

**CITY OF WALTHAM
Request for Proposals
Lease of 685 Lexington Street
Waltham, Massachusetts**

I Introduction

The City of Waltham (Lessor) is currently offering for lease, “as is,” the building known as 685 Lexington Street, Waltham, Massachusetts, as generally identified on the site plan attached hereto as Appendix A. Originally designed as the North Branch Library, the building was last used as a teen center. Generally referred to as “The North Branch Library”, the building is vacant.

The property consists of a first floor and basement, totaling approximately 2,244 gross square feet. No parking is provided on site.

II Site Information

Located in the heart of North Waltham, the North Branch Library is in close proximity to the intersection of Lake and Lexington Streets. Lexington Street is a major roadway providing access to Main Street and Boston (approximately nine miles east of the site) and Route 128 (approximately two miles west of the site). The property is easily accessible by bus.

The building is being leased “as is”.

The former North Branch Library is located in a Residence A2 Zone.

III Use

The City intends to lease this property for uses allowed as of right in Residence A2 Zone per the attached Table of Uses as amended. Specifically, since the feral cat population in Waltham is problematic, the City intends to lease the property for a use that promotes the care and protection of cats from cruelty, neglect, abandonment or abuse and for a use that is in conformity with the neighborhood and the adjacent school district. Lessee at its sole cost and expense will be required to obtain any Special Permit from the City Council. Lessee at its sole cost and expense will be required to clean and maintain the building inside and out and the grounds.

IV Required Terms and Conditions

- A. The term of the lease shall be for a period not to exceed Thirty (30) years.
- B. The Lessee shall be responsible for rent payments that are due annually, payable in advance in monthly installments to be made payable to the City of Waltham and submitted to the Superintendent of Public Buildings.
- C. The Lessor, in addition to other rights and remedies, shall have the right to declare the term of the lease ended if the Lessee:

1. defaults in the payment of a rent installment and such default continues for ten (10) days after written notice thereof; or
 2. defaults in the performance or observance of any other of the Lessee's covenants, agreements or obligations under the lease and fails to correct such default within thirty (30) days after written notice thereof; or
 3. shall be declared bankrupt or insolvent according to law, or if any assignment shall be made of Lessee's property for the benefit of creditors; or
 4. fails to secure an occupancy permit within one year from the date the lease is executed.
- D. The Lessee shall not assign the lease agreement, nor shall the Lessee sublet any or all of the leased premises without the prior written consent of the Mayor and City Council. Such subletting may only be authorized, in the sole discretion of the Mayor and City Council, for a use that is compatible with the public purpose of the Lease agreement and identified allowed uses for this Request for Proposals.
- E. The Lessee shall be required to purchase and maintain fire insurance in the amount of one million dollars (\$1,000,000) and comprehensive public liability insurance in the amount of one million dollars (\$1,000,000) per person/one million dollars (\$1,000,000) per occurrence, with excess liability/umbrella coverage in the amount of three million dollars (\$3,000,000); and with property damage insurance in limits of one million dollars (\$1,000,000) with responsible companies qualified to do business in Massachusetts and in good standing therein insuring the lessor as well as the lessee against injury to persons or damage to property as provided and to be in effect during the entire lease term. The Lessee shall be required to present a Certificate of Insurance, identifying the City as an additional named insured and requiring 30 days advance notice of any cancellation, to the Lessor at the time of the signing of the Lease and at such other times as the Lessor shall request. The Lessee shall be responsible for the payment of all required premiums to maintain said insurance during the entire lease term.

The Lessee shall also be required to indemnify and hold the City harmless against any and all claims of whatever nature for any injury or damage attributable to the Lessee's use of the leased premises or to any actions of the Lessee, its agents, servants or employees which may cause or contribute to any injury or damage to any person or entity's property.

The Lessee shall be required to purchase and maintain tenant's insurance in an amount sufficient to replace Lessee's personal belongings contained in the leased premises during the lease term and shall be required to present a Certificate of Insurance identifying the city as a co-insured and requiring thirty (30) days advance notice of any cancellation, to the Lessor at the time of the signing of the lease and at such other times as the Lessor shall request.

- F. The Lessee shall be responsible for meeting the Building Code in order to secure an Occupancy Permit.
- G. The Lessee shall perform all improvements regarding tenant fit up at their sole cost and expense.

