

Public Works and Public Safety Committee
Meeting Minutes
January 17, 2023

The Clerk called the meeting to order at 7:30 p.m.

The Clerk called the roll.

Present: Councillors Dunn, Durkee, Katz, LaFauci and LeBlanc.

Absent: None.

The Clerk asked for nominations for the Chair of the Public Works & Public Safety Committee for 2023.

Councillor Durkee spoke and nominated Randy LeBlanc as Chair of the Committee. With no other nominations Councillor Dunn moved to close the nominations.

The Clerk called the roll and Councillors stated by name who they wished to vote for as the Chair.

Councillor Dunn: Randy LeBlanc

Councillor Durkee: Randy LeBlanc

Councillor Katz: Randy LeBlanc

Councillor LaFauci: Absent

Councillor LeBlanc: Randy LeBlanc

By a vote of 4 in favor of Randy LeBlanc, Councillor LeBlanc was voted as the Chair of PW&PS for 2023.

Chairman LeBlanc resumed the Chair.

Councillor Dunn moved approval of the minutes from 12/27/2022. The minutes were approved by a voice vote.

Councillor LaFauci moved to suspend Rule 8 and take the Solar Farm Resolution matter out of order. The motion was approved by a voice vote and matter was approved. Chairman LeBlanc moved to recess this committee for a moment due to the amount of people present to hear and discuss the Solar Farm Resolution and to resume the meeting in the Council Chamber. The motion was approved by a voice vote and the meeting was recessed.

Councillor LeBlanc reconvened in the Chamber at 7:36 p.m.

Councillor LaFauci moved to suspend the rules to hear from all off committee members. The motion was approved by a voice vote. Invited into tonight's Public Works meeting were the Chief of Fire, Wires Inspector and a representative from the Law Department.

Chairman LeBlanc called upon a member of the audience. Bianca (she did not sign the sign-in sheet), to speak about the group she and a few others have organized to make aware the solar farm issues they have within their neighborhood. Rachel Learned, 9 Wimbledon Circle, Waltham and Ed Sullivan, 24 Sherbourne Place, Waltham all spoke on the solar farm issues they have. The fifty-foot setback is their major concern. There will be 4,000 solar panels three feet off of the ground which is too close to a residential neighborhood. They asked that anyone that sees anything as a concern to please voice their opinion to the Lexington Planning Board. There is to be a Zoom meeting on February 15, 2023 that everyone should link too in order for the Lexington Planning Board to see how many people are upset about this project.

Tim Kelly, Wires Inspector spoke on the issue. In his opinion the biggest issue he sees is that the developer of this project should tie into Lexington utilities, not Waltham's grid.

Councillor LaFauci asked him who we should contact to make known of the concerns Waltham residents have. Mr. Kelly stated contacting the Board of Public Utilities/Mass Dept. of Utilities as well as the developer of the project and ask him why is he not tying into Lexington. Councillor Darcy spoke on the matter. Councillor LaFauci moved to suspend Rule 63 to go past 8:00 p.m. All Committee members were in favor and the motion was approved by a voice vote. Councillor Darcy asked what they would need if they did tie into Waltham's utilities. Mr. Kelly explained they would need a grant of location. Councillor LaFauci asked if they (Eversource) applied for a grant of location and we denied it would it postpone the project. Yes, it would Mr. Kelly stated.

Fire Chief Mullin explained how he and Deputy Grant have met with the Chief and Deputy Chief of Lexington. They are both in agreement it is a “let it burn” kind of fire and the manufacturer of the products used to create the solar panels also states to let it burn out. Once that happens it will then, most likely, turn into a brush fire. There is one fire hydrant that he is aware of in front of 119 Sherbourne Place but is not looped into the system. The pressure and water flow needs to be looked at. If there was a fire it would be a Lexington Fire but Waltham will most likely be first on scene due to proximity of the location. Waltham would then support Lexington. Access and water would be the most important needs for a fire in this area. Councillor Dunn requested that Deputy Grant reach out to the Fire Marshalls Office and ask for guidance on this project.

Councillor Darcy spoke on needing secondary access to this site. Councillor Dunn asked if Data Drive was an access road?

The Chief stated he thought it was wetlands and not accessible for vehicles. They would need some kind of UTV/all-terrain vehicle for proper access. Deputy Grant said there is no proposed vehicular access at this time. Councillor LaFauci made a motion that was approved by a voice vote to have the Planning Board of Lexington seek mitigation factors for apparatus and a perimeter road for first responders around the solar farm. Councillor LaFauci made a request that was approved by a voice vote to have the PW&PS Committee forward a communication and reach out to the Cambridge Water Board to let them know Waltham’s view of this project.

