

City Council Docket
February 25, 2019

The Waltham City Council will meet in the Council Chamber at City Hall, 610 Main Street, Waltham, MA on Monday, February 25, 2019 at 7:30 pm. The following matters and others may be considered.

Approval of Minutes
2/11/2019

Notice is hereby given that the City Council and the Board of Survey and Planning will hold a joint Public Hearing in the Council Chamber, City Hall, 610 Main Street, Waltham, Massachusetts, on Monday, February 25, 2019 at 7:30 p.m. on the following proposed amendment to the Zoning Ordinance

Public Hearing
Zoning Amendment

CHAPTER 21 of the General Ordinances of the City of Waltham entitled “Zoning,” as most recently amended, is hereby further amended by striking out ARTICLE IX entitled “Affordable Housing” in its entirety and inserting in place thereof the new ARTICLE IX. (New written Amendment in its entirety is posted on last page of Docket.)

Notice is hereby given that the City Council and the Board of Survey and Planning will hold a joint Public Hearing in the Council Chamber, City Hall, 610 Main Street, Waltham, Massachusetts, on Monday, February 25, 2019 at 7:30 p.m. on the following proposed amendment to the Zoning Ordinance

Public Hearing
Zoning Amendment

ARTICLE II of the Zoning Ordinances of the City of Waltham, entitled “Word Usage; Intent; Definitions,” Section 2.3 entitled “Definitions,” as most recently amended, is hereby further amended by adding four (4) new subsections as follows:

- 2.348 E-CIGARETTE – An electronic cigarette or e-cigarette is a handheld electronic device that simulates the feeling of smoking by heating a liquid to generate an aerosol, commonly called a "vapor", which the user inhales.
- 2.349 SMOKING DEVICES – Smoking devices shall include any of the following:
(1) Any device intended or designed for use by individuals for the smoking or ingestion of tobacco. Examples of such devices include, but are not limited to: “pipes,” “hookahs,” “vaporizers,” “electric pipes,” or similar devices; (2) cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, electronic smoking device batteries, electronic smoking device chargers, and any other item specifically designed for the preparation, charging, or use of electronic smoking devices; (3) any electronic smoking device including, but not limited to, e-cigarettes or other vaping devices.
- 2.350 TOBACCO PRODUCT – Tobacco products shall include any of the following:

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(1) Any product containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and (2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

2.351 VAPING – Vaping is the act of inhaling and exhaling the aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device.

AND IT IS FURTHER ORDAINED THAT:

ARTICLE III of the Zoning Ordinances of the City of Waltham, entitled “Establishment of Districts,” as most recently amended, is hereby further amended as follows:

Section 3.2 entitled “Definition of uses,” as most recently amended, is hereby further amended by adding a new Subsection 3.222B as follows:

3.222B Smoke shop: Any establishment that sells tobacco products or smoking devices, as defined in Subsections 2.349 and 2.350, subject to the provisions of Subsection 3.647.

ARTICLE III is hereby further amended by adding in Section 3.6, entitled “Special permit criteria for specific uses,” the following new Subsection 3.647 as follows:

3.647 Smoke shop: A smoke shop, as defined in Subsection 3.222B, may be permitted when a special permit has been granted by the City Council, subject to the following findings and conditions and to such additional terms and conditions as the special permit granting authority may impose in granting the special permit:

- (1) Smoke shops shall comply with Sections 3.51, 3.512, 3.531, 3.533, 3.534, 3.535 and 3.538 of this Zoning Ordinance.
- (2) Smoke shops shall not be considered an accessory use to any other use permitted under this Zoning Ordinance.
- (3) No smoke shop shall be located within 300 feet of any residential zoning district.
- (4) Smoke shops shall in no case operate between the hours of 10:00 p.m. and 10:00 a.m.
- (5) No smoke shop shall be operated unless it has obtained any permits that may be required from the Board of Health.
- (6) Notwithstanding any other section of the Zoning Ordinance, smoke shops shall comply with all the dimensional requirements of Article IV of this Zoning Ordinance.

