



**AGENDA PACKET**

**CITY COUNCIL'S COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS  
THURSDAY, MARCH 02, 2023 6:00 PM**

**EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR  
EVERETT, MA 02149**

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## AGENDA

### CITY COUNCIL'S COMMITTEE ON LEGISLATIVE AFFAIRS & ELECTIONS THURSDAY, MARCH 02, 2023 6:00 PM

EVERETT CITY HALL, 484 BROADWAY, CITY COUNCIL CHAMBERS, 3RD FLOOR  
EVERETT, MA 02149

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#### ROLL CALL

#### PLEDGE OF ALLEGIANCE

#### UNFINISHED BUSINESS

**1. C0028-23** Resolution/s/ Councilor Darren M. Costa

That representatives from the Mayor's Office & the Transportation Department appear at the next regular City Council meeting to discuss the city's Traffic Management Association and any other public/private consortiums.

**2. C0030-23** Resolution/s/ Councilor Darren M. Costa, Councilor Stephanie V. Smith

That the City Council hereby requests that the Mayor establish an AD HOC Committee for updating the City of Everett's zoning ordinances with the intent of modernizing district maps and ordinances and that the Mayor appropriate the sufficient funds for the purposes of hiring a professional planning consultant to assist the AD HOC Committee in this process.

**3. C0033-23** Ordinance/s/ Councilor Darren M. Costa

An ordinance to amend the Transportation Demand Management Zoning ordinance to only be applicable to developments that fall within the TDM District Overlay

#### ADJOURNMENT

[www.cityofeverett.com](http://www.cityofeverett.com)

(All agendas and reports can be obtained on City of Everett Website)

Respectfully submitted:

***Michael J. Mangan***

Legislative Aide  
Everett City Council Office



C0028-23

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**To:** Mayor and City Council

**From:** Councilor Darren M. Costa

**Date:** January 23, 2023

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**Agenda Item:**

That a representative from the administration/transportation department appear at the next meeting to discuss the City's Traffic Management Association, and any other public/private consortium.

**Background and Explanation:**

**Attachments:**



#1-C0028-23

Legislative Affairs & Election Committee  
February 6, 2023

The Committee on Legislative Affairs & Elections met on Monday, February 6, 2023 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Michael Marchese, presiding, Councilors John Hanlon, Darren Costa and Stephanie Smith.

The Committee considered a Resolution offered by Councilor Darren Costa: That representatives from the Mayor's office and the Transportation Department appear at this meeting to discuss the City's Traffic Management Association and any other public/private consortiums.

Mayor's Chief of Staff Erin Deveney was also present.

Communication received from Director of Transportation Jay Monty that he would be unable to attend due to illness.

Councilor Smith noted that Mr. Monty had planned to provide a half hour presentation on the Traffic Management Association. Councilor Costa wanted to make sure that Mr. Monty was prepared to answer the list of questions (attached) he had previously provided at the next meeting.

The Committee voted, to grant further time to a March 2<sup>nd</sup> – 6pm committee meeting.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

**Details**

Information that should be made available a business day or more ahead of said meeting should include, but not limited to the following:

- Presentation, minutes and any other details established and presented ahead of forming the TMA
- Financial and budget information (revenue from dues and other sources along with costs) related to the current and projected funding of the Everett TMA. Please include the last approved budget or forecast.
- How funding has been previously appropriated and any planned appropriations approved
- Names of members of the board, the period they serve and background on their qualifications and/or affiliation with the City of Everett
- Members of the Association not in decision making roles to include developers and any other bodies of people or individuals
- Provide any minutes from previous meetings over the last year
- Provide details related to when and where they meet and whether it is publicly accessible. And if so, how (online, in person etc) and do meetings allow for public participation or feedback
- Feedback and update on the prioritization of modernizing our road infrastructure, including but not limited to, Sweetser Circle, Gateway plaza dedicated exit etc and the impact that it would have on Everett's Traffic Management

**Title**

That a representative from the Mayor's administration, CFOs Department, Traffic Management Association (TMA), and Transportation Department appear in two weeks to discuss the City's TMA and any other public/private consortium or group established to manage or participate in the Traffic Demand Management (TDM) enforcement, administration and/or any other group affiliated or involved with the TDM.

**Details**

Information that should be made available a business day or more ahead of said meeting should include, but not limited to the following:

Presentation, minutes and any other details established and presented ahead of forming the TMA

Financial and budget information (revenue from dues and other sources along with costs) related to the current and projected funding of the Everett TMA. Please include the last approved budget or forecast.

How funding has been previously appropriated and any planned appropriations approved

Names of members of the board, the period they serve and background on their qualifications and/or affiliation with the City of Everett

Members of the Association not in decision making roles to include developers and any other bodies of people or individuals

Provide any minutes from previous meetings over the last year

Provide details related to when and where they meet and whether it is publicly accessible. And if so, how (online, in person etc) and do meetings allow for public participation or feedback

Feedback and update on the prioritization of modernizing our road infrastructure, including but not limited to, Sweetser Circle, Gateway plaza dedicated exit etc and the impact that it would have on Everett's Traffic Management

