



# City of Quincy

Massachusetts

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

Ian C. Cain  
Noel T. DiBona  
William P. Harris  
Kirsten L. Hughes, President

Brad L. Croall  
Joseph G. Finn  
Margaret E. Laforest  
Nina X. Liang  
Brian Palmucci

Nicole L. Crispo, City Clerk  
Joseph J. Newton, Assistant City Clerk  
Jennifer L. Manning, Clerk of Committees  
Susan M. O'Connor, Auditor

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## Housing Committee Meeting Monday, October 17, 2016 - 6:30 PM The Great Hall

2016-228 - Approval of Quincy Housing Production Plan (2016 – 2021)

## City Council Meeting Monday, October 17, 2016 - 7:30 PM The Great Hall

### **AMENDED**

#### Recognition of the Festival of Diwali

1. 2016 – 246 – Ordinance – Amending Title 2: Administration and Personal updating job descriptions for City Council Department President Hughes
2. 2016 – 247 – Order – Home-Rule Petition – Adoption of corrective language to Chapter 32 of the Acts of 2011, an Act Facilitating Urban Redevelopment In the City of Quincy Mayor Koch
3. 2016 – 248 – Order – Authorizing the MBTA to Lease Air Rights Over its North Quincy Transportation Facility Mayor Koch
4. 2016 – 249 – Ordinance – Amending Title 17 to add a New Section, Section 8.5 entitled “Transit Oriented Districts” Mayor Koch
5. 2016 – 250 – Gift – \$500 from BETA Group, Inc. to Mayors Charity Golf Tournament Mayor Koch

#### ***Nominations for Park & Recreation Board Appointment postponed to later date***

It is 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](http://www.quincyma.gov)

Tel. (617) 376-1341, FAX (617) 376-1345 -TTY (617) 376-1375

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2016-246

ORDERED:

October 17, 2016

**BE IT ORDAINED** by the City Council that the Quincy Municipal Code is hereby amended as follows:

- 1. Title 2: Administration and Personal is hereby amended by adding the following new chapter:**

**Chapter 2.10 City Council Members**

**2.10.010 Term**

The City Council, consisting of nine persons, elected at large by and from the qualified voters of the city and one member from each of the six wards in the city. One of its members shall be elected by the council annually as its president. There shall be elected at each annual city election a sufficient number of members to fill the vacancies created by the expiration of said terms, each member so elected to serve for two years.

**2.10.20 Description**

To serve as a direct representative of the residents of Quincy. Responsible for creating, investigating, deliberating and enacting legislation. Communicate with residents; assist them with requesting and receiving city services.

**2.10.030 Duties**

- A full time position (1,820 hours per year) with flexible hours that allow for other non-City of Quincy employment.
- To represent the residents of Quincy in all legislative matters
- Councilmembers' statutory duties are to be performed, almost without exception, by the council as a whole
- To identify and discuss issues impacting the City of Quincy, receive and consider public input, make appropriate decisions in a manner which encourages full and open discussion, and exercise all the powers that State Statutes and City Ordinances empower to the Council Members to lawfully govern the community
- Solicits and receives input from affected parties and the general public
- Responds to constituent requests for information or assistance with problem resolution Acts as liaison between the City and the general public
- Reviews and approves an annual budget and tax levy

- Authorizes any and all borrowing by the City of Quincy
- Sets and Interprets Rules Governing its Own Proceedings

#### **2.10.040 Compensation**

In accordance with Chapter 2.148 Job Classifications and Salaries Section 2.148.010 Official Salary Schedules shall be kept on file in the office of the City Clerk

#### **2.10.050 Qualifications**

To be elected by the residents of Quincy

2. **Title 2: Administration and Personnel, Chapter 2.12 Clerk of Committees as amended by further amended by striking it in its entirety and inserting in place thereof the following:**

#### **Chapter 2.12 Clerk of Committees**

##### **2.12.010 Term**

The City Council shall annually in the month of January and whenever a vacancy occurs in such office, elect a clerk of committees, who shall hold this office until a successor is elected

##### **2.12.020 Description**

Under the direct supervision of the City Clerk, City Auditor and with minimal supervision, performs multifaceted and complex general office duties. Working independently and with others in a fast paced and customer service oriented environment. Coordinating, scheduling and staffing all of the City Council and City Council Subcommittee meetings. Taking and maintaining accurate meeting minutes.

##### **2.12.030 Duties**

- A full time position (1,820 hours per year) with flexible hours that allow attendance of all City Council and committee meetings of the City Council during non-business hours.
- Word processing correspondence, other documents with speed and accuracy
- Scheduling individual and community meetings for City Councillors
- Liaison to the general public, other elected and appointed officials
- Routing and following up requests for services
- Drafting, editing and mailing correspondence on behalf of the City Councillors
- Ensuring all outgoing correspondence uses proper grammar, punctuation and spelling
- Working and communicating with city departments and outside agencies including but not limited to utility providers
- Performs other department work as assigned by City Councillors, City Clerk and City Auditor
- Performs various confidential projects for City Councillors, consistent with their public duties and maintains strict confidentiality
- Train and assist new employees

- Able to work adjustable 35 hour work week based on meeting schedule
- Attendance to each and every City Council meeting and City Council Subcommittee meeting
- Scheduling and public notification of any and all meetings of the City Council and its committees
- Drafting and distribution of agenda for the City Council and subcommittee meetings
- Management and oversight of the City Council calendar and legislation
- Ensure accuracy, approval and public dissemination of all meeting minutes
- Keeping of all meeting minutes for all City Council and subcommittee meetings
- Record and produce all minutes of City Council and subcommittee meetings
- Type final City Council orders for City Clerk and Mayor's signature
- Familiarity with all City Ordinances
- All duties reasonably anticipated

#### **2.12.040 Compensation**

In accordance with Chapter 2.148 Job Classifications and Salaries Section 2.148.010 Official Salary Schedules shall be kept on file in the office of the City Clerk

#### **2.12.050 Qualifications**

- Work processing ability and general office knowledge
- Knowledge and proficiency in Munis and Microsoft Office
- Advance training in Microsoft Office, Word, Excel, PowerPoint, Publisher and Outlook
- Ability to update Council information on website and social media
- Capable of offering problem solving measures and resolution to constituent requests
- Knowledge of municipal operations
- Strong interpersonal skills, allowing for sound communication with the public and others
- Work effectively under pressure and with frequent interruptions
- Ability to work simultaneously on multiple projects from different City Councillors
- Ability and willingness to work independently and in groups

### **3. Title 2: Administration and Personnel is hereby amended by adding the following new chapter:**

#### **Chapter 2.14 City Council Office Administrative Staff**

##### **2.14.010 Term**

At the pleasure of the City Council President

##### **2.14.020 Description**

Under the direct supervision of the City Clerk, City Auditor and with minimal supervision, performs multifaceted and complex general office duties. Working independently and with others in a fast paced and customer service oriented

environment. Coordinating, scheduling and staffing all of the City Council and City Council Subcommittee meetings. Taking and maintaining accurate meeting minutes.

