



Medford City Council
Medford, Massachusetts

The Fifth Regular Meeting, March 12, 2024

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/86349402596>

Call-in Number: +16469313860,,86349402596#

Broadcast Live: Channel 22 (Comcast), Channel 43 (Verizon), 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

24-050 - Offered by George Scarpelli, City Councilor

Condolences to the Family of Joseph Rossetti

24-051 - Offered by George Scarpelli, City Councilor

Condolences to the Family of James Byrnes

Records

The Records of the Meeting of February 20th, 2024 were passed to Councillor Lazzaro.

Reports of Committees

21-057 - Offered by Isaac Bears, Council President

Committee of the Whole Report, February 21, 2024 to Follow.

22-494 - Offered by Isaac Bears, Council President

Administration and Finance Committee Report, February 27, 2024 to Follow.

HEARINGS

23-319

Raising Cane's, 760 Fellsway, Special Permit for Additional On Premises Signage

23-369

96-104 Winchester Street, PDD-1, Planned Development Special Permit and Site Plan Review

PETITIONS, PRESENTATIONS, AND SIMILAR PAPERS

23-081

MBTA Plan for Accessible Transit Infrastructure (PATI)

IN CITY COUNCIL 03/28/2023, 02/20/2024

MOTIONS, ORDERS, AND RESOLUTIONS

24-041 - Offered by Matt Leming, City Councilor, Kit Collins, Council Vice President

Resolution to Develop Real Estate Transfer Fee Home Rule Petition

21-057 - Offered by Isaac Bears, Council President

Leaf Blower Ordinance

22-494 - Offered by Isaac Bears, Council President

Budget Ordinance

24-047 - Offered by Matt Leming, City Councilor

A Resolution to Request Linkage Fee Updates in Medford

24-048 - Offered by Isaac Bears, Council President

Updating Name of Elections Department in All City Communications

24-052 - Offered by George Scarpelli, City Councilor

Superintendent of Schools and Acting Finance Director Inform the Council on FY 2024 Budget Shortfalls

24-053 - Offered by George Scarpelli, City Councilor

Fire Department Leadership Team Invited to Discuss the Well-Being of Fire Personnel

24-054 - Offered by George Scarpelli, City Councilor

Schedule a Committee of the Whole Meeting Regarding Civil Service Appointment of The Fire Chief

COMMUNICATIONS FROM THE MAYOR

24-055

Offered by Mayor Breanna Lungo-Koehn

Establishing a Stabilization Fund

PUBLIC PARTICIPATION

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

UNFINISHED BUSINESS

23-412 **Petition to Amend Deed Restriction - 12 Dell Avenue**

IN CITY COUNCIL SEPTEMBER 19, 2023

TABLED

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

IN CITY COUNCIL FEBRUARY 6, 2024

TABLED

Reports Due/Deadlines

<u>16-574</u>	University Accountability Spring 2017-Report (Next Report Due in March 2024)
<u>17-606</u>	Evangelical Haitian Church 400 High St. 90 Day Review on Illumination (Tabled - January 9, 2018)
<u>20-086</u>	90-Day Review Report on El Tacuba Cocina and Tequila Bar for a petition for a Special Permit – Hours (granted by the Council, as amended to require 90-day report period to begin on opening of restaurant)
<u>22-007</u>	90 Day Report from Administration to present 5-year plan to address gas leaks (Report due in April 2022)
<u>22-009</u>	90 Day Report from School Administration to identify opportunities to connect classroom learning to career applications (Report due in April 2022)
<u>22-026</u>	Quarterly Presentation on City's Financial Health by Chief Financial Officer/Auditor
<u>22-027</u>	Monthly Copy of Warrant Articles from Chief Financial Officer/Auditor
<u>22-039</u>	Report due in 30 days on draft ordinances requested by the Council during the 2020-2021 term

Adjournment



Medford City Council
Medford, Massachusetts

MEETING DATE

March 12, 2024

SPONSORED BY

AGENDA ITEM

23-319 - Raising Cane's, 760 Fellsway, Special Permit for Additional On Premises Signage

FULL TEXT AND DESCRIPTION

**LEGAL NOTICE
MEDFORD CITY CLERK'S OFFICE
NOTICE OF PUBLIC HEARING**

The Medford City Council will hold a public hearing in the Howard F. Alden Chambers at Medford City Hall, 85 George P. Hassett Drive, Medford, MA and via Zoom on Tuesday, March 12th at 7:00 p.m., a link to be posted no later than Friday, March 8, 2024, on a petition for a special permit for signs by Raising Cane's Restaurants, LLC, d/b/a Raising Cane's Chicken Fingers, 6800 Bishop Road, Plano, TX 75024. The petitioner is seeking to construct an eat-in restaurant (Allowed Use) in a commercial one (C-1) Zoning District at 509-511 Riverside Avenue a/k/a 760 Fellsway, Parcel ID. Lot 7-02-27, with **Additional On-Premises Signage requiring a Special Permit from the Medford City Council pursuant to Ch. 94 Section 6.2.20 of the Medford Zoning Ordinance.**

The petition seeks a special permit for:

Additional On-Premises Signage

The Petition and Site Plans for this project may be viewed in the Office of the City Clerk, Room 103, Medford City Hall, Medford, MA. The site plans can also be viewed on the City's website at <http://www.medfordma.org/bords/communtiy-development-board/> by clicking on "Current CD Board Filings."

Call 781-393-2435 for any accommodations/aids. The City of Medford is an EEO/AA/504 Employer.

By the order of the City Council

S/Adam L. Hurtubise
City Clerk

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



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

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 7, 2024

RE: Community Development Board Recommendation
96-104 Winchester Street, PDD-1, Planned Development Special Permit and Site Plan Review

Applicant: 96-102 Winchester Street, LLC

Subject Property: 96-104 Winchester Street (known as "100 Winchester Street")

Zoning District: Winchester Street Planned Development District Overlay (PDD-1)

Application: The application materials for [PDSP SPR 2023-2 100 Winchester St](#) can be found under "[Current CD Board Filings](#)" on the Community Development Board page of the City of Medford website.

- Planned Development Special Permit
- Site Plan Review

Procedural History Summary:

- August 15, 2023: Winchester Street Planned Development District (PDD-1) re-zoning approved by City Council.
- February 6, 2024: Public hearing notice for City Council and Community Development Board (CDB) meetings mailed to abutters and parties of interest.
- February 6 and February 13, 2024: Public hearing notice published in the Boston Herald.
- February 21, 2024: CDB held a public meeting and voted to recommend conditional approval of the application for Site Plan Review and the Planned Development Special Permit.

Proposed Development:

The subject property, known as "100 Winchester Street", is comprised of an assemblage of parcels located at 96-104 Winchester Street on the Medford/Somerville line near the Ball Square MBTA Green Line station. The site contains commercial/light industrial buildings along with an historically significant structure. The Applicant is proposing to redevelop the site in accordance with the Winchester Street Planned

Development District (PDD-1) approved by City Council on August 15, 2023. The mixed-use development would consist of two structures:

- A new four-story, sixty-five (65) unit residential building with a mix of one- and two-bedroom units of which 15% would be designated as affordable units; and
- The historically significant structure would be retained, renovated, and expanded with a new two-story rear addition and contain 4,000 s.f. of commercial space. Allowable uses proposed for the commercial space include such uses to serve the community such as a daycare, office, or gym.

In addition, a small community pocket park is proposed for the corner of Winchester Street and Albion Street.

Permitting Procedures:

Per the procedures outlined in Section 94-9.2 (PDD) and Section 94-9.2A (PDD-1) of the Medford Zoning Ordinance, the Applicant must receive a Planned Development Special Permit and an approved Site Plan Review in order to develop the property as proposed in the Preliminary Plan. In the PDD-1, the Community Development Board is advisory to City Council which is both the Site Plan Review Authority and the Special Permit Granting Authority. As such, the CDB held a duly noticed public meeting on February 21, 2024, to consider the applications for Site Plan Review and Planned Development Special Permit and to make a recommendation to the City Council. Board members present at the meeting were Chair Jacquie McPherson, Vice Chair Emily Hedeman, Ari Fishman, Pam Maryanski and Peter Calves. Sally Akiki and Sharad Bajracharya were absent.

In order to grant the Planned Development Special Permit, the Community Development Board and City Council must find that the following criteria are met or incorporate conditions into the PDD-1 Special Permit, that if satisfied, will cause the following criteria to be met:

1. The Site Development and Use Plan is substantially in conformance with the PDD-1 Preliminary Plan. The SPGA may approve deviations from the Preliminary Plan if it determines that such deviations will improve the PDD-1 Project.
2. The PDD-1 Project meets the special permit criteria set forth in Section 94-11.6.2 of the Ordinance in that any adverse effects of the project will not outweigh the beneficial impacts to the City or the neighborhood taking into consideration the following:
 - Social, economic, or community needs which are served by the proposal;
 - Traffic flow and safety, including parking and loading;
 - Adequacy of utilities and other public services;
 - Compatibility with the size, scale, and design of other structures in the neighborhood;
 - Impacts on the natural environment; and
 - The proposal's compatibility with the purposes of the City's Comprehensive Plan.

To approve the Site Plan, the Site Plan Review Authority must consider the following standards for approval set forth in Section 94-11.7.10 of the Ordinance:

- The provisions for vehicular loading and unloading and parking and for vehicular and pedestrian circulation on the site and into adjacent public streets and ways will not create hazards to safety, or impose a significant burden upon public facilities;
- The bulk, location or height of proposed buildings and structures and paved areas and the proposed uses thereof will be not detrimental to other private development in the neighborhood and will not impose undue burdens on the sewers, sanitary and storm drains, water distribution system, or similar public facilities;
- The provision for on-site landscaping provides adequate protection to neighboring properties from potentially detrimental features of the development;
- The site plan provides adequate protection of natural resources and the development will not result in soil or drainage problems;
- The provisions for exterior lighting will not create undue hazards to motorists traveling on adjacent public streets or damage the value and diminish the usability of adjacent properties;
- The proposed development will not create undue fire safety hazards by providing adequate access to the site, or to the buildings on the site, for emergency vehicles;
- The provisions for the handling of refuse provides for adequate protection to neighboring properties.

After considering the submitted materials, presentations from the applicant team, recommendations from City staff, and public comment received at and in advance of the public hearing, the Board found that, as conditioned, the proposal met the required criteria and voted 5-0 to recommend approval of the Site Plan and Planned Development Special Permit. The recommended conditions are as follows:

1.	Control Plans: As modified by the below conditions: Site plan prepared by Boston Survey Inc. dated 11/10/2023, architectural plan set entitled "100 Winchester St: A Mixed-Use Medford PDD Project" prepared by Peter Quinn Architects (30 sheets, dated 12/14/2022), civil plans prepared by GM2 Associates (7 sheets dated 10/22/2022), and landscape plans prepared by Verdant Landscape Architecture (6 sheets dated 12/8/2022)
2.	Plan Modifications: Neither the Applicant nor any present or future owner of any interest in the project shall change or modify the Control Plans referenced in this Decision without first filing a formal request with the OPDS for an opinion as to whether or not such change or modification requires further review from the Site Plan Review/Special Permit Granting Authority. Minor modifications may be considered and approved by the OPDS Director if found to be consistent with the original project.
3.	Recordation: Upon application for a Building Permit, the Petitioner shall provide evidence to the Zoning Enforcement Officer that this entire decision has been filed or recorded with the Registry of Deeds.

