

**CITY OF WALTHAM MASSACHUSETTS**

**IN THE CITY COUNCIL**

**Ordinance No. 36462**

**M.G.L. c. 40A, §3A – MBTA COMMUNITIES ZONING**

**Proposed Amendments:**

- I. Amend Zoning District Map to create a MBTA Communities Multi-Family Overlay District (MCMOD) comprised of the parcels shown on the MCMOD Overlay District Map and Parcel List on file with the City Clerk.
  
- II. Amend ARTICLE VIII to add a new Section 8.8 – MBTA Communities Multi-Family Overlay District (MCMOD) in the form substantially provided below, subject to revisions recommended by the City Council and Board of Survey and Planning to comply with the statutory mandates of M.G.L. c.40A, §3:

**M.G.L. c. 40A, §3A – MBTA COMMUNITIES ZONING**

**Proposed Amendments:**

- III. Amend Zoning District Map to create a MBTA Communities Multi-Family Overlay District (MCMOD) comprised of the parcels shown on the MCMOD Overlay District Map and Parcel List on file with the City Clerk.
  
- IV. Amend ARTICLE VIII to add a new Section 8.8 – MBTA Communities Multi-Family Overlay District (MCMOD) in the form below:

**8.8 MBTA Communities Multi-Family Overlay District (MCMOD)**

8.81. Establishment of the MBTA Communities Multi-Family Overlay District. A MBTA Communities Multi-Family Overlay District (MCMOD) is hereby established and is bounded and described on the MBTA Communities Multi-Family Overlay District Map, and in the written description accompanying said map, both of which are on file with the City Clerk, the Planning Department, the Consolidated Public Works Department, the Engineering Department, and with the Inspector of Buildings. The map and written description are incorporated herein by reference. Said MCMOD boundaries shall be superimposed on the Zoning District Map of Waltham so as to indicate the extent of the MCMOD.

- 8.811. District boundary determination. In the event of a conflict between the written boundary description and the MCMOD, the provisions of the written description shall control. Where the written description is not clear, the provisions of Section 3.142 through 3.145 shall govern.

8.82. Purpose and objectives. The MCMOD is established as an overlay district to allow multifamily housing as-of-right in accordance with Section 3A of the Zoning Act, M.G.L. c. 40A, in a manner that balances the need for compliance with state-mandated housing densities within proximity to MBTA Commuter Rail Stations, while preserving the character of the City's neighborhoods.

8.83. Applicability. An applicant may develop multi-family housing on parcels within a MCMOD in accordance with the dimensional provisions of this Section 8.8. The MCMOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the respective underlying zoning district(s) shall remain in full force, except for multi-family dwelling uses allowed as of right in the MCMOD. All other uses in the underlying district(s) that are not identified in this Section 8.8 shall continue to be permitted and are governed by the requirements of the underlying zoning district(s).

8.84. General Dimensional Requirements. Notwithstanding any other provisions of the Zoning Ordinance to the contrary, any multi-family housing developed by right within a MCMOD shall only be subject to the dimensional criteria of the MCMOD as set forth in subsections 8.841-8.848:

8.841. Maximum Number of Units Per Building: There shall be no more than four (4) dwelling units in a single multi-family building in the MCMOD.

8.842. Minimum Lot Area: The minimum lot area for a multi-family use shall be 6,000 square feet.

8.843. Maximum Building Height: The maximum building height for a multi-family dwelling shall be 48-feet, and the maximum number of stories shall be four stories. For purposes of this section 8.8, no story shall be more than 12 feet in height. Building height shall be calculated in accordance with Section 2.326 of the Zoning Ordinance.

8.844. Minimum Lot Frontage: The minimum lot frontage for a parcel in the MCMOD shall be not less than 50 feet.

8.845. Minimum Setbacks: The minimum front and side yard setbacks shall not be less than 10 feet. The rear yard setback shall be not less than 20 feet.

8.846. Maximum Lot Coverage: The maximum lot coverage for multi-family dwellings shall not exceed 40%. Parking areas, parking structures and recreational structures, including but not limited to swimming pools, tennis courts, and accessory community clubhouses serving the multi-family development shall be excluded in the calculation of permitted lot coverage.