- H. The use of the subject property is subject to the Zoning Ordinances of the City of Waltham. See the attached Table of Uses as amended for uses that are allowed as of right in the Residence A2 Zone in which the property is located.
- I. Lessee's plans must be submitted to and approved by the Building Department for a building permit(s).
- J. All plans and specifications for improvements to the property must be approved by the Building Inspector of the City of Waltham prior to the commencement of any work.
- K. All improvements shall be performed by the Lessee in accordance with the City-approved plans and specifications.
- L. No additions or alterations may be made to the exterior or interior of the building without the Mayor's prior written approval.
- M. Over the term of the lease, the Lessee will be required to continue to maintain and repair the building.
- N. The Lessee shall be responsible for the cost of installing and using all utilities to the property. The Lessee is responsible for its/their own air conditioning needs subject to the approval of the City's Maintenance Department.
- O. The Lessee shall be responsible for all custodial/janitorial services in the leased premises during the lease term.
- P. The Lessee shall be responsible for shoveling all walkways into the leased premises and insuring that all the exits and entrances are not obstructed.
- Q. The Lessee shall be responsible for maintaining the leased premises in good condition, reasonable wear and tear excluded.
- R. Lessee shall be responsible for the cost of all repairs occasioned by or due to the fault or neglect of the Lessee, its agents, servants or independent contractors hired by it, visitors, guests, invitees, or any other source.
- S. The Lessee is prohibited from any activity that would constitute a violation of the conflict of interest law (G.L.M. 268A).
- T. The Lease, along with this RFP and the Lessee's response thereto, shall constitute the entire agreement for the lease of the property. Any amendment to the lease must be in writing and must be approved in the same manner as the original lease, by the City Council and Mayor.
- U. The Lessee shall be responsible for securing all municipal, state and federal permits, including but not necessarily limited to, building and occupancy permits.
- V. The Lessee is obligated to secure an occupancy permit for the leased premises within one year of the date on which the lease is executed. As noted above, the Lessee will be taking the

building “as is” and the Lessee will be responsible for taking all actions necessary to secure an occupancy permit.

- W. No residential use of the leased premises shall be permitted.
- X. The Lessee shall use the property in such manner as it is compatible with the neighborhood and/or the current use(s) of the building by existing tenants and/or as determined at the sole discretion of the city.

V Submission Requirements

- A. All proposals must be delivered to the office of the City Purchasing Agent, Joseph Pedulla, City Hall, 610 Main Street, Waltham, MA no later than **Tuesday Decembers 3, 2013 at 10 AM**
- B. All proposals shall be in sealed envelopes marked, “Proposal for Lease of Building at 685 Lexington Street, Waltham.”
- C. All proposals not received at the Purchasing Agent’s office by the date and time specified shall be rejected.
- D. Each proposal must include the following:
 - 1. A completed Disclosure of Beneficial Interests form, which complies with the requirements of G.L.M. Chapter 7, section 40J.
 - 2. A signed affidavit of non-collusion in the form provided by the Purchasing Agent.
 - 3. A certification of tax compliance (G.L.M. Chapter 62C, section 49A).
 - 4. If the Lessee is other than a natural person, evidence of its legal existence and status. Such evidence may include the following:
 - a. Articles of Incorporation
 - b. Trust Agreements
 - c. Partnership Agreements
 - 5. If the proposer is a corporation, a Certificate of Authority conveying a certified vote of the Board of Directors authorizing a designated individual to submit the proposal.
 - 6. A statement of the intended use of the leased premises.
 - 7. Resumes and position descriptions of all personnel of Lessee who will be responsible for supervising construction work to be performed under the lease.
 - 8. A statement of the amount of rent the Lessee proposes to pay over the course of the lease term and the specific lease term requested.
 - 9. A statement identifying the Lessee’s financing sources and their promised capital investments.
 - 10. A proposed, detailed program of capital repairs and replacements, any other improvements/repairs proposed. Said program shall be attached to and become a part of the lease.
 - 11. A list of past renovation/preservation projects in which the proposer has been involved.

12. An inventory of any and all personal property that will be stored or maintained in the leased premises. Such list shall be updated by the Lessee as such personal property is added or removed.
13. The Lessee shall be responsible for maintaining its own insurance covering any personal property located on or in the rental property during the lease term and the Lessee shall indemnify and hold the City harmless from any claims for damages or loss relating to any such personal property.
14. Insurance Certificate showing the requested limits and with the following text in the Description of Service Box: "The City of Waltham is a Named Additional Insured for General Liability"
15. For a corporation, a certified copy of the most recent Annual Report and any Amendments subsequent to the most recent filing as recorded with the Secretary of State.

The City reserves the right to request additional documentation and may independently verify information provided.

VI Evaluation Criteria

All proposals shall be evaluated based on the following criteria:

- A. Submission Requirements: All proposals must be properly submitted and contain all of the completed documents and forms as set forth above in V—Submission Requirements. The Purchasing Agent shall determine if the Submission Requirements have been satisfied. The Purchasing Agent shall refer all proposals that meet the Submission Requirements to the Evaluation Committee, as expanded upon below in VIB. Any proposal, which does not contain all the completed documents and forms set forth in Section V- Submission Requirements, shall be rejected.
- B. Comparative Evaluation Criteria: An Evaluation Committee, consisting of one representative from the Building Department, Planning Department and Maintenance Department will evaluate all proposals referred to it by the Purchasing Agent. The Evaluation Committee's review will be based on the relative merits of the proposals in terms of the proposed improvements and the amount of rent to be paid. The Evaluation Committee's review will be based on the relative merits of the proposals in terms of:
 1. Improvements (25% of total points)
Improvements will be evaluated on a scale of 1 to 5 (with 5 being the highest score) based on the extent to which they add to the value of the building.
 2. Rental stream (75%) of total points)
The Evaluation Committee will determine the present value of the rental stream to be generated by each proposal. Each proposal will be given a score of 1 to 5 (with 5 being the highest score) based on the present value of rental payments and the financial strength of the proposer. A score of 1 will be given to a proposer who offers \$1.00 per

year and provides a plan on how it will finance the improvements to secure an occupancy permit. Additional points will be given for higher lease payments or stronger plans.

- C. Evaluation. Once points are established for the improvements, and the rental stream of each proposal, the Evaluation Committee will weigh these criteria as listed above. Based on the final scores assigned to each proposal, the Evaluation Committee shall make its recommendation to the Mayor and City Council of the City of Waltham who shall identify the most advantageous proposal ([see attached form](#)).

VII Award

Lease between the City and the successful respondent is subject to the approval of the Mayor and the City Council.

VIII Miscellaneous

- A. The City reserves the right to reject any and all proposals at any time prior to the execution of the lease.
- B. All renovations shall become fixtures and the property of the City of Waltham.
- C. The City of Waltham will conduct one site visit of the property on **Thursday November 21, 2013 at 2 PM** interested parties should meet in front of 685 Lexington Street at said date and time. This will be the only opportunity to conduct a detailed inspection of the property before the RFP due date.
- D. All questions regarding the RFP should be submitted in writing to the Purchasing Agent who will respond via addenda to all interested parties of record. Addenda will be posted in the City web site.

Central Register – Acquisition or Disposition of Real Property

Authority:

City of Waltham
610 Main Street
Waltham, MA
(781) 314-3242

Description of Property:

685 Lexington Street
Waltham, MA

2,244 square feet of interior space

Proposal Deadline:

December 3, 2013, 10 AM

Estimated Value, Source of Valuation

Assessed Value: \$29,563,200*

Appraised Value – October, 2013

\$6.00 per square foot (daycare value) based on appraisal by
Waltham Board of Assessors

*Includes 617 and 655 Lexington Street which are combined

Additional Information:

The City plans to lease the first floor plus basement. The building is leased “as is”. The City intends to lease this property for uses allowed as of right as amended in a Residence A2 zone and subject to grant of Special Permit by City Council. It is the responsibility of the successful proposer to secure any necessary municipal approvals and perform any improvements necessary to occupy the property.

Copies of the Request for Proposals are available on the City of Waltham Web Site at www.city.waltham.ma.us/purchasing/index.html.

The City reserves the right to reject any and all proposals.

**CITY OF WALTHAM, MASSACHUSETTS
REQUEST FOR PROPOSALS
PROPERTY FOR LEASE**

SEALED PROPOSALS for leasing the building located at 685 Lexington Street, WALTHAM, MA, will be received at the Office of the Purchasing Agent, City Hall, 610 Main Street, Waltham, MA 02452, until **Tuesday December 3, 2013 at** which time they will be publicly opened and read. **A Property Inspection** date is set for **Thursday November 21, 2013 at 2:00 PM**. Proposal specifications may be obtained by visiting the City's web Site at www.city.waltham.ma.us/open-bids

The City reserves the right to reject any and all proposals.

Joseph Pedulla, MCPPO
Purchasing Agent

Advertise: October 30, 2013

**The FOLLOWING DOCUMENTS MUST BE COMPLETED AND RETURNED WITH
YOUR RESPONSE**

NON-COLLUSION FORM AND TAX COMPLIANCE FORM

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity or group of individuals. The undersigned certifies that no representations made by any City officials, employees, entity, or group of individuals other than the Purchasing Agent of the City of Waltham was relied upon in the making of this bid

(Signature of person signing bid or proposal) _____
Date

(Name of business)

I. TAX COMPLIANCE CERTIFICATION

Pursuant to M.G.L. c. 62C, & 49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Signature of person submitting bid or proposal _____
Date

Name of Business

CORPORATION IDENTIFICATION

The bidder for the information of the Awarding Authority furnishes the following information.

If a Corporation:

Incorporated in what state _____

President _____

Treasurer _____

Secretary _____

Federal ID Number _____

If a foreign (out of State) Corporation – Are you registered to do business in Massachusetts?

Yes _____, No _____

If you are selected for this work you are required under M.G.L.ch. 30S, 39L to obtain from the Secretary of State, Foreign Corp. Section, State House, Boston, a certificate stating that you Corporation is registered, and furnish said certificate to the Awarding Authority prior to the award.