Traffic and Transportation Conditions	
4.	The Applicant shall provide bicycle parking in an amount equivalent to at least 50% of the number of units.
5.	The Applicant shall provide for at least 10% of the parking to be for Electric Vehicle charging (~5 spaces) and the design shall accommodate future EV parking needs.
6.	The Applicant shall ensure that landscaping and fencing areas within the sight triangle of vehicles/drivers be kept below driver height to facilitate safe maneuvers when exiting onto Winchester Street.
7.	The Applicant shall restrict the on-street parking to the south of the site drive to provide better sight lines. Any distance beyond 2-3 feet requires Traffic Commission Approval. Given the higher volume driveway (as compared to a single or 2 family residence drive), the Applicant shall restrict at least one full on-street parking space (~20 feet) south of the site drive. The space should be marked with paint and a sign, as well as flex posts affixed to the pavement in the restricted area.
8.	The Applicant shall purchase and install all necessary materials and equipment to provide a speed hump to be located on Winchester Street. This will assist in slowing existing and new project trips on Winchester Street to travel at or below the posted speed limit of 25 MPH. The speed hump shall conform to NACTO and City of Medford standards and be located mid-block (generally) between Newbern Ave. and Granville Ave. or an alternative location if the horizontal or vertical sight distance is not adequate for drivers to see the treatment.
9.	<p>The Applicant shall purchase and install all necessary materials and equipment to provide a better sight line for all users of the intersection of Morton Avenue and Winchester Street. The specific materials should include:</p> <ul style="list-style-type: none"> a) Paint crosswalks and stop lines (as suggested by the project's TIAS, pg. 17) on Morton Avenue located where appropriate. All pavement markings should be epoxy material. b) Blinking Stop sign (as suggested by the project's TIAS, pg. 17) c) Additional parking restrictions (beyond 20 feet), if approved by the City's Traffic Commission (proposed by the proponent, conceptual plan is sufficient) signs and poles (u-channel) indicating the parking restrictions, d) Consist of painted bump outs at all corners, and flex posts affixed to the ground which will physically re-enforce the designs/marked restrictions. <ul style="list-style-type: none"> i) Alternatively, the project could construct cement concrete bumpouts including any necessary drainage structures. If doing so, it should be confirmed that the lane structure of the roadway will remain as is. <p>Given the crash history, the project should conduct an MUTCD warrant analysis to determine if an all-way stop is warranted at the intersection of Winchester St. at Morton Ave. and provide the result to the City.</p>

10.	<p>The Applicant shall purchase and install all necessary materials and equipment to provide a better sight line for all users of the intersection of Newbern Avenue at Medford Street. The specific materials should include:</p> <ul style="list-style-type: none"> a) Paint crosswalks and stop lines (as suggested by the project's TIAS, pg. 17) on Newbern Avenue located where appropriate. All pavement markings should be epoxy material. b) Additional parking restrictions (beyond 20 feet), if approved by the City's Traffic Commission (proposed by the proponent, conceptual plan is sufficient) signs and poles (u-channel) indicating the parking restrictions, c) Consist of painted bump outs at all corners, and flex posts affixed to the ground which will physically re-enforce the designs/marked restrictions. <p>Alternatively, the project could construct cement concrete bumpouts including any necessary drainage structures. If doing so, it should be confirmed that the lane structure of the roadway will remain as is.</p>
11.	<p>The Applicant shall purchase and install southwest bound on-street bike lanes on Albion Street, from Medford Street to Winchester Street. A concept plan should be presented and approved through the Traffic Commission. All pavement markings must be epoxy material. The bike lane must be a min. of 5' wide, with min. parking shoulders of 7' wide and min. travel lane of 10' wide. A bike lane will provide for additional area bicycle infrastructure as well as narrow the travel lane (encouraging slower speeds).</p>
12.	<p>The Applicant shall purchase and install all necessary materials and equipment to provide a better sight line for all users of the intersection of Morton Avenue and Winchester Street. The specific materials should include:</p> <ul style="list-style-type: none"> a) Paint crosswalks and stop lines (as suggested by the project's TIAS, pg. 17) on Morton Avenue located where appropriate. All pavement markings should be epoxy material. b) Blinking Stop sign (as suggested by the project's TIAS, pg. 17) c) Additional parking restrictions (beyond 20 feet), if approved by the City's Traffic Commission (proposed by the proponent, conceptual plan is sufficient) signs and poles (u-channel) indicating the parking restrictions, d) consist of painted bump outs at all corners, and flex posts affixed to the ground which will physically re-enforce the designs/marked restrictions. Alternatively, the project could construct cement concrete bumpouts including any necessary drainage structures. If doing so, it should be confirmed that the lane structure of the roadway will remain as is. <p>Given the crash history, the project should conduct an MUTCD warrant analysis to determine if an all-way stop is warranted at the intersection of Winchester St. at Morton Ave. and provide the result to the City for our use.</p>
Engineering Division Conditions	
13.	<p>The Applicant shall update the plans to show the maximum allowable driveway apron width on Winchester Street, or a variance be requested. The maximum opening for a general residential driveway apron is twenty (20) feet.</p>
14.	<p>In accordance with City standards and Engineering Directive #3, the Applicant shall show pavement restoration limits within the roadway (Winchester, Albion, and Alfred Streets)</p>

15.	The Applicant shall protect and maintain all existing street signage during construction.
16.	The Applicant shall install vertical granite curbing if any curb cut is being eliminated and meet the City standards for all proposed driveway aprons.
17.	The Applicant shall update the plans to show stormwater detention/infiltration system so that the connection with the main in Winchester Street is via a concrete drainage manhole in accordance with City standards.
18.	The Applicant shall update the plans to show the overflow pipes and connections (if any) to the City's closed drainage system.
19.	The Applicant shall resubmit any revisions to the stormwater report when applying for the City's Stormwater Permit. The stormwater revisions shall include the following: <ul style="list-style-type: none"> a. Calculations for mitigation of the 25-year storm event b. Calculations showing that phosphorous removal has been met on-site c. Infiltration System #3 to be designed at least 2-feet above the Estimated Seasonal High Groundwater Table (~29.0) or a groundwater mounding analysis be provided for review.
20.	The Applicant shall incorporate cutting and capping existing water services at the main within Winchester Street. No tapping sleeves shall be permitted for new water connections at the main. The fire protection service shall be triple gated and have a minimum size of 6-inches. If a hydrant is required on site, a flow test should be performed and submitted to the Engineering Division for review.
21.	The Plan shows the capping of the existing water service to the existing building to be renovated along Albion Street. The Applicant shall remove any abandoned gates in accordance with City standards.
22.	The Application shall have any sewer connection be made with a sewer manhole in accordance with City standards.
23.	The Applicant shall video the existing sewer pipe and structures from the building to the main and present the video to the Water & Sewer Department for their approval. Any recommendations regarding sewer replacement should be included in the Plan for Building Permit.
24.	The Applicant shall conform with the City Standards for all cement concrete work within the public right of way.
25.	The Applicant shall update the plan to show a new 1-inch copper line to the existing building being renovated in accordance with City standards. The records indicate that the existing water service is listed as a ¾" lead service.
26.	The Applicant shall revise construction details (C501-C504) to show a construction fence to be 8-feet in height, perimeter controls (silt soxx) show a 2-foot overlap at ends, and that all details pertaining to work within the public way conform to City construction standards.
27.	The Applicant shall show outlet control structure for each infiltration system in the plan as indicated in the stormwater report and the detail be added to reflect the stormwater design.
Fire Prevention Conditions	
28.	The Applicant shall provide a fire detail according to the Medford Fire Department regulations for demolition or welding and cutting on the site.

29.	The project shall be equipped with a fire alarm system according to the Commonwealth of Massachusetts Regulation 780 Section 9, National Fire Protection Association Standard 72, and the requirements of the Medford Fire Department.
30.	The project shall be equipped with an approved system of automatic sprinklers and standpipes according to the Massachusetts General Laws Chapter 148, CMR 780, NFPA Standards 13, 14, and 25, and the requirements of the Medford Fire Department.
31.	Life safety systems (smoke, heat, and carbon monoxide protection) Shall be required throughout the entire structure. This is in accordance with CMR 780-State Building code 9th edition, MGL Chapter 148, NFPA Standard 1 -Chapter 13 and 13.7, and NFPA Standard 72- National Fire Alarm Code.
32.	The sprinkler/ standpipe system and fire alarm plans shall include a narrative report according to NFPA Standards 13, 14, and 72.
33.	All Fire department connections shall be located according to Medford Fire Department rules and regulations and NFPA Standards 13 and 14.
34.	Parking lot/travel lanes shall be a minimum of 20 feet clear width if traffic flow is one way, and 24 feet clear width if traffic flow is two-way. Access to be 360 degrees around the project.
35.	Safety railings or alternate equivalent shall be required on rooftops
36.	The Fire Department reserves the right to add additional Hydrants as needed and to order additional safety requirements after review of detailed architectural drawings not available as of this date.
Health Dept Conditions	
37.	The Applicant shall assure an adequate drainage plan that ensures safety of groundwater and the effect of run-off abutting properties.
38.	The Applicant shall assure an adequate plan for sewer disposal.
39.	The Applicant must remediate any dust with the use of water trucks or calcium chloride during any demolition and construction. Streets shall be kept clean at the close of every workday.
40.	Demolition and building dumpster permits must be obtained in the Board of Health office.
41.	The Applicant shall submit solid waste plan to the Board of Health.
42.	Pre-demolition and pre-construction baiting are a requirement for Permit sign-off from the Board of Health, ongoing reports from a licensed pest control company will be required.
Miscellaneous Conditions	
43.	A requirement for management and mitigation of sound from the roof deck shall be included as part of the property's permanent management documentation.
44.	Any modification or removal of the roof deck which does not expand it will not be considered a significant site plan change and may be approved administratively by the Director of the Office of Planning, Development, and Sustainability.

cc: Alicia Hunt, Director of Planning, Development, and Sustainability
Jacquie McPherson, AICP, Chair, Community Development Board
Breanna Lungo-KoeHN, Mayor
Adam Hurtubise, City Clerk

Memo

Date: Wednesday, January 31, 2024
Revised: Tuesday, February 6th, 2024

Project: MBTA Bus Stop Accessibility and Safety Improvements

To: Bin Zou, MBTA Project Manager, Capital Delivery

From: Deborah A. Finnigan, PE
Carly Nadler, EIT, RSP1

Subject: Medford City Council Rectangular Rapid-Flashing Beacon Requests:
Review and Recommendations

Introduction

The MBTA has requested HDR to review five intersections and six sets of Rectangular Rapid-Flashing Beacons (RRFB) that the Medford City Council (See attached City Council meeting minutes (March 23, 2023) in Appendix A) requested be installed by the MBTA as part of their bus stop improvements plan. This memorandum will review the requested RRFBs, which are pedestrian-actuated visual enhancements combined with pedestrian warning signs to improve safety at *uncontrolled*, marked crosswalks.

The use of the RRFBs is not currently included in the Manual of Uniform Traffic Control Devices (MUTCD); however, the Federal Highway Administration (FHWA) Interim Approval 21 (IA-21) approves the optional use of RRFBs. One of the requirements in the IA-21 is that State and local agencies must request and receive permission to install an RRFB. The interim approval states that RRFB shall not be used for crosswalks across approaches controlled by yield or stop signs, traffic control signals, or pedestrian hybrid beacons. Another guide used to evaluate the installation of RRFB is the PEDSAFE – Pedestrian Safety Guide and Countermeasure Selection System. It recommends reserving the RRFB for locations with significant pedestrian safety issues, as overusing RRFB treatments may diminish their effectiveness.

The FHWA's Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations provides an application matrix for various countermeasures related to pedestrian safety (See Appendix B for the matrix used). The matrix considers the posted speed limit, roadway AADT, lane configuration, and median presence when determining an effective countermeasure. The factors above were collected for each proposed RRFB location (See Appendix C).