# CITY OF EVERETT Sweetser Circle Improvements

*Presented by*

**Jay Monty**

*City of Everett – Transportation Planner*

**Paul Nelson**

*Consultant Project Manager*

*Presented to*

**Boston Metropolitan Planning  
Organization**

**Thursday, April 25, 2019**



City of  
**Everett**  
Massachusetts



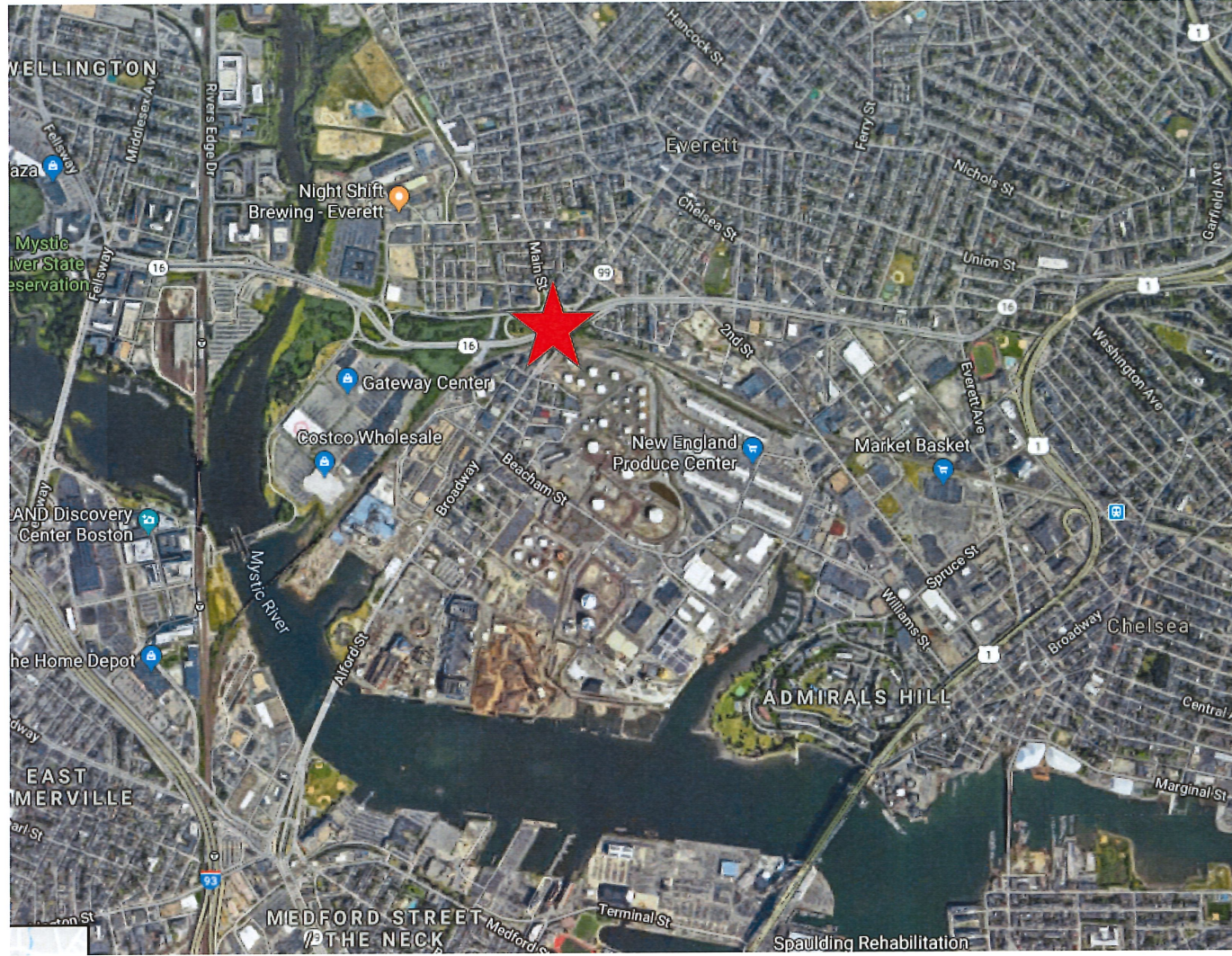
**HOWARD STEIN HUDSON**

Engineers + Planners



# Sweetser Circle Overview

Engineers + Planners

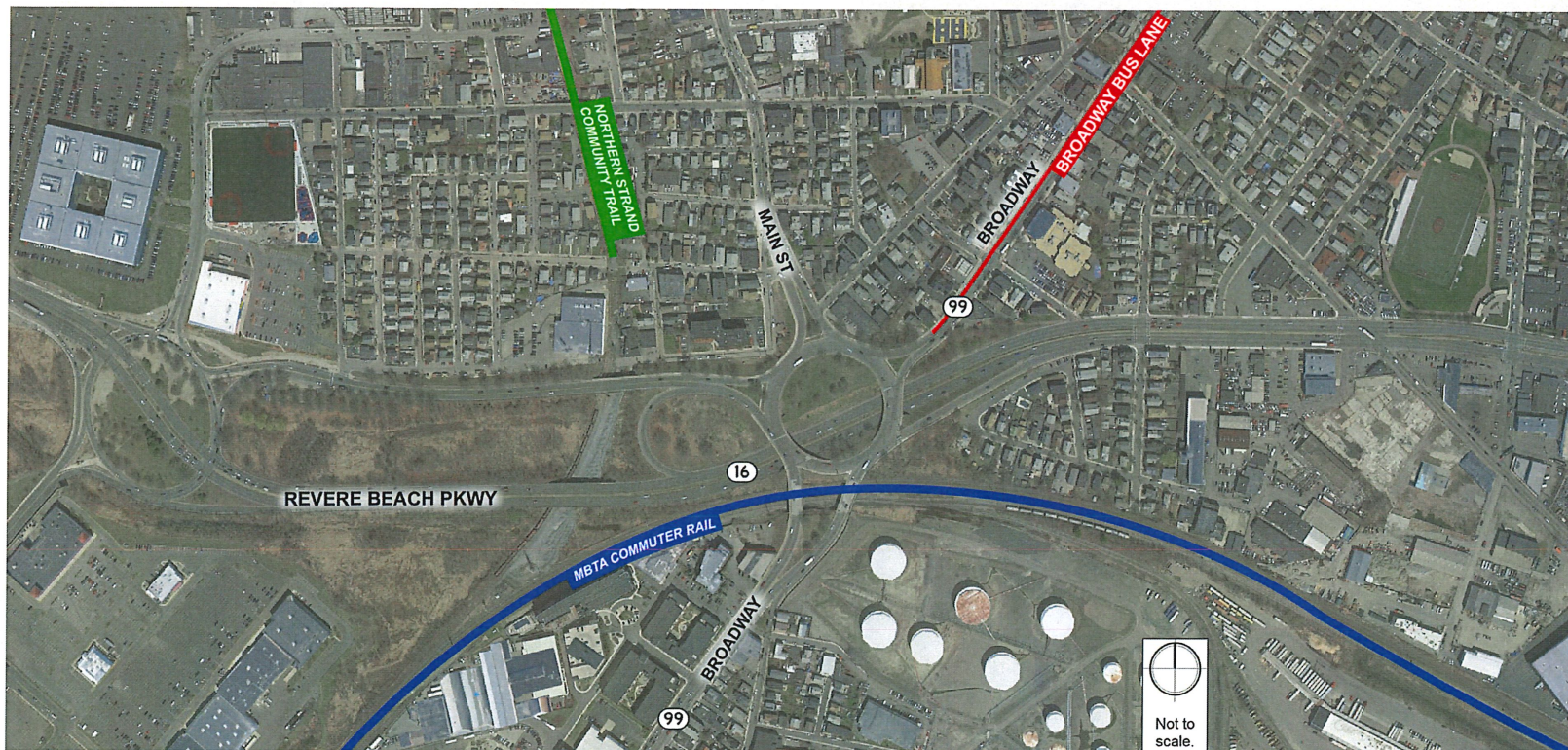




# Sweetser Circle Overview

Engineers + Planners

- Intersection of Main Street, Broadway, and Revere Beach Parkway (Route 16)
- Rotary constructed in 1956
- Experiences severe AM and PM congestion
- MPO-designated bottleneck
- Major barrier between Everett neighborhoods
- Major barrier to transit and active transportation modes.

