrict the special permit’s duration, or restrict the transfer of the special permit to a subsequent owner. See, Minutes of the Board of Appeals Meetings attached hereto as Exhibit “A,” See also, Medford Building Department Record attached hereto as Exhibit “B.” A permit or license was further granted for the installation of the pylon sign which is the subject of dispute on May 17, 1967.<sup>2</sup> A copy of the permit is attached hereto as Exhibit “C.”

According to the City of Medford Assessor’s records, construction of the car wash was completed approximately 55 years ago in 1968. Following completion of construction, Silk Realty moved its existing operation, previously situated at 593 Mystic Avenue, Somerville, MA to the Medford location. The July 29, 1966, meeting minutes of the Zoning Board reflect that the move was motivated by the “expansion of Route 93” which abuts the Property to the north. The pylon sign which is the subject of this appeal sits on the southerly side of the Property and is visible from Route 93. According to the Affidavit of Peter W. Silk, a former principal of Minute Man Car Wash, Inc., (“Company”) the sign has stood at the site since his early childhood and prior to the completion of Interstate Route 93. See, Paragraph 3 of the Affidavit of Peter W. Silk attached hereto as Exhibit “D”.<sup>3</sup>

For over fifty (50) years, the Company conducted a full-service car wash business at the Property. Until its sale in September of 2022, the Company also maintained its corporate headquarters at the Property. (Affidavit of Peter W. Silk, Paragraph 1). The operation of the

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<sup>2</sup> The permit to construct the pylon sign is new evidence as it was recently discovered and provided by the Affiant, Peter Silk. According to the Building Department and Office of Community Development, there was no record of the permit/license in the Building Department file.

<sup>3</sup> The Affidavit of Peter Silk and the information contained therein was not available to the Applicant prior to the email of the Building Commissioner dated January 8, 2025. However, as indicated within the Memorandum, the Applicant did provide the Building Commissioner with other evidence that was probative on the business’s continued operation and until its listing for sale.

business spanned three (3) generations of the Silk family members, beginning with the founding principal John P. Silk.

As indicated in the Affidavit of Peter W. Silk, during the last few years of its operation, the Company experienced many challenges beginning with a fire that occurred on September 14, 2018, originating from an explosion of the then-existing electrical panel. As a result of the fire, the car wash facility was temporarily shut down for repairs from September 14, 2018, to the second week of December 2018. (Affidavit of Peter W. Silk, Paragraph 5). Following the completion of the casualty repairs, the car wash re-opened and resumed normal operations servicing customers seven (7) days a week, Monday through Saturday from 8:00 a.m. to 5:00 p.m., and Sunday from 8:00 a.m. to 12:30 p.m. Normal business operations continued until mid-March of 2020 when the car wash was again required to close in accordance with the restrictions imposed by both the Commonwealth of Massachusetts and the City of Medford due to COVID-19. (Affidavit of Peter W. Silk, Paragraph 6).

The Company made best efforts to cooperate fully with the City of Medford in honoring the restrictions imposed and did not re-open in any capacity until the late summer/early fall of 2020 when the regulations permitted car wash facilities to provide exterior wash services only to its customers. Eventually in the winter of 2020, the regulations were relaxed to allow for interior detailing of vehicles, but the requirements relating to masking and the use of gloves had an impact on the level of business and also the ability to retain temporary employees during busy periods. Nonetheless, the Company continued to operate a full-service car wash with a staff of five full-time employees. Following the pandemic, the Company did reduce the hours of operation to 9:00 a.m. to 5:00 p.m., Monday through Saturday and closed the business on Sundays. (Affidavit of Peter W. Silk, Paragraph 7).

Following the death of William Silk in October of 2021, the Company faced a crossroads as to whether to invest the necessary funds in the business to compete with those companies that had developed a more modern business model, or alternatively to investigate the sale of the Property and business. (Affidavit of Peter W. Silk, Paragraph 8).

The car wash continued its operation and was open to the public until December 31, 2021. In March of 2022, the Company and Silk Realty listed the Property for sale. (Affidavit of Peter W. Silk, Paragraph 9). A copy of the listing is attached hereto as Exhibit "E." It is significant to note,

that the pylon sign was specifically listed in the advertisement of the Property for sale. The Property continued to be utilized as the corporate headquarters, and to wash vehicles of family and friends until the sale of the business to Aim Realty was completed in September of 2022. (Affidavit of Peter W. Silk, Paragraph 9).

Following acquisition of the Property in September of 2022, Aim Realty commenced the process necessary to modernize the existing car wash facility which included, but was not limited to, the reconstruction of the existing car wash. Actions taken by Aim Realty to advance the project included the following: (1) submission of a Memorandum dated March 7, 2023, in response to issues raised by the former Building Commissioner, William Forte, with respect to the scope of the existing special permit, as well as to address the reconstruction or voluntary demolition of the existing structure. (2) submission of an application on July 3, 2023, for a special permit to the Zoning Board; and (3) following the grant of a special permit by the Zoning Board in December of 2023, the submission of building plans necessary to obtain a building permit from the City of Medford. A copy of the Memorandum is attached hereto as Exhibit "F." A copy of the recorded zoning decision is attached hereto as Exhibit "G."

### **III. PROCEDURAL HISTORY PERTAINING TO SIGN PERMIT:**

1. On Tuesday, November 12, 2024, Corrin Kosinski of Poyant Signs, Inc., of New Bedford, MA 02745 ("Poyant") submitted an application, on behalf of Aim Realty, to obtain the approval necessary from the City of Medford to reface the existing panels on the pylon sign to reflect the change in operation of the car wash to ScrubaDub. Copies of the documents submitted in connection with the application for refacing the pylon sign are attached hereto as Exhibit "H."

2. From November 15, 2024, to November 22, 2024, numerous emails were exchanged between representatives of Poyant and Senior Planner, Danielle Evans of the Medford Office of Community Development as to the pre-existing nonconforming status of the pylon sign. Copies of the emails are attached hereto as Exhibit "I."

4. On November 22, 2024, Senior Planner, Danielle Evans indicated via email that the Office of Community Development had denied the application following its review. The email further indicated that the applicant will "need to contact the building dept. to see about documentation of the official permit denial." (Exhibit I, at page 3). The Plan Review Report

received by Poyant from the Office of Community Development (“Plan Report”) stated in pertinent part that the “sign exceeds size (sign face max is 60 sf.) and height (max height is 20’), and any pre-existing nonconforming protections have lapsed.” The Plan Report sent on November 26, 2024 and did not provide specific reference to the cited sections of the Ordinance. More importantly, the Plan Report stated that the application remained under Building Department review. A copy of the Plan Report is attached hereto as Exhibit “J.”

5. On November 25, 2024, The Building Commissioner, Scott Vandewalle, forwarded an email to Poyant indicating that further evidence was required to show that the former car wash was a functioning business within the past two (2) years. The email further indicated “that may shed some light on this [so] we can better understand what is going on here.” In closing, the email stated that “No formal denial has been issued yet...” See, Exhibit “I, page 5.”

6. On December 5, 2024, Attorney Kathleen A. Desmond, counsel to Aim Realty, submitted an email to the Building Commissioner providing a history of the discussions with the prior Building Commissioner, William Forte, as to the fact that the car wash use was pursuant to a special permit and was not a nonconforming pre-existing use. The email included two attachments, the first being the Memorandum dated March 7, 2024, submitted to the former Commissioner in support of the continued use of the car wash without modification of the special permit, and in furtherance of renovations to the existing structure; the second attachment included a Massachusetts case, *Barron Chevrolet v. Town of Danvers*, 419 Mass. 404 (1995) that pertained to the refacing of pre-existing nonconforming signs being permitted by right and not constituting a change in use pursuant to M.G.L.c 40A Section 6. A copy of the email is attached as Exhibit “K.”

7. A response was received from the Building Commissioner on December 11, 2024, raising issues with respect to the prior special permit, scope of the prior review of plans to reconstruct the car wash facility; and a request for further documentation as to continued activity of the business. A copy of the email is attached as Exhibit “L.” There was no indication in the email of the Building Commissioner that a notice of denial had been issued with respect to the pending application.

8. On January 6, 2025, Attorney Kathleen A. Desmond submitted a response email that included information received from the City of Medford Assessor’s Office indicating business personal property tax payments through the first quarter of FY2022, Yelp reviews evidencing that

the car wash was operating into 2022, and the link to the Board of Appeals meeting on September 28, 2023 which evidenced the discussion as to the existing special permit and proposed renovations to the existing car wash. A copy of the email is attached as Exhibit "M."

9. On January 8, 2025, an email was received from the Building Commissioner indicating for the first time that the application had been denied on November 26, 2024. The email did not provide a copy of the denial letter referenced. In addition to raising the denial, the email also referenced additional violations that had not been raised in prior emails including Section 94-6.2.5(4) pertaining to "Any other information deemed necessary... by the office of community development," and Section 94-6.2.3, "No sign shall be altered except for painting and colors and format as depicted in the original..."<sup>4</sup> A copy of the email is attached as Exhibit "N."