Councillor Darcy stated there are 2.5 acres of land that are a Boston Property site.

Attorney Sewall represented the City in the SJC case. She answered questions from the Committee. It was asked if there is an appeal process. She believes Lexington will be more inclined to listen/interested in hearing about more science based issues rather than just the not wanting it my backyard comments. In Lexington the site is zoned for this purpose. Lexington cannot deny the site plan. It can only impose conditions. We can make recommendations like the power should go to Data Drive; use of the wetlands is possible it would just mean that the developer would have more hoops to jump through and that Sherbourne Place is just easier.

Councillor LaFauci stated Lexington is protecting tadpoles over people.

Councillor Darcy said Cambridge Water Supply Board is very much aware of what is going on. They are against this all together. Councillor McLaughlin said no one thinks this is a good idea. No one including all fifteen Councillors. He thanked Attorney Sewall for all her work on this. Councillor LaFauci made a request that was approved by a voice vote to have our Law Dept. opine on the approval process in Lexington on the solar project and to have it sent back to this committee before Friday, January 20, 2023. Councillor Dunn moved to accept a late filed communication from Bianca to distribute to Councillors. The motion was approved by a voice vote. Councillor O’Brien asked if they are planning to build a road? The Fire Chief stated he thinks there is a road with crushed stone that has some access; it is not a permanent paved road. The SJC stated that the 1,000 trucks going in and out while in the construction phase is only temporary. It will not be like that once they have completed the project. There will only be maintenance trucks coming through periodically therefore he did not see it to be an issue for construction trucks to drive through Sherbourne Place.

Councillor LaFauci reiterated that the Zoom Meeting on Wednesday, February 15, 2023 is important for everyone to call in. Councillor LaFauci moved to table the matter. The motion was approved by a voice vote and matter was tabled. The Chair called a two-minute recess.

The Committee came back to order at 8:47p.m.

Councillor Durkee moved to take the Protecting Residentially Zoned Neighborhoods Resolution off of the table. The motion was approved by a voice vote. Councillor Durkee asked for updates. Attorney Cervone and Inspector Bower both spoke on the matter. They stated the Law Dept. does not have any statutory rules with these violations. He stated a couple cases within the United States; one being the Bettaire Case, that ruled single family residentially zoned areas are protected differently. That single family zone implies a certain status; sanctuaries... having a congregate living house is not the same. The Building Dept. and Law Dept. investigated areas where there

are these abuses in Waltham. The Building and Law Depts. are on the same page as far as investigating scenarios where they do find that activity in these areas are being abused. Councillor Durkee made a request that was approved by a voice vote to have the Law and Building Departments send to the Committee a sample of the letter they send out to violators and a list of the properties they have sent them to. Councillor LaFauci also thanked Sergeant Russo, our Community Liaison who was in attendance for this matter. He stated to let the Council know if there is anything they can do to keep supporting and enforcing this matter. Councillor Katz stated he wanted to make it clear that there are successful rentals and tenants in the City. Some are very respectful and some are not. Attorney Cervone said obtaining pictures always holds up well in court.

Councillor Dunn asked for the process the Building Dept. goes through with these issues. Inspector Bower went through the process of notifying home owners of complaints/violations. First they send out a notice for an inspection of the property. Once the inspection is complete they are advised of their infractions; like running a college house in a residentially zoned area. Another notice goes out for complaints after that and then violations are charged. This is also becoming the same type of thing for Airbnb's. Subleasing is the biggest issue it seems. They try to get cooperation before enforcement. The system seems to be working at this time. Councillor Katz said it is a seasonal issue. Councillor Durkee made a request that was approved by a voice vote to discharge this Resolution to full Council and refer it to the Ordinances and Rules Committee to address the definition of single family zoning. ON his motion he asked if there has been a violation and the current tenants cause disruption and they move out does the clock reset for the next tenant. Mr. Bower stated no it does not. The motion was approved by a voice vote and matter was discharged to the full Council.

Councillor LaFauci moved to table the communication relating to 1 Brook Road. The motion was approved by a voice vote and matter was tabled.

Councillor LaFauci moved to table the communication relating to Elinor Circle. The motion was approved by a voice vote and matter was tabled.

With no further matters Councillor LaFauci moved to adjourn.
Chairman LeBlanc declared the meeting adjourned at 9:11 p.m.

Respectfully submitted,
Kara Wilson, Assistant City Clerk
January 19, 2023