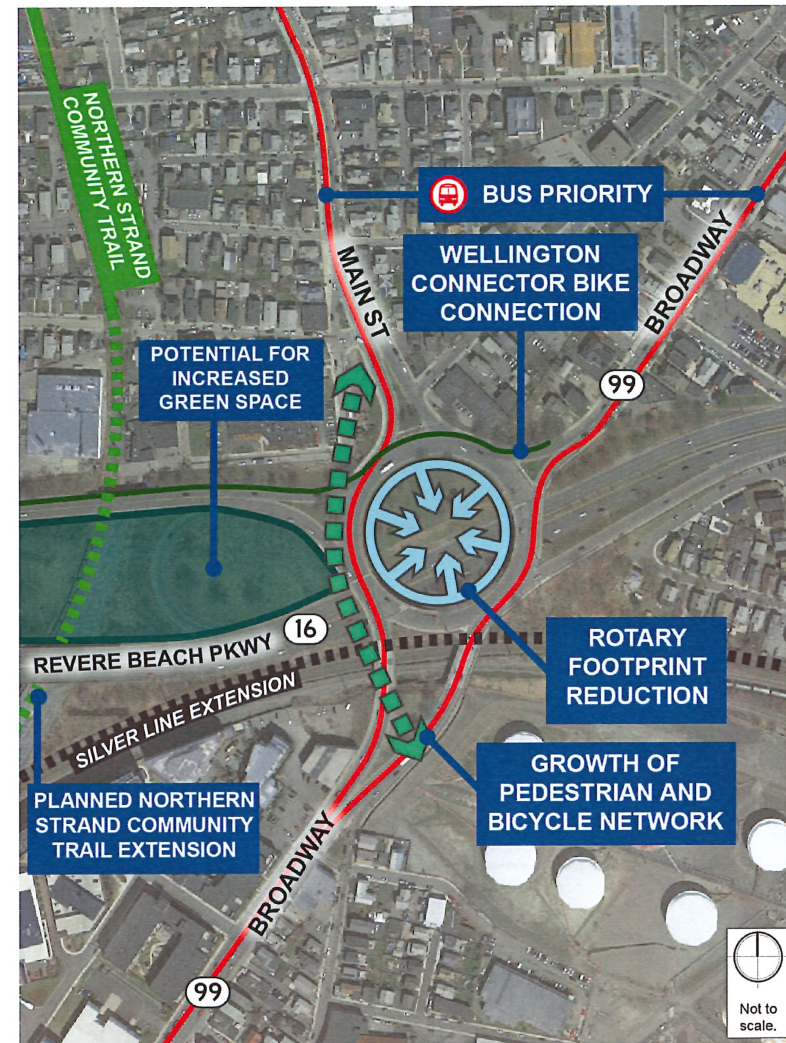




# Project Goals

Engineers + Planners

- Facilitate Bus Rapid Transit on Route 99
- Accommodate future Silver Line expansion
- Connect on-street bicycle facilities to Northern Strand Trail
- Reclaim 13 acres of inaccessible open/green space
- Connect Lower and Upper Broadway neighborhoods
- Improve pedestrian safety





## PROJECT CONTEXT:

# Regional Connections

Engineers + Planners

## ■ Transit

- Serves all bus routes running through Everett (8 total)
- Potential future stop on extension of Silver Line service
- 11,413 daily bus riders (2017)
- Dedicated bus lanes on Upper Broadway
- Planned BRT lanes on Lower Broadway
- Commuter Rail/Future Regional Rail
- No dedicated transit facilities possible with current geometry.





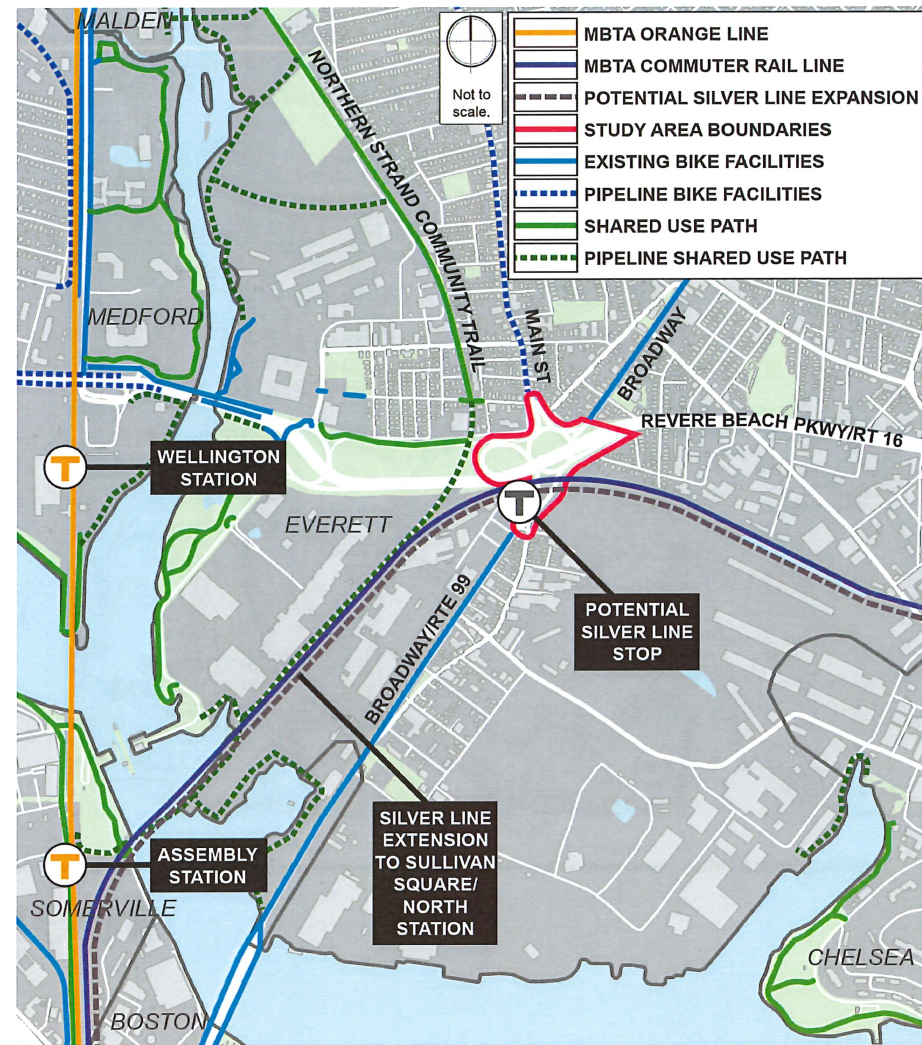
## PROJECT CONTEXT:

# Regional Connections

Engineers + Planners

## ■ Bicycles and Pedestrians

- Separated bike path recently constructed along northwest corner of Circle connecting Main Street and Santilli Circle Connector
- No other bike facilities within the Circle
- Bike lanes existing or planned on all approaches to the Circle
- Close proximity to Northern Strand Trail, but no existing connection
- Future Chelsea Greenway connection



## PROJECT CONTEXT:

# Anticipated Development

Engineers + Planners

- **Recent and anticipated changes at or near circle:**
  - Completion of the Encore Boston Harbor Casino
  - 1,500 new residential units within 1-mile radius
    - *Batch Yard (200), Pioneer (300), Former “Woodwaste” site (650), Parkside Lofts (200), St Theresa (200)*
  
- **Shift in Lower Broadway and Route 16 corridor – increasing density, commercial development, and walkability**
  - Lower Broadway Economic Development District Rezoning
  - Commercial Triangle Economic Development District (CTEDD) – 97 acres
  - Commercial Triangle re-zoning (2019) from industrial to high-density mixed use.



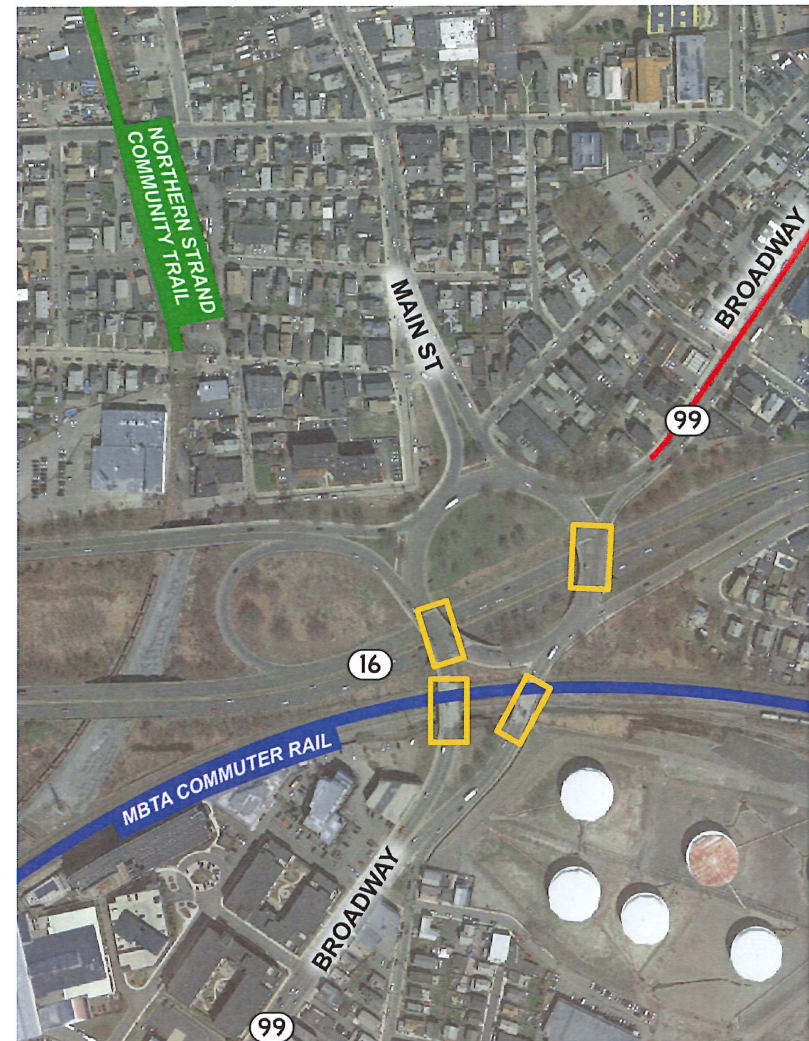
HOWARD STEIN HUDSON



# Sweetser Circle Bridges

Engineers + Planners

- MassDOT Project #608706 replaces the deck on 4 bridges at the Circle.
- 2 over Revere Beach Parkway (Route 16)
- 2 over MBTA Newburyport/Rockport Commuter Rail Line
- \$15.8 million estimated contract cost.



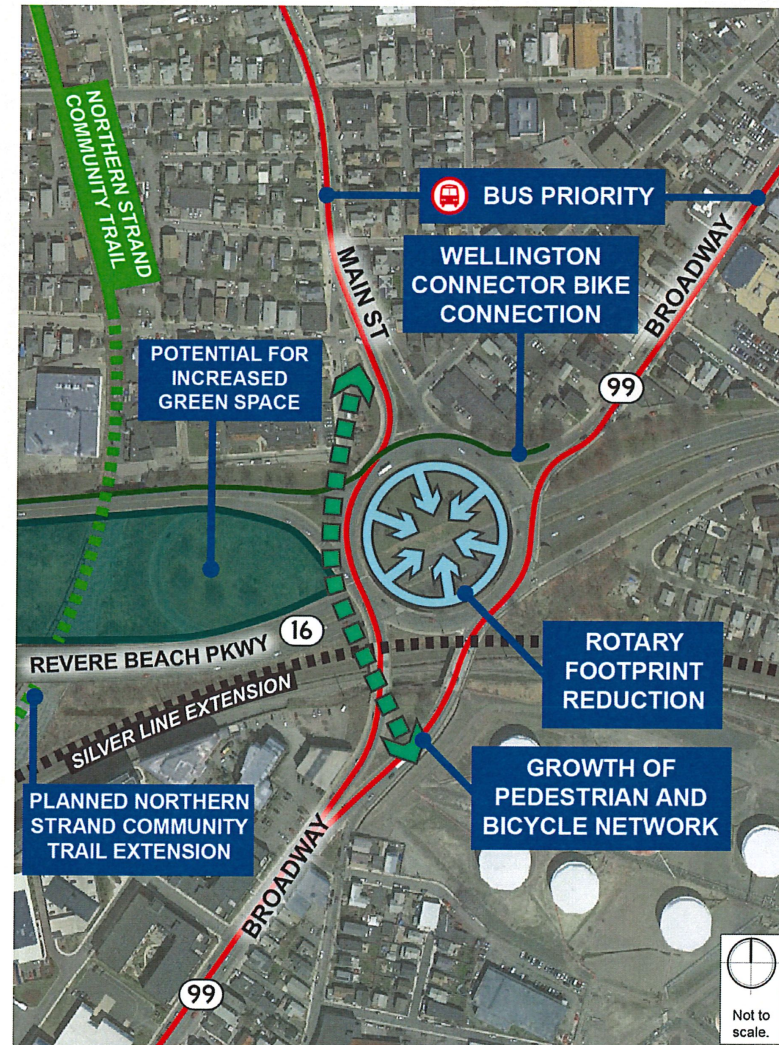


# System Preservation and Opportunities

Engineers + Planners

## ■ Key piece of Everett infrastructure with potential for large impacts:

- Modernization and reconfiguration of outdated rotary into a safer intersection
- Connect existing and proposed dedicated BRT facilities for local buses and proposed Silver Line
- Provide protected bicycle facilities to connect with existing facilities on Broadway, Main Street and Northern Strand trail
- Improved pedestrian safety
- Unlock 13 acres of inaccessible DCR greenspace
- Reduced maintenance costs with reduction of elevated roadway sections