Data Collection

The 2022 AADT was collected using the MassDOT Transportation Data Management System and grown to 2023 using the count station's recorded growth rate for 2022. AADT was unavailable in the Transportation Data Management System and was received from the City of Medford. The other data required for the analysis was collected using aerial and street-view imagery from Google Maps.

Analysis

The FHWA provides guidance for crash countermeasures (see Appendix B for the countermeasure matrix). The countermeasures descriptions are as follows and are used in Table 1 below:

1. High-visibility crosswalk markings, parking restrictions on crosswalk approach, adequate nighttime lighting levels, and crossing warning signs
2. Raised crosswalk
3. Advance “Yield Here To (Stop Here for)” pedestrian sign and yield (stop) line
4. In-street pedestrian crossing sign
5. Curb extension
6. Pedestrian refuge island
7. Rectangular Rapid-Flashing Beacon (RRFB)
8. Road Diet
9. Pedestrian Hybrid Beacon (PHB)

Based on the FHWA countermeasures matrix analysis, the five locations not currently under stop control were evaluated, and the potential candidate treatments can be found in Table 1. Countermeasures 1, 4, 5, and/or 6 could be used to improve safety at each of the five locations. Countermeasure 1 is a simple and cost-effective safety measure that can be implemented at all locations. Improvements to the existing roadway and/or curbs are required for Countermeasures 4, 5, and 6. Countermeasures 7 and 9 are potential recommendations for three locations that meet AADT thresholds.

Table 1: Potential Safety Countermeasures

Plan	Bus Stop ID/ Community	Intersection		FHWA Recommendation
		Street for Safety Improvement	Int. Street	
MED-G-1	6960/9102 Medford	Winthrop Street	Robinson Road	1* 4 5 6
MED-G-3	2418/3513 Medford	High Street	Boston Avenue	1* 4 5 6 7 9
MED-G-3	2418/3513 Medford	Boston Avenue	High Street	Under Stop Control
MED-G-7	5321/5287 Medford	Salem Street	Hadley Place	1* 4 5 6
MED-G-8	9050/9037 Medford	Highland Avenue	Middlesex Avenue	1* 4 5 6 7 9
MED-G-9	15061/5088 Medford	Highland Avenue	Tucker Street	1* 4 5 6 7 9

(i.e., 1, 4, 5, etc.) This signifies that the countermeasure is a candidate for treatment at a marked, uncontrolled crossing location.

* Signifies that the countermeasure should always be considered, but not mandated or required, based upon engineering judgment at a marked, uncontrolled crossing location

Location Evaluation

RRFB Analysis was performed based on the FHWA guidelines in Table 1 and Appendix B. The AADTs for the locations evaluated below can be found in Appendix C.

1. Bus Stop # 6960/9102 (MED-G-1): Winthrop Street (Local) at Robinson Road (Local)

This intersection is along a residential street, with midblock crossings 500 feet to the south and 900 feet to the north. At this location, Winthrop Street is a 2-lane road (1 lane in each direction) with a posted speed limit of 30 mph. *The FHWA criteria does not show this as an appropriate treatment based on the data.*

2. Bus Stop # 2418/3513 (MED-G-3): High Street (Local) at Boston Avenue (Local)

This four-leg, offset intersection is located within a primarily residential area. At this location, High Street is a 2-lane road with a posted speed limit of 25 mph. *An RRFB at this location is a considered treatment under FHWA guidelines.* The existing intersection geometry/wide travel lanes, large curb radii, and the locations of the utility poles, manholes and curb ramps make it challenging to place the RRFBs in an area that would meet ADA criteria and be seen by vehicles.

3. Bus Stop # 2418/3513 (MED-G-3): Boston Avenue (Local) at High Street (Local)

This four-leg, offset intersection is located within a primarily residential area. At this location, Boston Avenue is under stop condition with a small median, and it is a 2-lane roadway. The FHWA guidelines state that RRFB shall not be used for crosswalks across approaches controlled by stop signs and, *therefore, is not recommended at this location.*

4. Bus Stop # 5321/5287 (MED-G-7): Salem Street (Local) at Hadley Place (Local)

This intersection is adjacent to the elevated roundabout interchange (Exit 23) at I-93 and Salem Street. At this location, Salem Street is a 2-lane road with a posted speed limit of 25 mph, an existing in-street pedestrian crossing sign, and existing post-mounted pedestrian crossing signs. *The FHWA criteria does not show this as an appropriate treatment based on the data.*

5. Bus Stop # 9050/9037 (MED-G-8): Middlesex Avenue (MassDOT) at Dunkin' Donuts

This crossing is in front of a large commercial lot, which includes restaurants, businesses, and a gym. The Highland Avenue/Middlesex Avenue roadway is 2-lanes with a posted speed limit of 25 mph. *An RRFB at this location is a considered treatment under FHWA guidelines.*

6. Bus Stop # 15061/5088 (MED-G-9): Highland Avenue (DCR) at Waddel Street/Tucker Street (Local)

This intersection is on a residential road with multiple existing marked crosswalks and RRFBs along the corridor. The nearest existing RRFB to the requested one is 800 feet to the north. At this location, Highland Avenue is a 2-lane road with marked bicycle lanes, a posted speed

limit of 25 mph, and several existing RRFBs along this corridor. *An RRFB at this location is a considered treatment under FHWA guidelines.*

Recommendations

The FHWA table in Appendix B, engineering judgment, and current constructability were used to develop the following recommendations, as shown below in Table 2.

HDR's current project scope doesn't include the following bus stops: 6960/9102 (MED-G-1), 2418/3513 (MED-G-3 on High Street), and 9050/9037 (MED-G-8). Bus stop 2418/3513 (MED-G-3 on Boston Avenue) does not meet the criteria as it is under stop control, and RRFBs shall not be used for crosswalks controlled by stop signs. The project will not be recommending RRFBs at the locations above.

The bus stop 15061/5088 (MED-G-9) is on a DCR-owned roadway and can be considered at this location. Several existing RRFBs are on the road. However, overuse of the RRFB treatment may diminish its effectiveness. The project will not be recommending RRFBs at this location.

Bus stops 5321/5287 (MED-G-7) are located on Salem Street at Hadley Place/Allen Court, which is under local jurisdiction. The analysis showed that this location did not meet the criteria for an RRFB, as the minimum AADT volume and posted speed for an RRFB were not met. However, after analyzing the additional countermeasures in Table 2, HDR recommends implementing Countermeasure 1 (high-visibility crosswalk markings, parking restrictions on crosswalk approach, adequate nighttime lighting levels, and crossing warning signs) at this location.

Table 2: RRFB Recommendations

Plan	Bus Stop ID/ Community	Intersection		FHWA Recommendation	HDR Recommendation
		RRFB Street	Intersecting Street		
MED-G-1	6960/9102 Medford	Winthrop Street	Robinson Road	Not Appropriate	(a)
MED-G-3	2418/3513 Medford	High Street	Boston Avenue	Consider	(a)
MED-G-3	2418/3513 Medford	Boston Avenue	High Street	Under Stop Control	Not Recommended
MED-G-7	5321/5287 Medford	Salem Street	Hadley Place	Not Appropriate	Not Recommended
MED-G-8	9050/9037 Medford	Middlesex Avenue	Dunkin Donuts	Consider	(a)
MED-G-9	15061/5088 Medford	Highland Avenue	Tucker Street	Consider	Not Recommended

- a. This location is not in HDR's current scope of services for the MBTA.



Appendix A

Meeting Minutes

Medford City Council Meeting Minutes - March 23, 2023

(Only Pages Related to the MBTA PATI Project are Attached: Pages 128 - 131)

The minutes from the Thursday, November 2nd, 2023, meeting:

1. Bus Stop # 6960/9102 (MED-G-1): Winthrop Street (MassDOT) at Robinson Road (Local)
 - a. Service planning removed northern Winthrop at Robinson (HDR designed)
 - b. Winford Way was kept (there is not a design plan)
 - i. It needs a survey to design to ADA standards
 - ii. It is the stop closest to the crest curve
 - c. MassDOT roadways are not advancing in the current project.
 - d. MBTA cannot buy or negotiate on behalf of MassDOT.
2. Bus Stop # 5321/5287 (MED-G-3): On High Street (MassDOT) at Boston Avenue (Local)
 - a. Residents are bringing up safety at this location/Sagamore Avenue
 - b. This is in close proximity to two roundabouts and the Mystic Valley Parkway
 - c. Review this location for a RRFB
 - d. MassDOT roadways are not advancing in the current project.
 - e. MBTA cannot buy or negotiate on behalf of MassDOT.
3. Bus Stop # 5321/5287 (MED-G-3): On Boston Avenue (Local) at High Street (MassDOT)
 - a. This is a signalized intersection, and RRFB can't be placed here
 - b. MassDOT roadways are not advancing in the current project.
 - c. MBTA cannot buy or negotiate on behalf of MassDOT.

The minutes from the December 6th meeting:

4. Bus Stop # 5321/5287 (MED-G-7): Salem Street (Local) at Hadley Place/Allen Court (Local)
 - a. Filbert Yee: MassDOT PM for SRTS project already awarded and in design, but this intersection was removed in subsequent scoping for funding and design
 - i. Maybe have a conversation with him; Could he contribute funding for the buying of the RRFB equipment
 1. If MassDOT buys the equipment and then it will be installed by the MBTA project
 - ii. DOT questioned whether they or the City could build; they may buy it and give it to the community; maybe DOT could buy it, give it to Medford, and then MBTA to install it
 - b. This intersection is in very close proximity to the east of I-93 and a large rotary
 - c. There is a speed issue
 - d. There is a sight distance issue coming from the rotary
 - e. Review this location for a RRFB
5. Bus Stop # 9050/9037 (MED-G-8): Middlesex Avenue (MassDOT) at Dunkin Donuts
 - a. Medford met with MassDOT concerning the signalization of this midblock to improve safety
 - b. This is a state-owned roadway
 - c. The City can't share costs with the MassDOT for improvements
 - d. Hmark has been reviewed and approved already; the City can't ask them for anything additional at this location due to this
 - e. The City would like to see a RRFB at this location
6. Bus Stop # 15061/5088 (MED-G-9): Highland Avenue (DCR) at Benmor St/Tucker St/Waddel Street (Local)
 - a. There are stops 850' and 1500' on the other side of the crest curve near East Boarder Rd; these stops are to the north of this location
 - b. Review this location as there are several others along this corridor
 - c. Traffic Volume is near 20,000 vehicles per day
 - d. DCR roadways are not advancing in the current project.
 - e. MBTA cannot buy or negotiate on behalf of the DCR.

Appendix B

FHWA Application of Pedestrian Crash Countermeasures by Roadway Feature

Table 1. Application of pedestrian crash countermeasures by roadway feature.