If a Partnership: (Name all partners)

Name of partner _____

Residence _____

Name of partner _____

Residence _____

If an Individual:

Name _____

Residence _____

If an Individual doing business under a firm's name:

Name of Firm _____

Name of Individual _____

Business Address _____

Residence _____

Date _____

Name of Bidder _____

By _____

Signature _____

Title _____

Business Address _____ (POST OFFICE BOX NUMBER NOT ACCEPTABLE)

City State

Telephone Number,

Date

DEBARMENT CERTIFICATION

In connection with this bid and all procurement transactions, by signature thereon, the respondent certifies that neither the company nor its principals are suspended, debarred, proposed for debarment, declared ineligible, or voluntarily excluded from the award of contracts, procurement or non procurement programs from the Commonwealth of Massachusetts, the US Federal Government and /or the City of Waltham. "Principals" means officers, directors, owners, partners and persons having primary interest, management or supervisory responsibilities with the business entity. Vendors shall provide immediate written notification to the Purchasing Agent of the City of Waltham at any time during the period of the contract of prior to the contract award if the vendor learns of any changed condition with regards to the debarment of the company or its officers. This certification is a material representation of fact upon which reliance will be placed when making the business award. If at any time it is determined that the vendor knowingly misrepresented this certification, in addition to other legal remedies available to the City of Waltham, the contract will be cancelled and the award revoked.

Company Name _____

Address _____

City _____, State _____, Zip Code _____

Phone Number (____) _____

E-Mail Address _____

Signed by Authorized Company Representative:

Print name _____

Date _____

CERTIFICATE OF VOTE OF AUTHORIZATION

Date:

I _____, Clerk of _____ hereby certify that at a meeting of the Board of Directors of said Corporation duly held on the _____ day of _____ at which time a quorum was present and voting throughout, the following vote was duly passed and is now in full force and effect:

VOTED: That _____ (*name*) is hereby authorized, directed and empowered for the name and on behalf of this Corporation to sign, seal with the corporate seal, execute, acknowledge and deliver all contracts and other obligations of this Corporation; the execution of any such contract to be valid and binding upon this Corporation for all purposes, and that this vote shall remain in full force and effect unless and until the same has been altered, amended or revoked by a subsequent vote of such directors and a certificate of such later vote attested by the Clerk of this Corporation.

I further certify that _____ is duly elected/appointed _____ of said corporation

SIGNED:

(Corporate Seal)
Clerk of the Corporation:

Print Name: _____

COMMONWEALTH OF MASSACHUSETTS

Date: _____, County of _____

Then personally appeared the above named and acknowledged the foregoing instrument to be their free act and deed before me, _____

Notary Public; My Commission expires: _____

REFERENCES

1. **Company Name:**

Address:

Contact Name:

Phone #

Type of service/product provided to this Company:

Dollar value of service provided to this Company:

2. **Company Name:**

Address:

Contact Name:

Phone #

Type of service/product provided to this Company:

Dollar value of service provided to this Company:

3. **Company Name:**

Address:

Contact Name:

Phone #

Type of service/product provided to this Company:

Dollar value of service provided to this Company:

NOTE: Failure to submit any of the required documents, in this or in other sections, with your bid response package will be cause for the disqualification of your company.

CITY OF WALTHAM MASSACHUSETTS

IN THE CITY COUNCIL

IN THE YEAR TWO THOUSAND THIRTEEN

32037
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", ARTICLE III entitled "Establishment of Districts", Section 3.2 entitled "Definition of uses", is hereby amended by adding the following section:

3.218B – Cat Shelter: A facility operated by a charitable non-profit organization, and used for the temporary confinement and care of cats, for the purpose of protecting cats from cruelty, neglect, abandonment or abuse. Should the operator lose there nonprofit status with the IRS the operator shall be considered noncompliant. There shall be no commercial boarding of cats. No services shall be preformed at the Shelter that would require a licensed Veterinarian. Shelter will only be allowed when there is a demonstrated need for service.

ARTICLE III is hereby further amended by adding the following section under Section 3.6 entitled "Special permit criteria for specific uses":

3.645 – Cat shelters. A special permit for the operation of a cat shelter (Section 3.218B), where allowed under Section 3.4, may be granted by the special permit of the City Council after a finding that the proposed use does not substantially derogate from the public good and that the proposed use will be in compliance with all applicable provisions of the zoning ordinances. Including, that the front yard, and all open areas shall be suitably landscaped, and maintained with grass, trees, shrubs or walks. Outdoor lighting shall be so shielded as to cast no direct light upon adjacent property or public ways. Municipal sewer and water shall be available to the site and shall serve all uses as required. Shelter will provide no less than twenty square feet of indoor housing space for each cat housed in the shelter. No cage, shelter or other outdoor structure shall be allowed within fifty feet of a residential dwelling.