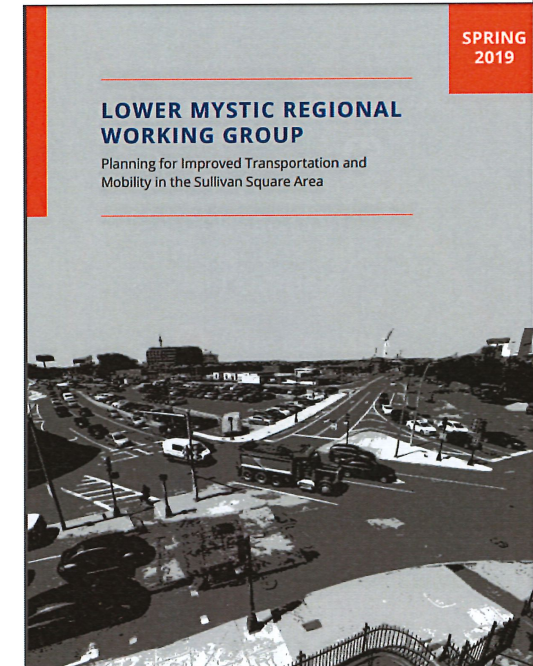
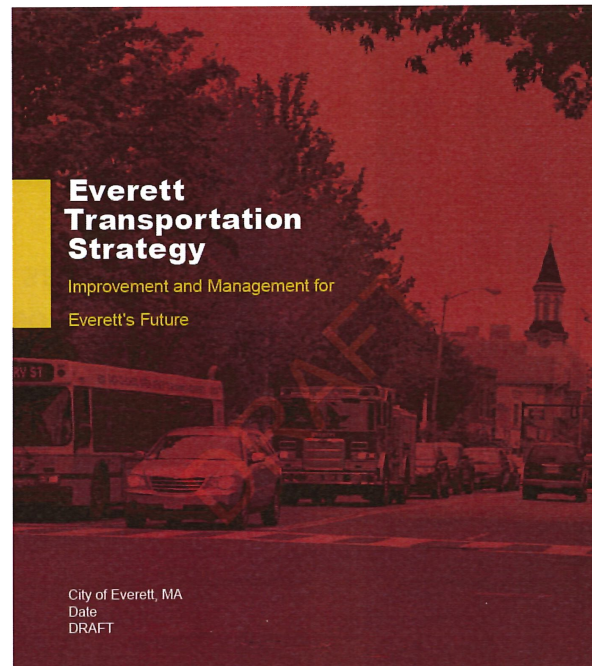
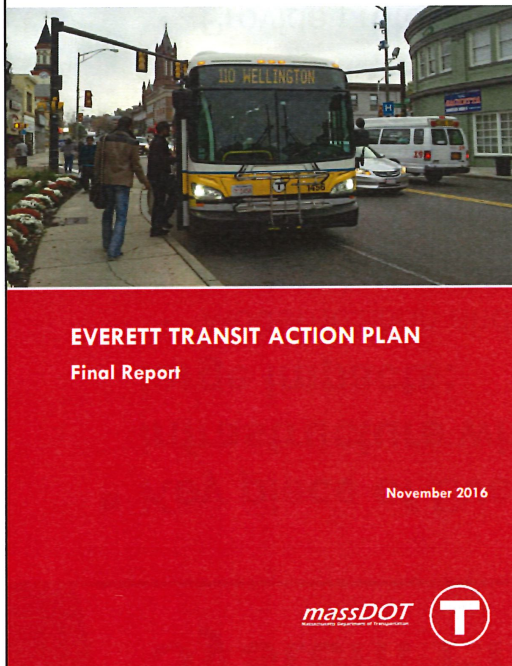


# Relevant Studies and Plans

Engineers + Planners

## ■ Proposed mobility improvements affect Sweetser Circle

- Everett Transit Action Plan (2016)
- Lower Mystic Regional Working Group (2019)
- Everett Transportation Strategy (2019)



# Looking ahead

Engineers + Planners

- **Develop three concepts:**
  1. Re-build and upgrade existing circle as a modern roundabout
  2. Re-build and upgrade existing circle as a signalized intersection
  3. Explore feasibility of at-grade alternative
- **Convert bridge repair project into a transformative project that provides better non-auto connections.**
  - Broadway BRT
  - MBTA Silver Line
  - Northern Strand Trail
  - Wellington Connector Trail



HOWARD STEIN HUDSON



# Questions?

Engineers + Planners





C0030-23

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**To:** Mayor and City Council

**From:** Councilor Darren M. Costa

**Date:** January 23, 2023

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**Agenda Item:**

That a representative from the Mayor's office, & Planning Dept appear at the next council meeting to discuss appropriating a budget of \$100,000 for a third party to modernize districting maps and ordinances.

**Background and Explanation:**

**Attachments:**



#2-C0030-23

Legislative Affairs & Election Committee  
February 13, 2023

The Committee on Legislative Affairs & Elections met on Monday, February 13, 2023 at 6pm in the City Council Chambers.

The meeting was recorded by ECTV and can be viewed on the City of Everett website.

Members present were Councilor Michael Marchese, presiding, Councilors John Hanlon, Darren Costa and Stephanie Smith.

The Committee considered a Resolution offered by Councilor Darren Costa: That the City Council hereby requests that the Mayor establish an AD HOC Committee for updating the City of Everett's zoning ordinances with the intent of modernizing district maps and ordinances and that the Mayor appropriate the sufficient funds for the purposes of a hiring a professional planning consultant to assist the AD HOC Committee in this process.