10. A review of the Citizenserve website on January 8, 2025, showed the review by the Building Department "pending," and no denial appeared to be on file. A copy of the screenshot is attached hereto as Exhibit "O."

#### **IV. STATEMENT OF ISSUES**

Based on the foregoing factual circumstances, Aim Realty contends as follows:

- (1) The purported denial of the sign permit does not meet the requirements of Chapter 94 Section 6.2.6(2) of the Ordinance and may be appealed to the City Council.
- (2) Aim Realty is entitled to retain the existing freestanding pylon sign as the use has not been subject to abandonment or nonuse for a period of two (2) years in violation of Chapter 94, Section 5.6 of the Ordinance.

#### **V. ARGUMENT**

##### **A. THE PETITIONER WAS NOT PROVIDED WITH NOTICE OF A DENIAL OF ITS SIGN APPLICATION IN ACCORDANCE WITH CHAPTER 94 SECTION 6.2.6(2) OF THE ORDINANCE FROM WHICH AN APPEAL COULD BE TAKEN TO CITY COUNCIL IN ACCORDANCE WITH CHAPTER 94 SECTION 6.2.6(4) OF THE ORDINANCE.**

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<sup>4</sup> The Building Commissioner correctly pointed out a variance in the depiction of the sign in the signage permit application and the architectural elevation set submitted. Aim Realty understands that, but for the panels the sign cannot be varied. Aim Realty is further open to adapting the color and formatting of the panels.

Pursuant to Chapter 94 Section 6.2.6 (2), “[A]n application disapproved shall contain written reasons for disapproval, including specific references to the cited sections of the Ordinance. Appeal of such disapproval may be made to the City Council according to the provisions of Section 6.2.6(4).” Chapter 94, Section 6.2.6(4) further provides, in pertinent part, that “[A]ny appeal to the City Council shall be taken within 14-days of the date of the decision being appealed.”

As indicated above on November 12, 2024, an application was submitted on behalf of Aim Realty to reface the existing panels of the sign by replacing the existing panels with new panels for purposes of reflecting the change in ownership of the car wash. See Exhibit “H.” Following an exchange of emails between Poyant and the Office Community Development, a Plan Report was provided to Poyant reflecting disapproval of the pylon sign on the basis that the “[S]ign exceeds size... and height... and any pre-existing nonconforming protections have lapsed.” The Plan Report further indicated that the Building Department was still in the process of reviewing the application.

Aim Realty contends that the denial contained in the Plan Report could not be construed as a notice of denial for two reasons. First, the Plan Review did not constitute a disapproval in accordance with Chapter 94 Section 6.4.6(2) of the Ordinance as it did not provide written reasons for disapproval with specific reference to the cited sections of the Ordinance. Second, the Plan Report indicated that the application review by the Building Department was still pending.

Aim Realty’s position is further supported by the email of the Building Commissioner dated November 25, 2024, which requested additional evidence that the car wash was a functioning business within the past two years. The email further indicated that “no formal denial has been issued yet.” In response to the email of November 25, 2024, additional information was provided by Aim Realty by way of email dated December 5, 2024. The information included evidence that the car wash use was authorized by special permit, and was not a pre-existing nonconforming use, and set forth the timeline and actions taken by Aim Realty to obtain the necessary permits to approve the project and intended renovations.

Following submission of the additional materials, a subsequent email dated December 11, 2024, was received from the Building Commissioner requesting additional documentation as to the last active date of the business. Again, the email of the Building Commissioner did not

indicate that the application had been formally denied or provide a denial letter in conformity with Chapter 94 Section 6.2.6(2). See Exhibit "L."

On January 8, 2025, following the submission of additional information pertaining to the last date that the car wash was an "active business," an email was received by the Aim Realty's counsel from the Building Commissioner that the application had been previously denied on November 26, 2024, and the right to appeal the decision had effectively expired. See, Exhibit "N." The email referred to a denial that was issued on the basis of a failure to provide requested documents in violation of Section 94-6.2.5(4) and failure of the sign to conform "with the size requirements of the current signage language." A copy of the denial letter itself was not included with the email. In addition to referencing the above denial, the email made further reference as to additional possible violations of Section 94-6.2.3 pertaining to the alteration of signs with the exception of painting and colors and format as depicted in the original. The reference to this particular violation had not been raised in previous communication.

While Aim Realty contends that the disapproval received on January 8, 2025 is still not in compliance with the requirements of a disapproval pursuant to Chapter 94 Section 6.2.6(2), it is Aim Realty's position that the email from the Building Commissioner dated January 8, 2025, provided the first and only notice to Aim Realty that the Building Department's review had been completed, and the application had been for all intent and purpose officially denied.

Based on the foregoing the Applicant contends that its appeal of the denial of the sign permit is timely as it was filed within fourteen (14) days of the aforesaid notice.

**B. AIM REALTY IS ENTITLED TO RETAIN THE EXISTING FREESTANDING PYLON SIGN AS THE USE HAS NOT BEEN SUBJECT TO ABANDONMENT OR NONUSE FOR A PERIOD OF TWO (2) YEARS.**

First, it is important to distinguish the issuance of a special permit authorized pursuant to M.G.L.c 40A Section 9 from that of a pre-existing nonconforming use. The first paragraph of M.G.L.c 40A Section 9 provides in pertinent part that, "[Z]oning ordinances or by-laws shall provide for specific types of uses which shall only be permitted in specified districts upon the issuance of a special permit..." (emphasis added). Chapter 40A Section 9 further provides that "[S]pecial permits may be issued only for uses which are in *harmony with the general purpose and intent of the ordinance or by-law* and shall be subject to general or specific provisions set

forth therein; and such permits may also impose conditions, safeguards and limitations on time or use." Id. In contrast, pre-existing nonconforming uses are lawful uses that had been allowed as of right prior to the enactment of a zoning ordinance which expressly prohibits the prior use. See, M.G.L.ch 40A§6.

In a recent Land Court case involving the denial by a local board of the proposed expansion of an existing structure for purposes of housing both an existing Cumberland Farm's convenience store, previously authorized by special permit, and an accompanying liquor store separately housed on the property and grandfathered as a pre-existing nonconforming use, the Court separately reviewed the validity of the special permit issued in 1978 and held by Cumberland Farms, as a successor-in-interest to the special permit, and the liquor store's status as a pre-existing nonconforming use. *See, Cumberland Farms, Inc. v. Jacob, 23 LCR 620; 2015 Mass. LCR LEXIS 150; affirmed by Cumberland Farms, Inc v.Bd. of Appeals of Wellfleet, 2016 Mass.App. Unpub. LEXIS 1149* (Mass. App. Ct., Dec. 2, 2016). In deciding that Cumberland Farms did not require relief by way of a "modification of the existing special permit or a new special permit to continue its operation in a larger space" the Court pointed to the fact that the language of Cumberland Farm's existing special permit did not impose conditions or restrictions that would limit the expansion of the existing structure. *Id* at 627.

The instant matter is analogous to the *Cumberland Farms* case as it too involves the grant of a special permit. The available records with respect to the substance of the special permit issued to Silk Realty do not evidence any conditions or restrictions with respect to its use, duration or transfer. As demonstrated by *Cumberland Farms, supra*, in the case of a specifically authorized special permit, the analysis focuses on the terms and conditions contained within the four corners of the original special permit as granted. With specific reference to duration of a special permit, the Supreme Judicial Court in *Lobisser Building Corp. & Another v. Planning Board of Bellingham, 454 Mass. 123 (2009)*, has further held that where the special permit itself did not contain a specific time limit, and construction of the first phase of a construction project was initiated within the initial two-year lapse period permitted in M.G.L.c 40A Section 9,<sup>5</sup> the

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<sup>5</sup> M.G.L.ch.40A Section 9 provides " that a special permit granted under this section shall lapse within a specified period of time, not more than 3 years, from the grant thereof, which shall not include such time required to pursue or await the determination of an appeal referred to in section seventeen, from the grant thereof, if a substantial use thereof has not sooner commenced..."

delay in the construction of further phases of the project could not be construed as a lapse of the special permit, and construction was permitted to resume years after the original grant. In so deciding, the Court reaffirmed that, “[O]nce a special permit for a project...has been approved all that the statute requires is that substantial use. commence within the applicable lapse period...” Id. at 130.

There is no question in this case that Silk Realty exercised its rights under the special permit within the first two years of its grant, and therefore, even if, for argument’s sake, a lapse in use had occurred in this instance, such lapse would not serve to invalidate the special permit to operate a car wash, or its continued use as there is no condition as to duration or transfer contained within the confines of the special permit. It is also of significance to note that this is not an instance where, by virtue of a zoning amendment, the car wash use is no longer a permitted use by special permit within the C-2 District where the business is located. Pursuant to Table A: Table of Use and Parking Regulations, Item H (7) of the Ordinance, the “car wash use” remains permissible by special permit; therefore, it is impossible for the car wash use to also be construed as a nonconforming use subject to the lapse provisions of Section 5 of the Ordinance pertaining to nonconforming uses and structures.<sup>6</sup>

Based on the foregoing, Aim Realty maintains that the freestanding pylon sign has not been abandoned as it continues to provide for the identification of the location of a car washing facility permitted by the grant of a special permit.