ARTICLE III is hereby further amended by adding in the following lines to Section 3.4 entitled "Table of Uses":

	RA-1	RA-2	RA-3	RA-4	RB	RC	RD	HR-1	HR-2
Cat Shelter	S1	S1	S1	S1	S1	S1	S1	N	N
	BA	BB	BC	LC	C	I	C/R		
	S1	S1	S1	y	y	y	N		

Use Reference

3.218B

First Reading September 23, 2013

Attest Rosario C. Malone. CMC
City Clerk

Second Reading October 16, 2013

Third and Final Reading October 16, 2013

Approved October 17, 2013
Jeannette A. McCarthy, Mayor

**City of Waltham
In the City Council
Roll Call**

Item: Cat Shelters

Date: October 16, 2013

	Yea	Nay	Abstained	Absent
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Paul J. Brasco

	✓			
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George A. Darcy III

	✓			
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Kenneth B. Doucette

	✓			
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Joseph M. Giordano Jr.

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Diane P. LeBlanc

	✓			
--	---	--	--	--

Robert G. Logan

	✓			
--	---	--	--	--

Gary J. Marchese

--	--	--	--	--

Kathleen B. McMenemy

	✓			
--	---	--	--	--

Daniel P. Romard

	✓			
--	---	--	--	--

Stephen F. Rourke

	✓			
--	---	--	--	--

Thomas M. Stanley

	✓			
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Edmund P. Tarallo

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Joseph W. Vizard

	✓			
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**Robert J. Waddick
President**

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Totals

	10			
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ZONING CODE

Sec. 3.4. Table of Uses. City of Waltham (Part 1)

[Amended 6-10-1991 by Ord. No. 27154; 6-10-1991 by Ord. No. 27156; 12-12-1991 by Ord. No. 27265; 12-23-1991 by Ord. No. 27265; 3-8-1993 by Ord. No. 27503; 5-9-1994 by Ord. No. 27715; 5-23-1994 by Ord. No. 27732; 1-11-1995 by Ord. No. 27853-A; 3-28-1995 by Ord. No. 27884; 5-22-1995 by Ord. No. 27909; 5-13-1996 by Ord. No. 28125; 5-28-1996 by Ord. No. 28135; 8-4-1997 by Ord. No. 28403; 2-26-2001 by Ord. No. 29197; 5-28-2002 by Ord. No. 29513; 12-23-2002 by Ord. No. 29628; 3-1-2005 by Ord. No. 30012; 4-28-2008 by Ord. No. 30876; 12-22-2008 by Ord. No. 31011]

Use With Special Permit Reference	RA-1	RA-2	RA-3	RA-4	RB	RC	RD	HR1	HR2	BA	BB	BC(1)	LC	C	I	C/R	Use Reference
Residential																	
Single-family detached (Sec. 3.606)	Y	Y	Y	Y	Y	Y	Y	Y	Y	S1	S1	N	N	N	N	N	3.21
Two-family detached (Sec. 3.607)	N	N	N	N	Y	Y	Y	N	N	S1	S1	N	N	N	N	N	3.22
Accessory dwelling units (Sec. 3.616)	S2	S2	S2	S2	N	N	N	N	N	N	N	N	N	N	N	N	3.23
Multifamily dwellings (Sec. 3.618)	N	N	N	N	N	Y1	Y1	Y	Y1	Y1	Y1	Y1	N	N	N	N	3.24
Rooming houses	Y	Y	Y	Y	Y	Y1	Y1	Y	N	Y1	Y1	Y1	N	N	N	N	3.25
Lodging houses (Sec. 3.639)	N	N	N	N	N	S1	N	N	N	S1	S1	S1	N	N	N	N	3.26
Hotels/motels (Sec. 3.617)	N	N	N	N	S1	S1	N	N	N	S1	S1	S1	S1	S1	N	N	3.27
Family day-care homes (Sec. 3.609)	Y	Y	Y	Y	Y	Y	Y	Y	Y	S1	S1	S1	N	N	N	N	3.28
Medical offices in residences	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	3.29
Customary home occupations (Sec. 3.611)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N	3.210
Accessory uses/residential (Sec. 4.22)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	3.211
Garage, private	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	3.212
Trailer/mobile home	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	3.213
Institutional																	
Churches	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	3.214
Educational uses	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	3.215
Municipal buildings	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	3.216
Cemeteries	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	3.217
Hospitals, sanitoriums, nursing homes, philanthropic institutions (Sec. 3.610)	S1	S1	S1	S1	S1	S1	S1	Y (3.811)	Y (3.811)	S1	S1	S1	N	N	N	N	3.218

KEY:

Y = Permitted use as of right

N = Not permitted

Y1 = Permitted by right and additional intensity of use permitted by special permit from the City Council

S1 = Use permitted only by special permit by City Council

S2 = Use permitted only by special permit by Board of Appeals

ZONING CODE

Sec. 3.4. Table of Uses. City of Waltham (Part 2)