Councilor Costa referenced his involvement in the zoning process going back to this past November when he was appointed by the Committee as the lead person to conduct research with the various city planning entities on the subject matter. He explained his reasoning behind his proposal with numerous City Council zoning proposals being submitted for discussion and action. Councilor Costa referenced reason changes he has proposed to the TDM Ordinance since he feels it must fit the zoning in place and mentioned some Planning Board approvals that just don't fit especially in dwelling districts. Councilor Costa mentioned that it was important that residents of each ward in addition to appointed of some members of the City Council to this AD HOC Committee along with the hiring of a professional planning consultant. Councilor Hanlon stated that he would the City Council to receive monthly reports once the AD HOC Committee is up and running. Councilor Costa stated that he would like to see a process of what should be reported out and would like to see simple table for each zoning district. Councilor Smith agreed that there was a lot going on with the numerous submittal of proposals for zoning changes and noted that she had talks with the Planning department and they were open and agreeable to an AD HOC Committee. She stated that the constant submittal of zoning proposals was getting confusing and requested that the President inform the members of the City Council not to submit any more since the AD HOC Committee would be addressing and covering all zoning related issues. Councilor Costa recommended that Councilor Smith be added as a Sponsor.

The Committee voted, to report back to the City Council with a recommendation to refer to the Mayor and Planning Department with a response within a month and a further recommendation to add Councilor Smith as a Sponsor.

Respectfully Submitted,

John W. Burley  
Clerk of Committees

**Additional Information – C0030-23**

**Goal**

The goal of this engagement would include, but not limited to, create a single use table, recommend changes to current ordinances, modernize language of our Zoning Ordinance, Identify and recommend amendments where there are conflicting language, etc.

**Ad HOC Comm Suggested Membership**

A representative of the. Planning Dept, Planning Board, ZBA, 2 members of the City Council, the Mayor or his designee and a resident of each ward in the City



C0033-23

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**To:** Mayor and City Council  
**From:** Councilor Darren M. Costa  
**Date:** January 23, 2023

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**Agenda Item:**

An ordinance to amend the Transportation Demand Management ordinance to only be applicable to developments that fall within the TDM District Overlay

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**SECTION 35        TRANSPORTATION DEMAND MANAGEMENT**

(C0360-20)

(a) Purpose and definitions(1) Purpose.

- a. The purpose of this section is to describe the required elements of participation in transportation demand management (TDM) programs in the city.
- b. TDM participation is intended to prevent, reduce and mitigate the impacts of development on parking demands, the city's transportation system, neighborhood livability, public safety and the environment.
- c. TDM programs provide residents, employees and visitors with information and incentives to reduce drive-alone vehicle travel to achieve the city's parking and transportation goals. These are all objectives of the Everett Transportation Strategy Plan, which serves as a cornerstone for all decisions related to transportation in the city. This section will serve as one component of implementing that plan's recommendations. TDM is a key component of the overall strategy and vision for development in the City of Everett.

(2) Definition of terms.

The following are standard terms to be used throughout this section and are defined accordingly. They may also apply to other city ordinances and actions.

- a. "Applicant" refers to the individual or entity, and their successor or assigns, proposing a development to the city, including without limitation any city department, employee, committee, commission, board, or council, for its review, approval and permitting. Trustees of any condominium association are successors or assigns of the applicant for that development.
- b. "City" refers to the government of the city of Everett, including without limitation any city department, employee, committee, commission, board or council,
- c. "Contributions" refers to monetary payments, credit agreements or in-kind resource dedication that an applicant or its appointed designee must make to the city or to the city's appointed partner organization providing TDM services on a recurring, scheduled basis as set forth in the applicant's site plan approval with the city.
- d. "Development" refers to a specific project or phase of a project, requiring the approval and permitting of the city and potentially other public agencies of the Commonwealth of Massachusetts.
- e. "Everett Transportation Strategy Plan" or "Transportation Master Plan" refers to the city's Transportation Strategy Plan, as it may from time to

**Commented [ss1]:** Should something be said here about working in conjunction with the Planning Department? I am thinking more about the vision for Everett for ground-level shops vs. parking garages. And trying to tie that back to TDM.

time be amended, for the overall management of transportation systems for the city, which may include actions or recommendations that fall outside the bounds of this section but that broadly supports TDM as a mobility strategy for the city.

- f. “Members” and “membership” refer to active participation in a Transportation Management Association.
- g. “TDM Services” refers to any combination of parking, transportation, or mobility related programs, products, software platforms or applications, operating services, or other resources used in the city’s efforts to reduce drive-alone vehicle trips or to mitigate a development’s impacts on the transportation system arising from vehicle access and use.
- h. “Transportation Demand Management” or “TDM” refers to the broad set of parking and transportation planning policies, strategies, and actions generally employed by the city, intended to reduce single-occupant vehicle trips and vehicle access and roadway demand related to developments, or more broadly throughout the city in general.
- i. “Transportation Demand Management Plan” or “TDM Plan” is a document required of an applicant as part of the site plan review and approval process for a development that meets one or more of the section’s applicability thresholds. The TDM Plan shall include specific TDM Services that mitigate the transportation and parking impacts of the development and identify overall TDM goals.
- j. “Transportation Management Association” or “TMA” refers to an organization, which may or may not be a division of the government of the city, responsible, at a minimum, for:
  - 1. Advisory services to applicants or their appointed designees on the development of a TDM Plan;
  - 2. Peer review and oversight of TDM Plans;
  - 3. Recommendations to city staff on TDM Plans and their approval or refinement; and
  - 4. Maintenance of a comprehensive inventory of TDM Plans, including periodic monitoring and reporting to the city of the effectiveness of these plans and compliance to their terms and requirements.
  - 5. Providing and promoting joint TDM Services for its dues paying members.

(b) Applicability, zoning relief and site plan review

(1) Thresholds for compliance with this section.

Effective 3/31/2024, the TDM program is applicable to all districts excluding dwelling districts. Applicants proposing a development within an excluded district are exempt from this section although a transportation and parking plan is strongly encouraged. Off-street parking regulations for any development that falls into an excluded district shall be found in the section of the zoning ordinance in which the development is located or in Section 17 Off-Street Parking of the zoning ordinance.

Each applicant proposing a development within an applicable district, that meets at least one (1) of the four (4) thresholds set forth in the following subsections shall be subject to and comply with this section.

a. Development intensity.

All developments that include, at minimum, any one of the following as principal or accessory uses:

1. Ten thousand (10,000) gross square feet of non-residential, commercial space;
2. Ten (10) total residential dwelling units;
3. Ten (10) hotel rooms; or
4. Ten (10) school or other educational/vocational classrooms.

b. Access constraints.

Significant limits to site access that place substantial transportation burden on a small portion of the city transportation network, as determined by the planning director or his/her designee and identified generally in the user guide.

c. Total number of trips.

