



City of Quincy Massachusetts

OFFICE OF THE CITY COUNCIL
1305 HANCOCK STREET, QUINCY, MA 02169

Kevin F. Coughlin
Brad L. Croall
Joseph G. Finn
Douglas S. Gutro

Kirsten L. Hughes
Margaret E. Laforest
Michael E. McFarland, President
Brian F. McNamee
Brian Palmucci

Joseph P. Shea, Clerk
Jeanne E. Reardon
Clerk of Committees
Susan M. O'Connor, Auditor

MONDAY, JUNE 4, 2012

7:55 PM

Special Permit Granting Authority Meeting to accept Application of Rina, Inc. for 845-847 Hancock St., Quincy and set a public hearing date for Monday, September 24, 2012 at 6:30 PM.

8:00 PM

CITY COUNCIL MEETING

- 1. Mayor Thomas Koch – Update on Downtown*
- 2. Fifty (50) year lease with Tide Mill partners for 610 Southern Artery*
- 3. Parcels available for disposition with restrictions in technical proposal from Quincy Quarry Canopy Tours*
- 4. Lease & License Agreement with Quincy Quarry Canopy Tours & Commonwealth of MA*
- 5. Amend Zoning Ordinance – Title 17- deleting Section 8.0 and substituting new section 8.1.2 FLOOD PLAIN DISTRICT (FEMA Revisions)*
- 6. Accepting Gift of \$1,350 for D.A.R.E. Camp from Various Donors*
- 7. Accepting Gift of \$250 for D.A.R.E. Program from Twin Labs, Inc.*
- 8. Palmucci Order to amend existing section 9.6 of Zoning Ordinance re: Zoning Administrator*
- 9. Croall Resolve Fore River Bridge Project Labor Agreement*
- 10. Coughlin Resolve received from Daniel E. Higgins to support a call for a Constitutional Amendment overturning the “Citizens United Decision”*

It is reasonably anticipated that one or more matters contained within the City Council Calendar, including any or all listed items pending in Committee, may be discussed and acted upon at this meeting. For a full Council Calendar, go to www.quincyma.gov



City of Quincy, Massachusetts

OFFICE OF THE COUNCIL

MICHAEL E. MCFARLAND
COUNCIL PRESIDENT

Residence: (617) 376-1358
Office: (617) 376-1341
Fax: (617) 376-1345
Email: mmcfarland@quincyma.gov

TO: **ALL MEMBERS OF THE QUINCY CITY COUNCIL ACTING
IN ITS CAPACITY AS THE SPECIAL P.U.D. PERMIT GRANTING
AUTHORITY**

FROM: **COUNCIL PRESIDENT MICHAEL E. MCFARLAND**

RE: **SPECIAL PERMIT GRANTING AUTHORITY
MEETING – MONDAY, JUNE 4, 2012 AT 7:55 PM**

The Quincy City Council acting in its capacity as the Special Permit Granting Authority will conduct a **MEETING** on **Monday, June 4, 2012 at 7:55 PM in the new City Hall Council Chambers** to accept an application from Rina, Inc. for development at 845-847 Hancock Street and to call for a **PUBLIC HEARING** on **Monday, September 24, 2012 at 6:30 PM**. Please attend this very important meeting.

jr
Copy to All Councillors
Quincy Sun, Patriot Ledger,
QATV, Boston Herald
Messrs. Fatseas, Walker, Timmins
Mr. Harrington, Mr. Duca, Mr. Shea

INTRODUCED BY: Mayor Thomas P. Koch

**CITY OF QUINCY
IN COUNCIL**

ORDER NO: 2012 -

June 4, 2012

ORDERED:

Be it ordained by the City Council of the City of Quincy that the Mayor is hereby authorized to execute a lease for a term of fifty (50) years with Tide Mill Partners, LLC for the improvement and use of 2.4 acres of land owned by the city located at 610 Southern Artery, Quincy on part of what is known as the Tide Mill site, abutting the Town River.

The use of the land shall be consistent with the Response to a Request for Proposals submitted by Tide Mill Partners, LLC dated September 27, 2010 in response to a Request for Proposals issued by the city for the purpose of developing and maintaining this city-owned parcel.