Roadway Configuration	Posted Speed Limit and AADT								
	Vehicle AADT <9,000			Vehicle AADT 9,000–15,000			Vehicle AADT >15,000		
	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph
2 lanes (1 lane in each direction)	① 2 4 5 6	① 5 6 7 9	① 5 6 ⑦ ⑨	① 4 5 6	① 5 6 7 9	① 5 6 ⑦ ⑨	① 4 5 6 7 9	① 5 6 7 9	① 5 6 9
3 lanes with raised median (1 lane in each direction)	① 2 3 4 5	① ③ 5 7 9	① ③ 5 ⑦ ⑨	① 3 4 5	① ③ 5 ⑦ ⑨	① ③ 5 ⑦ ⑨	① ③ 4 5 7 9	① ③ 5 ⑦ ⑨	① ③ 5 9
3 lanes w/o raised median (1 lane in each direction with a two-way left-turn lane)	① 2 3 4 5 6 7 9	① ③ 5 6 7 9	① ③ 5 6 9	① 3 4 5 6 7 9	① ③ 5 6 ⑦ ⑨	① ③ 5 6 9	① ③ 4 5 6 7 9	① ③ 5 6 9	① ③ 5 6 9
4+ lanes with raised median (2 or more lanes in each direction)	① ③ 5 7 8 9	① ③ 5 7 8 9	① ③ 5 8 9	① ③ 5 7 8 9	① ③ 5 ⑦ 8 9	① ③ 5 8 9	① ③ 5 ⑦ 8 9	① ③ 5 8 9	① ③ 5 8 9
4+ lanes w/o raised median (2 or more lanes in each direction)	① ③ 5 6 7 8 9	① ③ 5 ⑥ 7 8 9	① ③ 5 ⑥ 8 9	① ③ 5 ⑥ 7 8 9	① ③ 5 ⑥ ⑦ 8 9	① ③ 5 ⑥ 8 9	① ③ 5 ⑥ ⑦ 8 9	① ③ 5 ⑥ 8 9	① ③ 5 ⑥ 8 9
<p>Given the set of conditions in a cell,</p> <p># Signifies that the countermeasure is a candidate treatment at a marked uncontrolled crossing location.</p> <p>● Signifies that the countermeasure should always be considered, but not mandated or required, based upon engineering judgment at a marked uncontrolled crossing location.</p> <p>○ Signifies that crosswalk visibility enhancements should always occur in conjunction with other identified countermeasures.*</p> <p>The absence of a number signifies that the countermeasure is generally not an appropriate treatment, but exceptions may be considered following engineering judgment.</p> <p>1 High-visibility crosswalk markings, parking restrictions on crosswalk approach, adequate nighttime lighting levels, and crossing warning signs</p> <p>2 Raised crosswalk</p> <p>3 Advance Yield Here To (Stop Here For) Pedestrians sign and yield (stop) line</p> <p>4 In-Street Pedestrian Crossing sign</p> <p>5 Curb extension</p> <p>6 Pedestrian refuge island</p> <p>7 Rectangular Rapid-Flashing Beacon (RRFB)**</p> <p>8 Road Diet</p> <p>9 Pedestrian Hybrid Beacon (PHB)**</p>									

*Refer to Chapter 4, Tables 1 and 2, and Table 3 to select countermeasures. For more information about countermeasures, visit <https://www.fhwa.gov/ohrt/>.

APPENDIX C

STREET DATA

MBTA Bus Stop Accessibility and Safety Improvement Project

Plan for Accessible Transit Infrastructure (PATI) - Phase 2

City of Medford
City Council Meeting

February 20, 2024



Agenda Items

- PATI Project Overview
- City Council Meeting (March 23, 2023)
 - Rapid Rectangular Flashing Beacons (RRFBs)
Location Requests
 - Six requested Locations
 - Eliminated Stops



Better Bus Project Overview



MBTA Bus Transformation

Network
Redesign

Battery-
Electric Fleet

Accessible Bus
Stops and
Amenities

Transit Priority

BNRD is one
piece of Bus
Transformation

All-Door
Boarding

Modern
Workplace and
Environment

Internal
Processes and
People



Project Scope Overview

- Improve:
 - Safety
 - Accessibility and ADA compliance
 - Rider Experience
- High-priority bus stops with major access barriers
- Enhance bus operations:
 - Speed and reliability through stop optimization
- Design and construction



City Council Meeting (March 2023)

Locations Presented for Improvements

- Medford G-1: Winthrop Street at Robinson Road
- Medford G-3: Boston Avenue at High Street
- Medford G-4: Boston Avenue at Arlington Street
- Medford G-5: High Street at Canal Street
- Medford G-6: High Street at Woburn Street
- Medford G-7: Salem Street at Hadley Place
- Medford G-8: Highland Avenue at Middlesex Avenue
- Medford G-9: Highland Avenue at Tucker Street
- Medford G-10: Fellsway W at Foss



City Council Meeting (March 2023)

Bus Stops Presented for Elimination

- Main Street at South Gateway
- Main Street at Town Way
- Main Street at Windsor Rd
- Boston Avenue at Holton Street
- Playstead Rd opposite Chardon Rd
- Playstead Rd at Chardon Rd
- Fellsway W at Cherry Street
- 205 Fellsway W
- Fellsway W at Fulton Springs Rd
- High Street at Monument Street
- High Street at Pitcher Avenue
- High Street at Hillside Avenue
- 163 Riverside Avenue
- Riverside Avenue at Pleasant Street
- Fellsway at Central Avenue
- Fellsway at Medford Street



RRFB Location Requests



RRFB Location Requests

Guide for Selecting Countermeasures at Uncontrolled Pedestrian Crossing Locations

Table 1. Application of pedestrian crash countermeasures by roadway feature.

Roadway Configuration	Posted Speed Limit and AADT								
	Vehicle AADT <9,000			Vehicle AADT 9,000–15,000			Vehicle AADT >15,000		
	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph	≤30 mph	35 mph	≥40 mph
2 lanes (1 lane in each direction)	① 2 4 5 6 7 9	① 5 6 7 9	① 5 6 7 9	① 4 5 6 7 9	① 5 6 7 9	① 5 6 7 9	① 4 5 6 7 9	① 5 6 7 9	① 5 6 7 9
3 lanes with raised median (1 lane in each direction)	① 2 3 4 5 7 9	① ③ 5 7 9	① ③ 5 7 9	① 3 4 5 7 9	① ③ 5 7 9	① ③ 5 7 9	① ③ 4 5 7 9	① ③ 5 7 9	① ③ 5 7 9
3 lanes w/o raised median (1 lane in each direction with a two-way left-turn lane)	① 2 3 4 5 6 7 9	① ③ 5 6 7 9	① ③ 5 6 7 9	① 3 4 5 6 7 9	① ③ 5 6 7 9	① ③ 5 6 7 9	① ③ 4 5 6 7 9	① ③ 5 6 7 9	① ③ 5 6 7 9
4+ lanes with raised median (2 or more lanes in each direction)	① ③ 5 7 8 9	① ③ 5 7 8 9	① ③ 5 7 8 9	① ③ 5 7 8 9	① ③ 5 7 8 9	① ③ 5 7 8 9	① ③ 5 7 8 9	① ③ 5 7 8 9	① ③ 5 7 8 9
4+ lanes w/o raised median (2 or more lanes in each direction)	① ③ 5 6 7 8 9	① ③ 5 6 7 8 9	① ③ 5 6 7 8 9	① ③ 5 6 7 8 9	① ③ 5 6 7 8 9	① ③ 5 6 7 8 9	① ③ 5 6 7 8 9	① ③ 5 6 7 8 9	① ③ 5 6 7 8 9
<p>Given the set of conditions in a cell,</p> <ul style="list-style-type: none"> # Signifies that the countermeasure is a candidate treatment at a marked uncontrolled crossing location. ● Signifies that the countermeasure should always be considered, but not mandated or required, based upon engineering judgment at a marked uncontrolled crossing location. ○ Signifies that crosswalk visibility enhancements should always occur in conjunction with other identified countermeasures.* <p>The absence of a number signifies that the countermeasure is generally not an appropriate treatment, but exceptions may be considered following engineering judgment.</p> <ul style="list-style-type: none"> 1 High-visibility crosswalk markings, parking restrictions on crosswalk approach, adequate nighttime lighting levels, and crossing warning signs 2 Raised crosswalk 3 Advance Yield Here To (Stop Here For) Pedestrians sign and yield (stop) line 4 In-Street Pedestrian Crossing sign 5 Curb extension 6 Pedestrian refuge island 7 Rectangular Rapid-Flashing Beacon (RRFB)** 8 Road Diet 9 Pedestrian Hybrid Beacon (PHB)** 									



RRFB Location Requests

Intersection Data Used for Analysis

SHEET NUMBER	INTERSECTION		REQUESTED RRFB STREET DATA			
	RRFB STREET LOCATION	INTERSECTION STREET	2023 RRFB STREET AADT	SPEED LIMIT	NUMBER OF LANES	MEDIAN
MED-G-1	WINTHROP ST	ROBINSON RD	12341	25	2	NO
MED-G-3	ON HIGH ST	BOSTON AVE	19579	25	2	NO
MED-G-3	ON BOSTON AVE	HIGH ST	N/A	25	2	YES (1)
MED-G-7	SALEM ST	HADLEY PL	14187	25	2	NO
MED-G-8	MIDDLESEX AVE NEAR DUNKIN DONUTS		21380	25	2	NO
MED-G-9	HIGHLAND AVE	TUCKER ST	15954	30	2	NO

(1) Under stop control



RRFB Location Requests

1. Winthrop St at Robinson Rd

(Bus Stop 6960/9102; MED-G-1)

- ***Location has been eliminated***
- Roadway is under local jurisdiction
- The nearest stop is Winthrop Street at Robinson Road/Winford Way (Bus Stop 6961/9101)
 - ***This stop is not currently in the project design scope***

2a. Boston Avenue at High Street

2b. High Street at Boston Avenue

(Bus stops 3513/2418; MED-G-3)

- ***Location is not part of the current scope***
- New curb ramps, crosswalks, and pedestrian refuge island



RRFB Location Requests cont.

3. Middlesex Ave (MassDOT) at Dunkin Donuts

(Bus Stop # 9050/9037; MED-G-8)

- ***Location is not part of the current scope***
- Stop relocation to the far side
- New curb ramps and crosswalks

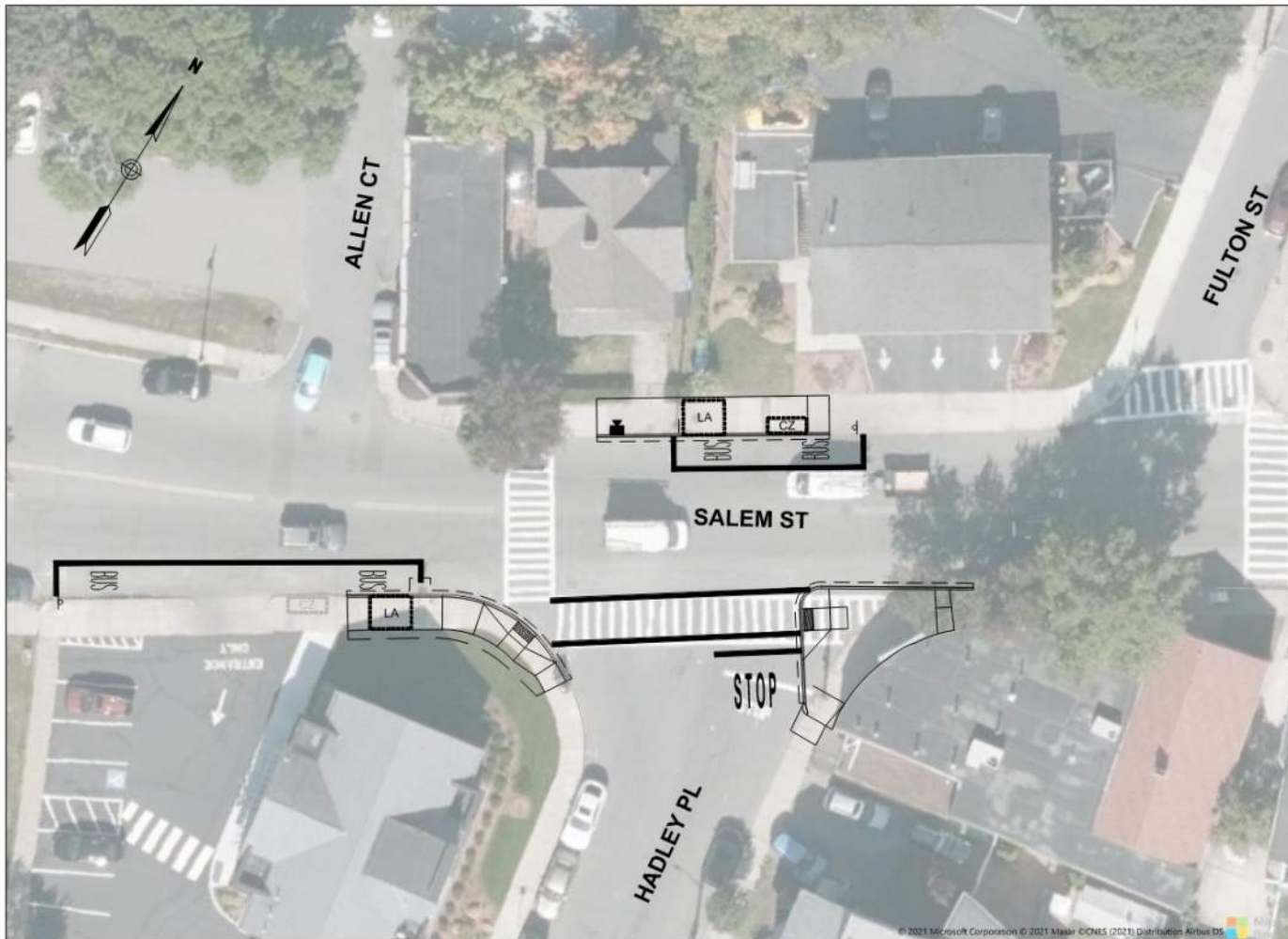
4. Salem Street at Hadley Place/Allen Court

(Bus stop 5287/5321; MED-G-7)

- Location is part of the current scope
- Roadway is under local jurisdiction
- New curb ramps, crosswalks, and pedestrian refuge island



4. Salem Street at Allen Court Stop ID No. 5287 & 5321



RRFB Location Requests cont.