Use With Special Permit Reference	RA-1	RA-2	RA-3	RA-4	RB	RC	RD	HR1	HR2	BA	BB	BC(1)	LC	C	I	C/R	Use Reference
Assisted living facilities	N	N	S1	S1	S1	S1	S1	Y1	Y1	S1	S1	N	N	N	N	N	3.218A
Public service corporations (Sec. 3.614)	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	N	S2	S2	N	3.219
Membership clubs (Sec. 3.608)	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	Y1	Y1	N	Y1	Y1	S1	3.220
Garages, public	N	N	N	N	N	N	N	Y (3.811)	Y (3.811)	Y1	Y1	Y1	Y1	Y1	Y1	N	3.221
Commercial																	
Retail stores (Sec. 3.634)	N	N	N	N	N	N	N	N	N	Y1	Y1	Y1	N	Y1	Y1	N	3.222, 3.27
Body art establishments (Sec. 3.222A)	N	N	N	N	N	N	N	N	N	N	S1	S1	N	S1	S1	N	2.347
Laundromats	N	N	N	N	N	N	N	N	N	N	Y1	Y1	N	Y1	Y1	N	3.223
Business and professional offices and banks	N	N	N	N	N	N	N	Y (3.811)	S1 (3.811)	Y1	Y1	Y1	Y1	Y1	Y1	N	3.224
Drive-in customer service (Sec. 3.635)	N	N	N	N	N	N	N	N	N	S1	S1	S1	S1	S1	S1	N	3.225
Arcades	N	N	N	N	N	N	N	N	N	N	N	N	Y1	Y1	Y1	N	3.226
Retail gasoline stations (Sec. 3.634)	N	N	N	N	N	N	N	N	N	Y1	Y1	N	N	Y1	Y1	N	3.227
Restaurants	N	N	N	N	N	N	N	N	N	Y1	Y1	Y1	N	Y1	Y1	N	3.228
Fast-food establishments (Sec. 3.620)	N	N	N	N	N	N	N	N	N	S1	S1	N	N	S1	S1	N	3.229
Taverns	N	N	N	N	N	N	N	N	N	N	Y1	N	N	Y1	Y1	N	3.230
Micro-brewery restaurant	N	N	N	N	N	N	N	N	N	N	N	S1	S1	N	N	N	3.228A
Catering establishments	N	N	N	N	N	N	N	N	N	N	Y1	N	N	Y1	Y1	N	3.231
Funeral homes	N	N	N	N	N	N	N	N	N	Y1	Y1	Y1	N	Y1	Y1	N	3.232
Private schools	N	N	N	N	N	N	N	N	N	Y1	Y1	Y1	N	Y1	Y1	N	3.233
Radio and television broadcasting studios	N	N	N	N	N	N	N	N	N	N	Y1	Y1	Y1	Y1	Y1	N	3.234
Radio, television, microwave, communication, radar or other tower (Sec. 3.621)	N	N	N	N	N	N	N	N	N	N	N	N	Y1	Y1	Y1	N	3.234

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ZONING CODE

Sec. 3.4. Table of Uses. City of Waltham (Part 3)

Use With Special Permit Reference	RA-1	RA-2	RA-3	RA-4	RB	RC	RD	HR1	HR2	BA	BB	BC(1)	LC	C	I	C/R	Use Reference
Indoor theaters	N	N	N	N	N	N	N	N	N	N	N	S1	S1	S1	S1	N	3.235
Newspaper publishing and printing	N	N	N	N	N	N	N	N	N	N	Y1	Y1	N	Y1	Y1	N	3.236
Car wash (Sec. 3.622)	N	N	N	N	N	N	N	N	N	N	S1	N	N	S1	S1	N	3.237
Wholesale, storage and warehousing	N	N	N	N	N	N	N	N	N	N	Y1	N	N	Y1	Y1	N	3.238
Off-street parking (Sections 3.601 through 3.605)	Y	Y	Y	Y	S1	S1	S1	Y (3.811)	Y (3.811)	Y	Y	Y	Y	Y	Y	N	3.239
Used car lot (Sec. 3.632)	N	N	N	N	N	N	N	N	N	N	S1	N	N	S1	S1	N	3.240
Associated commercial recreation (Sec. 3.636)	N	N	N	N	N	N	N	N	N	S1	S1	S1	S1	S1	S1	N	3.267
Accessory uses/commercial	N	N	N	N	N	N	N	Y (3.811)	Y (3.811)	Y	Y	Y	Y	Y	Y	Y	3.241
Tea shop	N	N	N	N	N	N	N	N	N	N	N	Y1	Y1	N	N	N	3.228B
Animal shelter (Section 3.643)	N	N	N	N	N	N	N	N	N	N	N	N	S1	S1	S1	N	3.226D
Kennel (Section 3.644)	N	N	N	N	N	N	N	N	N	N	N	N	S1	S1	S1	N	3.226E
Industrial																	
Accessory off-street parking	N	N	N	N	N	N	N	Y (3.811)	Y (3.811)	N	Y	Y	Y	Y	Y	N	3.242
Railroad and transit station	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	3.243
Windmills	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y1	Y1	N	N	Y1	Y1	N	3.244
Electric lighting, gas works and power stations	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	3.245
Fuel oil and gas storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	3.246
Heavy trucking and equipment storage (Sec. 3.628)	N	N	N	N	N	N	N	N	N	N	N	N	N	S1	S1	N	3.247
Open storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	3.248
Truck or private bus terminals	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y1	N	3.249
Light manufacturing (Sec. 3.623)	N	N	N	N	N	N	N	N	N	N	S1	N	Y1	Y1	Y1	N	3.250
Research labs, structures and accessory uses	N	N	N	N	N	N	N	Y (3.811)	S1 (3.811)	N	N	N	Y1	Y1	Y1	N	3.251
General manufacture	N	N	N	N	N	N	N	N	N	N	N	N	N	Y1	Y1	N	3.252