Be it further ordained that all revenue generated from said use shall be designated to the Park and Recreation revolving account.

YEAS Coughlin, Croall, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci

NAYS Coughlin, Croall, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci

INTRODUCED BY: Mayor Thomas P. Koch

**CITY OF QUINCY
IN COUNCIL**

ORDER NO: 2012 -

June 4, 2012

ORDERED:

Be it ordained by the City Council of the City of Quincy that the following described parcels be and hereby are declared available for disposition, subject to the restrictions set forth below:

Plot 75 on Assessors' Plan No. 4126;

Plot 50, Lot 1, on Assessors' Plan No. 4126; and,

Plot 33 on Assessors' Plan No 4126.

This declaration is made solely to allow for the use of the parcels in a manner consistent with the Technical Proposal submitted by Quincy Quarry Canopy Tours, Inc., dated May 17, 2012 in response to a Request for Proposals issued by the city for the purpose of maintaining and operating recreational uses/activities in the area; and, upon the condition that all revenue generated from said use shall be designated to the Quincy Public Schools Athletic Department for use by the schools to defray the expense of maintaining athletic programs in schools throughout the city.

YEAS Coughlin, Croall, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci

NAYS Coughlin, Croall, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci

INTRODUCED BY: Mayor Thomas P. Koch

**CITY OF QUINCY
IN COUNCIL**

ORDER NO: 2012 -

June 4, 2012

ORDERED:

Be it ordained by the City Council of the City of Quincy that the Mayor is hereby authorized to execute (i) a License Agreement with the Commonwealth of Massachusetts and Quincy Quarry Canopy Tours, Inc; and, (ii) a lease for a term not to exceed ten (10) years with Quincy Quarry Canopy Tours, Inc., each related to the use of certain parcels situated in West Quincy described as follows:

Plot 75 on Assessors' Plan No. 4126;

Plot 50, Lot 1, on Assessors' Plan No. 4126; and,

Plot 33 on Assessors' Plan No 4126.

The use of the parcels shall be consistent with the Technical Proposal submitted by Quincy Quarry Canopy Tours, Inc., dated May 17, 2012 in response to a Request for Proposals issued by the city for the purpose of maintaining and operating recreational uses/activities in the area.

Be it further ordained that all revenue generated from said use shall be designated to the Quincy Public Schools Athletic Department for use by the schools to defray the expense of maintaining athletic programs in schools throughout the city.

YEAS Coughlin, Croall, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci

NAYS Coughlin, Croall, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci

CITY OF QUINCY
IN COUNCIL

ORDERED:
ORDER NO.

June 4, 2012

Be it ordained by the Quincy City Council that Title 17, Section 8.0, Special Districts, of the Ordinance of the City of Quincy, as amended, is further amended as follows:

By deleting Section 8.0 in its entirety and by substituting therein the following:

8.1 FLOOD PLAIN OVERLAY DISTRICT (FPOD)

8.1.1 Purpose. The purposes of the Flood Plain Overlay District (FPOD) are:

1. to provide that the lands in the city subject to seasonal or periodic flooding shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof;
2. to assure the continuation of the natural flow pattern of the watercourses within the city in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

8.1.2 Location. The FPOD includes all flood hazard areas within the City of Quincy designated as Zones A, AE, AO, and VE on the Norfolk County Flood Insurance Rate Map (FIRM), issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the City of Quincy are panel numbers 25021C0066E, 25021C0067E, 25021C0068E, 25021C0069E, 25021C0086E, 25021C0088E, 25021C0089E, 25021C0202E, 25021C0204E, 25021C0206E, 25021C0207E, 25021C0208E, 25021C0226E, and 25021C0227E dated July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk, Planning Board, and the Director of Inspectional Services.

Deleted: special permit (flood?)

Deleted: A1-A30, VI-V30

Deleted: City of Quincy

Deleted: ***,

Deleted: on file with the City Clerk, Planning Board and the Director of Inspectional Services. These maps, as well as the accompanying Quincy Flood Insurance Study are incorporated herein by reference.