While Aim Realty contends that the analysis should end upon a review of the terms of the existing special permit, a review of the materials provided in connection with the application submitted to reface the sign, and the established facts set forth above, results in the same conclusion; namely, that the use of the pylon sign has not lapsed even if considered as a pre-existing nonconforming structure. Chapter 94 Section 5.6 of the Ordinance entitled, Abandonment or Non-Use provides that, “[A] nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this Ordinance.” In defining the term “nonuse” Massachusetts courts

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<sup>6</sup> The Planning Department Plan Review and the Building Commissioner’s emails do not specifically reference Section 5 of the Ordinance; however, the request for documentation as to a 2-year gap in use suggest that the provisions of Section 5 formed the basis of the objection.

have stated that “[G]enerally, nonuse of a nonconforming [structure] requires both vacancy and the lack of any attempt to rent, sell, or maintain the structure.” *Stona J. Fitch v. Board of Appeals of Concord*, Appeals Court Docket No. 18-P-591(2019) (Memorandum and Order Pursuant to Appeals Court Rule 1:28).

In this particular instance, Aim Realty submitted to the Building Department the following evidence and information in support of its position that the use of the pylon sign had not lapsed: (1) information obtained from the City of Medford Assessor’s Office that business personal property taxes had been paid by Silk Realty through the first quarter of FY 2022; (2) a website reference to Yelp reviews indicating that the business was operating through 2021; (3) following Silk Realty’s listing of the Property in March of 2022, and Aim Realty’s purchase of the Property in September of 2022, the documentation submitted relating to Aim Realty’s efforts to refurbish the existing car wash for purposes of continuing its operation.

It is also significant to note that during the initial permitting process for the project, the issue of abandonment or lapse of use was never raised as a potential issue. Instead, the questions raised by both the Building Commissioner and the Zoning Board of Appeals related to an increase in business associated with the modernization of the car wash facility.

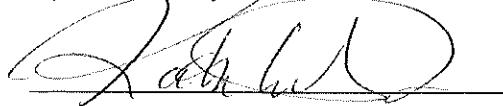
From a review of the above stated facts, it is clear that the claim of nonuse has no merit. Following the close of business in December of 2021, the Property was placed on the market for sale. Once purchased by Aim Realty, continual efforts have been made to renovate the existing car wash in furtherance of its continued operation.

### **CONCLUSION**

For the above stated reasons Aim Realty respectfully requests that the Medford City Council grant its Appeal and permit the issuance of the sign permit necessary to reface the existing pylon sign located at 42 Fulbright Street, Medford, MA 02155.

Respectfully Submitted by,

The Applicant, Aim Realty Medford, LLC,  
By its Attorney,



Kathleen A. Desmond, Esquire  
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Reading, MA 01867  
Tel: 978-545-0093  
[kdesmond@kadlaw.net](mailto:kdesmond@kadlaw.net)

Dated: January 22, 2025



Medford City Council  
Medford, Massachusetts

MEETING DATE	SPONSORED BY
March 25, 2025	Kit Collins, Council Vice President
AGENDA ITEM	<b><u>25-040</u></b> - Resolution in Support of a Fair Contract for Tufts University's Full-Time Lecturers
FULL TEXT AND DESCRIPTION	<p>Whereas, the 125 Full-Time Lecturers (FTLs) in the School of Arts and Sciences at Tufts have been unionized with SEIU 509 since 2016 and have been bargaining for their 3rd contract since April 2024, seeking a fair contract that allows for both livable salaries and manageable workloads; and</p> <p>Whereas, FTLs at Tufts create and teach classes, grade exams, advise and mentor students, and perform essential services that keep Tufts running, including in the case of many FTLs coordinating academic programs, directing graduate admissions and degrees, and supporting extra- and co-curricular activities; and</p> <p>Whereas, Tufts University prides itself on the high-quality educational experience provided to students, and valuing a quality educational experience means investing in teachers; and</p> <p>Whereas, Lecturers' working conditions are students' learning environments; and</p> <p>Whereas, cost of living has increased 21% since 2020 while the average FTL salary has increased only 13.1%, and salaries for FTLs at Tufts rank 12th out of the 13 universities among its institutional peers in the Integrated Postsecondary Education Data System (IPEDS); and</p> <p>Whereas, from 2019-2023, undergraduate enrollment in the School of Arts and sciences grew by 12.4%, while full time faculty growth was only 6.4%, leading to FTLs increasingly being overworked; and</p> <p>Whereas, Tufts promises a student-faculty ratio of 9:1 and an average class size of approximately 20, while in reality many entry-level courses taught by FTLs have enrollments between 100 and 400 students, in which FTLs often serve as formal and informal advisors; and</p> <p>Whereas, Tufts University charges undergraduates the highest college tuition in Massachusetts and fifth-highest in the country, and reported a \$34 million surplus in the School of Arts and Sciences in</p>

AY2023-24; and

Whereas, Tufts leadership has continued to offer bargaining proposals that prioritize budget austerity over workers' health and livelihoods, and has continued to reject proposals to increase salaries and make modest improvements in the direction of a living wage without adding to the burden of already-unmanageable workloads; now, therefore:

Be it Resolved by the Medford City Council that we support the Tufts University Full Time Lecturers Union, SEIU 509, and call upon Tufts University to prioritize investing in teachers, because both livable wages and sustainable workloads are essential to workers and to the University more broadly.

#### **RECOMMENDATION**

#### **FISCAL IMPACT**

#### **ATTACHMENTS**

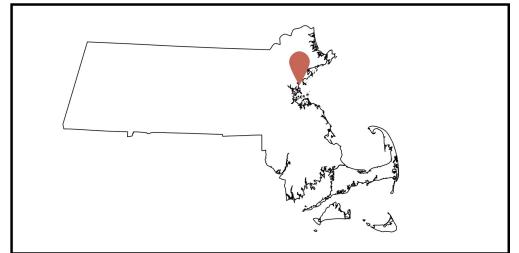
None



Medford City Council  
Medford, Massachusetts

MEETING DATE	SPONSORED BY
March 25, 2025	Justin Tseng, City Councilor
AGENDA ITEM	<u>25-041</u> - Resolution for Public Engagement Plan for FY26 Budget
FULL TEXT AND DESCRIPTION	Be it Resolved that the Resident Services and Public Engagement Committee design and implement a public engagement plan for the upcoming FY2026 budget.
RECOMMENDATION	
FISCAL IMPACT	
ATTACHMENTS	None

# Proposed Residential Districts



## LEGEND

### Neighborhood Residential 1

- Single-unit Dwelling
- Historic Conversion (2 units)
- ADU

### Neighborhood Residential 2

- Single-unit Dwelling
- 2-unit Dwelling
- Historic Conversion (2-3 units)
- ADU

### Neighborhood Residential 3

- Single-unit Dwelling
- 2-unit Dwelling
- 3-unit Dwelling
- Townhouse
- Historic Conversion (2-4 units)
- ADU

### Urban Residential 1

- 2-unit Dwelling
- Historic Conversion (2-5 units)
- Townhouse
- 3-unit Dwelling
- Multiplex (4-6 units)
- ADU (1/2/3-unit Dwelling)