Any development generating at least five hundred (500) total daily trip ends, regardless of the intensity of any individual uses within that development, according to the then most current version of the Institute of Traffic Engineers Trip Generation Manual.

d. Parking provided above or below ordinance minimum requirements.

A development that proposes to provide a number of vehicle parking spaces below or above the parking requirements set forth in the city's zoning ordinance.

- (2) Notwithstanding anything to the contrary set forth in this section, exclusively residential developments proposing to result in the creation of less than ten (10) total residential units on a lot are exempt from this section. If the proposed development will bring the total number of residential units on the lot to ten (10) or more, this section shall apply.

**Commented [ss2]:** What about apartment districts? Where are those? Where are the business limited districts? Where is the telecommunications overlay district?

**Commented [ss3]:** I don't know if this is okay to say or we should take it out. I want to try to stress that everyone over 4 (?) units should have to do somewhat of a plan.

**Commented [ss4]:** Is this too repetitive?

**Commented [ss5]:** Should something go in this ordinance that any development that falls under TDM is not allowed to have overnight parking passes?



- (3) Notwithstanding anything to the contrary in this zoning ordinance, including Appendix A, Section 3.Q., this section shall apply to qualifying developments for which the city is an applicant.
- (4) Each development that is subject to this section shall require site plan review and approval by the planning board pursuant to Section 19 of this zoning ordinance.
  - a. Prior to approval of any application for site plan review, the planning board shall review for compliance with this section and may include conditions of approval designed to ensure that compliance.
  - b. Said application shall include, at a minimum, a proposed TDM Plan for the development and a project description.
    - 1. The project description shall include trip generation estimates and proposed vehicle and bicycle parking.
    - 2. The description may include phased development to occur for a period of up to ten (10) years or the specific timeline requirements the city has established for impact analysis, whichever is greater.
- (5) No parking variance or special permit authorizing a reduction in the number of required off-street parking spaces shall be required for any development that meets one or more the aforesaid thresholds and proposes to provide less than the required number of parking spaces for that development.
- (6) The zoning board of appeals may not grant a variance from compliance with the requirements of this section.
- (7) Pre-application conference (non-mandatory).  
 An applicant subject to this section may request to meet with city staff or their designee prior to submittal of a site plan application for guidance on compliance herewith, TDM Plans, TMA membership obligations, as well as potential TDM Services.

(c) TDM Requirements

- (1) Transportation Management Association (TMA) membership.
  - a. Size thresholds for required membership.
    - 1. Each applicant for a development subject to this section shall secure, and maintain for the life of the development, on behalf of that development, membership in the TMA at a level related to its occupancy status and permit requirements per the membership schedule on file with the planning director or designee.
    - 2. TMA membership requirements are expanded based on a development's receipt of a certificate of occupancy or additional permitting required beyond that required by the city.
  - b. Fee schedule for membership contributions.

1. An applicant or designee must make an initial payment, pro-rated on a partial-year basis, by the first date of the calendar month after approval of the site plan review application and must continue to make payments by January 1 of a calendar year to the TMA as long as any certificate of occupancy, business license, or other form of active permitting is in effect.
  2. Payments must be made on an annual basis.
  3. Payments will follow a fee schedule on file with the city planning director or designee.
- (2) Absence of a TMA.
- a. In the event that the city has not designated a TMA, that a designated TMA is dissolved or otherwise ceases to exist, or that a TMA does not provide services directly in the city, applicants subject to this section shall be required to meet the requirements of this section through TDM Plans.
  - b. In these circumstances, any requirements for written agreements between an applicant and the TMA that the city has included as part of its ordinances would be waived until such time as the city requests that the applicant join a newly created or revived TMA.
- (3) Independent implementation of TDM Strategies and Enhancements.
- a. An applicant or designee may elect to provide its own TDM Services beyond those made available by the TMA at any given time. Examples may include, but not be limited to, circulator or other passenger transportation services or provision of shared bicycles or other personal mobility devices.
  - b. An applicant may provide physical infrastructure contributions that broadly support TDM, but these contributions will not exempt an applicant subject to this section from TMA membership.
  - c. All services or infrastructure provided in this manner shall be open to any users wishing to use them and shall meet all requirements for public services in the Americans with Disabilities Act (ADA).
  - d. Upon such time that the city or TMA offer similar comparable services on the scale of a larger district or geographic area above and beyond the development, the applicant or designee is encouraged to pay a fair-share contribution to these services instead of continuing to operate its own service.
- (4) Calculation of impact (points) and TDM Plans.
- a. Proposed developments will be assigned an impact score based on the amount of parking, trip generation, and traffic impact their developments are estimated to generate.

- b. Each applicant must document this impact score in the TDM Plan filed with its site plan application.
- c. The impact score will be based on the schedule of TDM impacts on file with the city planning director or designee.

(5) Calculation of TDM Credits.

- a. The city will accept TDM strategies as having different levels of effectiveness in mitigating transportation impacts referenced in subsection (4) above.
- b. Applicants must include a combination of TDM strategies in TDM Plans that provide a total credit score equal to or greater than the development's impact score. These will be based on scores detailed in a schedule of TDM credits on file with the city planning director or designee.

(6) Upper limits to TDM obligations under this section.

The city may, at its sole discretion, set an upper limit to the degree to which any applicant must mitigate the impact score for a development, as defined in subsection 4 above, with a credits score derived from TDM measures that would be incorporated into a TDM Plan.

- a. This upper limit, if it is defined, will apply to all applications and developments subject to this section, and an applicant will only be responsible for providing TDM Services that represent credits score equal to this upper limit.
- b. If a development has incurred an impact score exceeding this upper limit, the city may request other contributions to infrastructure, services, or other public assets of the city in a way that mitigates the impact represented in that portion of the impact score. This shall be based on a rational nexus between the nature of the impact and the mitigation being requested or offered.

(d) Occupancy, monitoring and reporting requirements

(1) Program delivery timeline.

- a. Any infrastructure contributions and service contracts that constitute part of an applicant's initial TMA contributions must be completed and/or presented to the city prior to a certificate of occupancy.
- b. Expanded TMA contributions as set forth in subsection (c)(3)a. herein shall be completed and/or presented to the city within the time designated by the city prior to issuance of a certificate of occupancy.

(2) Reporting options.

An applicant or designee must complete two of the following and submit along with annual contributions by January 1 of the first full calendar year after

receiving a certificate of occupancy, and every calendar year after, during the time this section is in effect:

a. Employee/resident mode share survey.

This survey should provide information (as comprehensive as possible) on the principal means of access to the development by employees, residents, or other principal users.

b. Annual traffic count and analysis.