#### **2.14.030 Duties**

- Be a full time position of (1,820 hours per year) with set hours of 8:30AM to 4:30pm, Monday through Friday.
- Under the direct supervision of the City Auditor and with minimal supervision, performs multifaceted and complex general office duties as assigned by City Councillors and/or City Auditor
- Working independently and with others in a fast-paced and customer service oriented environment.
- Responsible for operation of front office, answering of telephones, typing, drafting, editing and mailing correspondence, sorting and distributing incoming mail, scheduling individual and community meetings, liaison to the general public, other elected and appointed officials and maintaining City Councillors and office filing system

#### **2.14.040 Compensation**

In accordance with Chapter 2.148 Job Classifications and Salaries Section 2.148.010 Official Salary Schedules shall be kept on file in the office of the City Clerk

#### **2.14.050 Qualifications**

- Strong typing ability and general office knowledge
- Knowledge and proficiency of basic computer word processing programs
- Knowledge and proficiency of internet search programs and social media
- Capable of offering problem solving measures and resolution to constituent requests
- Knowledge of municipal operations
- Strong interpersonal skills allowing for sound communication with the public and others
- Work effectively under pressure and with frequent interruptions
- Ability to work simultaneously on multiple projects from different City Councillors
- Ability and willingness to work independently and in a group

#### **4. Title 2: Administration and Personnel, Chapter 2.20 City Auditor as amended by further amended by striking it in its entirety and inserting in place thereof the following:**

##### **Chapter 2.20 City Auditor**

#### **2.20.010 Term**

The City Council shall, by majority vote, elect an individual to serve as the City Auditor. Such individual shall be a person especially fitted by education, experience and training to perform the duties of the office. The City Auditor shall be elected for a term of not more than three years, and until a successor is qualified unless sooner removed.

**2.20.020 Description**

The City Auditor oversees the books and accounts of all officers and agencies of the City.

**2.20.030 Duties**

- A full time position (1,820 hours per year) with flexible hours that allow attendance of all City Council and committee meetings of the City Council involving financial issues during non-business hours.
- Examine the books and accounts of all officers and agencies of the City which are entrusted with the receipt, custody or expenditure of money, including original bills on which money has been or may be paid from the city treasury, the documentation submitted by the agency requesting payment of any such bills supporting payment, warrants for the payment of bills and the canceled checks on file in the treasurer's office
- Once in a fiscal year, or sooner, upon the initiative of the Auditor or vote of the City Council, audit or cause to be audited the cash balance of each such officer and agency by the actual count of the cash on hand and by reconciliation of bank balances;
- Conduct financial and performance audits following government auditing standards as promulgated by the Comptroller General of the United States
- Make periodic reports to the City Council in such detail and with such frequency as the City Council shall direct by ordinance, by rule or by other vote, and shall attend each and every City Council meetings or committee meetings of the City Council involving financial issues
- Exercise the duties enumerated by G.L. Chapter 41, Section 50 and 53
- Perform such duties, as the City Council deems necessary for the proper performance of the Auditor's duties

**2.20.040 Compensation**

In accordance with Chapter 2.148 Job Classifications and Salaries Section 2.148.010 Official Salary Schedules shall be kept on file in the office of the City Clerk

**2.20.050 Qualifications**

- Master's Degree in Business Administration, and/or Master's Degree in Public Finance and/or Accounting, and/or a Certified Public Accountant Certification
- Minimum of Five Years of Municipal Finance Experience in the Commonwealth of Massachusetts

**2.20.60 Miscellaneous Provisions**

1. The Mayor, the Mayor's staff, heads of all city departments, and the employees of all city departments shall provide to the city auditor all services, assistance and access to accounts and records as shall be necessary for the city auditor for the proper performance of the auditor's duties.
2. The city auditor shall be prohibited from contributing to, either by financial or in kind contribution, or participating in, the campaign of any candidate for Quincy City Council or Mayor of Quincy, or in the campaign of any Quincy City Councillor or Mayor of Quincy for any other political office.

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2016-247

ORDERED:

October 17, 2016

**Proposed Amendments to Chapter 32 of the Acts & Resolves of 2011**

**AN ACT FACILITATING URBAN REDEVELOPMENT  
IN THE CITY OF QUINCY**

**Voted, to petition the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court. The Mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.**

SECTION 1. Section 1 of chapter 32 of the acts of 2011 is hereby amended by striking the definitions of "City parcels" and "Land disposition agreement" and inserting in place thereof the following 3 definitions:-

"City parcels", the 2 parcels of land currently owned by the city of Quincy in the urban renewal district which are known as the Ross Garage and Hancock Parking Lot and more particularly defined in a land disposition agreement, that the city will transfer in whole or in part to one or more designated redevelopers who will redevelop such city parcels and other privately owned land.

"Designated redeveloper", the individual, corporation, organization, trust, partnership or other non-profit or business entity designated by the city of Quincy pursuant to this act for the purpose of redeveloping the city parcels or portions thereof and other privately owned parcels within the urban renewal district and as defined in this act either under Chapter 121B of the General Laws or under the terms of a land disposition agreement.

"Land disposition agreement", an agreement between the city of Quincy and a designated redeveloper, including any amendments thereto, pursuant to which the city of Quincy shall transfer the city parcels or portions thereof to a designated redeveloper; provided, however, that any such land disposition agreement shall be subject to the approval of the department of housing and community development under chapter 121B of the General Laws.

SECTION 2. Section 2 of said chapter 32 of the acts of 2011, is hereby amended by striking out, after the word "under", the following word "the" and inserting in place thereof, the following word:- "a".

SECTION 3. Section 3 of said chapter 32 of the acts of 2011, is hereby amended by striking out, after the words "contrary," the following word "the" and inserting in place thereof, the following word:-"a".

SECTION 4. Subsection (a) of section 12A of chapter 898 of the acts of 1973, as inserted by section 4 of chapter 32 of the acts of 2011, is hereby amended by striking out, after the words "pursuant to", the word "the" and inserting in place thereof, the following word:-"a".

Subsection (b) of section 12B of said chapter 898 of the acts of 1973, as inserted by said section 4 of said chapter 32 of the acts of 2011, is hereby amended by striking the words "the land disposition agreement dated January 25, 2011, between the city of Quincy and Hancock Adams Associates, LLC, the redeveloper" and inserting in place thereof the words:-"a land disposition agreement between the city of Quincy and a designated redeveloper".

The last sentence of said subsection (b) of said section 12B of said chapter 898 of the acts of 1973, as inserted by said section 4 of said chapter 32 of the acts of 2011, is hereby amended by striking out, after the words "in conflict with", the word "the" and inserting in place thereof, the following word: "any".

The last sentence of subsection (c) of said section 12B of said chapter 898 of the acts of 1973, as inserted by said section 4 of said chapter 32 of the acts of 2011, is hereby amended by striking out, after the words "major one under", the word "the" and inserting in place thereof, the following word:- "any".

The last sentence of subsection (f) of said section 12B of said chapter 898 of the acts of 1973, as inserted by said section 4 of said chapter 32 of the acts of 2011, is hereby amended by striking out, after the words "major change under", the word "the" and inserting in place thereof, the following word:- "any".

The first sentence of subsection (b) of section 12C of said chapter 898 of the acts of 1973, as inserted by said section 4 of said chapter 32 of the acts of 2011, is hereby amended by striking out, after the words "made by" and inserting in place thereof "a" and striking out after the word "under", the word "the" and inserting in place thereof, the following word:- "a".

Section 12D of said chapter 898 of the acts of 1973, as inserted by said section 4 of said chapter 32 of the acts of 2011, is hereby amended by striking out, after the word "under", the word "the" and inserting in place thereof, the following word:- "a".

SECTION 5. No Change.

SECTION 6. The first sentence of section 6 of said chapter 32 of the acts of 2011, is hereby amended by striking out after the words "set forth in", the following word "the" and inserting in place thereof, the following word:-"a".

The first sentence of the third paragraph of said section 6 of said chapter 32 of the acts of 2011, is hereby amended by striking out after the words "the terms of", the word "the" and inserting in place thereof, the following word:-"a".