8.1.3 Overlay District. The FPOD shall be considered as overlying other districts. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to all the provisions of this Section 8.1. Where the provisions of the FPOD are more stringent or otherwise adjust the requirements of the underlying district, the FPOD shall govern.

8.1.4 Use Regulations. In the FPOD, the following regulations shall apply:

1. No new building or structure shall be erected, constructed, altered, enlarged or moved and no dumping, filling or earth transfer or relocation shall be permitted unless in conformance with Section 8.1.7.
2. The following activities shall be permitted:
 - a. Conservation of soil, water, plants and wildlife;

- b. Recreation, including play and sporting areas, education and nature study, golf, skating, boating, swimming and fishing, where otherwise legally permitted;
- c. Forestry, including tree nurseries;
- d. Storage of materials and/or equipment for cemetery, parks or playground purposes;
- e. Dwellings lawfully existing prior to the adoption of these provisions may be enlarged in area up to twenty five percent of ground coverage and may be not more than three stories.

8.1.5 Coastal High Hazard Areas. In the FPOD, some areas are designated as coastal high hazard areas (Zone VE). Since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wash, all new construction shall be located landward of the reach of the mean high tide. Man-made alteration of sand dunes within Zones VE which would increase potential flood damage are prohibited.

8.1.6 Floodway. In the floodway, as designated on the Flood Insurance Rate Map, the following provisions shall apply:

1. All encroachments, including fill, new construction, substantial improvements to existing structures and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one hundred year flood, in a floodway.
2. Any encroachment meeting the above standard shall comply with the flood plain requirements of the State Building Code.
3. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

8.1.7 Special Permit. Applicants who are required to appear before the Planning Board and whose project is located in a FPOD may receive a FPOD special permit from the Planning Board for any use or structure allowed in the underlying district, provided, however, that Urban Renewal Uses are exempt from this requirement, and further, the

Comment [ACB1]: The Floodways are now incorporated into the FIRM, and there are no longer separate Flood Boundary and Floodway Maps.

Deleted: Flood Boundary and Floodway Map

Deleted: In the FPOD, the

Deleted: Board of Appeals

Deleted: grant

Deleted: subject to the following:

Director of Inspectional Services may grant a Finding for all other projects located in the FPOD subject to approval from the Quincy Conservation Commission. Special Permits/ Findings shall be subject to the following:

1. The FPOD is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

- Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
- Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
- Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

2. The request has been referred to the Planning Board, the Health Commissioner, the City Engineer and the Conservation Commission and reported upon by all, or thirty five days shall have elapsed following such referral without receipt of such reports.

3. The proposed use will not be detrimental to the public health, safety and welfare.

4. The proposed use and/or structure will be built in accordance with the one hundred year flood elevation within the City of Quincy as defined by the Federal Emergency Management Agency, Flood Insurance Rate Map for the Norfolk County.

5. The Mass State Building Code regulates construction in the Flood Zone.

6. In a riverine situation, The Director of Inspectional Services shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities

Deleted: ¶

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Deleted: The land is shown to be neither subject to flooding nor unsuitable for the proposed use because of hydrological and/or topographic conditions

Deleted: ¶

Deleted: 3

Deleted: 4

Deleted: welfare.

Deleted: 4

Deleted: 5

Deleted: Department of Housing and Urban Development

Deleted: Federal

Deleted: City of Quincy

Deleted: ¶

Deleted: 5

Deleted: 6. The proposed use will comply in all respects to the provisions of the underlying district or districts within which the land is located.

Comment [ACB2]: Just be aware that the AG's office may recommend (but not require) the removal of this paragraph as they would say they were "inconsistent with the State Building Code."

Deleted: 6

Deleted: 7.

Deleted: All new construction and substantial improvements (the cost of which equals or exceeds fifty percent of the market value of the structure) of residential and nonresidential structures shall have the lowest floor, including the basement or cellar, elevated to or above the one hundred year flood elevation, or in the case of nonresidential structures be floodproofed, watertight to the one hundred year flood elevation.