### Urban Residential 2

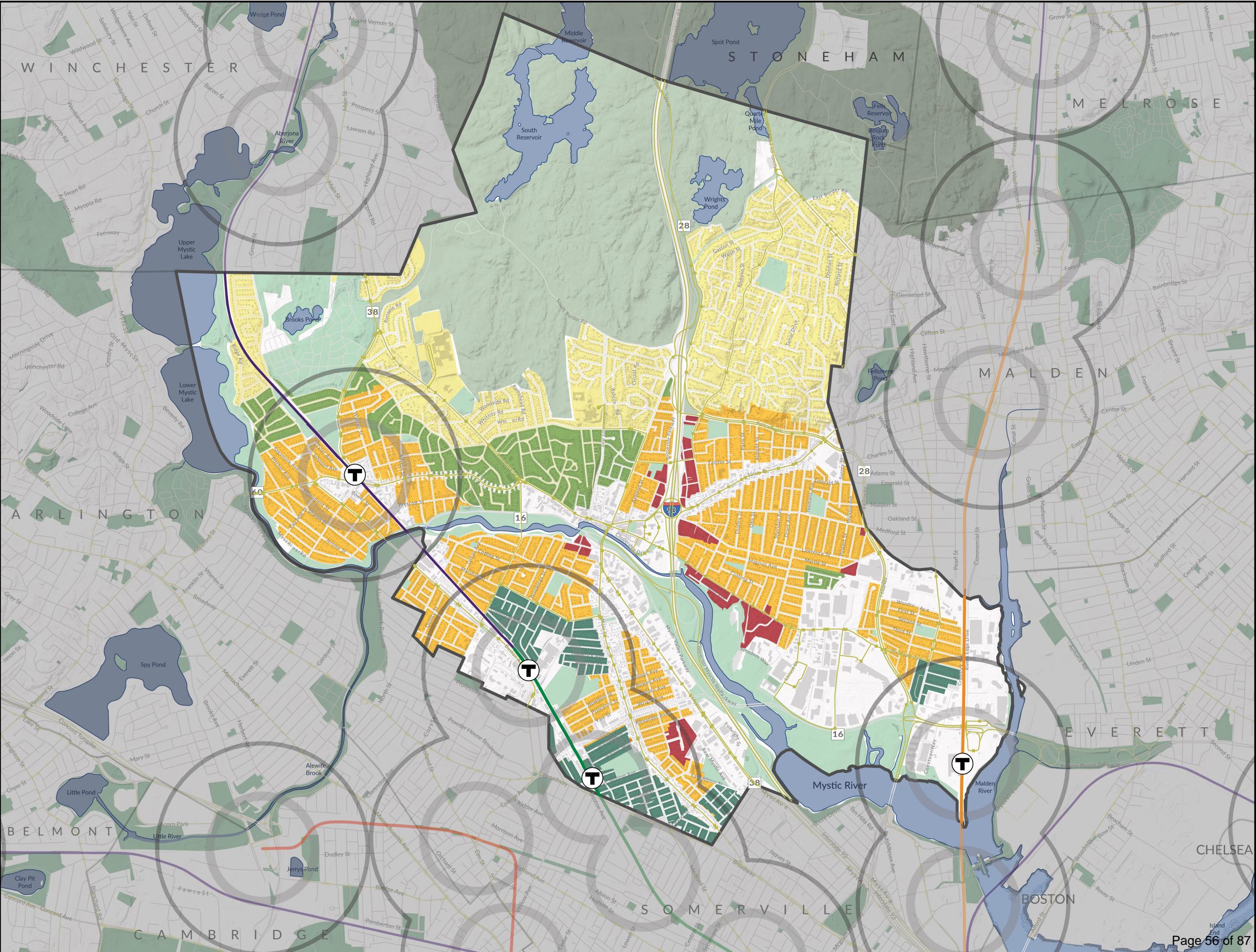
- Townhouse
- 3-unit Dwelling
- Multiplex (4-6 units)
- Multiple unit Dwelling >6 units  
3 stories max
- ADU (1/2/3-unit Dwelling)



This map was produced in January 2025 by Innes Associates for the City of Medford using data from MassGIS: "Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services".



**Innes**  
Associates Ltd



## MEMORANDUM

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To	Members of the Planning and Permitting Committee Alicia Hunt, Director of Planning, Development & Sustainability Danielle Evans, Senior Planner Brenda Pike, Climate Planner Salvatore Di Stefano, Economic Development Director Scott Vandewalle, Building Commissioner
From	Paula Ramos Martinez, Senior Urban Designer/Planner
Date	February 20, 2025 – reformatted March 21, 2025
Project	23146 – Medford – Zoning - Revised
Subject	Residential Districts– Progress set for review and discussion
Cc:	Emily Keys Innes, AICP, LEED AP ND, President Jimmy Rocha, GIS Analyst/Data Scientist Jonathan Silverstein, Blatman, Bobrowski, Haverty & Silverstein, LLC

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This memorandum contains draft text for the following proposed zoning changes:

<b>Amend</b> Section 94-2.1. Division into districts	page 2
<b>Amend</b> Section 94-3.2 Table of Use Regulations (Table A) Dimensional Standards	page 3
<b>Amend</b> Section 94-4.1 Table of Dimensional Requirements (Table B)	page 12
<b>Amend</b> Section 94-12.0 Definitions (if needed)	page 13

**Amend** Section 94-2.1. Division into districts.

Add the following row to the table of zoning districts, as shown below:

Full Name	Classification	Abbreviation
Neighborhood Residential 1	Residential	NR-1
Neighborhood Residential 2	Residential	NR-2
Neighborhood Residential 3	Residential	NR-3
Urban Residential 1	Residential	UR-1
Urban Residential 2	Residential	UR-2

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**Amend** Section 94-3.2 Table of Use Regulations (Table A) by incorporating the following table into the existing table and renumbering as appropriate:

	<b>Residential Districts</b>						
	<b>NR-1</b>	<b>NR-2</b>	<b>NR-3</b>	<b>UR-1</b>	<b>UR-2</b>	<b>PC<sup>5</sup></b>	<b>LC</b>
<b>A. RESIDENTIAL USES</b>							
1. Detached one-unit dwelling	Y	Y	Y	N	N	2 per Dwelling Unit	NA
2. Attached one-unit dwelling (Rowhouse)	N	N	Y	Y	Y	1.5 per Dwelling Unit <sup>4</sup>	NA
3. Detached two-unit dwelling (Duplex)	N	Y	Y	Y	N	1.5 per Dwelling Unit <sup>4</sup>	NA
4. Three-unit dwelling, Detached.	N	N	Y	Y	Y	1.5 per Dwelling Unit <sup>4</sup>	NA
5. Multiplex (4-6 units)	N	N	N	Y	Y	1.5 per Dwelling Unit <sup>4</sup>	NA
6. Multiple dwelling (>6 units)	N	N	N	N	Y	1.5 per Dwelling Unit <sup>4</sup>	NA
7. Dormitory, fraternity or sorority house	N	N	N	Y	Y	1 per 4 beds	1/15,000 s.f.
8. Lodging or boarding house	N	CDB	CDB	CDB	CDB	1 per Guestroom	1/15,000 s.f.
9. Senior housing facility	CDB	CDB	CDB	CDB	CDB	1 per 2 Units	1/15,000 s.f.
10. Co-housing.	N	N	N	CDB	CDB	1.5 per Dwelling Unit <sup>4</sup>	NA
11. Congregate Housing.	Y	Y	Y	Y	Y	1.5 per Dwelling Unit <sup>4</sup>	NA
12. Townhouse	N	N	N	Y	Y	1.5 per Dwelling Unit <sup>4</sup>	NA
13. Historic Conversion	Y	Y	Y	Y	Y	1.5 per Dwelling Unit <sup>4</sup>	NA
<b>B. COMMUNITY USES</b>							

	Residential Districts					PC <sup>5</sup>	LC
	NR-1	NR-2	NR-3	UR-1	UR-2		
1. Museum	CDB	CDB	CDB	Y	Y	1 per 750 s.f.	1/15,000 s.f.
2. Community center or adult recreational center, nonprofit	CDB	CDB	CDB	CDB	CDB	1 per 750 s.f.	1/15,000 s.f.
3. Use of land or structures for religious purposes on land owned or leased by a religious sect or denomination	Y	Y	Y	Y	Y	1 per 140 s.f.	NA
4. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination or by a nonprofit educational corporation	Y	Y	Y	Y	Y	1 per 750 s.f.	1/15,000 s.f.
5. Child care center or school aged child care program	Y	Y	Y	Y	Y	1 per 750 s.f.	1/15,000 s.f.
6. Public fire station	Y	Y	Y	Y	Y	1 per 2 employees	1/50,000 s.f.
7. Public library	Y	Y	Y	Y	Y	1 per 750 s.f.	1/15,000 s.f.
8. Other municipal uses	Y	Y	Y	Y	Y	NA	NA
9. Essential services	CDB	CDB	CDB	CDB	CDB	NA	NA
10. Hospital, nonprofit	N	N	N	N	N	1 per 4 beds	1/15,000 s.f.
11. Other Institution	CDB	CDB	CDB	CDB	CDB	1 per 750 s.f.	1/15,000 s.f.
<b>C. OPEN RECREATIONAL AND AGRICULTURAL USES</b>							

	Residential Districts							
	NR-1	NR-2	NR-3	UR-1	UR-2	PC <sup>5</sup>	LC	
1. Private open recreational uses, available to the public	N	N	N	N	N	1 per 750 s.f.	1/15,000 s.f.	
2. Public open recreational uses	Y	Y	Y	Y	Y	1 per 750 s.f.	NA	
3. Exempt agriculture	Y	Y	Y	Y	Y	NA	NA	
4. Production of crops, horticulture and floriculture	Y	Y	Y	Y	Y	NA	1/15,000 s.f.	
5. Keeping and raising of livestock, including animal stable or kennel	N	N	N	N	N	NA	1/15,000 s.f.	
<b>D. COMMERCIAL USES</b>								
1. Private entertainment or recreation facility excluding adult uses	N	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.	
2. Public entertainment or recreation facility	CDB	Y	Y	Y	Y	1 per 350 s.f.	1/15,000 s.f.	
3. Private nonprofit members only recreational club or lodge	CDB	CDB	CDB	Y	Y	1 per 750 s.f.	1/15,000 s.f.	
4. Trade, professional, or other school operated for profit	N	N	N	N	N	1 per 750 s.f.	1/15,000 s.f.	
5. Hotel	N	N	N	N	N	1 per Guestroom	1/15,000 s.f.	
7. Mortuary, undertaking or funeral establishment	N	N	N	N	N	1 per 140 s.f.	1/15,000 s.f.	
8. Adult use	N	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.	
9. Brewery or taproom <sup>1</sup>	N	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.	
10. Artisanal Fabrication.	N	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>	
11. Artistic/Creative Production.	N	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>	
12. Work-Only Artists' Studio.	N	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>	