SECTION 7. The first sentence of section 7 of said chapter 32 of the acts of 2011, is hereby amended by striking out after the words "specified in", the word "the" and inserting in place thereof, the following word:-"a".

The second sentence of section 7 of said chapter 32 of the acts of 2011, is hereby amended by striking out after the words "pursuant to", the word "the" and inserting in place thereof, the following word:-"a".

SECTION 8. No Change.

SECTION 9. Said chapter 32 of the acts of 2011 is hereby amended by striking out section 9 and inserting in place thereof, the following section:-

SECTION 9. Notwithstanding any general or special law to the contrary, for the projects in the urban renewal district, a land disposition agreement shall be a contract and all of section 14 of chapter 121A of the General Laws shall apply to that contract. In addition to the specific items set forth in clauses (a) to (c), inclusive, of the first paragraph of said section 14 of said chapter 121A, the contract may obligate the city of Quincy to cause the construction of parking garages and other public improvements by the corporation or a designated redeveloper and to acquire them from the corporation or a designated redeveloper in accordance with the terms of a land disposition agreement. Without limiting the generality of the foregoing to Chapter 121A, such construction under a land disposition agreement shall not be subject to any provision of law relating to publication or advertising for bids, but shall be subject to a land disposition agreement and sections 26 to 27F, inclusive, of chapter 149 of the General Laws.

SECTION 10. Section 10 of said chapter 32 of the acts of 2011, is hereby amended by striking out the words "the land disposition" each time it appears and inserting in place thereof, the following words:- "a land disposition".

SECTION 11. The first sentence of section 11 of said chapter 32 of the acts of 2011, is hereby amended by striking out after the words "project approved under", the following word "the" and inserting in place thereof, the following word:- "a".

SECTION 12.. Section 12 of said chapter 32 of the acts of 2011, is hereby amended by striking out after the words "deliver, pursuant to", the word "the" and inserting in place thereof, the following word:-"a". and striking out after the words "agreement with", the word "the" and inserting in place thereof the words "a designated".

SECTION 12. This act shall take effect upon its passage.



*City of Quincy, Massachusetts*

Office of the Mayor

Thomas P. Koch  
Mayor

City Hall  
1305 Hancock Street  
Quincy, MA 02169  
617-376-1990

October 13, 2016

Honorable Kirsten L. Hughes  
Council President  
Office of the Quincy City Council  
1305 Hancock Street Quincy, MA 02169

**RE: HOME RULE PETITION TO AMEND CHAPTER 32 OF THE ACTS &  
RESOLVES OF 2011**

Dear Council President Hughes:

Please find attached for your consideration a proposed Home Rule Petition to amend Chapter 32 of the Acts and Resolves of 2011, which was enacted by the General Court pursuant to a Home Rule Petition approved by the Quincy City Council on December 20, 2010.

I am submitting this request for the following reasons:

- On December 10, 2010 the Quincy City Council approved a Home Rule Petition to allow the City to utilize various methods and procedures to facilitate urban renewal in the Downtown area of the City of Quincy.
- On May 25, 2011 the General Court enacted Chapter 32 of The Acts of 2011 pursuant to the Home Rule Petition filed by the City of Quincy.
- The aforementioned law conferred a number of powers upon the City to facilitate redevelopment in Quincy's Downtown Urban Revitalization District as approved by the City Council.
- However, the language of Chapter 32/2011 was specific to one designated master developer, Hancock Adams Associates, LLC, also known as "Street Works".
- The development designation for Hancock Adams Associates, LLC was terminated by the City of Quincy for cause.

- Pursuant to the City Council's adoption of URDP Amendment #4 as approved by the Massachusetts Department of Housing and Urban Development, the City of Quincy has now assumed the role of master developer and will be designating various different developers to develop projects on a project by project basis in the Hancock and Ross municipal lots.
- The major portions of Chapter 32/2011 is still good law, however the City is unable to utilize the numerous tools conferred upon it by the Commonwealth because the language is specific to the prior designated developer.
- In essence, the intent of the Legislature and the City Council is being frustrated and rendered inoperable by the outdated language.
- The City of Quincy is currently in the late stages of negotiating Land Disposition Agreements with two developers, but is hampered from bringing them to finalization for presentation to the City Council because the tools granted by the Legislature in 2011 cannot be applied until Chapter 32/2011 is amended to coincide with the current development process approved by the City Council in URDP #4.
- The proposed Home Rule Petition as submitted amends Chapter 32/2011 by inserting technical corrective language that remedies the unintended result of the developer specific language that renders the current law unusable for current and future potential projects.
- The technical corrections to the existing law are narrowly tailored to cure the current deficiency and to allow the City to proceed with current and future developments in accordance with the plan adopted by the City Council in URDP #4.

I respectfully request your approval of the proposed amendments to Chapter 32 of the Acts of 2011.

Sincerely,



Thomas P. Koch  
Mayor

Cc: City Council Members  
Ms. Nicole L. Crispo, City Clerk  
Ms. Jennifer L. Manning, Clerk of Committees  
James Fatseas, Planning Director

Chapter

THE COMMONWEALTH OF MASSACHUSETTS

*In the Year Two Thousand and Eleven*

*AN ACT FACILITATING URBAN REDEVELOPMENT IN THE CITY OF QUINCY.*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. For the purposes of this act, the following terms shall have the following meanings unless the context clearly requires otherwise:

“City parcels”, the 2 parcels of land currently owned by the city of Quincy in the urban renewal district which are known as the Ross Garage and the Hancock Parking Lot and more particularly defined in ~~thea~~ land disposition agreement, that the city will transfer ~~to the~~in whole or in part to one or more designated ~~redevelopere~~redevelopers who will redevelop ~~thesuch~~ city parcels and other privately owned land.

“Designated redeveloper”, the individual, corporation, organization, trust, partnership or other non-profit or business entity designated by the city of Quincy pursuant to this act for the purpose of redeveloping the city parcels or portions thereof and other privately owned parcels within the urban renewal district as defined in this act either under Chapter 121B or under the terms of a land disposition agreement.

“Land disposition agreement”, ~~thean~~ agreement ~~dated January 25, 2011,~~ between the city of Quincy and ~~Hancock Adams Associates, LLC, thea designated~~ redeveloper, including any amendments thereto, pursuant to which the city of Quincy shall transfer the city parcels or portions thereof to ~~thea~~ redeveloper; provided, however, that ~~thesuch~~ land disposition agreement shall be subject to the approval of the department of housing and community development under chapter 121B of the General Laws.

“Urban renewal district”, the area of downtown Quincy encompassed by that certain urban renewal plan known as the Quincy Center District Urban Revitalization and Development Plan, dated May 7, 2007, as amended.

“Urban renewal plan”, the Quincy Center District Urban Revitalization and Development Plan, dated May 7, 2007, as amended.

SECTION 2. Notwithstanding any general or special law to the contrary, a project authorized and approved by the city of Quincy under ~~thea~~ land disposition agreement, as approved by the department of housing and community development under chapter 121B of the General Laws shall be deemed approved for the purposes of sections 3, 5, 6 and 6A of chapter 121A of the General Laws.

SECTION 3. Notwithstanding any general or special law to the contrary, ~~thea~~ land disposition agreement, as approved by the department of housing and community development

under chapter 121B of the General Laws, for a project authorized thereunder shall serve as the regulatory agreement required under clauses (c), (e) and (f) of the first paragraph of section 18C of chapter 121A of the General Laws.