5. Highland Avenue at Waddel Street/Tucker Street

(Bus Stop # 15061/5088; MED-G-9)

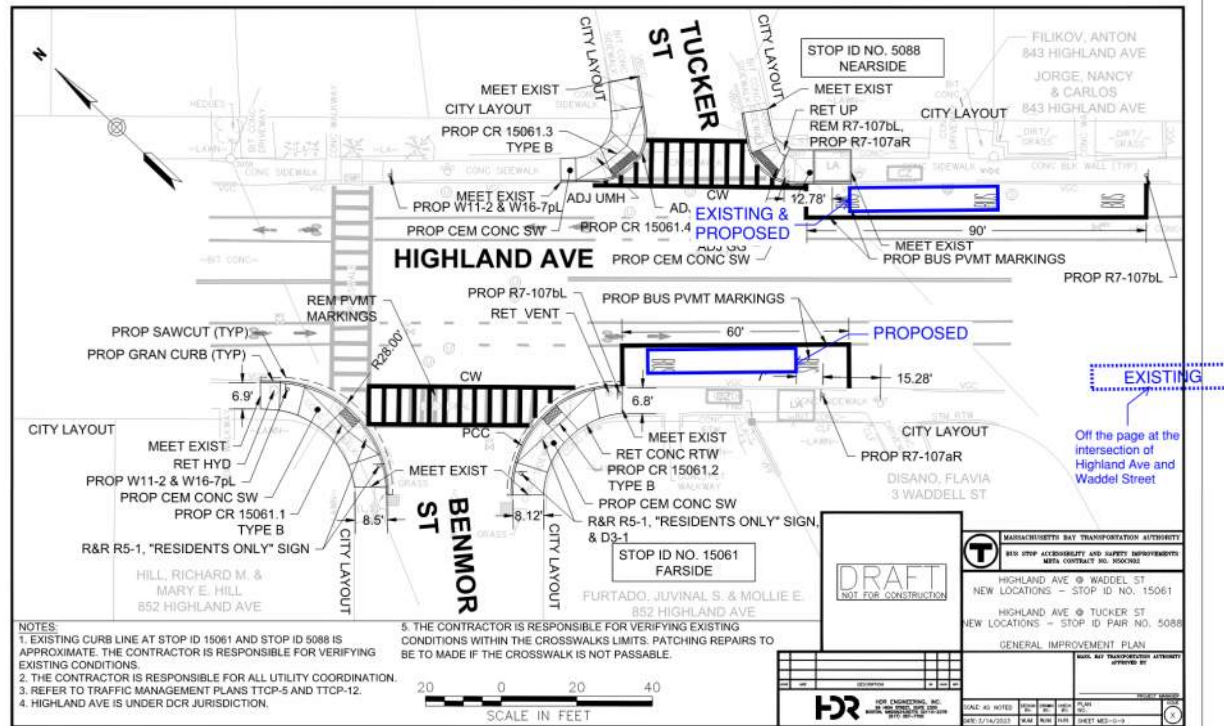
- ***Location is part of the current scope***
- Roadway is under DCR jurisdiction
- New curb ramps, crosswalks, and bus stop pavement markings



5. Highland Avenue at Waddel Street/Tucker Street

Stop No. 15061 & 5088

DCR Jurisdiction



G-9: Highland Ave @ Waddel St, Stop ID 15061

Existing Stop



Proposed Stop



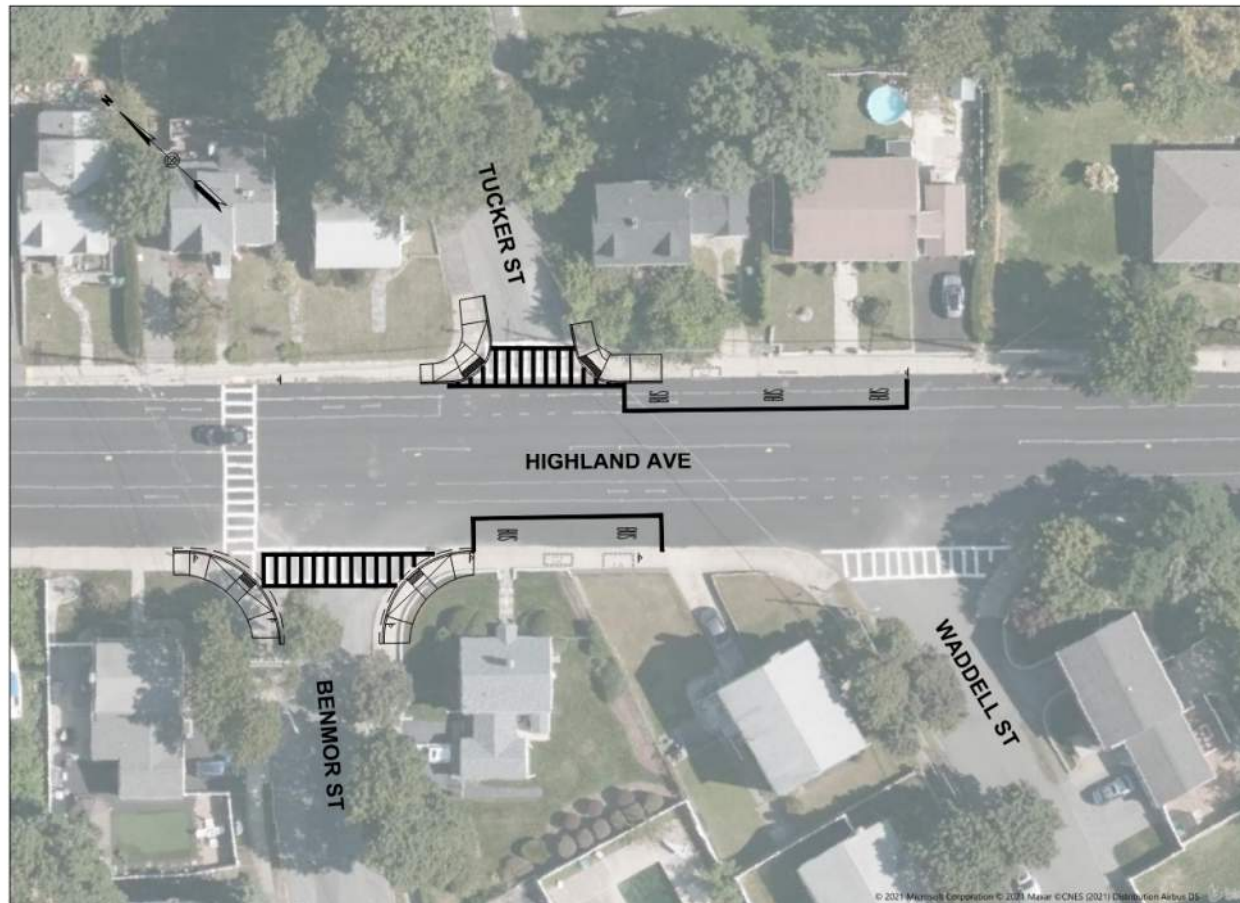
G-9: Highland Ave @ Tucker St, Stop ID 5088

Existing & Proposed Stop



5. Highland Avenue at Waddell Street/Tucker Street

Stop No. 15061 & 5088
DCR Jurisdiction



Stop Eliminations



Stop Eliminations

High Street at Hillside Avenue (Bus Stop 5003)

Elimination of Stop 5003

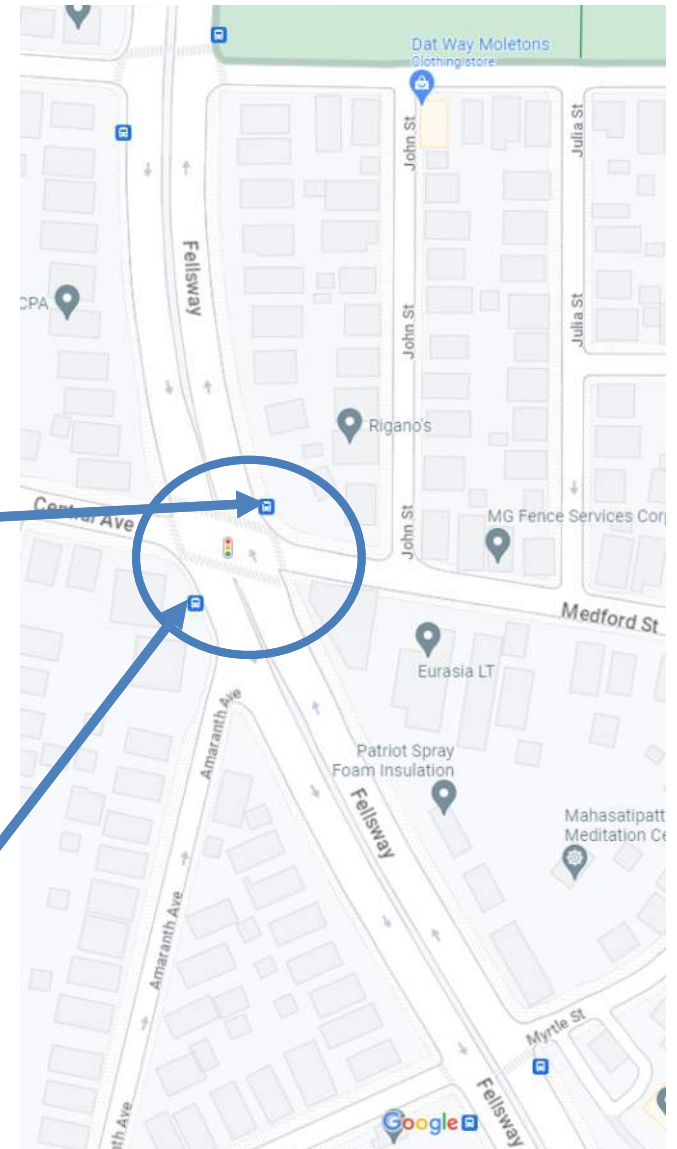
- Discussed with the Traffic Director
- **MBTA will not eliminate stop**
- Stop 15002 will remain at the existing location and will not be moved to CVS/Governors Avenue
- ADA standards:
 - Others have upgraded curb ramps
 - Landing Pad ADA requirement – 8' wide
 - The existing is 7' wide



Stop Eliminations

Fellsway at Central Avenue/Medford Street

- Bus Stop Location has been eliminated



Schedule

■ Schedule

- 100% Design Completed
- Construction Fall 2024
 - No Bid; On-Call Contractor
 - 1-2 weeks per location



Thank you





Medford City Council
Medford, Massachusetts

MEETING DATE

March 12, 2024

SPONSORED BY

Matt Leming, City Councilor, Kit
Collins, Council Vice President

AGENDA ITEM

24-041 - Resolution to Develop Real Estate Transfer Fee Home Rule Petition

FULL TEXT AND DESCRIPTION

Whereas, the City of Medford requires approval from the Commonwealth of Massachusetts to impose a real estate transfer fee; and

Whereas, 18 other communities in Massachusetts have submitted Home Rule Petitions to impose local real estate transfer fees; and

Whereas, real estate transfer fees create a sustainable funding stream for needed housing production and affordable housing product in Medford by levying a small fee on certain real estate transactions; now, therefore:

Be it Resolved that the Committee on Planning and Permitting meet to develop a home rule petition, "An Act Authorizing the City of Medford to Impose a Real Estate Transfer Fee."