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- (7) Notwithstanding any other section of the Zoning Ordinance, smoke shops shall have a minimum of two parking spaces, unless there is a public parking lot within 500 feet wherein this requirement shall be waived.
- (8) Notwithstanding any other section of the Zoning Ordinance, smoke shops shall comply with all the sign provisions of Article VI of this Zoning Ordinance as a business establishment.
- (9) No smoke shop shall be located within one thousand feet (1,000’), as measured by a straight line, of the boundary of a property occupied by (i) a public or private kindergarten, elementary, middle, junior high or high school; (ii) a licensed child-care facility or preschool; (iii) playground; (iv) youth center; (v) recreational facility; (vi) arcade; (vi) park; or (vii) library.

AND IT IS FURTHER ORDAINED THAT:

ARTICLE III is hereby further amended by adding in Section 3.4 entitled “Table of Uses,” under the category “Commercial,” the following:

Use With Special Permit Reference

Smoke shop (Sec. 3.647)

<u>RA-1</u>	<u>RA-2</u>	<u>RA-3</u>	<u>RA-4</u>	<u>RB</u>	<u>RC</u>	<u>RD</u>	<u>HR-1</u>	<u>HR-2</u>
N	N	N	N	N	N	N	N	N
<u>BA</u>	<u>BB</u>	<u>BC</u>	<u>LC</u>	<u>C</u>	<u>I</u>	<u>CR</u>	<u>Use Reference</u>	
S1	S1	S1	N	S1	S1	N	3.222B	

Public Hearing
Extended Hours

DKD Inc, dba Veronica’s 1074 Main St, Waltham, MA 02451 hereby petitions the City Council for Extended Retail Hours under the provisions of Chapter 8 article XIII to remain open from 5:30 AM to 11 PM.

Communications from the Mayor

- 1. The Mayor respectfully requests a transfer in the amount of \$24,000 for roof repairs at the Veterans Memorial Skating Rink.
- 2. The Mayor respectfully requests an appropriation of in the amount of \$66,074 to reimburse the maintenance and repair account for the costs associated with the installation and replacement of a heating system and HVAC improvements for both Prospect Street Fire Station and Waltham Public Library.
- 3. The Mayor respectfully requests an appropriation in the amount of \$21,000 to purchase a new \$18,000lbs. capacity vehicle lift for the vehicles repair garage.

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4. The Mayor respectfully requests an appropriation in the amount of \$194,000 to purchase a new Hot Box asphalt patch truck. This will replace the 1994 Hot Box Truck.
5. The Mayor respectfully requests a transfer in the amount of \$208,000 to award the low and responsible bidder of the Phase 2 Christopher Road water project.
6. The Mayor respectfully requests an appropriation in the amount of \$50,000 for an appraisal and other professional services in connection with pending litigation.
7. The Mayor respectfully requests the acceptance of a gift in the amount of \$500 from an anonymous donor who had great memories of Prospect Hill Park during their childhood.
8. The Mayor respectfully requests the acceptance of a gift of a painting of the City Seal from Donna Laswell. The painting will be placed in the conference room in the lower level of City Hall.
9. The Mayor respectfully requests the opportunity for the Director of Veterans Services and the Assessor to appear before the Council to update the Council on legislative updates and exemptions the BRAVE ACT has adopted.
10. The Mayor respectfully requests a transfer in the amount of \$9,798 to establish and to fund an account to pay the Cyber insurance premium to protect the City against computer hacking.
11. The Mayor respectfully requests acceptance of two SAFE grants from the Commonwealth of Massachusetts in the amounts of \$6,754 for Student Awareness and Fire Education and \$3,000 for Senior SAFE grants.
12. The Mayor respectfully requests acceptance of a grant in the amount of \$125,148 from the Executive Office of Elder Affairs to be used by the Council on Aging for various programs that benefit senior citizens.

Applications & Licenses

Orders, Ordinances & Resolutions

- Local Voucher Resolution

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the extended hour's renewal at 205 Willow Street – Pro Tech Automotive & Tire Ctr, Inc. be approved.
2. The Licenses and Franchises Committee recommends the extended hour's renewal at 1335 Main Street for Waltham Fuel Inc. be approved.

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Public Works & Public Safety

1. The Public Works & Public Safety Committee recommends Issues on Lexington Street resolution be filed.
2. The Public Works & Public Safety Committee recommends the 17-25 at 509-527 and 533 Moody Street be approved.