SECTION 4. Chapter 898 of the acts of 1973 is hereby amended by inserting after section 12 the following 4 sections:

Section 12A. (a) Subject to paragraphs (h) and (i) of the first paragraph of section 18 of chapter 121A of the General Laws, the department shall, in addition to its other powers and duties, have the powers and perform the duties from time to time conferred or imposed upon the housing board under sections 6A, 7 to 13, inclusive, 15 to 18, inclusive, 18B and 18C of said chapter 121A with respect to a project thereunder in the urban renewal district of the city of Quincy developed pursuant to ~~the~~ land disposition agreement and, for such purpose, the words "housing board" or "board" as used in said sections 6A to 13, inclusive, 15 to 18, inclusive, 18B and 18C of said chapter 121A shall mean the department in the case of all such projects; provided, however, that no decision of the department approving a project or any change therein or making or amending any rule, regulation or standard therefor shall be in force until approved by the mayor. The department shall make, and from time to time may amend, reasonable rules and regulations for securing its approval of projects in the urban renewal district under said chapter 121A, and no rule, regulation or standard of the department of housing and community development shall apply to any such project. The department shall have the powers and perform the duties conferred on it by this subsection notwithstanding that it may have made a contract directly or indirectly affecting the project.

(b) Notwithstanding the foregoing, any authority to approve on eminent domain taking under section 11 of chapter 121A of the General Laws shall be exercised by the mayor and the city council, not the department.

(c) A condominium may be created, in the urban renewal district for any purpose authorized in chapter 183A of the General Laws and section 18D of chapter 121A of the General Laws shall not apply thereto. Section 9 of said chapter 121A shall not apply to the sale or resale of a condominium unit within a secondary condominium.

Section 12B. (a) Persons intending to associate themselves by written agreement of association with intent to form a corporation under chapter 121A of the General Laws for the purpose of undertaking and carrying out under said chapter 121A a project in the urban renewal district, or an insurance company, savings bank or group of savings banks intending to carry out under said chapter 121A a project in the urban renewal district shall submit to the department and to the mayor an application for its approval of such project and for its consent to the formation of such corporation. Such application shall specify the location of the proposed project, the reasons why the project is necessary or desirable and the uses to which the project shall be put and shall contain, in general terms, a description of the buildings, structures or facilities which it proposes to furnish, accompanied by a site plan and drawings of the proposed buildings and other improvements adequate to show the nature and extent of the project.

(b) Whenever the department is requested to approve the formation of any such corporation or the carrying out of a project by an insurance company, savings bank or group of

savings banks, it shall, after a public hearing of which reasonable notice shall be given, make such determinations as may be required by chapter 121A of the General Laws and shall determine whether conditions exist which warrant the carrying out of the proposed project, whether such project is consistent with the terms and requirements of ~~the~~ land disposition agreement ~~dated January 25, 2011,~~ between the city of Quincy and ~~Hancock Adams Associates, LLC,~~ the designated redeveloper, including any amendments thereto as approved by the department of housing and community development, whether such project is consistent with the urban renewal plan, whether such project would be in any way detrimental to the best interests of the public of the city or to the public safety and convenience, and whether the project will constitute a public use and benefit. If the department finds that the proposed project does not meet the requirements of said chapter 121A or that conditions warranting the carrying out of the project do not exist or that the project will not be practicable or in conflict with ~~the~~ any land disposition agreement or the urban renewal plan or is detrimental or inconsistent as aforesaid or will not constitute a public use and benefit, it shall disapprove the project.

(c) The department shall prepare, adopt and make open to public inspection a report approving or disapproving a project proposed under subsection (b) and its reasons for such approval or disapproval. If the department disapproves the project, it may suggest changes in the project or in the plans therefor. If the persons intending to associate as aforesaid ~~for~~ an insurance company, savings bank or group of savings banks intending to carry out a project in the urban renewal district determine to proceed in accordance with the changes suggested, such persons, insurance company, savings bank or group of savings banks shall amend their application accordingly. If the proposed change is not a major one under ~~the~~ any land disposition agreement, the mayor and the department may approve or disapprove the application as amended without further hearing or report. If the proposed change is a major one, the department shall proceed as if it were a new application.

(d) Whenever the department approves a project, it shall make and embody in its report reasonable rules and regulations setting minimum standards for the financing, construction, maintenance and management of the project insofar as the same are not specified in the application for the approval thereof and shall submit the report to the mayor. Approval of the project shall not be final until the department receives the mayor's approval.

(e) As soon as may be practical after the mayor approves the project, the department shall issue a certificate of approval of the project and of its consent, if any, to the formation of a corporation to carry it out agreement of association to form a corporation for the purposes of carrying out in the urban renewal district a project under chapter 121A of the General Laws shall not be presented to the state secretary for filing, nor shall the state secretary file it, unless it is accompanied by such a certificate.

(f) After the approval of a project by the department and the mayor, the corporation, insurance company, savings bank or group of savings banks carrying out the project may apply to the department for leave to change the type and character of the buildings in the project. The department shall transmit to the mayor a copy of such application. The department, if it receives a certificate evidencing the approval of the application by the mayor, shall approve such application and the corporation may act in accordance with such approval. If any such change

amounts to a major change under ~~the~~any land disposition agreement, the change shall require the approval of the mayor and the city council.

(g) When a decision under this section or section 12A becomes final, the department shall file with the city clerk a copy of the decision, attested to by the department with, in the case where approval of the decision by the mayor or city council is required, a copy of such approval, likewise attested. Within 30 days after such filing, any person, whether previously a party to the proceeding or not, who is aggrieved by a decision or any municipal officer or board may file a petition in the supreme judicial court or in the superior court sitting in Norfolk county for a writ of certiorari against the department to correct errors of law therein and section 4 of chapter 249 of the General Laws shall apply to such petition except as herein provided with respect to the time for filing such petition. The remedy provided in this subsection shall be exclusive.

Section 12C. (a) In the urban renewal district, the city of Quincy shall have a lien under chapter 60 of the General Laws for all amounts payable under a contract or agreement executed under section 6A of chapter 121A of the General Laws and such lien shall continue in effect for 3 years after the date on which the last installment was due and payable under the contract or agreement.

(b) Payments made by ~~the~~a redeveloper to the city of Quincy Affordable Housing Trust under ~~the~~a land disposition agreement described in subsection (b) of section 12B shall satisfy any displaced dwelling requirements of section 6 of chapter 121A of the General Laws. Said payments shall be deemed to provide a feasible method of relocation and shall be deemed to establish the existence or availability of dwellings required by said section 6 of said chapter 121A of the General Laws.

Section 12D. Sections 12A to 12C, inclusive, shall apply in lieu of sections 6, 6B and 6C of chapter 121A of the General Laws with respect to projects in the urban renewal district approved under ~~the~~a land disposition agreement described in subsection (b) of section 12B.

SECTION 5. Notwithstanding chapter 40Q of the General Laws or any other general or special law to the contrary, the first installment of principal on any bonds or notes issued to pay costs of a project within the urban renewal district shall be made not later than 10 years following the original date of issue of such bonds or notes. Notwithstanding section 17 of chapter 44 of the General Laws or any other general or special law to the contrary, the city of Quincy may issue temporary loans, including temporary loans to refund prior temporary loans, in anticipation of the issuance of bonds to pay costs of project within the urban renewal district for periods of not more than 10 years from the date of issue of an original temporary loan. No part of temporary loan shall be paid from revenue funds during such 10-year period. Notwithstanding any general or special law to the contrary, bonds issued by the city of Quincy to pay costs of a project within the urban renewal district shall be payable over a term not in excess of 30 years, without regard to the term of any temporary loans issued by the city of Quincy in anticipation of any such bonds.