	Residential Districts						
	NR-1	NR-2	NR-3	UR-1	UR-2	PC <sup>5</sup>	LC
13. Co-working Space.	N	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
14. Retail Store or Shop for Sale of Custom Work or Articles Made on the Premises.	N	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
<b>E. OFFICE USES</b>							
1. Business, professional, or government office	N	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
2. Bank and other financial institution	N	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
3. Neighborhood Medical Office	N	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
4. Medical Office	N	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
5. Clinic	N	N	N	N	N	<u>1 per 350 s.f.</u>	<u>1/15,000 s.f.</u>
<b>F. RETAIL AND SERVICE USES</b>							
1. Retail sales <sup>2</sup>	N	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
2. Convenience retail <sup>2</sup>	N	N	N	N	N	1 per 500 s.f.	1/15,000 s.f.
3. Neighborhood retail	N	N	N	N	N	1 per 750 s.f.	1/15,000 s.f.
4. Drive through retail sales and consumer service	N	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
5. Consumer service establishment	N	N	N	N	N	1 per 350 s.f.	1/50,000 s.f.
7. Body art establishment	N	N	N	N	N	1 per 850 s.f.	1/15,000 s.f.
8. Adult Use Marijuana Establishment — Cultivation	N	N	N	N	N	1 per 350 s.f.	1/50,000 s.f.
9. Adult Use Marijuana Establishment — Manufacture and processing	N	N	N	N	N	1 per 350 s.f.	1/50,000 s.f.
10. Adult Use Marijuana Establishment — Retail	N	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.

	Residential Districts						
	NR-1	NR-2	NR-3	UR-1	UR-2	PC <sup>5</sup>	LC
11. Adult Use Marijuana Establishment — Independent laboratory	N	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
12. Doggy Daycare	N	N	N	N	N		
<b>G. EATING, DRINKING, AND ENTERTAINMENT ESTABLISHMENTS</b>							
1. Eating place, without drive through	N	N	N	N	N	1 per 350 s.f.	1/50,000 s.f.
2. Eating place, with drive through	N	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
3. Neighborhood Café	N	N	N	N	N	1 per 350 s.f.	1/50,000 s.f.
<b>H. MOTOR VEHICLE RELATED USES</b>							
1. Motor vehicle light service station	N	N	N	N	N	1 per 350 s.f.	1/50,000 s.f.
2. Motor vehicle repair establishment	N	N	N	N	N	1 per 350 s.f.	1/50,000 s.f.
3. Motor vehicle sales or rental of new vehicles only, accessory storage entirely within enclosed structure	N	N	N	N	N	1 per 1,040 s.f.	1/50,000 s.f.
4. Outdoor motor vehicle sales and storage accessory to H.3	N	N	N	N	N	NA	NA
5. Motor vehicle sales and storage, outdoors	N	N	N	N	N	NA	NA
6. Class II used motor vehicle sales	N	N	N	N	N	NA	NA
7. Motor vehicle wash within enclosed structure	N	N	N	N	N	1 per 350 s.f.	1/50,000 s.f.
<b>I. MISCELLANEOUS COMMERCIAL USES</b>							
1. Parking area or garage not accessory to permitted principal use: Residential	N	CDB	CDB	CDB	CDB	NA	NA

	Residential Districts							
	NR-1	NR-2	NR-3	UR-1	UR-2	PC <sup>5</sup>	LC	
Nonresidential	-	-	-	-	-	NA	NA	
2. Parking area or garage accessory to a principal use which is on the same lot as a conforming principal use	Y	Y	Y	Y	Y	NA	NA	
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	N	N	N	CDB	CDB	NA	NA	
4. Parking area or garage accessory to a principal use which is on the same lot as a nonconforming principal use	CDB	CDB	CDB	CDB	CDB	NA	NA	
5. Parking area or garage accessory to a principal use which is within 500 feet of a conforming principal use in the same MUZ district <sup>3</sup>	N	N	N	N	N	NA	NA	
6. Open Storage	N	N	N	N	N	1 per 1,400 s.f.	1/15,000 s.f.	
7. Moving of land	N	N	N	N	N	NA	NA	
8. Radio and television tower	N	N	N	N	N	NA	NA	
9. Solar energy system	Y	Y	Y	Y	Y	NA	NA	
<b>J. WHOLESALE, TRANSPORTATION, INDUSTRIAL USES</b>								
1. Fuel and ice sales	N	N	N	N	N	1 per 1,400 s.f.	1/50,000 s.f.	
2. Motor freight terminal	N	N	N	N	N	NA	NA	
3. Printing and publishing	N	N	N	N	N	H	B	
4. Railroad right-of-way	Y	Y	Y	Y	Y	NA	NA	

	Residential Districts						
	NR-1	NR-2	NR-3	UR-1	UR-2	PC <sup>5</sup>	LC
5. Manufacturing	N	N	N	N	N	1 per 2 employees	1/50,000 s.f.
6. Research and testing laboratory	N	N	N	N	N	1 per 2 employees	1/50,000 s.f.
7. Plumbing or carpentry shop, and other similar service or repair shops	N	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
8. Wholesale bakery or food processing plant	N	N	N	N	N	1 per 2 employees	1/15,000 s.f.
9. Wholesale laundry, cleaner, dyer or similar use	N	N	N	N	N	H	1/50,000 s.f.
10. Warehouse, Wholesale establishment	N	N	N	N	N	1 per 1,400 s.f.	1/15,000 s.f.
11. Mini or self-storage warehouse	N	N	N	N	N	1 per 1,400 s.f.	1/15,000 s.f.
12. Distillery or winery.	N	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
13. Food Production Facility	N	N	N	N	N	1 per 2 employees	1/50,000 s.f.
14. Life Science Facility	N	N	N	N	N	1 per 2 employees	1/50,000 s.f.
15. Light Manufacturing	N	N	N	N	N	1 per 2 employees	1/50,000 s.f.
16. Maker Space	N	N	N	N	N	1 per 2 employees	1/50,000 s.f.
17. Shared-use Kitchen	N	N	N	N	N	1 per 1,000 s.f.	1/15,000 s.f.
<b>K. ACCESSORY USES</b>							
1. Home occupation (see § 94-3.4) As of right	Y	Y	Y	Y	Y	1 per 350 s.f.	NA
By special permit	SP	SP	SP	SP	SP	1 per 350 s.f.	NA

	Residential Districts						
	NR-1	NR-2	NR-3	UR-1	UR-2	PC <sup>5</sup>	LC
2. Accessory child care center or school aged child care program	Y	Y	Y	Y	Y	Y	
3. Family day care home	Y	Y	Y	Y	Y	1 per 2 employees	NA
4. Family day care home, large	CDB	CDB	CDB	CDB	CDB	1 per 2 employees	NA
5. Adult day care home	CDB	CDB	CDB	CDB	CDB	1 per 2 employees	NA
6. Renting of one or two rooms without separate cooking facilities to lodgers within a dwelling unit to one or two total lodgers	Y	Y	Y	Y	Y	1 per Guestroom	NA
7. Noncommercial greenhouse, tool shed, or similar accessory structure	Y	Y	Y	Y	Y	NA	NA
8. Swimming pool, on a lot with: Less than 4,500 sq. ft.	Y	Y	Y	Y	Y	NA	NA
More than 4,500 sq. ft.	Y	Y	Y	Y	Y	NA	NA
9. Scientific research and development, as provided at section 94-3.3.3.1	N	N	N	N	N	NA	NA
10. Keno	N	N	N	N	N	NA	NA
11. Open storage	N	N	N	N	N	1 per 1,400 s.f.	1/15,000 s.f.
12. Heavy repair operations	N	N	N	N	N	1 per 350 s.f.	1/15,000 s.f.
<b>L. OTHER PRINCIPAL USES</b>							
1. Mixed-Use, Community	N	N	N	N	<u>N</u>		
2. Mixed-Use Development	N	N	N	N	<u>N</u>		

	<b>Residential Districts</b>							
	<b>NR-1</b>	<b>NR-2</b>	<b>NR-3</b>	<b>UR-1</b>	<b>UR-2</b>	<b>PC<sup>5</sup></b>	<b>LC</b>	

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**Amend** Section 94-4.1 Table of Dimensional Requirements (Table B) by incorporating the following table:

<b>Dimensions</b>	<b>Residential Districts</b>				<b>UR-2</b>
	<b>NR-1</b>	<b>NR-2</b>	<b>NR-3</b>	<b>UR-1</b>	
Lot Area sf (Min) – under review	5,000	4,000	3,000	3,000	3,000
Frontage (Min)	50	50	40	40	40
Façade Build Out (Min)	50%	50%	60%	60%	60%
Residential Density (Units per lot) (Min-Max)	1 unit	1-2 units	1-3 units	2-6 units	2-N/A
Historical Conversion (Max) *1	2 units	3 units	4 units	No unit density limit	No unit density limit
<b>Height</b>					
Max Height. (Stories)	2.5	2.5	3	3	3
<b>Setbacks (ft)</b>					
Front (Min/Max)	15	15	10	10	10
Side	7 ½ (Sum 15)	7 ½ (Sum 15)	5 (Sum 10)	5 (Sum 10)	5 (Sum 10)
Rear	15	15	15	10	10
<b>Stormwater and Landscaping</b>					
Building Coverage (Max)	50%	50%	50%	60%	60%
Green Score	-	-	-	-	25
Pervious Surface (Min)	30%	30%	30%	25%	25%
Open Space Landscape (Min)	20%	20%	20%	15%	15%

\*1 Minimum area per unit is 900 sf.