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

March 12, 2024

SPONSORED BY

Isaac Bears, Council President

AGENDA ITEM

21-057 - Leaf Blower Ordinance

FULL TEXT AND DESCRIPTION

The latest draft of the Leaf Blower Ordinance was reported out of the Committee of the Whole meeting on February 21, 2024 for consideration by the full Council and a copy is attached in this packet.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 2024.02.21 - Leaf Blower Ordinance



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

To: City Council Members
From: Zac Bears, Council President
Date: March 7, 2024
Re: Leaf Blower Ordinance – Final Draft (v4)

CHAPTER 38 – ENVIRONMENT

ARTICLE V. - REGULATIONS ON THE USE OF LEAF BLOWERS

Sec. 38-55. - Short title.

This article may be cited as the "Leaf Blower Ordinance."

Sec. 38-56. - Purpose and intent.

The reduction of noise and emissions of particulate matter resulting from the use of leaf blowers, and the reduction of the use of gasoline and oil-based fuels and the reduction of carbon emissions into the environment are the public purposes of this Leaf Blower Ordinance for the City of Medford and its residents.

In light of such public interests for the City, this Ordinance shall limit and regulate the use of leaf blowers as defined and set forth below.

Sec. 38-57. - Definitions.

Commercial leaf blower operator is any person or business, including but not limited to sole proprietorship, partnership, limited liability company, corporation, or other entity, organization, or arrangement who receive income, remuneration or compensation of any kind, whether as a fee, a charge, a salary, wages or otherwise, for operating a leaf blower, except that municipal operators and municipal contractors are excluded from this definition.

Electric leaf blowers are defined as rolling, portable, handheld or backpack style power equipment, powered by battery or electricity, and used in any landscape maintenance, construction, property repair, or property maintenance for the purpose of blowing, moving, removing, dispersing or redistributing leaves, dust, dirt, grass clippings, cuttings and trimmings from trees and shrubs or any other type of litter or debris.

Gas-powered leaf blowers are defined as rolling, portable, handheld or backpack style power equipment, powered by fuel, and used in any landscape maintenance, construction, property

repair, or property maintenance for the purpose of blowing, moving, removing, dispersing or redistributing leaves, dust, dirt, grass clippings, cuttings and trimmings from trees and shrubs or any other type of litter or debris.

Owners of large property (OLP) are property owners, including, but not limited to, corporations and condominium or homeowners' associations, who own one or more adjoining parcels of land in common ownership that together comprise a total of two acres or more.

Sec. 38-58. - General regulations on the use of leaf blowers.

1. All leaf blowers shall satisfy the emissions standards of the United States Environmental Protection Agency.
2. The use of leaf blowers shall not be permitted for more than one continuous hour a day in the City at any particular property.
3. On parcels of 10,000 square feet or less, only one leaf blower at a time may be used, and on parcels larger than 10,000 square feet, only one leaf blower may be used within each 10,000 square foot area.
4. Leaf blower operations shall not cause leaves, dirt, dust, rodent, dog or cat feces, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris to be blown or deposited on any adjacent or other parcel of land, lot, or public right-of-way/property other than the parcel, land, or lot upon which the leaf blower is being operated.
5. In no event shall leaves, dirt, dust, rodent, dog, or cat feces, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris be blown onto or into catch basins or onto vehicles, persons or pets.
6. Deposits of leaves, dirt, dust, rodent, dog, or cat feces, debris, grass clippings, cuttings or trimmings from trees or shrubs or any other type of litter or debris shall be removed and disposed of by the operator in such a manner which will prevent it from being dispersed by wind, vandalism or similar means.
7. No person or business shall operate any leaf blower, including but not limited to wheeled, portable, handheld or backpack style equipment, powered by fuel, battery or electricity, within the City at any time, in either public or private settings, for the purpose of dispersing, gathering, collecting, or otherwise removing masonry or other construction dust or debris.

Sec. 38-59. - Regulations on the use of leaf blowers by municipal operators, municipal contractors, commercial operators, and owners of large property.

1. The use of electric leaf blowers by commercial leaf blower operators, municipal operators, municipal contractors, and OLP is allowed between January 1 and December 31 in any year, subject to sections 38-34 and 38-37, the Noise and Nuisance Control Ordinances of the City of Medford.
2. The use of gas-powered leaf blowers by commercial leaf blower operators, municipal operators, municipal contractors, and OLP is prohibited except between March 15 and May 31 and between September 15 and December 15 in any year, subject to sections 38-34 and 38-37, the Noise and Nuisance Control Ordinances of the City of Medford, and section 38-61.
3. Commercial leaf blower operators, municipal operators, municipal contractors and OLP shall adhere to applicable OSHA requirements with respect to the use of personal protective equipment (PPE).
4. Commercial leaf blower operators, municipal operators, municipal contractors, and OLP shall submit an operations plan annually by September 1 to the Building Commissioner, or designee, for review and approval.
 - 4.1. The operations plan shall be reviewed by the Building Commissioner, or designee, who shall ensure that it complies with the applicable provisions of this ordinance, and regulations promulgated hereunder, and shall impose any conditions that may be required in order for the owner or operator to comply with the provisions of this ordinance and regulations promulgated hereunder. At a minimum, the operations plan shall:
 - 4.1.1. Address the owner's or operator's efforts to mitigate the impacts of noise and emissions upon operators of the leaf blowers and the occupants and owners of nearby property;
 - 4.1.2. Include an inventory of all leaf blowing equipment owned and to be used by the owner or operator, which shall comply with the noise and emission restrictions set forth in this ordinance, and regulations promulgated hereunder; and
 - 4.1.3. Include the owner's or operator's plan for educating users of its equipment on safety precautions for users, the proper use of equipment, and the need to mitigate impacts upon others.
 - 4.2. Commercial leaf blower operators and OLP shall pay a fee upon submission of an operations plan sufficient to cover the cost of review and approval of the operations plan. The Building Commissioner or designee shall have the authority to set the fee cost and the discretion to issue fee waivers.
5. The provisions of this section do not apply to the use of leaf blowers by municipal operators, municipal contractors, or OLP performing leaf blower operations as necessary to maintain the warranty or safety of a rubberized or similar surface, performing emergency operations and clean-up associated with events, including, but not limited to,

special events, storms, hurricanes, so long as OLP comply with the provisions Section 38-58.3.

Sec. 38-60. - Regulations on the use of leaf blowers by residents on the property at which they reside.

1. The use of electric leaf blowers by residents on the property at which they reside is allowed between January 1 and December 31 in any year, subject to sections 38-34 and 38-37, the Noise and Nuisance Control Ordinances of the City of Medford.
2. The use of gas-powered leaf blowers by residents on the property at which they reside is prohibited except between March 15 and May 31 and between September 15 and December 15 in any year, subject to sections 38-34 and 38-37, the Noise and Nuisance Control Ordinances of the City of Medford, and section 38-61.
3. The limitations set forth in Sec. 38-60 shall not apply to de minimus use of an electric leaf blower, or a gas-powered leaf blower prior to March 15, 2028, not in compliance with sections 38-34 and 38-37 by an individual on the property at which they reside. For purposes of this subsection, "de minimus" shall mean not more than an aggregate of 10 minutes per day.

Sec. 38-61. - Phase out of gas-powered leaf blowers.

1. Effective March 15, 2026, the use of all gas-powered leaf blowers by commercial leaf blower operators and OLPs in the City shall be prohibited.
2. Effective March 15, 2028, the use of all gas-powered leaf blowers by municipal operators, municipal contractors, and residents on the property at which they reside shall be prohibited.
3. The use of wheeled leaf blowers powered by four-stroke engines on properties larger than one acre is not subject to the prohibitions in this section.

Sec. 38-62. - Enforcement.

1. The Building Department shall enforce this ordinance. Violations of this article shall be punishable by fines and penalties as provided in this subsection, and in accordance with G.L. c. 40, §21D. Any person may register a complaint to initiate an investigation and enforcement with the Building Department.
2. Violation of this ordinance, or of any regulation adoption hereunder, may be **enforced** through any lawful means in law or in equity by the Building Commissioner, or designee, including but not limited to **enforcement** by noncriminal disposition pursuant to G.L. c. 40, § 21D. Each day a violation exists shall constitute separate violation. Violations of this ordinance shall be imposed as follows:

First offense:

Written warning

Second offense:	\$100
Third offense (or more):	\$200 per offense

Sec. 38-63. - Regulations.

The Building Department shall have the authority to promulgate regulations to implement the provisions of this ordinance.

Sec. 38-64. - Effective date.

The provisions of this ordinance shall be effective on July 1, 2024, except as to City of Medford contracts now in effect.

Sec. 38-65. - Severability.

The provisions of this section are severable. If any subsection, provision or portion of this section is determined to be invalid by a court of competent jurisdiction, the remaining provisions of this section shall continue to be valid.

Secs. 38-66—38-99. - Reserved.



Medford City Council
Medford, Massachusetts

MEETING DATE	SPONSORED BY
March 12, 2024	Isaac Bears, Council President
AGENDA ITEM	
<u>22-494</u> - Budget Ordinance	
FULL TEXT AND DESCRIPTION	
<p>The latest draft of the Budget Ordinance was reported out of the Administration and Finance Committee meeting on February 27, 2024 for consideration by the full Council and a copy is attached in this packet.</p>	
RECOMMENDATION	
FISCAL IMPACT	
ATTACHMENTS	
I. 2024.02.28 - Budget Ordinance	

CHAPTER 3 – FINANCE

ARTICLE I. - GENERALLY

Sec. 3-1. - Purpose and intent.

The purpose and intent of this article is to define, by ordinance, the requirements of a transparent, collaborative, and accountable budgeting process for the City of Medford and provision of financial information to Medford residents.

Secs. 3-2—3-49. - Reserved.

ARTICLE II. - BUDGET AND PROCUREMENT

Sec. 3-50. - Chief budget and procurement officer; appointment; term; authority.

Sec. 3-51. - Duty for the procurement of all supplies, services, or real property and disposing of supplies or real property.

Sec. 3-52. - Annual report.

Sec. 3-53. - Responsible employer requirements.

Secs. 3-54—3-59. - Reserved.

ARTICLE III. - TAX DELINQUENCY

Sec. 3-60. - Tax delinquency.

Secs. 3-61—3-79. - Reserved.

ARTICLE IV. - DEPARTMENTAL REVOLVING FUNDS

Sec. 3-80. - Purpose.