SECTION 6. Notwithstanding sections 6A and 10 of chapter 121A of the General Laws or any other general or special law to the contrary, for projects located within the urban renewal district in the city of Quincy, urban renewal corporations organized under chapter 121A of the General Laws shall pay quarterly to the city the amount specified by the formulas set forth in

**thea** land disposition agreement. The formulas shall be considered specific and ascertainable amounts.

The city of Quincy shall provide to the department of housing and community development and the division of local services in the department of revenue a copy of the quarterly payments and methodologies employed in the calculation therefore, not more than 30 days after the receipt of such payments.

The 15-year period of exemption from taxation may be terminated by the city of Quincy at the end thereof or in any subsequent year following the expiration thereof, subject to the terms of **thea** land disposition agreement. The terms of this section shall apply to all project components, regardless of funding source.

Personal property of urban renewal corporations organized under chapter 121A of the General Laws located within the urban renewal district in the city of Quincy shall not be exempt from taxation.

SECTION 7. Notwithstanding sections 22 to 22E, inclusive, of chapter 40 of the General Laws or any other general or special law to the contrary, the city of Quincy may apply receipts from the operation of parking facilities constructed in the urban renewal district for payments specified in **thea** land disposition agreement. The city of Quincy may lease or sell air rights above city-owned land and discontinued roads and ways in the urban renewal district pursuant to **thea** land disposition agreement.

SECTION 8. Notwithstanding any general or special law to the contrary, for redevelopment activities in the urban renewal district, for the purposes of sections 81K to 81GG, inclusive, of chapter 41 of the General Laws and in lieu of the definition of "lot" in section 81L of said chapter 41, the following word shall have the following meaning and shall also apply to any ordinance or by-law enacted pursuant to said sections 81K to 81GG, inclusive, of said chapter 41:

"Lot", an area of land, or space above land, in ownership, with definite boundaries, used, or available for use, as the site of 1 or more buildings or portions thereof; provided, however, that the term "lot" shall expressly include the vertical space above the land so as to create air rights parcels.

SECTION 9. Notwithstanding any general or special law to the contrary, for **the** projects in the urban renewal district, **thea** land disposition agreement shall be a contract and all of section 14 of chapter 121A of the General Laws shall apply to that contract. In addition to the specific items set forth, in clauses (a) to (c), inclusive, of the first paragraph of said section 14 of said chapter 121A, the contract may obligate the city of Quincy to cause the construction of parking garages and other public improvements by the corporation or **itsa designated** redeveloper and to ~~subsequently~~ acquire them from the corporation or **itsa designated** redeveloper in accordance with the terms of **thea** land disposition agreement. Without limiting the generality of the foregoing, ~~the to Chapter 121A, such~~ construction ~~of a project~~ under **thea** land disposition agreement shall not be subject to any provision of law relating to publication or

advertising for bids, but shall be subject to ~~the~~a land disposition agreement and sections 26 to 27F, inclusive, of chapter 149 of the General Laws.

SECTION 10. Notwithstanding any general or special law to the contrary, compliance with the notice requirements pertaining to the execution by the city of Quincy of ~~the~~a land disposition agreement and the procedural requirements pertaining to such execution shall constitute compliance with the notice and procedural requirements of section 15A of chapter 40 of the General Laws or any other general or special law with regard to the transfer of land held by the city of Quincy from municipal purpose to another municipal purpose for the city parcels and the land beneath the discontinued roads and ways as part of the urban renewal plan and located within the urban renewal district, pursuant to ~~the~~a land disposition agreement or otherwise. Upon execution by the city of ~~the~~a land disposition agreement, the city shall be deemed to hold all such land for urban renewal purposes. Notwithstanding such land being transferred and held for such purposes, until such time as the city of Quincy actually conveys such lands, the city of Quincy may continue to use the lands for the purposes for which they were being used immediately before the effective date of this act.

SECTION 11. Notwithstanding any general or special law to the contrary, whenever a successor in interest acquires through sale, assignment or transfer any project or portion of a project approved under ~~the~~a land disposition agreement, the successor in interest shall retain the powers, rights, privileges, benefits and exemptions set forth in chapter 121A of the General Laws, and shall be bound by all agreements executed with the city of Quincy pursuant to said chapter 121A. Where such successors in interest are unit purchasers in a condominium, the obligations under any contract executed pursuant to section 6A of said chapter 121A for such project shall be allocated to the individual unit owners in accordance with their percentage interest in the common areas of the condominium and shall be enforced and collected on that basis. Where a corporation executes separate contracts under said section 6A of said chapter 121A, as modified by this act, for individual portions of a project, such contract shall be enforceable against such portion as if a separate corporation in each case executed the contract. Subject to this act, the period of 15 years or such further time as may be provided herein shall be computed from the date of organization of the urban renewal corporation which initiated the project.

SECTION 12. Whenever a project is undertaken pursuant to this act, the city of Quincy may execute and deliver, pursuant to ~~the~~a land disposition agreement, a parking management agreement with ~~the~~a designated redeveloper for a term of not more than 30 years.

SECTION 13. This act shall take effect upon its passage.

House of Representatives, May \_\_\_\_\_, 2011.

Passed to be enacted, \_\_\_\_\_, Speaker.

In Senate, May \_\_\_\_\_, 2011.

Passed to be enacted,

, President.

, 2011

Approved

At o'clock and minutes, .M.

Governor.

Document comparison by Workshare Compare on Wednesday, October 12, 2016 4:48:05 PM

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Format changed	0
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THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Eleven

AN ACT FACILITATING URBAN REDEVELOPMENT IN THE CITY OF QUINCY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. For the purposes of this act, the following terms shall have the following meanings unless the context clearly requires otherwise:

"City parcels", the 2 parcels of land currently owned by the city of Quincy in the urban renewal district which are known as the Ross Garage and the Hancock Parking Lot and more particularly defined in the land disposition agreement, that the city will transfer to the designated redeveloper who will redevelop the city parcels and other privately owned land.

"Land disposition agreement", the agreement dated January 25, 2011, between the city of Quincy and Hancock Adams Associates, LLC, the redeveloper, including any amendments thereto, pursuant to which the city of Quincy shall transfer the city parcels to the redeveloper; provided, however, that the land disposition agreement shall be subject to the approval of the department of housing and community development under chapter 121B of the General Laws.

"Urban renewal district", the area of downtown Quincy encompassed by that certain urban renewal plan known as the Quincy Center District Urban Revitalization and Development Plan, dated May 7, 2007, as amended.

"Urban renewal plan", the Quincy Center District Urban Revitalization and Development Plan, dated May 7, 2007, as amended.

SECTION 2. Notwithstanding any general or special law to the contrary, a project authorized and approved by the city of Quincy under the land disposition agreement, as approved by the department of housing and community development under chapter 121B of the General Laws shall be deemed approved for the purposes of sections 3, 5, 6 and 6A of chapter 121A of the General Laws.

SECTION 3. Notwithstanding any general or special law to the contrary, the land disposition agreement, as approved by the department of housing and community development under chapter 121B of the General Laws, for a project authorized thereunder shall serve as the regulatory agreement required under clauses (c), (e) and (f) of the first paragraph of section 18C of chapter 121A of the General Laws.