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ZONING CODE

Sec. 3.4. Table of Uses. City of Waltham (Part 4)

Use With Special Permit Reference	RA-1	RA-2	RA-3	RA-4	RB	RC	RD	HR1	HR2	BA	BB	BC(1)	LC	C	I	C/R	Use Reference
Autobody shop (Sec. 3.626)	N	N	N	N	N	N	N	N	N	N	N	N	N	S1	S1	N	3.253
Plastics manufacturing (Sec. 3.629)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S1	N	3.254
Steam laundry	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y1	N	3.255
Heliports-airports (Sec. 3.627)	N	N	N	N	N	N	N	S1	S1	N	N	N	S1	S1	N	N	3.256
Junkyards (Sec. 3.633)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S1	N	3.257
Garbage dumps and sanitary landfills	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	3.258
Composting facility (3.640)	N	N	N	N	N	N	N	N	N	N	N	N	N	S1	S1	N	3.2581
Yard waste transfer station (3.641)	N	N	N	N	N	N	N	N	N	N	N	N	N	S1	S1	N	3.2582
Organic products storage (3.642)	N	N	N	N	N	N	N	N	N	N	N	N	N	S1	S1	N	3.2583
Automobile recycling center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S1	N	3.259
Accessory uses/manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	N	3.260
Adult entertainment enterprises (Sec. 2.303A)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S1	N	3.2421
Agriculture																	
Farms	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	3.261
Livestock farms under 5 acres (Sec. 3.612)	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	N	3.262
Livestock farms over 5 acres	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	3.262
Farm stands	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	3.263
Conservation/Recreation																	
Conservation, water and water supply area	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	3.264
Public outdoor recreation facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	3.265
Semipublic outdoor recreation facility (Sec. 3.630)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S1	3.266

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ZONING CODE

Sec. 3.4. Table of Uses.
City of Waltham
(Part 5)

Use With Special Permit Reference	RA-1	RA-2	RA-3	RA-4	RB	RC	RD	HR1	HR2	BA	BB	BC(1)	LC	C	I	C/R	Use Reference
Conservation/Recreation																	
Nonprofit sports/recreational clubs with grounds for games and sports	N	N	N	N	N	N	N	N	N	N	N	N	S1	S1	S1	Y1	3.220A
Commercial recreational facilities, outdoor	N	N	N	N	N	N	N	N	N	N	N	N	S1	S1	S1	Y1	3.226A
Commercial recreational facilities, indoor (Sec. 3.608A)	N	N	N	N	N	N	N	N	N	N	N	N	S1	S1	S1	S1	3.226B
Commercial conservation/nature facilities	N	N	N	N	N	N	N	N	N	N	N	N	S1	S1	S1	S1	3.226C

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NOTES:

(1) Residential uses shall only be allowed in the BC District on upper floors (floors two through five) unless development occurs as part of a Riverfront Overlay District special permit (See Section 8.4.) or as part of an intensity of use special permit, provided that in no case shall any first-floor residential unit or portion thereof be located on or within 50 feet of the street line of any of the followings streets: Elm Street, Main Street, Moody Street. In the BC District, residential uses shall have separate and distinct entrances from any and all commercial uses, and commercial and residential uses shall not be located on the same floor, except that commercial and residential uses may be allowed on the first floor where development occurs as part of an intensity of use special permit, provided that in no case shall any first-floor residential unit or portion thereof be located on or within 50 feet of the street line of any of the followings streets: Elm Street, Main Street, Moody Street. Multiple residential and/or nonresidential principal buildings may be allowed in the BC District on the same lot when development occurs as part of an intensity of use special permit, provided that all other provisions of Section 4.215 shall be complied with. Further, in instances of new residential construction, excluding rehabilitation or remodeling of existing structures, said residential uses shall be permitted to abut other structures of any type on only one side, and all other sides shall be at least 25 feet from all other structures.