Finance

1. The Finance Committee recommends the acceptance of gifts in the amount of \$200 from the Philip Mula Family to be given to the Housing Division be approved.
2. The Finance Committee recommends the transfer of \$30,000 from the Building Code Enforcement Special Revenue account to the Building Code Enforcement Computers account be approved.
3. The Finance Committee recommends an appropriation in the amount of \$9,933 from the Unreserved Fund Balance to purchase and install carpeting in the museum room and in the foyer of the lower level of City Hall be approved.
4. The Finance Committee recommends an appropriation in the amount of \$26,000 from Parking Meter Unreserved Fund Balance to purchase a 2019 Ford Escape that will be used by the Parking Meter Division be approved.
5. The Finance Committee recommends an appropriation in the amount of \$8,000 from the Unreserved Fund Balance to conduct a hazardous materials survey and demolition/abatement design services for the property located at 380 Lexington Street be approved.
6. The Finance Committee recommends an appropriation in the amount of \$120,000 from the Unreserved Fund Balance to fund the resurfacing project bid for the private way portion of Brennan Ave., Mountain Road, Crestview Road, Carol Lane, Goldencrest Avenue, Priscilla Lane and Midland Drive be approved.
7. The Finance Committee recommends the re-allocation of Chapter 90 funds in the amount of \$207,000 to fund the low bid for the paving of the public portion of Midland Drive be approved.

Committee of the Whole

1. The Committee of the Whole recommends the confirmation of the appointment of Frank P. Craig, Esq., 85 Main Street, Waltham, as an Assessor for the City of Waltham for a term of three years be approved.
2. The Committee of the Whole recommends the confirmation of the appointment of Bernadette Vasquez, 68 Willow Street, Waltham, as an Assessor for the City of Waltham for a term of three years be approved.

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3. The Committee of the Whole recommends City Council's review of the draft lease for Air Rights at 230-234 Moody Street be approved.

Ordinances & Rules

1. The Ordinances and Rules Committee recommends that the Zoning Amendment for Non-Medical Marijuana Establishments be approved for a second reading.

2. The Ordinances and Rules Committee recommends that FY2019 Compensation Ordinance Amendments be approved for a second reading.

3. The Ordinances and Rules Committee recommends that the General Ordinance Amendment consolidating the Public Works, Water and Sewer Departments be approved for a second reading.

4. The Ordinances and Rules Committee recommends that the Compensation Ordinance Amendment for Assistant Planning Director/Sustainability be approved for a second reading.

5. The Ordinances and Rules Committee recommends that the Special Permit for the Wireless Installation at 550 Winter Street be approved.

Unfinished Business & Other Business

- Election Calendar for 2019
- Extension of time for a Special Permit application at 95 Moody Street
- CPC recommendation of CPA funds totaling \$3mm for buildings at Fernald Property

Tabled Items

- Loan authorization for \$1,085,000 for Hillcroft Playground
- 17-25 Street opening at 509-527 and 533 Moody Street
- Mayor's veto on Order Nos. #34291, 34292, 34295
- Installation of a guard rail on the backside of Beal Road sidewalk

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**AN ORDINANCE AMENDING CHAPTER 21 OF THE GENERAL ORDINANCES OF
THE CITY OF WALTHAM ENTITLED “ZONING”**

CHAPTER 21 of the General Ordinances of the City of Waltham entitled “Zoning,” as most recently amended, is hereby further amended by striking out ARTICLE IX entitled “Affordable Housing” in its entirety and inserting in place thereof the following new ARTICLE IX:

Article IX: Affordable Housing

Sec. 9.1 Affordable housing provisions.

9.11. Purpose: to assist in the development and maintenance of affordable housing in the City of Waltham.

9.12. Applicability. Compliance with affordable housing criteria shall be encouraged, but voluntary, for every proposed multifamily dwelling development which will contain eight or more dwelling units and which is not subject to a special permit for increase in intensity of use. Compliance with affordable housing criteria shall be required for every proposed multifamily dwelling development which will contain eight or more dwelling units and which is subject to a special permit for increased intensity of use. All proposed developments that have less than eight dwelling units shall be exempt from affordable housing requirements. Any application for a building permit for a development that meets these requirements shall require a sign-off by the Director of the Housing Department of the City of Waltham or, in the absence of the Director, the Assistant Director of the Housing Department before such building permit is issued. Phased developments which will have eight or more dwelling units, regardless of the number of dwelling units per phase, when complying with the requirements of Section 9.1 may prorate said requirements to the number of units built per phase, and provided, further, that abutting developments owned by the same individual or firm or a subsidiary firm that are placed on subdivided lots, which subdivision has been recorded subsequent to the effective date of the adoption of this article and in such a way that the resulting number of units is fewer than eight units per lot shall, for the purpose of affordable housing requirements, be considered as one project.