Deleted: 8

Deleted: (

Deleted: appropriate official in community)

▪ NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

▪ NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Deleted: 1

8.1.8 Variances. Where the Board of Appeals grants a variance to the regulations set forth in the FPOD, the following additional procedures will be adhered to:

1. The Board of Appeals shall only issue a variance upon:
 - a. a showing of good and sufficient cause;
 - b. a determination that failure to grant said variance would result in exceptional hardship to the applicant;
 - c. a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances or conflict with existing local law;
 - d. a determination that the issuance of the variance is the minimum necessary considering the flood hazard to afford relief.
2. Variances may be issued for structures to be erected on a lot of one half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level. Variances may also be issued for a structure listed on a National Register of Historic Places or a State Inventory of Historic Places that is to be restored or reconstructed.
3. If a variance is granted, the Board of Appeals shall notify the applicant in writing over their signature that the issuance of such variance to construct below the one hundred year base flood elevation will result in increased premium rates for flood insurance up to amounts as high as twenty five dollars for one hundred dollars of insurance coverage; and such construction below the one hundred year base flood elevation increases risks to life and property.
4. The Board of Appeals shall maintain a record of all variance actions, including

justifications for issuance and report such variances in the annual report submitted to the Federal Insurance Administration.

5. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

6. Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

7. All subdivision proposals must be designed to assure that:

a) such proposals minimize flood damage;

b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and

c) adequate drainage is provided to reduce exposure to flood hazards.

8.1.9 Director of Inspectional Services; Duties in the Flood Plain Overlay District.

In order to ensure the proper administration of the FPOD, the Director of Inspectional Services shall:

1. Review proposed development to assure that all necessary permits have been or are in the process of being obtained from those governmental agencies from which approval is required by state or federal law.

2. Obtain and maintain records of the elevation to which any structure has been floodproofed, the floodproofing certificates required under said district, and whether or not the structure has a basement.

INTRODUCED BY

**CITY OF QUINCY
IN COUNCIL**

ORDER NO. 2012-

June 4, 2012

Be it ordained that the City of Quincy accept the following gift upon the conditions attached and herein set forth:

<u>DONOR</u>	<u>GIFT</u>	<u>PURPOSE</u>
Various Donors	\$1350.00	D.A.R.E. Camp

Deposit To: 31194-484000

PASSED TO BE ORDAINED JUNE 4, 2012

ATTEST:

CLERK OF COUNCIL

YEAS Coughlin, Croall, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci
NAYS Coughlin, Croall, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci

QUINCY POLICE DEPARTMENT

GIFT ACCOUNT

MAY 21, 2012

TO: The Quincy City Council

Please accept the following gift

PURPOSE: DONATION FOR SUMMER DARE CAMP
TOTAL AMOUNT \$1,350.00

ACCOUNT # 31194-484000

DONOR: VARIOUS DONORS

CONTACT OFFICER JOHN GRAZIOSO

 ADDRESS: QUINCY POLICE DEPT.


Paul Keenan
Chief Of Police

INTRODUCED BY

**CITY OF QUINCY
IN COUNCIL**

ORDER NO. 2012-

June 4, 2012

Be it ordained that the City of Quincy accept the following gift upon the conditions attached and herein set forth:

<u>DONOR</u>	<u>GIFT</u>	<u>PURPOSE</u>
Twin Lads, Inc.	\$250.00	D.A.R.E. Program

Deposit To: 31194-484000

PASSED TO BE ORDAINED JUNE 4, 2012

ATTEST:

CLERK OF COUNCIL

YEAS Coughlin, Croall, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci
NAYS Coughlin, Croall, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci

QUINCY POLICE DEPARTMENT

GIFT ACCOUNT

MAY 21,, 2012

TO: The Quincy City Council

Please accept the following gift

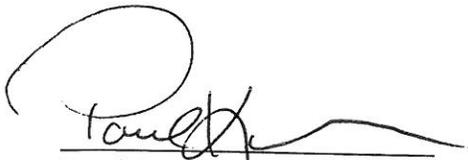
PURPOSE: DONATION TO DARE PROGRAM
TOTAL AMOUNT \$250.00

ACCOUNT # 31194-484000

DONOR: TWIN LADS, INC.

CONTACT MR. DAVID MURPHY
MR. PETER MURPHY

 ADDRESS: 425 HANCOCK ST
QUINCY MA 02171


Paul Keenan

INTRODUCED BY:

WARD FOUR COUNCILLOR BRIAN PALMUCCI

**CITY OF QUINCY
IN COUNCIL**

ORDER NO.