8.847. Minimum Distance Between Principal Buildings: More than one multi-family dwelling may be located on a single lot, provided there is a minimum of 10-feet between buildings and all other dimensional requirements of this section are met.

8.848. The MCMOD shall not have a minimum or maximum FAR requirement, an open space requirement, nor a maximum number of dwelling units per acre.

8.85. Parking Requirements: Not less than one (1) parking spaces per dwelling unit shall be required for multi-family dwellings within the MCMOD. Private garages for multi-family dwellings shall comply with the minimum setback requirements of the MCMOD. Said parking for each dwelling unit shall be located on the subject lot. Not less than 1 bicycle storage space shall be provided for each multi-family dwelling unit in the MCMOD.

8.86. Accessory Structures: Accessory structures shall be permitted subject to the requirements of Section 4.22 of the Zoning Ordinance.

#### 8.87– Affordable Housing Provisions

8.871. Applicability. Multi-family residential developments within the MCMOD shall not be required to comply with the Affordable Housing provisions of Article IX, Section 9.1, except as specified herein, but shall comply with the affordable housing provisions of this Section. This Section is applicable to all multi-family residential developments in the MCMOD with ten (10) or more dwelling units, whether new construction, substantial rehabilitation, expansion, or reconstruction. No project may be divided or phased to avoid the requirements of this section.

8.872. Subsidized Housing Inventory. All affordable units created in the MCMOD pursuant to this Section shall be affordable to households earning 80% or less of the area median income and must be eligible for listing on EOHLC’s Subsidized Housing Inventory. Affordable units must meet the requirements set forth in 9.142 with respect to recording a deed restriction

8.873. Provision of Affordable Housing. In projects for which the affordable housing provisions of this Section are applicable, not fewer than 20% of housing units constructed shall be affordable housing units. For purposes of calculating the number of affordable housing units required, a fractional unit shall be rounded down to the next whole number. The affordable units shall be available to households earning income up to 80% of the area median income. If EOHLC determines in writing that the City has not shown this 20% requirement to be feasible, at least 10% of housing units constructed, or such greater percentage as approved by EOHLC in writing, shall be affordable housing units.

8.874. Development Standards. All affordable units constructed pursuant to this Section shall be:

- (a) Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
- (b) Dispersed throughout the development;
- (c) Located such that the units have equal access to shared amenities, including light and air, and utilities within the development;
- (d) Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
- (e) Distributed proportionately among unit sizes;
- (f) Distributed proportionately across each phase of a phased development; and
- (g) Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for affordable units are issued simultaneously on a pro rata basis.

First Reading: December 23, 2024

Second Reading: January 13, 2025

Third Reading: January 13, 2025

Approved:

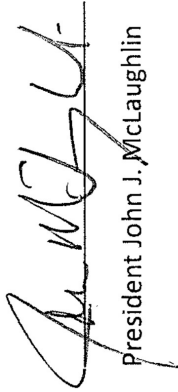
Attest: Joseph W. Vizard, City Clerk

Order # 36462

In the City Council

M.G.L. c. 40A, §3A – MBTA COMMUNITIES ZONING

Read and Adopted: January 13, 2025

  
President John J. McLaughlin

REC'D  
JAN 14 2025  
Mayor's Office

Approved: 1/14/2025

  
Mayor Jeannette A. McCarthy

**Waltham City Council 2025  
Roll Call**

Item: MBTA Communities Zoning Act - Third<sup>rd</sup> final rdg.