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## **Amend Section 94-12.0 Definitions**

**Historic Conversion.** The conversion of an existing structure, a minimum of seventy (70) years old, originally designed for one-unit use to a two-unit or multi-unit dwelling with no change to the exterior of the structure. Each unit has an independent entrance directly from outside the building or through a common vestibule.

**Multiplex.** A residential building that contains four, five or six primary dwelling units on one lot. In order to qualify as a multiplex, at least one dwelling unit must be entirely or partially above another. Multiple units built side-by-side would generally be considered a townhouse or a semi-detached house.

**Pervious Surface.** A surface that allows water to infiltrate the soil beneath it. Also known as permeable surface.

**Open Space Landscape.** Open space designed and planted for pleasant appearance with trees, shrubs, ground cover and grass. Such space may not include lot area used for parking, loading, access drives, other areas with hard surfaces, or usable open space.



Medford City Council  
Medford, Massachusetts

MEETING DATE	SPONSORED BY
March 25, 2025	Isaac Bears, Council President
AGENDA ITEM	<u>25-039</u> - FY2026 City Council Budget Recommendations to Mayor
FULL TEXT AND DESCRIPTION	

Be it Resolved by the Medford City Council that the Council President requests City Councilors submit individual budget recommendations to the City Clerk by Thursday, March 13, 2025 for consideration in a Committee of the Whole meeting on Tuesday, March 18, 2025 at 6PM.

Be it Further Resolved that, based on Budget Ordinance and discussions with the administration, the City Council and City Administration will follow the following budget schedule for the FY2026 City Budget:

- By March 13, 2025 - City Councilors Submit Individual Budget Recommendations for Consideration in Committee of the Whole
- March 18, 2025 at 6PM - City Council Committee of the Whole Meeting to Discuss Council Budget Recommendations
- March 19, 2025 at 6PM - Joint Meeting of the City Council and School Committee to Receive a Financial Update and Discuss the FY26 Budget Process
- Tuesday, March 25, 2025 - City Council Regular Meeting to Submit Collective Budget Recommendation to the Mayor
- From April 15th, 2025 to May 21st, 2025 - City Council Holds Preliminary Budget Meetings with Department Heads
- By Friday, May 31st, 2025 - Mayor Submits Comprehensive Budget Proposal to the City Council

Be it Further Resolved that the Draft Schedule of Preliminary Budget Meetings in Committee of the Whole is as follows:

- Tuesday, April 15th, 2025 at 6:00 P.M.
- Tuesday, April 29th, 2025 at 6:00 P.M.
- Wednesday, April 30th, 2025 at 7:00 P.M.
- Tuesday, May 13th, 2025 at 6:00 P.M.

- Tuesday, May 20th, 2025 at 6:00 P.M.
- Wednesday, May 21st, 2025 at 6:00 P.M.

## **RECOMMENDATION**

## **FISCAL IMPACT**

## **ATTACHMENTS**

1. 26-03-25 - Council FY26 Budget Recommendations v1
2. 26-03-25 - Individual Councilors FY26 Budget Recommendations



ISAAC B. "ZAC" BEARS  
President

# City of Medford

OFFICE OF THE CITY COUNCIL

City Hall  
85 George P. Hassett Drive  
Medford, Massachusetts 02155

Residence  
625 Fellsway West  
Medford, MA 02155

Contact  
781-391-5623  
[ibears@medford-ma.gov](mailto:ibears@medford-ma.gov)

To: Mayor Breanna Lungo-Koehn  
From: City Council President Isaac B. "Zac" Bears  
Date: March 25, 2025  
Re: City Council FY26 Budget Recommendations

Dear Mayor Lungo-Koehn,

Below are the collective recommendations of the City Council to include in the Fiscal Year 2026 City Budget. Additionally, I have attached the individual recommendations of councilors as a separate PDF document. We look forward to working with you and your team to include these recommendations in the budget this year.

**1. Maintain Level-Service Funding for MPS and City Departments**

- a. Meet the School Committee's budget request for the Medford Public Schools and the Board of Library Trustees' request for the Medford Public Library
- b. For city departments, Councilors identified specific focuses on the Community Liaisons Program, Translation Services, Rodent Control, and All Grant Funded Positions in PDS and Health Departments
- c. **Estimated Impact: TBD based on Preliminary Budget Meetings**

**New Ongoing Expenditures**

**2. Increase Funding for Assessing Department to Implement Residential Exemption**

- a. The Council has voted to pursue a Residential Exemption for the FY26 tax year and the Assessing Department has indicated that 1 to 2 additional full-time staff members would be necessary to process exemption applications.
- b. **Estimated Impact: \$100,000 to \$200,000**

**3. Increase Funding for DPW, Engineering, and Facilities Departments for Improved Road and Bike Safety, Tree Planting, and Capital Improvements**

- a. Fund the recommendations of the Medford Bicycle Advisory Commission, including but not limited to:
  - i. Additional traffic engineer focused on walking, biking, and transit to implement Vision Zero and Complete Streets
  - ii. Increase funding for DPW staff positions for restriping, adjusting signal timing, patching potholes, and shrinking repair backlog

- iii. Budget to purchase install and maintain road safety markings, signage, and bike-related equipment
  - b. Fund a half-time DPW volunteer coordinator for a volunteer tree planting program
  - c. **Estimated Impact: Minimum \$250,000**
- 4. **Fund Therapeutic Recreation Specialist and Office Manager in Recreation Department and a Citywide Inclusion Specialist**
  - a. The Council has been working alongside residents with disabilities and their families to improve city services and inclusion across the city and community, which has identified these staffing needs.
  - b. **Estimated Impact: \$200,000**
- 5. **Fund Fire Department Dive Team Training and Equipment**
  - a. Given our extensive waterways, the Council believes it is a priority to add a dive team in the Fire Department. Councilor Lazzaro received the financial cost estimate during discussions with Fire Chief Evans.
  - b. **Estimated Impact: \$122,933**
- 6. **Increase Funding for City Solicitor Position**
  - a. Make a further increase in the solicitor position salary to ensure competitiveness and finally fill the role that has been vacant for too long.
  - b. **Estimated Impact: \$30,000**

#### One-Time Expenses

- 7. **Nexus Studies for Inclusionary Zoning, Linkage Fees, and TDM**
  - a. These nexus studies are necessary to update our key affordable housing programs and significantly increase linkage fee revenue given that the current rates and ordinance have not been updated in 30 years.
  - b. This one-time cost could be funded by stabilization funds or free cash reserves.
  - c. **Estimated Impact: \$100,000 to \$200,000**
- 8. **Planning to Update City's Financial Software**
  - a. Appropriate seed money to develop a clear plan and timeline for updating city financial software and payroll systems or to hire additional staff to speed up timeliness of financial reporting updates, calculation of retroactive pay, and other payroll and finance updates.
  - b. This one-time cost could be funded by stabilization funds or free cash reserves.
  - c. **Estimated Impact: \$100,000 to \$200,000**

Sincerely yours,  
Zac Bears

cc: Chief of Staff Nina Nazarian and Finance Director Bob Dickinson



KIT COLLINS  
Vice President

# City of Medford

OFFICE OF THE CITY COUNCIL

—  
City Hall  
85 George P. Hassett Drive  
Medford, Massachusetts 02155

Residence  
11 Strathmore Rd. #2  
Medford, MA 02155

Contact  
781-816-7676  
[kcollins@medford-ma.gov](mailto:kcollins@medford-ma.gov)

March 13, 2025

Mr. Clerk,

I am submitting my preliminary FY26 budget requests, roughly in order of priority, ahead of our Committee of the Whole to discuss City Councilors' budget recommendations on Tuesday, March 18.