SECTION 4. Chapter 898 of the acts of 1973 is hereby amended by inserting after section 12 the following 4 sections:-

Section 12A. (a) Subject to paragraphs (h) and (i) of the first paragraph of section 18 of chapter 121A of the General Laws, the department

shall, in addition to its other powers and duties, have the powers and perform the duties from time to time conferred or imposed upon the housing board under sections 6A, 7 to 13, inclusive, 15 to 18, inclusive, 18B and 18C of said chapter 121A with respect to a project thereunder in the urban renewal district of the city of Quincy developed pursuant to the land disposition agreement and, for such purpose, the words "housing board" or "board" as used in said sections 6A to 13, inclusive, 15 to 18, inclusive, 18B and 18C of said chapter 121A shall mean the department in the case of all such projects; provided, however, that no decision of the department approving a project or any change therein or making or amending any rule, regulation or standard therefor shall be in force until approved by the mayor. The department shall make, and from time to time may amend, reasonable rules and regulations for securing its approval of projects in the urban renewal district under said chapter 121A, and no rule, regulation or standard of the department of housing and community development shall apply to any such project. The department shall have the powers and perform the duties conferred on it by this subsection notwithstanding that it may have made a contract directly or indirectly affecting the project.

(b) Notwithstanding the foregoing, any authority to approve on eminent domain taking under section 11 of chapter 121A of the General Laws shall be exercised by the mayor and the city council, not the department.

(c) A condominium may be created in the urban renewal district for any purpose authorized in chapter 183A of the General Laws and section 18D of chapter 121A of the General Laws shall not apply thereto. Section 9 of said chapter 121A shall not apply to the sale or resale of a condominium unit within a secondary condominium.

Section 12B. (a) Persons intending to associate themselves by written agreement of association with intent to form a corporation under chapter 121A of the General Laws for the purpose of undertaking and carrying out under said chapter 121A a project in the urban renewal district, or an insurance company, savings bank or group of savings banks intending to carry out under said chapter 121A a project in the urban renewal district shall submit to the department and to the mayor an application for its approval of such project and for its consent to the formation of such corporation. Such application shall specify the location of the proposed project, the reasons why the project is necessary or desirable and the uses to which the project shall be put and shall contain, in general terms, a description of the buildings, structures or facilities which it proposes to furnish, accompanied by a site plan and drawings of the proposed buildings and other improvements adequate to show the nature and extent of the project.

(b) Whenever the department is requested to approve the formation of any such corporation or the carrying out of a project by an insurance company, savings bank or group of savings banks, it shall, after a public hearing of

which reasonable notice shall be given, make such determinations as may be required by chapter 121A of the General Laws and shall determine whether conditions exist which warrant the carrying out of the proposed project, whether such project is consistent with the terms and requirements of the land disposition agreement dated January 25, 2011, between the city of Quincy and Hancock Adams Associates, LLC, the redeveloper, including any amendments thereto as approved by the department of housing and community development, whether such project is consistent with the urban renewal plan, whether such project would be in any way detrimental to the best interests of the public or the city or to the public safety and convenience, and whether the project will constitute a public use and benefit. If the department finds that the proposed project does not meet the requirements of said chapter 121A or that conditions warranting the carrying out of the project do not exist or that the project will not be practicable or in conflict with the land disposition agreement or the urban renewal plan or is detrimental or inconsistent as aforesaid or will not constitute a public use and benefit, it shall disapprove the project.

(c) The department shall prepare, adopt and make open to public inspection a report approving or disapproving a project proposed under subsection (b) and its reasons for such approval or disapproval. If the department disapproves the project, it may suggest changes in the project or in the plans therefor. If the persons intending to associate as aforesaid or an insurance company, savings bank or group of savings banks intending to carry out a project in the urban renewal district determine to proceed in accordance with the changes suggested, such persons, insurance company, savings bank or group of savings banks shall amend their application accordingly. If the proposed change is not a major one under the land disposition agreement, the mayor and the department may approve or disapprove the application as amended without further hearing or report. If the proposed change is a major one, the department shall proceed as if it were a new application.

(d) Whenever the department approves a project, it shall make and embody in its report reasonable rules and regulations setting minimum standards for the financing, construction, maintenance and management of the project insofar as the same are not specified in the application for the approval thereof and shall submit the report to the mayor. Approval of the project shall not be final until the department receives the mayor's approval.

(e) As soon as may be practical after the mayor approves the project, the department shall issue a certificate of approval of the project and of its consent, if any, to the formation of a corporation to carry it out. An agreement of association to form a corporation for the purposes of carrying out in the urban renewal district a project under chapter 121A of the General

Laws shall not be presented to the state secretary for filing, nor shall the state secretary file it, unless it is accompanied by such a certificate.

(f) After the approval of a project by the department and the mayor, the corporation, insurance company, savings bank or group of savings banks carrying out the project may apply to the department for leave to change the type and character of the buildings in the project. The department shall transmit to the mayor a copy of such application. The department, if it receives a certificate evidencing the approval of the application by the mayor, shall approve such application and the corporation may act in accordance with such approval. If any such change amounts to a major change under the land disposition agreement, the change shall require the approval of the mayor and the city council.

(g) When a decision under this section or section 12A becomes final, the department shall file with the city clerk a copy of the decision, attested to by the department with, in the case where approval of the decision by the mayor or city council is required, a copy of such approval, likewise attested. Within 30 days after such filing, any person, whether previously a party to the proceeding or not, who is aggrieved by a decision or any municipal officer or board may file a petition in the supreme judicial court or in the superior court sitting in Norfolk county for a writ of certiorari against the department to correct errors of law therein and section 4 of chapter 249 of the General Laws shall apply to such petition except as herein provided with respect to the time for filing such petition. The remedy provided in this subsection shall be exclusive.

Section 12C. (a) In the urban renewal district, the city of Quincy shall have a lien under chapter 60 of the General Laws for all amounts payable under a contract or agreement executed under section 6A of chapter 121A of the General Laws and such lien shall continue in effect for 3 years after the date on which the last installment was due and payable under the contract or agreement.

(b) Payments made by the redeveloper to the city of Quincy Affordable Housing Trust under the land disposition agreement described in subsection (b) of section 12B shall satisfy any displaced dwelling requirements of section 6 of chapter 121A of the General Laws. Said payments shall be deemed to provide a feasible method of relocation and shall be deemed to establish the existence or availability of dwellings required by said section 6 of said chapter 121A of the General Laws.

Section 12D. Sections 12A to 12C, inclusive, shall apply in lieu of sections 6, 6B and 6C of chapter 121A of the General Laws with respect to projects in the urban renewal district approved under the land disposition agreement described in subsection (b) of section 12B.

SECTION 5. Notwithstanding chapter 40Q of the General Laws or any other general or special law to the contrary, the first installment of principal on

any bonds or notes issued to pay costs of a project within the urban renewal district shall be made not later than 10 years following the original date of issue of such bonds or notes. Notwithstanding section 17 of chapter 44 of the General Laws or any other general or special law to the contrary, the city of Quincy may issue temporary loans, including temporary loans to refund prior temporary loans, in anticipation of the issuance of bonds to pay costs of a project within the urban renewal district for periods of not more than 10 years from the date of issue of an original temporary loan. No part of a temporary loan shall be paid from revenue funds during such 10-year period. Notwithstanding any general or special law to the contrary, bonds issued by the city of Quincy to pay costs of a project within the urban renewal district shall be payable over a term not in excess of 30 years, without regard to the term of any temporary loans issued by the city of Quincy in anticipation of any such bonds.

SECTION 6. Notwithstanding sections 6A and 10 of chapter 121A of the General Laws or any other general or special law to the contrary, for projects located within the urban renewal district in the city of Quincy, urban renewal corporations organized under chapter 121A of the General Laws shall pay quarterly to the city the amount specified by the formulas set forth in the land disposition agreement. The formulas shall be considered specific and ascertainable amounts.