1. Applicant may submit a traffic count demonstrating that vehicular traffic volumes substantially related to the development have not increased beyond those documented as part of a TDM Plan.
2. Applicants must propose a methodology for this analysis and the analysis must be completed by a professional engineer or other certified transportation professional.

c. TMA program participation report, providing detail on the development's level of participation in TMA programs.

(3) Not meeting TDM Plan commitments and goals.

- a. If a development's reporting shows that it does not meet the commitments and goals set forth in its approved TDM Plan, such as exceeding acceptable traffic impact or failing to meet travel mode shift goals defined in the TDM Plan, the applicant or designee will revise its TDM Plan in partnership with the TMA (or planning director or designee in event there is no TMA) to incorporate additional TDM measures and incentives.
- b. Any such revised plans must be submitted to the city within ninety (90) days of the initial reporting for that calendar year.
- c. In the event that an applicant and the TMA (or planning director or designee) reach agreement on additional TDM Services those additional TDM Services shall be treated as a condition of the approved TDM Plan and site plan approval.
- d. In the event that an applicant and the TMA (or planning director or designee) are unable to reach agreement on additional TDM Services, the applicant shall apply to the planning board to amend its TDM Plan and site plan approval to include new or alternative TDM Services that will result in the applicant meeting its TDM Plan goals and commitments.

(4) The planning director or designee shall have the authority, but not the obligation, to authorize the substitution of one (1) or more TDM Services so long as total credit score contained in the approved TDM Plan meets or exceeds the approved impact for the development. Any approved substitution shall be treated as a condition of the approved TDM Plan and site plan approval.

(e) Compliance and enforcements

(1) Notice of non-compliance.

The planning director, building commissioner or designee may issue a notice of non-compliance with any requirement of this section, an approved TDM Plan or any TDM related conditions included in the site plan approval for a development subject to this section, sixty (60) days after such non-compliance is noted.

(2) Voluntary compliance request period.

Upon notice of non-compliance, the city will allow an applicant or designee a period of up to thirty (30) days to correct non-compliance or to provide a written request to the planning director, TMA (if any exists), or other appointed designee that applicant or designee wishes to correct non-compliance with technical assistance of the TMA or if none exists, to seek technical assistance from the planning director or designee

(3) Enforcement.

In the event of non-compliance that is not corrected within the initial 60-day period in subsection (e)(1) and the 30-day compliance request period of subsection (e)(2) or any other violation of this section or any site plan approval issued hereunder, the city, acting through the planning director or building commissioner, may, as an alternative to criminal prosecution, elect to use the non-criminal disposition procedure set forth in G.L. c. 40, §21D including issuance of a fine of three hundred dollars (\$300.00) per day for each day a violation continues and may seek any other remedies available at law or in equity to enforce this section or any condition of any site plan approval issued hereunder.

(f) Severability

The provisions of this section are severable. If any provision of this section is held invalid, the other provisions of this section shall not be affected thereby. If the application of this section or any of its provisions to any person or circumstance is held invalid, the application of this section and its provisions to other persons and circumstances shall not be affected thereby.

TDM Overlay created by the Director of Transportation. This shows a tiered TDM map based on needs of each neighborhood; Transform, Upgrade & Preserve

Critical conditions to consider

1. Infrastructure improvements and street scape enhancements
2. Transportation and housing equity
3. Modern districting for the entire City that required community input



**ENROLLED ORDINANCE**

*PUBLISHED PURSUANT TO CHAPTER 1 SECTION 4.5 OF THE REVISED ORDINANCES OF THE CITY OF  
EVERETT AND IN COMPLIANCE WITH MASSACHUSETTS GENERAL LAWS Chapter 43, Section 23.*

ENROLLED: MM/DD/YYYY

DATE OF PROPOSED ORDAINMENT: MM/DD/YYYY



**CITY COUNCIL..... No. C0033-23**

IN THE YEAR TWO THOUSAND AND TWENTY-THREE

**AN ORDINANCE TO AMEND THE TRANSPORTATION DEMAND MANAGEMENT  
ZONING ORDINANCE TO ONLY BE APPLICABLE TO DEVELOPMENTS THAT  
FALL WITHIN THE TDM DISTRICT OVERLAY**

Councilor /s/ Darren Costa

**Whereas:** Zoning Ordinance Section 35 Transportation Demand Management (TDM) allows new development to waive requirements for off street parking conflicting with Zoning Ordinance Section 17 Off Street Parking; and

**Whereas:** Parking for residents outside of our modern Zoning Ordinance Districts is a challenge given the density of its neighborhoods; and

**Whereas:** It is desirable to the usage of TDM outside our modern Zoning Districts.

**Now,** therefore, by the authority granted to the City Council of the City of Everett, Massachusetts to make and amend ordinances:

**Be it Ordained** by the City Council of the City of Everett, Massachusetts that Zoning Ordinance Section 35 Transportation Demand Management (TDM) of the Revised Ordinances of the City of Everett is hereby amended as follows:

Section 35.2.b.1 shall herby be amended by inserting the following language at the beginning of the subsection:

The TDM District Overlay shall be defined by the TDM District Overlay Map.

Off street parking regulations for any development that falls outside the TDM District Overlay shall either be found in the section of the zoning ordinance for the district in which the development is located or in Section 17 Off--Street Parking of the zoning ordinance.

This ordinance shall take effect upon passage by the City Council and subsequent approval of both by His Honor the Mayor.

A true copy: \_\_\_\_\_



*Sergio Cornelio*

Sergio Cornelio, City Clerk



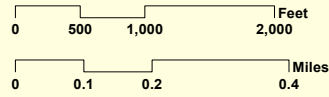


# Draft Zoning City of Everett

Map Date:  
January 2019

Prepared by:  
Department of Planning and Development and  
Inspectional Services Department

1 in = 350 feet



Item Number 3

## Legend

### Zoning, 2019

- CTEDD - Commercial Triangle Economic Development District
- LB - Residential Detached
- LB - Mixed-Use
- LB - Residential Multi-Family
- LB - Employment
- LB - Commercial
- LB - Waterfront Mixed-Use
- Industrial District
- River Front District
- Industrial Limited
- Dwelling District
- Apartment District
- Business Limited
- Business District
- Resort Casino Overlay

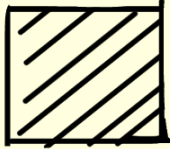
### Buildings

- Parcels
- City Borders
- Parcels Owned by Everett

### Facilities, City-Owned:

- Athletic Field; Playground; Open Space
- Cemetery
- Municipal Facility
- Public School

## TDM Overlay



MALDEN

MEDFORD

SOMERVILLE

CHELSEA

REVERE