Date: January 13, 2025

	Yea	Nay	Abstained	Absent
Colleen Bradley-MacArthur	<u>  /  </u>	<u>      </u>	<u>  ✓  </u>	<u>      </u>
Paul J. Brasco	<u>  ✓  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Caren Dunn	<u>  ✓  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Sean T. Durkee	<u>  ✓  </u>	<u>      </u>	<u>      </u>	<u>      </u>
William A. Hanley	<u>  ✓  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Cathyann Harris	<u>  ✓  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Paul S. Katz	<u>  ✓  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Joseph P. LaCava	<u>  ✓  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Anthony LaFauci	<u>  ✓  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Randy J. LeBlanc	<u>      </u>	<u>      </u>	<u>      </u>	<u>  ✓  </u>
Robert G. Logan	<u>  ✓  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Kathleen B. McMenimen	<u>  ✓  </u>	<u>      </u>	<u>      </u>	<u>      </u>
Thomas M. Stanley	<u>      </u>	<u>      </u>	<u>      </u>	<u>  ✓  </u>
Carlos A. Vidal	<u>  ✓  </u>	<u>      </u>	<u>      </u>	<u>      </u>
John J. McLaughlin, President	<u>  ✓  </u>	<u>      </u>	<u>      </u>	<u>      </u>
<b><u>Totals</u></b>	<u>  12  </u>	<u>      </u>	<u>      </u>	<u>      </u>

LEGAL NOTICES

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MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage (the "Mortgage") given by DANVERS MC OWNER, LLC, a Massachusetts limited liability company to Wellsley Bank (predecessor in interest by merger with Cambridge Trust Company) dated December 30, 2016 recorded with the Essex County (Southern District) Registry of Deeds in Book 25585, Page 529, as amended by Amendment to Mortgage dated February 29, 2024 recorded with the Essex County (Southern District) Registry of Deeds in Book 42006, Page 390, presently held by MC MORTGAGE LLC, by Confirmatory Assignment of Mortgage and Collateral Assignment of Leases and Rents from Cambridge Trust Company to it dated July 10, 2024, recorded with the Essex County (Southern District) Registry of Deeds in Book 42209, Page 391 (the "Mortgage") of which Mortgage the undersigned is the present holder, for breach of the conditions of the Mortgage and for the purpose of foreclosing the same, there will be sold at Public Auction at 11:00 a.m. on the 22nd day of January, 2025, at the mortgaged premises located at 44 Summer Street, Danvers, Essex County, Massachusetts, (the "Property" or the "Mortgaged Property") all and singular the premises described in the Mortgage,

To wit:

A certain parcel of land with the buildings thereon situated on Summer Street, Danvers, Essex County, Massachusetts, bounded and described as follows: Beginning at a lamp post on the westerly side of Summer Street; thence running North 86°36'30" West to the corner of a retaining wall, eighty and 43/100 (80.43) feet; thence turning and running North 73°43'00" West, one hundred four and 45/100 (104.45) feet to a point; thence turning and running South 3°53'20" West, two hundred seventeen and 52/100 (217.52) feet to a point; thence turning and running North 86°12'40" West, one hundred ninety-five and 31/100 (195.31) feet to a point; thence turning and running North 3°01'20" East, three hundred fifty-seven and 34/100 (357.34) feet to land formerly of P & H Trust; thence turning and running South 84°24'10" East, fourteen and 25/100 (14.25) feet, and again South 86°38'21" East, ninety-three and 03/100 (93.03) feet, and again South 87°40'15" East, sixty-three and 95/100 (63.95) feet, and again South 86°50'54" East, fifty-five and 68/100 (55.68) feet, and again South 87°07'20" East, twenty-five and 09/100 (25.09) feet, and again South 86°29'30" East, one hundred and 19/100 (100.19) feet to Summer Street, thence turning and running along Summer Street South 6°44'20" East, one hundred sixty-eight and 19/100 (168.19) feet to the point of beginning.

All as shown on "Plan of Land in Danvers, Property of Louis P. Pedrana et ux, Jan. 25, 1963, Osborn Palmer, Inc." and recorded with Essex South District Registry of Deeds in Book 5049, Page 4.

The mortgaged premises will be sold subject to and with the benefit of all restrictions, easements, covenants, orders of conditions, outstanding tax titles, municipal or other public taxes, assessments, betterments, water bills, environmental liens or restrictions, liens or claims in the nature of liens, now existing or hereafter arising, the rights of tenants and parties in possession and existing encumbrances of record, created prior to the Mortgage or to which the Mortgage has or shall have been subordinated of record.