Sec. 3-81. - Expenditure limitations.

Sec. 3-82. - Interest.

Sec. 3-83. - Procedures and reports.

Sec. 3-84. - Authorized revolving funds.

Secs. 3-85—3-99. - Reserved.

ARTICLE V. - ANNUAL BUDGET PROCESS

Sec. 3-100. - Purpose and intent.

The purpose and intent of this article is to outline an annual budgeting process for the city's funds that is transparent, responsibly-paced, and collaborative. This process will create clear expectations for all stakeholders and involved parties, encourage input by residents, and ensure that the city council and Medford residents have comprehensive and accurate information regarding the budget and the city's finances.

Sec. 3-101. - Quarterly Financial Reports and Meetings

1. The finance director will provide a written report regarding the city's finances to the city council on a quarterly basis no later than 60 days after the end of each quarter of the fiscal year. The report shall contain the following information:
 - Previous quarter's accounts payable warrant by month for each month in the quarter
 - Year-to-date budget to actuals report, unaudited, as of the last day of the previous quarter for each department
 - Where available updates on state certifications, revenue forecasts, spending forecasts, and any other information the finance director deems relevant
2. The city council will hold a committee or subcommittee meeting to review the 2nd and 3rd quarterly financial reports no later than 60 days after the end of each quarter of the fiscal year. The city council will coordinate the date/time of the meeting with the finance director to be able to attend that meeting, present the report, and answer questions.

Sec. 3-102. - City Council Budget Recommendations to Mayor

1. Members of the city council will submit proposed budget recommendations for consideration by the full city council no later than March 1 of each year.
2. The city council will create a standard format for the submission of proposed budget recommendations and annually determine which council committee or subcommittee will review proposed recommendations made by members of the city council.
3. The city council will consider proposed budget recommendations made by members of the city council and vote to submit them to the mayor by March 22 of each year.
4. The mayor will review budget recommendations made by the city council and respond in writing prior to the presentation of the comprehensive budget proposal for the fiscal year.

Sec. 3-103. - Preliminary Budget Meetings

1. The city council will hold preliminary budget meetings between April 15 to May 15 of each year. These meetings will include the mayor or designee, finance director or designee, and relevant department heads. The mayor or finance director shall provide an estimated budget allocation for the Medford Public Schools for the following fiscal year to the school committee by March 1 of each year.
2. No later than 72 hours prior to the first preliminary budget meeting scheduled by the city council each year, the mayor, finance director, or designees will provide the total

preliminary expected general fund revenue for the upcoming fiscal year following information to the city council.

3. No later than 72 hours prior to any preliminary budget meeting scheduled by the city council, the mayor, finance director, or designees shall provide the following information to the city council for each department budget being discussed at said meeting. The mayor, finance director, or designees shall provide a schedule that contains the order in which budgets will be discussed based on availability of relevant staff and administration priorities.
 - Annual operating budget for the previous year
 - Relevant Department Head's annual operating budget request for the upcoming fiscal year
 - Requested new staff, programs, or services for the upcoming fiscal year

Sec. 3-104. - Presentation and Review of Comprehensive Budget Proposal

1. The mayor will submit the comprehensive budget proposal to the city council no later than May 31st of each year. The mayor, finance director, or their designees will make a presentation of the comprehensive budget proposal at the meeting of the city council at which the comprehensive budget proposal is first considered.
2. The city council may request additional budget meetings in general or for the review of specific proposed department budgets.
3. The mayor, finance director, or designees may request additional budget meetings to review specific proposed department budgets after the submission and presentation of the comprehensive budget proposal.
4. The comprehensive budget proposal will contain the following information:
 - 4.1. Total expected amount of general fund revenue
 - 4.1.1. Total expected property tax revenue
 - 4.1.2. Expected net state aid
 - 4.1.3. Other expected local receipts
 - 4.2. Proposed annual operating budget for each department
 - 4.2.1. Disaggregate the total proposed expenses into the categories of (1) fixed cost growth and (2) new expenses.

Sec. 3-105. - Annual Review of Progress to Inclusion of Enterprise Funds, Capital Improvement Plans, Revolving Funds, and Grant Funds in Comprehensive Budget Proposal

1. Annually no later than October 15, the mayor, finance director, or designee shall submit a report to the council regarding progress towards and resources necessary to include enterprise funds, capital improvement plans, revolving funds, and grant funds as part of the comprehensive budget proposal.
2. The city council shall schedule a meeting no later than November 30 and coordinate the date/time of the meeting with the mayor, finance director, or designee to be able to attend that meeting, present the report, answer questions, and consider updates to this ordinance to reflect new procedures.

Sec. 3-106. - No Conflict with State Law

Nothing in this ordinance is intended to conflict with Massachusetts General Laws relating to the municipal budget process, including but not limited to Chapter 44, Section 32 of the General Laws.

Sec. 3-107. - Severability

Each separate provision of this article shall be deemed independent of all other provisions herein. If a court of competent jurisdiction declares that any provision of this article is invalid, then the remaining provisions of this article shall remain valid and enforceable.

Sec. 3-108. - Effective date.

This article shall become effective on passage.

Secs. 3-109—3-149. - Reserved.

ARTICLE VI. - ANNUAL BUDGET NEEDS ASSESSMENTS

Sec. 3-150. - Purpose and Intent

The purpose and intent of this article is to outline an annual budget needs assessment process that is transparent, responsibly-paced, and collaborative. This process will create annual reports that provide a comprehensive understanding of the short and long-term needs of the city regarding operating and capital expenses and dynamic analyses of the changes to these needs over time. These annual reports will set clear expectations for all stakeholders and involved parties and help the mayor and city council in addressing the city's operating and capital expense needs through the city's budgeting process.

Sec. 3-151. - Definitions

- *Operating expense needs* means the necessary funding amount needed to be spent annually on personnel and ordinary expenses to provide all city services effectively.
- *Capital expense needs* means the necessary funding amount needed to be spent on city-owned capital assets to maintain a state of good repair or restore a state of good repair.
- *State of good repair* means a condition sufficient for a capital asset to operate at a full level of performance, both individually and as a system.

Commented [1]:
<https://www.law.cornell.edu/cfr/text/49/625.17>

Sec. 3-152. - Annual Review of Progress to Development of Reports on Operating and Capital Expense Needs

1. Annually no later than October 15, the mayor, finance director, or designee shall submit a report to the council regarding progress towards the development of a regular assessment and report of the city's operating and capital expense needs.

2. The city council shall schedule a meeting no later than November 30 and coordinate the date/time of the meeting with the mayor, finance director, or designee to be able to attend that meeting, present the report, answer questions, and consider updates to this ordinance to reflect new procedures.

Sec. 3-153. - No Conflict with State Law

Nothing in this ordinance is intended to conflict with Massachusetts General Laws relating to the municipal budget process, including but not limited to Chapter 44, Section 32 of the General Laws.

Sec. 3-154. - Severability

Each separate provision of this article shall be deemed independent of all other provisions herein. If a court of competent jurisdiction declares that any provision of this article is invalid, then the remaining provisions of this article shall remain valid and enforceable.

Sec. 3-155. - Effective date.

This article shall become effective on January 1, 2025.

Secs. 3-156—3-199. - Reserved.



Medford City Council
Medford, Massachusetts

MEETING DATE

March 12, 2024

SPONSORED BY

Matt Leming, City Councilor

AGENDA ITEM

24-047 - A Resolution to Request Linkage Fee Updates in Medford

FULL TEXT AND DESCRIPTION

A RESOLUTION TO BRING MEDFORD'S LINKAGE FEE ORDINANCES IN COMPLIANCE WITH THE STATE'S ACT ESTABLISHING THE ORDINANCE

Offered by Councilor Leming

WHEREAS, Medford Municipal Code 94-10.1.3.6, 94-10.2.3.6, 94-10.3.3.6, and 94-10.4.3.6 state that the formula for linkage fees for parks and recreational facilities, police and fire facilities, roads and traffic facilities, and water and sewer facilities, "shall be subject to recalculation no more than three years after the effective date of this provision, and no more than every three years thereafter" by the Community Development Board after public notice and a public hearing, "based on a methodology and analysis established as a result of report(s), documentation and information prepared by the office of community development."

WHEREAS Medford's linkage fee structure were uniquely established via Home Rule Petition in 1989, Chapter 488 "An Act Establishing a Linkage Exaction Program in the City of Medford" (the "Act"), which states the following: *The level of any exaction shall be reviewed at least every three years and reset as required based upon the recommendation of the office of community development and the mayor of said city;*

WHEREAS Medford's municipal codes, in stating that these recalculations shall happen "no more than every three years", presents unclear language that is out of compliance with the Act, which states that these recalculations shall happen "at least every three years."

WHEREAS the Community Development Board is not the Office of Community Development and was never mentioned in the Act as having authority to update Medford's linkage fee schedule;

WHEREAS Medford's Office of Community Development is now merged with the Office of Planning, Development, & Sustainability;

BE IT THEREFORE RESOLVED that Medford City Council update Medford Municipal Code 94-10 to change “the Community Development Board” to “the Mayor and the Office of Planning, Development, and Sustainability”

BE IT FURTHER RESOLVED that Medford City Council update Medford Municipal Code 94-10 to change the language from “no more than every three years” to “at least every three years”;

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

1. Linkage Fees - Request for Study
2. Linkage Fees - Adding Affordable Housing Bucket
3. Medford Linkage Fee Schedule_Apr 1990
4. 1989acts0488-Established Linkage Medford
5. KP Law Opinion - Linkage Fee

A RESOLUTION TO REQUEST THAT MEDFORD'S LINKAGE FEES BE UPDATED

Offered by Councilor Leming

WHEREAS, Medford Municipal Code 94-10.1.3.6, 94-10.2.3.6, 94-10.3.3.6, and 94-10.4.3.6 state that the formula for linkage fees for parks and recreational facilities, police and fire facilities, roads and traffic facilities, and water and sewer facilities, "shall be subject to recalculation no more than three years after the effective date of this provision, and no more than every three years thereafter" by the Community Development Board after public notice and a public hearing, "based on a methodology and analysis established as a result of report(s), documentation and information prepared by the office of community development."

WHEREAS Medford's linkage fee structure were uniquely established via Home Rule Petition in 1989, Chapter 488 "An Act Establishing a Linkage Exaction Program in the City of Medford" (the "Act"), which states the following: *The level of any exaction shall be reviewed at least every three years and reset as required based upon the recommendation of the office of community development and the mayor of said city;*

WHEREAS none of these fees have been updated by the Community Development Board since 1990, bringing Medford out of compliance with the Act;

WHEREAS the current linkage fee schedule, having not been updated since 1990, has been devalued by the effects of inflation;

WHEREAS the studies required to calculate these exactions are often expensive and infeasible to recalculate every three years, and an automatically escalating linkage fee schedule, subject to periodic review, could be preferable to recalculating linkage fees every three years via a new study;

WHEREAS Medford's Office of Community Development is now merged with the Office of Planning, Development, & Sustainability;

BE IT THEREFORE RESOLVED that Medford City Council formally request that the Office of Planning, Development, and Sustainability and the Community Development Board update the formula for its linkage fees to an appropriate amount, and that the City Clerk send this request to members of the Community Development Board, with request for official confirmation of its receipt;

BE IT FURTHER RESOLVED that the Office of Planning, Development, and Sustainability and the Community Development Board provide a report to Medford City Council on their willingness and ability to comply with this request by May 2024 and, if so, their expected timeline to its completion;

BE IT FURTHER RESOLVED that Medford City Council requests that this study include a progressive formula for linkage fee updates, such that a new study every three years is not necessarily required for the review process;

A RESOLUTION TO ADD AFFORDABLE HOUSING TO THE LINKAGE FEE STRUCTURE OF MEDFORD

Offered by Councilor Leming

WHEREAS Medford's linkage fee structure was uniquely established via a Home Rule Petition in 1989 - Chapter 0488, "An Act Establishing Linkage Exaction Program In The City Of Medford."