The city of Quincy shall provide to the department of housing and community development and the division of local services in the department of revenue a copy of the quarterly payments and methodologies employed in the calculation therefore, not more than 30 days after the receipt of such payments.

The 15-year period of exemption from taxation may be terminated by the city of Quincy at the end thereof or in any subsequent year following the expiration thereof, subject to the terms of the land disposition agreement. The terms of this section shall apply to all project components, regardless of funding source.

Personal property of urban renewal corporations organized under chapter 121A of the General Laws located within the urban renewal district in the city of Quincy shall not be exempt from taxation.

SECTION 7. Notwithstanding sections 22 to 22E, inclusive, of chapter 40 of the General Laws or any other general or special law to the contrary, the city of Quincy may apply receipts from the operation of parking facilities constructed in the urban renewal district for payments specified in the land disposition agreement. The city of Quincy may lease or sell air rights above city-owned land and discontinued roads and ways in the urban renewal district pursuant to the land disposition agreement.

SECTION 8. Notwithstanding any general or special law to the contrary, for redevelopment activities in the urban renewal district, for the purposes

of sections 81K to 81GG, inclusive, of chapter 41 of the General Laws and in lieu of the definition of "lot" in section 81L of said chapter 41, the following word shall have the following meaning and shall also apply to any ordinance or by-law enacted pursuant to said sections 81K to 81GG, inclusive, of said chapter 41:

"Lot", an area of land, or space above land, in 1 ownership, with definite boundaries, used, or available for use, as the site of 1 or more buildings or portions thereof; provided, however, that the term "lot" shall expressly include the vertical space above the land so as to create air rights parcels.

SECTION 9. Notwithstanding any general or special law to the contrary, for projects in the urban renewal district, the land disposition agreement shall be a contract and all of section 14 of chapter 121A of the General Laws shall apply to that contract. In addition to the specific items set forth in clauses (a) to (c), inclusive, of the first paragraph of said section 14 of said chapter 121A, the contract may obligate the city of Quincy to cause the construction of parking garages by the corporation or its redeveloper and to subsequently acquire them from the corporation or its redeveloper in accordance with the terms of the land disposition agreement. Without limiting the generality of the foregoing, the construction of a project under the land disposition agreement shall not be subject to any provision of law relating to publication or advertising for bids, but shall be subject to the land disposition agreement and sections 26 to 27F, inclusive, of chapter 149 of the General Laws.

SECTION 10. Notwithstanding any general or special law to the contrary, compliance with the notice requirements pertaining to the execution by the city of Quincy of the land disposition agreement and the procedural requirements pertaining to such execution shall constitute compliance with the notice and procedural requirements of section 15A of chapter 40 of the General Laws or any other general or special law with regard to the transfer of land held by the city of Quincy from 1 municipal purpose to another municipal purpose for the city parcels and the land beneath the discontinued roads and ways as part of the urban renewal plan and located within the urban renewal district, pursuant to the land disposition agreement or otherwise. Upon execution by the city of the land disposition agreement, the city shall be deemed to hold all such land for urban renewal purposes. Notwithstanding such land being transferred and held for such purposes, until such time as the city of Quincy actually conveys such lands, the city of Quincy may continue to use the lands for the purposes for which they were being used immediately before the effective date of this act.

SECTION 11. Notwithstanding any general or special law to the contrary, whenever a successor in interest acquires through sale, assignment or transfer any project or portion of a project approved under the land disposition

agreement, the successor in interest shall retain the powers, rights, privileges, benefits and exemptions set forth in chapter 121A of the General Laws, and shall be bound by all agreements executed with the city of Quincy pursuant to said chapter 121A. Where such successors in interest are unit purchasers in a condominium, the obligations under any contract executed pursuant to section 6A of said chapter 121A for such project shall be allocated to the individual unit owners in accordance with their percentage interest in the common areas of the condominium and shall be enforced and collected on that basis. Where a corporation executes separate contracts under said section 6A of said chapter 121A, as modified by this act, for individual portions of a project, such contract shall be enforceable against such portion as if a separate corporation in each case executed the contract. Subject to this act, the period of 15 years or such further time as may be provided herein shall be computed from the date of organization of the urban renewal corporation which initiated the project.

SECTION 12. Whenever a project is undertaken pursuant to this act, the city of Quincy may execute and deliver, pursuant to the land disposition agreement, a parking management agreement with the redeveloper for a term of not more than 30 years.

SECTION 13. This act shall take effect upon its passage.

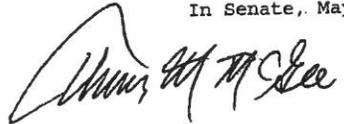
House of Representatives, May 16, 2011.

Passed to be enacted,

 Speaker.

In Senate, May 16, 2011.

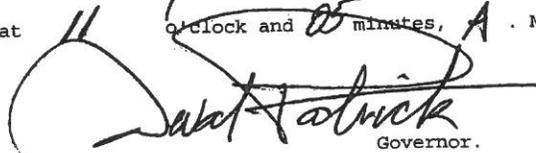
Passed to be enacted,

 President.

25 May, 2011.

Approved,

at 11 o'clock and 05 minutes, A . M.

  
Governor.

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2016-248

ORDERED:

October 17, 2016

**BE IT ORDAINED** by the City Council of the City of Quincy that the council hereby grants its consent to the Massachusetts Bay Transportation Authority to lease for a term or terms not to exceed ninety-nine years, upon such conditions as it deems advisable, air rights and space over the rapid transit and other transportation facilities owned by the authority in North Quincy located off of West Squantum Street between Newport Avenue and Hancock Street - including rights for support, access, utilities, light and air - for such nontransportation purposes as, in the opinion of the authority, will not impair the construction, full use, safety, maintenance or repair of the transportation facilities involved, all as provided under the provisions of Chapter 547 of the Acts of 1967.

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

**CITY OF QUINCY**  
IN COUNCIL

ORDER NO. 2016-249

ORDERED:

October 17, 2016

**BE IT ORDAINED** by the City Council that the Quincy Municipal Code is hereby amended as follows:

In Title 17 **ZONING**, Section 8.0 **SPECIAL DISTRICTS** is hereby amended by adding the following section:

**8.5 TRANSIT ORIENTED DISTRICTS**

8.5.1 Purpose. The purpose of this Section is:

1. to provide greater opportunity for the construction of quality developments on and adjacent to land used for transit facilities by providing flexible guidelines which allow the integration of a variety of land uses consistent with and taking advantage of such transit uses in one development;
2. to encourage mixed-use development in areas accessible to public transit;
3. to provide a predictable, clear and understandable process for the review of new development within the Transit Oriented Districts;
4. to promote and create jobs, housing inventory and affordable housing in conformance with Section 7.1 of this Ordinance;
5. to enhance the architectural character of the Transit Oriented Districts;
6. to improve traffic access and circulation; and
7. to promote uses within the Transit Oriented Districts which are complimentary with the nearby transit uses.

Transit Oriented Districts shall be overlay districts on the zoning map and, for any land within a Transit Oriented District, a developer may choose to conform either to all the controls which govern the underlying zoning district or to the Transit Oriented District, and if electing the Transit Oriented District, such development shall be subject to the development controls and processes set forth in this Section 8.5.

The following Transit Oriented District overly districts provided for by this Section 8.5 and shown on the maps attached to and adopted with this Article 8.5 are hereby established at the:

- North Quincy Station of the Massachusetts Bay Transportation Authority (“MBTA”);
- Wollaston Station of the MBTA; and
- Quincy Adams Station of the MBTA.

This Section 8.5 does NOT establish a Transit Oriented District at the Quincy Center Station of the MBTA.