Terms of Sale:

A deposit of \$100,000.00 (the "Initial Deposit") will be required to be paid by certified or bank check by the purchaser at the time and place of sale. An additional deposit, in an amount when added to the Initial Deposit, equal to 5.0% of the purchase price, shall be required to be paid by certified or bank check by the purchaser within five (5) business days of the auction. The balance of the purchase price shall be required to be paid by certified or bank check within forty-five (45) days of the sale date at the offices of Pierce Atwood LLP, 100 Summer Street, Boston, Massachusetts 02110.

In the event of any typographical errors in the publication of the legal description of the Mortgaged Property in this Notice of Sale, the legal description contained in the Mortgage shall control.

THE SALE OF THE MORTGAGED PROPERTY WILL BE OFFERED AND SOLD "AS-IS", "WHERE-IS" AND "WITH ALL FAULTS", LATENT OR PATENT AND SUBJECT TO ALL PRIOR ENCUMBRANCES, BRANCHES, AND WITHOUT ANY WARRANTIES OR REPRESENTATIONS WHETHER EXPRESS, IMPLIED, OR IMPOSED BY LAW. The transfer of the Mortgaged Property will be made and accepted by the highest bidder without any other expressed or implied representations or warranties whatsoever, including, but not limited to, representations regarding acreage, description of the Mortgaged Property, uses, rent rolls, leases, outstanding taxes, liens and encumbrances, title and/or title matters, availability of any utilities, building permits, occupancy, state and city requirements regarding smoke detection equipment, lead paint regulations, any matter relating to any structure on the Mortgaged Property, or any other matter. The highest bidder shall be deemed to have expressly acknowledged by participation in the sale that any warranty or representation, other than those contained herein, are without authority and that the highest bidder has duly inspected the Mortgaged Property, the title thereto, the occupancy thereof, and all other matters in connection with the sale by itself and by its own experts, including counsel, as the highest bidder has elected to consult.

Other terms, if any, to be announced at the sale.

From and after the conclusion of the sale, all risk of loss or damage to the Mortgaged Property shall pass to, and be borne by, the highest bidder.

The Mortgagee reserves the right to credit bid at the sale, to advance its bid at the Sale, and to pause and/or postpone the Sale by auctioneer's public proclamation. The Mortgagee further reserves the right to change terms of the Sale at the Sale or to add additional terms and to qualify some or all bidders.

The undersigned holder of the Mortgage reserves the right to reject any and all bids for the Mortgaged Property and to continue the foreclosure sale from time to time to such subsequent date or dates as such holder may deem necessary or appropriate. The description of the premises contained in said Mortgage shall control in the event of an error in this publication.

MC MORTGAGE LLC  
Present holder of said mortgage  
By its Attorney  
Pierce Atwood LLP  
100 Summer Street  
Boston, MA 02110  
617-488-8116

Dated: December 30, 2024

12/31, 1/7, 1/14

#NY0134028

THE BEST SPORTS  
COVERAGE IN BOSTON



LEGAL NOTICES

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CITY OF WALTHAM  
MASSACHUSETTS  
IN THE CITY COUNCIL

Having had a First reading, the following ordinance amendment is before the City Council for a Second reading, and Third reading which is the final reading.

M.G.L. c. 40A, §3A - MBTA COMMUNITIES ZONING

Proposed Amendments:

I. Amend Zoning District Map to create a MBTA Communities Multi-Family Overlay District (MCMOD) comprised of the parcels shown on the MCMOD Overlay District Map and Parcel List on file with the City Clerk.

II. Amend ARTICLE VIII to add a new Section 8.8 - MBTA Communities Multi-Family Overlay District (MCMOD) in the form substantially provided below, subject to revisions recommended by the City Council and Board of Survey and Planning to comply with the statutory mandates of M.G.L. c.40A, §3:

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Proposed Amendments:

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- (e) Distributed proportionately among unit sizes;
- (f) Distributed proportionately across each phase of a phased development; and
- (g) Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for affordable units are issued simultaneously on a pro rata basis.

Attest: Joseph W. Vizard, City Clerk

#NY0133854

12/31

For convenient home delivery of the  
Boston Herald, call (800) 882-1211.