9.13. Determination of affordable housing requirements. An applicant seeking a special permit from the City Council to build or rehabilitate a development which is subject to the affordable housing requirements of Section 9.1 shall meet with the City of Waltham Municipal Affordable Housing Trust Fund prior to the special permit public hearing. Within 14 days of said public hearing or within such further time as the City Council may

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allow, upon the request of the City of Waltham Municipal Affordable Housing Trust Fund, said City of Waltham Municipal Affordable Housing Trust Fund shall make recommendations to the City Council regarding the method of meeting affordable housing requirements consistent with Section 9.1 of this chapter. If the City of Waltham Municipal Affordable Housing Trust Fund fails to make recommendations within the aforementioned time period, it shall be construed that the City of Waltham Municipal Affordable Housing Trust Fund has no comment on the proposed project. The City Council shall give due consideration to, but shall not be bound to accept, any recommendation of the City of Waltham Municipal Affordable Housing Trust Fund and may choose to select a different method of meeting affordable housing requirements consistent with said Section 9.1. For developments not seeking a special permit, but which opt to comply with the affordable housing requirements of Section 9.1, the applicant shall meet with the City of Waltham Municipal Affordable Housing Trust Fund before a building permit is issued and the City of Waltham Municipal Affordable Housing Trust Fund may make recommendations regarding the method of meeting affordable housing requirements consistent with said Section 9.1. Where no recommendation is made by the City of Waltham Municipal Affordable Housing Trust Fund, the Director of the Housing Department of the City of Waltham may make recommendations regarding the method of meeting affordable housing requirements consistent with said Section 9.1. For developments not seeking a special permit, the applicant shall select a method of meeting affordable housing requirements consistent with said Section 9.1. The applicant shall give due consideration to, but shall not be bound to accept, any recommendations of the City of Waltham Municipal Affordable Housing Trust Fund or Director of the Housing Department. Under no circumstances shall the method of meeting the affordable housing requirement be inconsistent with said Section 9.1.

9.131. Displacement. Where a proposed development which is subject to the provisions of Section 9.1 displaces any households which are earning less than 80% of the area median income (as defined by HUD on an annual basis) of households within the Standard Metropolitan Statistical Area that includes Waltham, as published by the United States Department of Commerce, or estimates of these income figures as prepared by the United States Department of Housing and Urban Development, these households shall be offered affordable dwelling units, up to the number of such units which are required to meet the affordable housing requirements applied to that particular development, and provided, further, that all replacement units must have at least the same number of bedrooms as the unit being replaced. If the instance arises that said income-eligible households are displaced, either

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temporarily or permanently, the developer will provide to the displaced household moving expenses, technical assistance in finding comparable units and financial assistance in the form of a one-time payment, upon displacement, that may be used as a security deposit and/or first or last month's rent deposit. This payment shall be the equivalent of three times the monthly rent prior to displacement paid within 90 days of displacement. Priority for the location of the comparable units is:

- (a) In the same building (of a multiunit structure).
- (b) In the same neighborhood.
- (c) In Waltham.
- (d) In nearby communities.

Furthermore, if the instance arises that said income-eligible households are displaced and cannot be accommodated within the new development for whatever reason, said households shall be eligible for priority consideration for placement in any development within the jurisdiction of the City of Waltham Municipal Affordable Housing Trust Fund so long as the relocation adheres to the requirements of any deed restriction, state, or federal requirements that have been placed on the Municipal Affordable Housing Trust properties being considered. Prior to the issuance of a certificate of occupancy for any unit, the Inspector of Buildings of the City of Waltham shall require the developer to provide documentary evidence that he has complied with the displacement provisions of Section 9.131.

9.14. Methods of meeting affordable housing requirements. The applicant shall provide affordable housing by one or more of the following methods or any combination thereof, as directed by the City Council or for projects not subject to a special permit, selected by the applicant. The City Council, in deciding which method or methods shall be used to provide said affordable housing, shall give due consideration to the written recommendations, if any, of the City of Waltham Municipal Affordable Housing Trust Fund.