- 8.5.2 Uses. Within Transit Oriented Districts, buildings and premises may be used for TOD Permitted Uses subject to compliance with the requirements of Sections 8.5.3
- 8.5.5. TOD Prohibited Uses shall be prohibited in Transit Oriented Districts. Any other use may be permitted in a Transit Oriented District with a special permit from the Planning Board pursuant to Section 8.5.6.
- 8.5.3 Dimensional Requirements. Within Transit Oriented Districts, the following dimensional requirements shall apply:
1. Minimum Lot Size (acres): 5 acres.
  2. Minimum Lot Area per Dwelling Unit (sf): 325.
  3. Maximum Number of Stories: 10.
  4. A development parcel may consist of multiple legal parcels which may be owned by different parties and which are not required to be contiguous.
  5. There shall be no minimum or maximum dimensional requirements in Transit Oriented Districts other than as set forth in this Section 8.5.3. Upon the issuance of a Certification of Consistency for a proposed development in a Transit Oriented District, the dimensions reflected on the reviewed site plan shall be deemed to be in compliance with the Ordinance.
  6. The dimensional requirements in a Transit Oriented District may be reduced or modified as permitted by the Quincy Planning Board in accordance with its consistency review, if the Quincy Planning Board determines that such a reduction or modification is consistent with the purpose of Transit Oriented Districts and this Section 8.5.
- 8.5.4 Off-Street Parking. For purposes of these requirements, a residential studio unit shall be considered to be a one bedroom dwelling unit. Off-street parking facilities in Transit Oriented Districts shall be provided at the following minimum amounts:
1. Residential: 1 per dwelling unit
  2. Retail: 3 per 1,000 square feet of gross floor area.
  3. Restaurant: 1 per 10 seats.
  4. Assembly: 1 per 10 seats.
  5. Institutional: 1 per 2,000 square feet of gross floor area.
  6. Office: 1 per 600 square feet of gross floor area; provided, however, that for new construction with a net increase in gross floor area of 10,000 square feet, parking shall be provided at a ratio of one space for every 400 square feet.
  7. Shared Parking: Because of the proximity of an MBTA transit station in a Transit Oriented District, where a mix of uses is proposed within a development parcel and, where the uses in question have peak user demands at different times, up to 50% of the required amount of minimum parking set forth in this section 8.5.4 may be provided via a shared parking arrangement.
- 8.5.5 Consistency Review. All development and redevelopment of all uses and all structures within Transit Oriented Districts (if the owner or developer of the proposed development or redevelopment has elected to permit such development or redevelopment in a Transit Oriented District and Sections 8.5.1 through 8.5.4 rather than the underlying zoning district) shall require a determination by the Quincy

Planning Board of consistency with this Section 8.5. Development or redevelopment in a Transit Oriented District is exempt from the requirements of Section 8.1 of this Ordinance regarding development in the Flood Plain Overlay District, including any requirement for a special permit; the treatment of impacts on the flood plain shall instead be taken into consideration by the Planning Board during its consistency review of the applicable Transit Oriented District development.

8.5.6 Special Permit Granting Authority. Where the following is otherwise required for a development in a Transit Oriented District (which development or redevelopment is being permitted pursuant to the Transit Oriented Overlay District and Sections 8.5.1 through 8.5.4) the Quincy Planning Board is hereby designated as the special permit granting authority for such matters within Transit Oriented Districts:

1. All applications seeking a finding pursuant to G. L. c. 40A, § 6; and
2. All applications for special permits for use pursuant to Section 8.5.2 above.

8.5.7 Special Permit and Consistency Review Criteria. The Planning Board shall not approve a special permit or make a determination of consistency for a project in a Transit Oriented District proceeding under a Transit Oriented District and this Article 8.5, unless it finds that all of the following criteria have been met:

1. The project conforms with the TOD Design Guidelines.
2. For mixed-use projects, the applicant must establish that the proposed uses are to be located within structure(s) in a manner that promotes ease of use and access.
3. Where appropriate, housing shall be a component of any large scale commercial development.
4. Where appropriate, the common areas of the development, both internal and external shall, shall be accessible to the public. Reasonable restrictions on public access as appropriate can be established by the applicant or its successor in interest. This concept shall not apply to common areas exclusively serving the residents of residential developments.
5. The location of buildings and features, dimensions of the site and the development, traffic impacts and aesthetic features of the proposed development shall not be detrimental to vehicular access and circulation within the site and the area leading to and surrounding the development parcel.
6. There will be no nuisance or serious hazard to vehicles or pedestrians.
7. Adequate and appropriate facilities (including, but not limited to trash, snow storage or removal, parking and loading) will be provided for the proper operation of the proposed use.

Added definitions:

“TOD Design Guidelines” means the guidelines developed by the city of Quincy Planning Department intended to enhance the connectivity between street networks and adjoining uses located at or near transit stations in the city. These guidelines address landscape design, sidewalks and pathways, signage, building façade treatments, parking strategies, and a variety of land uses.

“TOD Permitted Uses” means any of the following: Retail Uses (all); Restaurant Uses (all); Multifamily Dwellings; Mixed Use; Essential Public Services; Municipal Office or

Administrative Facilities; Municipal Parking Lot; Public Market; Miscellaneous Commercial Uses (all except for those uses included in TOD Prohibited Uses); Drive In Uses (all); Laboratory or Research Facility; Public Transportation Terminal and parking facilities related thereto; Swimming pool or tennis court; Nonresidential Accessory Uses (all except for those uses included in TOD Prohibited Uses); and Parking area or garage or structure for the parking of passenger cars of employees, customers or guests of establishments or of residents of a multi-family dwelling.

“TOD Prohibited Uses” means any of the following: Boarding House; municipal waste disposal area operated by the City or under contract to the City; Adult Use Establishments; Body Art Establishment; Marina; Funeral Home or Crematorium; Motor Vehicle Uses; Warehouse, Wholesale and Storage Uses (all); Industrial Uses (all except for those uses included in TOD Permitted Uses); Transportation Related Uses (all except for those uses included in TOD Permitted Uses); Residential Accessory Uses; and Storage or Display or Abandonment of more than one cubic yard of the materials described in Section L of the Table of Use Regulations.

Modified definition—

“Certification of Consistency” means a determination made by the Planning Board with respect to the consistency of the design, parking elements and other components of (i) an Urban Renewal Use with the Urban Renewal Plan in accordance with the procedures set forth in the Urban Renewal Plan, or (ii) a proposed project in a Transit Oriented District with the provisions Section 8.5.

Additional Code Modification—

Section 8.1.9 of the Code is hereby modified by replacing the introductory sentence thereof with the following:

“8.9 Special Permit. In the FOPD, the Board of Appeals (or, in the case of the QCD-10 or QCD-15 Districts, the Planning Board) may grant a special permit for any use or structure allowed in the underlying district, subject to the following; provided, however, that Urban Renewal Uses and TOD Permitted Uses are exempt from this requirement.”

INTRODUCED BY: **MAYOR THOMAS P. KOCH**

**CITY OF QUINCY**  
**IN COUNCIL**

ORDER NO. 2016-250

ORDERED:

October 17, 2016

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>
BETA Group Inc.	\$500.00	Various Local Charities - Mayor's Charity Cup Golf Tournament

Deposit To: 83494 - 484000

2016 Mayor's Cup Charity Golf Tournament  
Council Order 2016-250

For 10/17/2016 Meeting

VENDOR	AMOUNT
BETA Group Inc.	\$ 500.00
<b>Total</b>	<b>\$ 500.00</b>