I am grateful to the voters for approving Questions 7 and 8 in the November 2024 election. These critical investments will help us protect capacity for the Medford Public Schools and the DPW in the midst of escalating inflation and escalating non-negotiable costs that burden residents and City budgets alike.

I am also grateful for past funding decisions that are enabling the City Council to execute a comprehensive zoning update this year. I believe that in the future, the City will see a large return on this investment – not only in unquantifiables, such as resident quality of life and making strides to combat housing scarcity, but in new growth, revenue from permitting fees, and incentives-driven contributions to local climate-resiliency infrastructure.

In the meantime, especially in this moment of great national insecurity, as the federal government aggressively rolls back many important supports and programs that Medford residents (and people all around the nation) rely upon, it is crucial that we refuse to stall or backslide when it comes to supporting our residents; making life better, easier, and safer for members of our community; and making Medford an ever-more resilient, inclusive, and vibrant place to live and work.

These convictions guide my priorities for our FY26 operating budget and amendments to our Capital Improvements Plan.

1. Meet School Committee budgetary request for **Medford Public Schools**.
1. Meet **Library Department** budgetary request and maintain at least level service and hours of operation.
2. Fund **two additional traffic engineers** (estimated budget impact: \$192,000.00) within the Department of Traffic and Transportation to focus on walking, biking, transit, and the implementation of **Vision Zero** and **Complete Streets** policies, including:
  - a. applying for state and federal grants for transformative road redesign and bicycle and pedestrian safety projects;

- b. driver and cyclist education on rules of the road, how to lawfully and safely share the road with cyclists, and newer traffic laws; and
  - c. assisting with routine pothole maintenance and restriping.
- 3. Fund a **therapeutic recreation specialist** and **full-time office manager for Medford Recreation** to increase fully-accessible recreation options for youth with disabilities and begin building the capacity towards an Accessibility Master Plan for Medford. (Estimated budget impact: \$125,000.00)
- 4. Increase budgeted amount for **City Solicitor** salary to maintain competitiveness with neighboring municipalities. (Estimated budget impact: \$36,000.00)
- 5. **Maintain grant-funded personnel** in Health Department, Office of Outreach and Prevention, and Office of Planning, Development and Sustainability.
- 6. Increase **capital spending earmark** for expansion of Medford's network of separated, protected bike lanes, completion of Medford's Bike Master Plan, and design studies for Vision Zero and Complete Streets policies.
- 7. Fund installation and maintenance of **road safety equipment and interventions** within DPW budget, including:
  - a. bike racks and flex posts along all squares, corridors and along key access points to bike lane network;
  - b. increased road signage especially at known high-speed or otherwise dangerous intersections and crossings;
  - c. implementation of planned new crosswalks and crosswalk improvements, especially at known high-speed or otherwise dangerous intersections and crossings.

In addition, I will repeat my requests from FY24, regarding programs that I ask and recommend the Administration continue to plan for and study:

- Implementing Massachusetts Paid Family & Medical Leave program for all City employees
  - Increase City's competitiveness with private employers and other municipalities
  - Along with implementation of Compensation & Classification Study findings, help attract and retain competitive candidates in City positions to achieve fuller staffing and increase capacity across departments
  - Provide a positive and needed benefit for municipal workers
- Review Finance Department software upgrade options and develop of implementation scenarios
  - Look into software and financial tools that would increase capacity and effectiveness of Finance Department and reduce workflow bottlenecks, especially as it relates to payroll and retro pay processing; reporting; analysis; expanding capacity for long-term and capital planning
  - Research budgetary impact of potential upgrades and how to implement these investments

Respectfully,

Kit Collins  
Medford City Council Vice President



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**Fw: My budget requests**

---

**From** Kit Collins <kcollins@medford-ma.gov>

**Date** Thu 3/13/2025 5:24 PM

**To** Adam Hurtubise <ahurtubise@medford-ma.gov>

**Cc** Isaac 'Zac' Bears <ibears@medford-ma.gov>; Anna Callahan <acallahan@medford-ma.gov>

Hi Adam,

Budget requests from Councillor Callahan for 3/18.

---

Kit Collins  
she/her  
Medford City Council Vice President  
781-816-7676

Please note: The Commonwealth of Massachusetts considers most electronic communications to and from public employees to be public records and disclosable under the Massachusetts Public Records Law and its regulations.

---

**From:** Anna Callahan <acallahan@medford-ma.gov>

**Sent:** Thursday, March 13, 2025 4:39 PM

**To:** Zac Bears <isaacbears@gmail.com>; Kit Collins <kcollins@medford-ma.gov>

**Subject:** My budget requests

- Half time DPW staff volunteer coordinator for the volunteer tree planting program
- Half time Housing person to run the Home Sharing program



## Budget asks for COW

**From** Matt Leming <mleming@medford-ma.gov>

**Date** Thu 3/13/2025 3:19 PM

**To** Isaac 'Zac' Bears <ibears@medford-ma.gov>

**Cc** Adam Hurtubise <ahurtubise@medford-ma.gov>

Therapeutic recreation specialist and office manager for Medford rec.

To: Clerk Adam Hurtubise  
From: City Councilor Emily Lazzaro  
Re: Budget Requests Fiscal Year 2026

Dear Clerk Hurtubise,

Thank you for the opportunity to address the City's annual budget by proposing some items that I believe will increase safety in Medford for its residents. These priorities are critical at a time when our community faces uncertainty at the national level and craves the security of a City that listens and protects its residents.

Medford has seen an increase in pedestrian deaths from traffic crashes. One concrete way to protect our residents is to take measurable steps to increase safety on our roads.

Please fulfill the requests made by the Medford Bicycle Advisory Commission, all very reasonable and attainable goals:

- **Retain two traffic engineers on staff, including one whose focus is on walking, biking, and transit**
- **Retain sufficient in-house DPW staff to do small things like restripe faded markings, adjust signal timing, and patch potholes**
- **Fund the DPW enough for them to shrink our sidewalk and roadway repair backlog each year**
- **Apply for state and federal funds for bicycle and pedestrian projects yearly**
- **Budget for purchase, installation, and maintenance of bike-related equipment such as bike racks and flex posts**

My second priority is to invest in the required equipment and training to allow the Medford Fire Department to have a dive team.

In my capacity as the Chair of the Public Health and Community Safety Committee, I have met with the new Fire Department Chief Todd Evans a number of times. I have found him to be a dedicated, intelligent, and hard-working individual who has the potential to bring together and modernize the Medford Fire Department with the goal of improving morale and efficiency simultaneously.

In 2019, Apurea Devkota, an 18-year-old young man and recent graduate of Medford High School, drowned in the Upper Mystic Lake and our Medford Firefighters were on the scene right away, but since we do not have a dive team, they could not search for him. They had to wait for dive teams from neighboring cities and towns.

Following that incident, ten of our Medford Firefighters took it upon themselves to begin the process of getting certified to do underwater search and rescue. We now need the budget to get a full dive team of twelve firefighters, plus the equipment. **The estimate is that the training and equipment will cost a total of \$122,933.**

Thank you to the Council and the Administration for considering these priorities in the FY2026 budget.

Sincerely,

Emily Lazzaro  
Medford City Council



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## FW: Budget 2026

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**From** Adam Hurtubise <ahurtubise@medford-ma.gov>

**Date** Tue 3/18/2025 4:25 PM

**To** City Council Members <ccmembers@medford-ma.gov>

**Cc** Scarpelli, George A. <scarpg@comcast.net>; Anna Callahan <annacallahan@gmail.com>; Richard Eliseo <reliseo@medford-ma.gov>

Councillors--

These are Councillor Scarpelli's budget requests, which he asked me to share with you.

Thanks,

Adam

-----Original Message-----

From: George Scarpelli <scarpg@comcast.net>

Sent: Tuesday, March 18, 2025 4:23 PM

To: Adam Hurtubise <ahurtubise@medford-ma.gov>

Subject: Budget 2026

### CAUTION POSSIBLE EMAIL IMPERSONATION

Hi Adam can you share my FY 26 budget request

- Fulltime Recreation employee to fill therapeutic roll
- Administrative Assistant for Recreation Department
- Increase support funding department
- Increase funding for Solicitors and Assistant Solicitor positions
- Increase line for Additional Firefighters to meet minimal standards
- Increase funding for Medford Police Department
- increase line for DPW positions
- Increase Line in assessors department for increase for abatement process Sent from my iPhone



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## FW: Additional to FY26

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**From** Adam Hurtubise <ahurtubise@medford-ma.gov>

**Date** Tue 3/18/2025 6:08 PM

**To** City Council Members <ccmembers@medford-ma.gov>

**Cc** Scarpelli, George A. <scarpg@comcast.net>; annacallahan@gmail.com <annacallahan@gmail.com>; Richard Eliseo <reliseo@medford-ma.gov>

Councillors--

One additional request from Councillor Scarpelli.