9.141. Reserved.

9.142. Assignment. The applicant shall sell, lease or otherwise assign, at reduced prices, a specific number of dwelling units which equal 15% of the total number of dwelling units in the proposed development. Resulting fractions of dwelling units shall be

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treated as indicated in Section 9.145. The reduced prices shall be set by the requirements of the state or federal funding source used for the construction of the development and/or to subsidize the affordable units or, where City of Waltham Municipal Affordable Housing Trust Fund is used, by those regulations of the City of Waltham Municipal Affordable Housing Trust Fund which are not inconsistent with federal or state requirements. Where no state, federal or local funds are used, the prices shall be consistent with price limits used by the United States Department of Housing and Urban Development (HUD) targeted for households earning less than 80% of the area median income (as defined by HUD on an annual basis) within the Standard Metropolitan Statistical Area that includes Waltham, provided further that at least one-third (1/3) of the assigned units shall be priced consistent with price limits used by the United States Department of Housing and Urban Development (HUD) targeted for households earning less than 50% of the area median income (as defined by HUD on an annual basis) within the Standard Metropolitan Statistical Area that includes Waltham. The Affordable Housing Restriction shall run with the land and be in force in perpetuity, and be enforceable under the provisions of Chapter 184, Section 26 or Sections 31-32 of the General Laws, including the recording of a deed restriction. Such deed restrictions shall bear the signature of the Secretary of the Massachusetts Department of Housing and Community Development (DHCD) and be recorded at the Registry of Deeds. The sale, lease or assignment shall occur within 30 days of the receipt of a temporary or permanent occupancy permit. Dwelling units selected for assignment shall equal or surpass the average size and quality of all units in the development. Should a dwelling unit subject to rental limitations under Section 9.142 be converted to a condominium, the qualified tenant of the unit shall have first right of refusal to purchase the unit at a price conforming with limits established under Section 9.142. Should the tenant not choose to purchase the unit, either:

- (a) All the terms of the restrictions shall be made to apply to another equivalent and previously unrestricted unit in the project, which shall then be restricted as affordable in perpetuity, with the recording of a deed restriction for that unit. Such deed restriction shall bear the signature of the Secretary of the Massachusetts Department of Housing and Community Development (DHCD) and be recorded at the Registry of Deeds; or
- (b) The sale price of the converted unit shall conform to price limits required for units sold under Section 9.142, and the unit shall be sold to a household eligible under Section 9.15; and said unit shall, upon its sale or transfer, be restricted by deed to remain affordable in perpetuity, with the recording of a deed restriction. Such deed restrictions shall bear the

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signature of the Secretary of the Massachusetts Department of Housing and Community Development (DHCD) and be recorded at the Registry of Deeds; or

(c) The owner shall be required to pay to the City of Waltham Municipal Affordable Housing Trust Fund, the entire fee in lieu of dwelling units calculated for the original project.

9.143. Fee in lieu of dwelling units. The applicant shall provide a cash fee in lieu of on-site affordable housing dwelling units. As the basis for determining the amount of the cash fee, the City Council or, for projects not subject to a special permit, the City of Waltham Municipal Affordable Housing Trust Fund shall use the appropriate current year edition of Building Construction Cost Data, published by the R.S. Means Company of Kingston, Massachusetts, or if such publication ceases to exist, an equivalent recognized construction cost publication. The City Council or, for projects not subject to a special permit, the City of Waltham Municipal Affordable Housing Trust Fund, shall calculate 15% of total development cost (TDC) by using total development cost estimates and, for construction, more specifically by using the relevant R.S. Means or equivalent data referenced above. The TDC shall comprise all development costs recognized under state, federal or local programs used. Where state, federal or local funds are not used, the TDC shall be consistent with development costs recognized under the HUD targeted for households earning less than 80% of the area median income (as defined by HUD on an annual basis) within the Standard Metropolitan Statistical Area that includes Waltham, complying with the HUD Unit Total Development (TDC) Limits that are published annually. Should the building permit or special permit for the project expire before completion of the project, the fee may be adjusted to reflect updated TDC for the project. The resulting dollar value, rounded to whole dollars, shall be known as the "fee in lieu of dwelling units" ("fee") and shall be paid directly to the City of Waltham Municipal Affordable Housing Trust Fund. The fee shall be paid prior to issuance of an occupancy permit issued pursuant to the special permit or, for a phased development, a part of the fee shall be paid in proportion to the percent of the development for which each occupancy permit is being issued.