ZONING CODE

Sec. 4.11. Table of Dimensional Regulations
City of Waltham
(See Section 4.12 for footnotes)

[Amended 8-4-1997 by Ord. No. 28403; 3-3-1999 by Ord. No. 28735; 6-26-2000 by Ord. No. 29025; 5-28-2002 by Ord. No. 29513; 12-23-2002 by Ord. No. 29628; 6-13-2005 by Ord. No. 30180; 6-26-2006 by Ord. No. 30450]

District	Minimum Building Setback(s) (23)			Maximum Building Height(18) (21) (23) feet	Maximum Stories (23)	FAR by Right (17)	FAR by Special Permit (17) (22) (23)	Maximum Lot Coverage (percent) (2) (23)	Minimum Open Space (percent) (9), (17)	Lot Area (square feet)	Maximum Dwelling Units per acre (12)	Lot Frontage (feet) (10)	Minimum Lot Area Per Dwelling Unit (square feet)	Minimum Open Space per Dwelling Unit (square feet)	Minimum Lot Width (feet)
	Front (feet)	Side (feet)	Rear (feet)												
RA-1	40	20	40	35	2.5	--	--	20	--	20,000	--	100	--	--	--
RA-2	40	20	40	35(11)	2.5	--	--	20	--	15,000	--	80	--	--	--
RA-3	25	15	30	35(11)	2.5	--	--	25	--	9,600	--	70	--	--	--
Assisted living facilities	40	40	40	35	3	--	--	--	--	40,000	--	100	1,000	500	100
RA-4	25	15	30	35	2.5	--	--	25	--	7,000	--	60	--	--	--
Assisted living facilities	40	40	40	35	3	--	--	--	--	40,000	--	100	1,000	500	100
RB	15	10	30	40	3.0	--	--	30	--			60	--	--	--
Single-family										6,000	--		--	--	--
Two-family										6,000	--		--	--	--
Assisted living facilities	40	40	40	35	3	--	--	--	--	40,000	--	100	1,000	500	100
RC	10	10(3)	20(4)	40	3.0	.20	.60	30	15			50	--	--	--
Single-family										6,000	--		--	--	--
Two-family										6,000	--		--	--	--
Multifamily										6,000	6		--	--	--
Assisted living facilities	40	40	40	35	3	--	--	--	--	40,000	--	100	1,000	500	100
RD	75	45	60	50	4.0	.20	.80	30	15	5 acres	6	50	--	--	--
HR1															
Except assisted living	10	10	20	74	6	1.8	--	75	--	10,000	59	50	--	--	--
Assisted living	40	40	40	74	6	1.0	1.5			40,000	--	100	1,000	500	100

CITY OF WALTHAM

Sec. 4.11. Table of Dimensional Regulations
City of Waltham

(See Section 4.12 for footnotes)

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	Front (feet)	Side (feet)	Rear (feet)												
HR2															
Except as to multifamily and assisted living	10	10	20	74	6	1.0	1.25	75	--	10,000	40	50	--	--	--
Multifamily	10	10	20	74	6	0.01	1.25	75	--	10,000	3	50	--	--	--
Assisted living	40	40	40	74	6	0.5	1.25	--	--	40,000	--	100	1,000	50	100
HR1 & HR2															
Single-family detached	25	15	30	35(11)	2.5	--	--	25	--	9,600	--	70	--	--	--
BA															
Res uses	10	0	15	36	3	.50(16)	1.0	0	--	0	--	50	--	--	--
Assisted living facilities	40	10	20	36	3	.20	.80	30	15	6,000	6	50	--	--	--
BB															
Assisted living facilities	40	40	40	35	3	--	--	--	--	40,000	--	100	1,000	500	100
BC															
Res uses	0	0	25	48	4	.50(16)	2.5	0	--	0	--	50	--	--	--
Assisted living facilities	40	10	20	40	4	.25	1.0	35	15	6,000	10	50	--	--	--
BC															
Res uses	0	0(13)	25	65	5	1.0	2.5	90	--	--	30	40	--	--	--
LC															
Assisted living facilities	40	40	40	35	3	--	--	--	--	40,000	--	100	1,000	500	100
C															
Res uses	10(7)	15(7)	25(7)	80	8	.4(16)	2.0	--	--	10,000	--	50	--	--	--
I															
Res uses	10(8)	15(8)	25(8)	80	8	.4(16)	2.0	--	--	0	--	50	--	--	--

ZONING CODE

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	Front (feet)	Side (feet)	Rear (feet)												
C/R	100	100	100	20	1	0.05	0.10	5	10	4 acres	0	100	--	--	--
Detached garage	As required by district	3	3	--(1)	1	--	--	0	--	0	--	50	--	--	--
Accessory building	As required by district	5	5	--(1)	1	--	--	0	--	0	--	0	--	--	--
Swimming pool (19)	As required by district	10	10	--	--	--	0	--	0	--	--	0	--	--	--