JUNE 4, 2012

ORDERED:

BE IT ORDERED, that the following amendment replace, in its entirety, the existing section 9.6 of the City of Quincy Zoning Ordinance

9.6 ZONING ADMINISTRATOR. The City of Quincy hereby authorizes the appointment of a Zoning Administrator, who unless otherwise provided by charter shall be appointed by the Board of Appeals, subject to confirmation by the City Council to serve at the pleasure of the Board of Appeals pursuant to such qualifications as may be established by the City Council. The Board of Appeals may delegate to said Zoning Administrator some of its powers and duties by a concurring vote of all except one member. Any person aggrieved by a decision of order of the Zoning Administrator, whether or not previously a party to the proceeding, or any municipal office or board, may appeal to the Board of Appeals, as provided in G.L.. Chapter 40A, Section 14 within thirty days after the decision of the Zoning Administrator has been filed in the Office of the City Clerk and notification to abutters has been mailed by first class mail. Any appeal, application or petition filed with said Zoning Administrator as to which no decision has issued within thirty-five days from the date of filing shall be deemed denied and shall be the subject to appeal to the Board of Appeals as provided in G.L, Chapter 40A, Section 8. The Zoning Administrator shall serve without compensation.

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INTRODUCED BY WARD TWO COUNILLOR BRAD CROALL

CITY OF QUINCY

IN COUNCIL

ORDERED:

ORDER NO.

June 4, 2012

Fore River Bridge Project Labor Agreement Resolution

Whereas, in 2008 the reconstruction of the Fore River Bridge was funded at \$280 million dollars through Governor Deval Patrick's Accelerated Bridge Program.

Whereas, many other accelerated bridge program projects completed and under construction have project labor agreements.

Whereas, project labor agreements are one of many tools which may be used by management and labor, to assist in achieving timely completion of public construction projects while also eliminating the cost of such projects to the greatest extent possible consistent with the law and principles of fairness and equity;

Whereas, a project labor agreement would increase the likelihood of Quincy residents receiving jobs by setting goals of local hiring and resources to be provided to the community;

Now therefore, be it resolved that City Council of the City of Quincy votes to request that the Massachusetts Department of Transportation studies the Fore River Bridge project to see if it meets the standards set for a project to enter into a project labor agreement. If the Fore River Bridge meets the criteria the City Council of the City of Quincy requests that a project labor agreement be put in place for the Fore River Bridge project.

YEAS Coughlin, Croall, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci

NAYS Coughlin, Croll, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci

INTRODUCED BY WARD THREE COUNILLOR KEVIN F. COUGHLIN
CITY OF QUINCY

ORDERED:
ORDER NO.

IN COUNCIL

June 4, 2012

RESOLUTION TO SUPPORT A CALL FOR A CONSTITUTIONAL
AMENDMENT OVERTURNING THE "CITIZENS UNITED DECISION"

WHEREAS, a Supreme Court ruling made in January 2010 prohibited the government from restricting political payments from corporations; and

WHEREAS, one effect from the ruling, as cited in written commentary refuting the equity of allowing corporations to donate unlimited funds to candidates or political parties, has been the creation of Super Political Action Committees; and

WHEREAS, many states and cities have enacted resolutions opposing the perceived corporate control of elections and are urging Congress to amend the U.S. Constitution and ban corporate personhood; and

WHEREAS, Senator Bernie Sanders (I-Vermont) has introduced a constitution amendment to overturn the Citizens United Decision by the Supreme Court and redefine "corporate personhood" and Representative Ted Deutch (D-Florida) has introduced the same amendment in the House,

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Quincy, Norfolk County, State of Massachusetts, that it strongly supports a constitutional amendment calling for the overturning of Citizens United Decision of January 2010 and calls upon the legislature to take action on same; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Senators John Kerry and Scott Brown and Representative William Keating.

YEAS Coughlin, Croall, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci

NAYS Coughlin, Croll, Finn, Gutro, Hughes, Laforest, McFarland, McNamee, Palmucci