WHEREAS "An Act Establishing Linkage Exaction Program In The City Of Medford" allows for the funding of affordable housing:

The linkage ordinance shall be used solely for the purposes of defraying the costs of capital improvements provided by the city caused by and necessary to support future development such as, but not limited to the following: capital improvements to school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety service and facilities, and parks, playgrounds and other recreational facilities.

WHEREAS the implementation of this in Medford Municipal Code 94-10 only allocated linkage fees for parks and recreational facilities, police and fire facilities, roads and traffic facilities, and water and sewer facilities, and not for affordable housing;

WHEREAS, in 2023, pursuant to M.G.L. Ch. 44. Sec. 55C, Medford established an Affordable Housing Trust as a tool to combat the ongoing housing shortage, and there is a need to for long-term, sustainable revenue streams to fund this Trust;

WHEREAS, on the topic of home prices, the Medford Housing Production Plan, published in September 2022 and prepared by the Office of Planning, Development, and Sustainability, makes the need for affordable housing very clear: "Medford has seen some of the highest price increases of any community in Massachusetts....There is currently a \$280,000 gap between what a household earning the median income could afford and the median sales price for a single-family home. Less than 5 percent of single-family homes are considered affordable to households earning Medford's median income;"

BE IT THEREFORE RESOLVED that Medford City Council update Municipal Code 94-10 to establish a fifth linkage bucket for the Affordable Housing Trust;

BE IT FURTHER RESOLVED that this resolution be referred to committee for further discussion;

CITY OF MEDFORD

LINKAGE PROGRAM

FEE SCHEDULE

Pursuant to Special Enabling Legislation and in accordance with Section 94-381 through 94-479 of Chapter 94 of the Revised Ordinances of the City of Medford, the Community Development Board has established the following fee schedule for Parks and Recreational Facilities, Police Facilities, Fire Facilities, Roads and Traffic Facilities, Water and Sewer Facilities.

Schedule of Fees:

Sector	Residential (fee per unit)	Hotel (fee per room)	Office	Commercial (per 1,000 sq. feet gross floor area)	Industrial
Water	\$1,989.00	\$26.94	\$510.00	\$510.00	\$510.00
Sewer	552.61	7.47	140.00	140.00	140.00
Roads *	52.78	103.72	141.04	800.14	62.17
Parks	1,186.00	N/A	N/A	N/A	N/A
Police	24.52	19.50	33.79	50.53	10.34
Fire	99.06	78.77	134.87	204.10	41.77
Total (within southeastern Medford)	\$3,903.97	\$236.40	\$959.70	\$1,704.77	\$764.28
Total (outside southeastern Medford)	\$3,851.19	\$132.68	\$819.70	\$ 904.63	\$702.11

* Fees for Roads and Traffic Facilities shall be applied within southeastern Medford only.

Adopted: April 24, 1990

Chapter 488. AN ACT ESTABLISHING A LINKAGE EXACTION PROGRAM IN THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

SECTION 1. *Purpose and Findings*- The city of Medford is undergoing a period of substantial growth in new, expanded, enlarged and rehabilitated residential, commercial and industrial structures. This growth has resulted in numerous direct and indirect impacts on the city and its ability to adequately address those impacts due to the influx of people that move to Medford to live and work in these new developments. The city has experienced development related impacts requiring capital improvements to school facilities attended by children of new residents; accelerated deterioration in the level of service of its streets and roadways; increased stress on city facilities and infrastructures such as water and sewer lines; increased need for capital improvements to its parks, playgrounds and other recreational facilities and the need for providing affordable housing for its residents. Development related impacts must be paid for by fair share exactions from developers so that the city can provide adequate services and infrastructure to support future development.

SECTION 2. *Establishment of a Linkage Exaction Ordinance* - (A) The city council of the city of Medford may, by ordinance, require the payment of a linkage exaction as a condition of approval of a development impact project plan, as defined by the ordinance, for any future development within the jurisdiction of this act. The linkage exaction shall only be imposed on the construction, enlarging, expansion, substantial rehabilitation, or change of use of non-residential and residential projects that require some form of zoning relief or exceed a threshold which shall be established by the city council. The linkage ordinance shall be used solely for the purposes of defraying the costs of capital improvements provided by the city caused by and necessary to support future development such as, but not limited to the following: capital improvements to school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety service and facilities, and parks, playgrounds and other recreational facilities.

(B) The linkage exaction ordinance may be enacted if the following criteria are met:

(1) A rational nexus shall be established that shows the relationship between the creation of new residential dwelling units, and office, commercial and industrial structures and their impact on the following services including, but not limited to, school facilities, public facilities, roads, sewers, water supply lines, affordable housing, child care facilities, job training facilities, public safety facilities, and parks, playgrounds and other recreational facilities.

(2) The city shall develop and prepare a study that evaluates existing capital improvement plans for public facilities. The study shall analyze potential build-out in the city, the impacts of future development and the need for public facility improvements as a result of future development. Any exaction which may be established pursuant with this act shall be set in accordance with the methodology set forth in the study.

(3) The exaction shall be established on the basis of the cost projections in the capital improvement plans and study as described in clause (2) of subsection B of section two and the expected level of allowed development pursuant to the city's zoning ordinance, as it may be amended.

(4) The city shall have the authority to create distinct and separate revolving trust accounts for each linkage ordinance enacted by the city for the services delineated in clause (1) of subsection B of section two for necessary improvements resulting from future development. No exaction shall be paid to the city's general treasury or used as general revenues subject to the provisions of section fifty-three of chapter forty-four of the General Laws.

(5) The level of any exaction shall be reviewed at least every three years and reset as required based upon the recommendation of the office of community development and the mayor of said city.

(6) Any funds not expended or encumbered by the end of the calendar quarter immediately following six years from the date the linkage fee was paid shall, upon application of the applicant or his assigns, be returned to such landowner with interest from the fee's deposit in an interest bearing account, provided that the applicant or his assigns submits an application for a refund to the office of community development within one hundred and eighty days of the expiration of the six year period.

SECTION 3. This act shall take effect upon its passage.

Approved November 7, 1989.

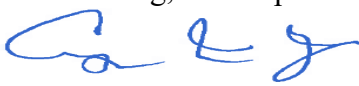
**Chapter 489. AN ACT AUTHORIZING THE TOWN OF DIGHTON TO
RAISE CERTAIN DEFICITS OVER A PERIOD OF YEARS.**

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Dighton is hereby authorized to carry its overlay deficit and appropriation deficit, as it existed as of June thirtieth, nineteen hundred and eighty-nine, and to raise said overlay deficit and appropriation deficit on the following ratio: one-third of said deficits in fiscal nineteen hundred and ninety, one-third of said deficits in fiscal nineteen hundred and ninety-one, and the remaining of said deficits in fiscal nineteen hundred and ninety-two.

TO: Matthew Leming, City Councilor (*By Electronic Mail Only*)

CC: Nina Nizarian, Chief of Staff
Alicia Hunt, Director of Planning, Development & Sustainability

FROM: Carolyn M. Murray 

RE: Resolutions Relative to Linkage Fee Ordinance

DATE: March 5, 2024

As requested, I have reviewed the three resolutions you intend to file with the Council this week:

1. A Resolution to Add Affordable Housing to the Linkage Fee Structure;
2. A Resolution to Request Linkage fee Updates in Medford from the Community Development Board and Request a Progressive Formula for Their Update; and
3. A Resolution to Bring Medford's Linkage Fee Ordinance in Compliance with the State's Act Establishing the Ordinance.

In my opinion, these resolutions are consistent with the enabling act, Chapter 488 of the Acts of 1989, An Act Establishing a Linkage Exaction Program in the City of Medford (the "Act"), with one potential exception. In the second to last paragraph of the second resolution identified above, you request that the Community Development Board conduct a study on a progressive linkage fee formula "such that a new study every three years in not necessarily required." In contrast the Act, at Section 2(B)(5) requires that "the level of exaction shall be reviewed at least every three years." Accordingly, if your resolution results in the Community Development Board developing a formula that only warrants review every five or ten years, for example, then I recommend that the Act be amended to be consistent with the increment of review.

In my further opinion, if either the first or the third resolution is adopted by the Council, Section 94-10 of the City's Ordinances will have to be amended to incorporate the linkage fee for affordable housing, similar to how the ordinance currently provides for parks and recreation and other facilities. You have also proposed to amend Section 94-10 of the Ordinances to change references to the Office of Community Development contained within the existing Ordinance to the Office of Planning, Development, and Sustainability to clarify the current name of the department with authority to promulgate rules and regulations or to study changes in the amount of linkage fees. In my opinion, the City may wish to review this matter further in light of the current organizational structure of the department. I note that the Act at Section 2(B)(5) currently requires the "office of community development" to study and recommend changes to linkage fees. Moreover, Chapter 2, Article III, Divisions 8 and 9 of the City's Charter and Article IV, Division 11 of the City's Ordinances establish the Community Development Authority, Community Development Board, and Office of Community Development, respectively. To avoid confusion, I do not recommend amending Section 94-10 to incorporate

the new name of the Office of Planning, Development, and Sustainability until such time as the Charter and the Act are also amended to reflect the updated name of the department. Lastly, I note that the Community Development Board's Linkage Rules and Regulations also reference the Office of Community Development.

Similarly, you have inquired as to whether Section 94-10 of the Ordinances should be amended to change the periodic reviews of linkage fees from "no more than every three years" to "at least every three years." I agree that Section 94-10 should be amended in order to be consistent with Section 2(B)(5) of the Act.

Finally, you have asked about a formula with an automatic escalating clause that might serve to avoid having to study the fees at least every three years. In my opinion, this is possible and refer you to Chapter 302 of the Acts of 2022, whereby the City of Watertown adjusts increases in its linkage fee to the Consumer Price Index, but still reviews the fees every five years.

908043/MEDF/0001



Medford City Council
Medford, Massachusetts

MEETING DATE

March 12, 2024

SPONSORED BY

Isaac Bears, Council President

AGENDA ITEM

24-048 - Updating Name of Elections Department in All City Communications

FULL TEXT AND DESCRIPTION

Be it Resolved by the Medford City Council that, in accordance with the intent of the Council's vote in 2022 to establish an independent Elections Department, the name of said department be updated on the city website, city letterhead, and all other city signage to "Elections Department" to distinguish the department and staff from their governing board, the Election Commission.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

None



Medford City Council
Medford, Massachusetts

MEETING DATE

March 12, 2024

SPONSORED BY

AGENDA ITEM

24-055 - Establishing a Stabilization Fund

FULL TEXT AND DESCRIPTION

Establish a General Stabilization Fund, as authorized by Chapter 40, Section 5B of the General Laws.

RECOMMENDATION

FISCAL IMPACT

ATTACHMENTS

- I. 2024.03.07_StabalizationFundEstablishment_CityCouncil



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

March 7, 2024

Via Electronic Delivery

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

Re: Stabilization Fund Establishment

Dear President Bears and Members of the City Council:

I respectfully request and recommend that your Honorable Body establish a General Stabilization Fund, as authorized by Chapter 40, Section 5B of the General Laws. Once Free Cash has been certified, I plan to return with a request for this Honorable Body to fund the stabilization fund.

As you probably know, the vast majority of cities and towns in the Commonwealth of Massachusetts have a General Stabilization Fund in order to provide for emergencies and unforeseen expenses. A 2/3rds majority of the City Council is required to establish a stabilization fund.

Respectfully submitted,


Breanna Lungo-Koehn
Mayor