Adam

-----Original Message-----

From: George Scarpelli <scarpg@comcast.net>

Sent: Tuesday, March 18, 2025 6:07 PM

To: Adam Hurtubise <ahurtubise@medford-ma.gov>

Subject: Additional to FY26

CAUTION POSSIBLE EMAIL IMPERSONATION

- City wide Inclusionary Specialist



JUSTIN TSENG  
City Councilor

# City of Medford

OFFICE OF THE CITY COUNCIL

City Hall  
85 George P. Hassett Drive  
Medford, Massachusetts 02155

Residence  
65 College Ave.  
Medford, MA 02155

Contact  
781-866-2572  
[jtseng@medford-ma.gov](mailto:jtseng@medford-ma.gov)

To: City Clerk Adam Hurtubise  
From: Councilor Justin Tseng  
Re: **Preliminary Budget Requests for FY2026**

Dear Clerk Hurtubise,

I am submitting a list of preliminary budget recommendations.

First, I am grateful to our residents for voting Yes to invest in Medford's school, streets, and sidewalks last fall. This stabilization is crucial to retain critical school resources that so many Medford families rely on, improve education access and opportunity, and fix our streets and sidewalks. At the same time, our city government and our residents now face new challenges on the horizon arising from rising costs and the federal government.

The prospect of diminished freedoms and opportunities haunts Medford residents. To not only protect our residents but also continue building a Medford that is more inclusive and accessible, the City Council has been working hard to empower our residents by creating more seats at the table. Over the last year, the Council has been working with city staff and community members on reforming the Human Rights Commission and creating a Youth Commission. These two projects have been in the works for years. Through detailed discussions, we've determined that we should budget around **\$15,000 for the Human Rights Commission** (including stipends for members, research, and community events). We've also determined that we should spend about **\$20,000 on the Youth Commission** (including stipends for members, a stipend for a lead organizer/secretary, and funds for a youth summit). Community discourse has shed light on how crucial stipends are for ensuring a balanced representation on these bodies. Without them, we may not attract enough candidates to fill these seats.

We also cannot talk about youth and inclusion without drawing attention to increasing accessibility. That means listening to Medford parents who say we need **a therapeutic recreation specialist and the office manager for Medford Recreation** to improve our offerings.

Finding small dollar ways to improve our standard of living and safety, I would also recommend **increasing line-item spending for road signage/markings**. Lack of

funds for the necessary signage, marking, and striping to comply with our Safe Streets Policy often means that we cannot pave streets in a timely fashion. Even a modest investment would help us repave streets faster and ensure that these streets are safer for multi-modal transport. Recent tragic incidents on Medford roads also make clear that it is past time to **take action on the Bicycle Advisory Commission's priorities for safety improvements.**

We must also preserve funding for important programs that have and will drastically improve quality of life and the responsiveness of government here in Medford. Such examples include **maintaining our investments in our public schools, the Community Liaisons Program** (and seeking additional funding for an AAPI community liaison, be it from grants or the general fund), **translation services, rodent prevention, and the Affordable Housing Trust.**

Budget time is also a time for the City Council to raise attention to needed long-term finances. We should ask for concrete plans to **improve childcare access, update our city's financial software, increase financial and assessing staff** in light of potential tax reforms, **ensure Human Resources can complete their work in a more timely manner** (a matter which affects staff), and **raise the salaries of vacant positions to meet regional pay standards.** I thank the Council and the Administration for their consideration.

Sincerely,



Justin Tseng, Medford City Councilor



**MEDFORD, MASSACHUSETTS**  
**MAYOR BREANNA LUNGO-KOEHN**

March 19, 2025

**Via Electronic Delivery**

To The Honorable President and  
Members of the Medford City Council  
Medford City Hall  
Medford, MA 02155

**Re: Use of Free Cash and Retained Earnings**

Dear President Bears and City Councilors:

I respectfully request and recommend that your Honorable Body approves the appropriations of:

1. Free Cash in the amount of Seven Hundred, Thirty-Seven Thousand, Nine Hundred and Twenty-Seven Dollars and Eighty-Eight Cents (\$737,927.88) on the following items:
  - \$680,927.88 for Fire Station planning. This covers expenses spent under City Council Resolution No. 19-484 using short-term borrowing.
  - \$57,000.00 to fund Vision Government Solutions contract to provide revaluation services for the Assessor's State mandated 2026 revaluation.

The balance of free cash before this vote is \$28,343,997.

2. Retained Earnings from the Water Enterprise in the amount of One Million, Seven Hundred Thousand Dollars and Zero Cents (\$1,700,000.00) for a Water Main Replacement project to mitigate lead/unknown services and improve capacity.

The balance retained earnings in the water enterprise before this vote is \$12,653,475.

Finance Director Robert Dickinson and City Engineer Owen Wartella will be available to answer any questions.

Respectfully submitted,

Breanna Lungo-Koehn  
Mayor



**MEDFORD, MASSACHUSETTS  
MAYOR BREANNA LUNGO-KOEHN**

February 12, 2025

**Via Electronic Delivery**

To The Honorable President and  
Members of the Medford City Council  
Medford City Hall  
Medford, MA 02155

**Re:     Loan Order – MWRA Water Bonds**

Dear President Bears and Members of the City Council:

I respectfully request and recommend that your Honorable Body approve the following Loan Order:

**CITY OF MEDFORD  
Loan Order – MWRA Water Bonds**

**BE IT ORDERED:** That Eight Million Dollars (\$8,000,000.00) is appropriated for the purpose of replacing lead service lines and galvanized requiring replacement and addressing service lines of unknown materials in various locations throughout the City eligible for financial assistance through the Massachusetts Water Resource Authority's Lead Replacement Program, including the payment of any and all costs incidental and related thereto; that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Sections 7 and 8, of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; that the Treasurer, with the approval of the Mayor, is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority (the "MWRA") pursuant to the MWRA's local water system assistance program and, in connection therewith, to enter into a loan agreement and/or financial assistance agreement with the MWRA and otherwise to contract with the MWRA with respect to such loan and for any grants or aid available for the project or for the financing thereof; and that the Mayor is authorized to accept and expend any grants or aid available for the project or for the financing thereof, provided that the amount of the authorized borrowing for the project shall be reduced by the amount of any such grants or aid received.

**AND FURTHER ORDERED:** That the Treasurer is authorized to file an application with the appropriate officials of the Commonwealth of Massachusetts (the "Commonwealth") to qualify under Chapter 44A of the General Laws any and all bonds of the City authorized to be borrowed pursuant to this loan order and to provide such information and execute such documents as such officials of the Commonwealth may require in connection therewith.



**MEDFORD, MASSACHUSETTS**  
**MAYOR BREANNA LUNGO-KOEHN**

Respectfully submitted,

A handwritten signature in blue ink that appears to read "Breanna Lungo-Koehn".

Breanna Lungo-Koehn  
Mayor



*The Leader in Public Sector Law*

101 Arch Street, Boston, MA 02110  
Tel: 617.556.0007 | Fax: 617.654.1735  
[www.k-plaw.com](http://www.k-plaw.com)

February 12, 2025

President Isaac B. Bears and Members of the  
Honorable Medford City Council  
City Hall  
Medford, MA 02155

Re: Council Paper No. 25-028 – Loan Order Opinion  
\$8,000,000 City Water System Bonds

Dear Madam President and Members of the Medford City Council:

In accordance with the provisions of Medford City Council Rule 30, we examined the above-captioned Loan Order (the “Loan Order”) as to its legality and respectfully transmit this letter as notification of our findings.

In our opinion, the Loan Order in which an authorization is sought to borrow Eight Million Dollars (\$8,000,000) for the purpose of paying the costs of replacing lead service lines and service lines of unknown materials in various locations throughout the City eligible for financial assistance through the Massachusetts Water Resource Authority’s (MWRA) Lead Replacement Program, including other costs incidental and related thereto, is in proper legal form, and further, the projects to be financed with said borrowing are valid purposes for which the City can borrow pursuant to chapter 44 of the General Laws, as amended, including section 8(5) of said chapter. The Loan Order properly grants the Treasurer, with the approval of the Mayor, the authority to issue bonds and notes of the City to meet the appropriated amount and/or to borrow all or a portion of such amount from the MWRA, and duly authorizes the City to qualify said bonds and notes pursuant to chapter 44A of the General Laws, as amended. Relatedly, the Order also authorizes the Treasurer, with the approval of the Mayor, to enter into a loan agreement and/or financial assistance agreement with the MWRA and otherwise contract with the MWRA with respect to such applicable loan and for any grants or aid available for the project or financing thereof, and further authorizes the Mayor to accept and expend any grants or aid available for the project and the financing thereof.

It is also our understanding that the City’s bond counsel prepared the Loan Order.

Thank you very much and please let us know if you have any questions.

Very truly yours,

KP Law, P.C.

cc: The Honorable Breanna Lungo-Koehn, Mayor (by e-mail)  
Adam L. Hurtubise, City Clerk (by e-mail)  
963048/MEDF/0001