9.144. Purchase or construction of off-site dwelling units. The City of Waltham Municipal Affordable Housing Trust Fund shall be directed by the City Council to calculate the fee in lieu of dwelling units and use said fee to purchase existing housing units in the City of Waltham or to build new housing units, off site in the City of Waltham. Ownership of units which are purchased or built as affordable housing units shall be transferred to the City of Waltham Municipal Affordable Housing

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Trust Fund or the Waltham Housing Authority (WHA) or the WHA's designee, within 30 days of the receipt by the applicant of a temporary or permanent occupancy permit for the applicant's original development. In order to ensure that the value of the purchased, rehabilitated or newly constructed housing, including rehabilitation costs where applicable, is of an equivalent value to said fee, the applicant shall be required to contract for an independent appraisal of the housing units and to receive approval for all purchases and rehabilitation and other services from the City of Waltham Municipal Affordable Housing Trust Fund, including City of Waltham Municipal Affordable Housing Trust Fund approval of the firm which will conduct the appraisal. In addition, the appraisal firm shall be selected from a list provided by the City of Waltham Municipal Affordable Housing Trust Fund. If the value of said housing units is less than the total amount of the fee, the applicant shall, at the time of the transfer of ownership of said housing to the City of Waltham Municipal Affordable Housing Trust Fund, the Waltham Housing Authority (WHA), or the WHA's designee, make a payment to the City of Waltham Municipal Affordable Housing Trust Fund of a sum of money which is equal to the full amount of the difference between the amount of the fee in lieu of dwelling units and the value of the purchased, rehabilitated or newly constructed housing.

9.145 If when applying a specified percentage to calculate the required number of units the resulting number of dwelling units includes a fraction of a unit this fraction, if equal to or greater than one-half ($\frac{1}{2}$), shall be rounded up to the next whole number.

9.15. Eligibility. All affordable units shall be affordable to, and rented, sold, or otherwise assigned only to, eligible individuals or families. Eligibility for housing units created by the provisions of Section 9.1 and its subsections shall be in accordance with the federal, state or local programs used for the construction of the development and/or to subsidize the affordable units. Where no federal, state, or local funds are used, eligibility shall be consistent with standards recognized under the HUD targeted for households earning less than 80% of the area median income (as defined by HUD on an annual basis) within the Standard Metropolitan Statistical Area that includes Waltham; provided further that one-third ($\frac{1}{3}$) of the affordable units shall be affordable to, and rented, sold, or otherwise assigned only to households earning less than 50% of the area median income (as defined by HUD on an annual basis) within the Standard Metropolitan Statistical Area that includes Waltham.

9.16. Waiver of traffic impact fee. The City Council may waive the traffic impact fee of a

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project subject to the affordable housing requirement if, after consultation with the City of Waltham Traffic Commission, it is determined that no intersection within 1/4 mile of the proposed project accommodating at least 500 vehicles during the peak hour will, as a direct result of the project, have an a.m. or p.m. peak hour level of service below LOS D.

9.17. Reserved.

9.18. Enforcement. Any project subject to providing affordable housing under this article shall include the requirements of this article in a deed restriction on the subject dwellings, approved by the Director of the Housing Department of the City of Waltham. Such deed restriction is to remain in effect in perpetuity, and shall survive every sale of the property. A deed restriction shall be recorded which shall bear the signature of the Secretary of the Massachusetts Department of Housing and Community Development (DHCD) and be recorded at the Registry of Deeds. The owner of dwellings subject to said deed restriction shall make annual reports to the Director of the Housing Department detailing compliance with the terms of this article, and shall submit to said Director reasonable monitoring requirements. The Director of the Housing Department shall notify the Inspector of Buildings of the City of Waltham of any failure to comply with this article. Said owner shall correct within 30 days of notification by the Inspector of Building. Where the failure is not corrected to the satisfaction of said Inspector of Buildings, the owner shall be required to pay to the City of Waltham Municipal Affordable Housing Trust Fund the pro rata share of the "fee in lieu of dwelling units" calculated for the original project attributable to the unit or units in violation. If the income of a household renting a dwelling unit subject to price limitations under Section 9.142 increases beyond income limits allowed by this article, the household's rent may be increased above restricted limits, at the end of the term of its current lease, only after the restrictions and limitations are alternately applied to another equivalent and previously unrestricted unit in the same project, and provided to another eligible household.