

City Council Docket

March 26, 2018

The Waltham City Council will meet in the Council Chamber at City Hall, 610 Main Street, Waltham MA on Monday, March 26, 2018 at 7:30 pm. The following matters and others may be considered.

Approval of Minutes

2/26/2018

Notice is hereby given in 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, March 26, 2018, at 7:30 P.M. on the following proposed amendment to the Zoning Ordinance:

Joint Public Hearing

Zoning Ordinance Amendment

Brandeis University, 415 South Street, Waltham, Massachusetts 02453 and Cellco Partnership d/b/a Verizon Wireless, 118 Flanders Road, Third Floor, Westborough, Massachusetts 01581 hereby petitions the City Council and the Board of Survey and Planning of the City of Waltham Massachusetts to amend Part III (formerly Chapter 21) of the General Ordinances of the City Waltham entitled “Zoning Code” as follows:

1. ARTICLE X entitled “Wireless Communications Equipment,” Section 10.52 entitled “Roof- or top-mounted wireless communication equipment” is hereby amended by adding a new paragraph “(c) Notwithstanding the foregoing, Roof- or top-mounted wireless communication equipment is allowed in Residence A-1, Residence A-2, Residence A-3, Residence A-4 and Residence B Districts provided that all such equipment is setback a minimum distance of two hundred feet from all property lines and public ways and is entirely located within a property that has a minimum contiguous area of at least two acres that is used for educational purposes that has received full accreditation of a recognized private, state or federal organization upon grant of a special permit of the City Council in accordance with Section 3.5.”
2. ARTICLE X entitled “Wireless Communications Equipment,” Section 10.53 entitled “Façade-mounted wireless communication equipment” is hereby amended by adding a new paragraph “(c) Notwithstanding the foregoing, Façade-mounted wireless communication equipment is allowed in Residence A-1, Residence A-2, Residence A-3, Residence A-4 and Residence B Districts provided that all such equipment is setback a minimum distance of two hundred feet from all property lines and public ways and is entirely located within a property that has a minimum contiguous area of at least two acres that is used for educational purposes that has received full accreditation of a recognized private, state or federal organization upon grant of a special permit of the City Council in accordance with Section 3.5.”

City Council Docket
March 26, 2018

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Joint Public Hearing
Zoning Ordinance Amendment

The Zoning Ordinance of the City of Waltham, Article III entitled "Establishment of Districts," Section 3.3, entitled "Uses," subsection 3.31A, entitled "Zoning Ordinance prohibition," as most recently amended, is hereby further amended by adding the following new Section 3.31A.2:

3.31A.2. Prohibition of Marijuana Establishments, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers, and any other type of licensed marijuana-related business (but excluding any Medical Marijuana Treatment Center as defined by Chapter 369 of the Acts of 2012) and Prohibition of on-site consumption of marijuana and/or marijuana products.

Notwithstanding any other provisions contained in this Zoning Ordinance, any use of any building, structure or premises for a Marijuana Establishment, as defined in Massachusetts General Laws, Chapter 94G, Section 1, regardless of the name or title by which such use may be called, shall be prohibited. This prohibition shall also bar the on-site consumption of marijuana and/or marijuana products. This prohibition shall not apply to a Medical Marijuana Treatment Center as defined by Chapter 369 of the Acts of 2012 (Massachusetts Statutes, 94C Appendix, Section 2(H)), which is subject to the provisions of Article XII, Sections 12.1 et seq. of this Zoning Ordinance.

This prohibition shall remain in full force and effect unless and until the termination of the moratorium referenced below in Subsection 3.42.

And

The Zoning Ordinance of the City of Waltham, Article III entitled "Establishment of Districts," Section 3.4, entitled "Table of Uses," subsection 3.41, as most recently amended, is hereby further amended by adding the following new Subsection 3.42:

3.42. Moratorium on Marijuana Establishments.

Notwithstanding any other provisions contained in this Zoning Ordinance, no permits or special permits shall be issued for the use, in the City of Waltham, of any Marijuana Establishment, as defined in Massachusetts General Laws, Chapter 94G, Section 1, regardless of the name or title by which such use may be called, (but excluding Medical Marijuana Treatment Centers as defined by Chapter 369 of the Acts of 2012 (Massachusetts Statutes, 94C Appendix, Section 2(H)), which are subject to the provisions of Article XII, Sections 12.1 et seq. of this Zoning Ordinance), nor shall any permits or

City Council Docket

March 26, 2018

special permits for the on-site consumption of marijuana or marijuana products be issued prior to December 31, 2018.

The prohibition on the issuance of any such permits and/or special permits is necessary in order to provide the City of Waltham with adequate time to consider and address issues created by the enactment of M.G.L. chapter 94G, including potential impacts on other land uses within the City and potential general impacts on public health, safety and welfare, and said statute's impact on zoning within the City of Waltham consistent with the purpose of this Zoning Ordinance as stated in Article I of said Zoning Ordinance and all other applicable state and federal laws and regulations. Such moratorium will enable the City to adopt local ordinances/regulations consistent with the regulations the Cannabis Control Commission is expected to issue by March 15, 2018 and will also enable the City to consider and act upon/incorporate as necessary into the Zoning Ordinance any ballot initiatives related to marijuana establishments and/or on-site consumption of marijuana products, as authorized by state law, that are proposed and/or voted on prior to December 31, 2018. Such moratorium will also enable the City to consider the implications of the policy statement/directive issued by the Attorney General of the United States indicating that Federal laws on marijuana are to be enforced nationwide.

Public Hearing

Grant of Location

Bentley University, 175 Forest St, Waltham, MA 02452 hereby petitions the Waltham City Council for a Grant of Location to allow placement of conduits in Beaver St at 385 Beaver St, near the Bentley University Footbridge and at 400 Beaver St at or near the intersection of College Dr. The conduit at 386 Beaver St will start at an existing manhole approximately 100' west of the Bentley University footbridge, near the power station and travel southerly across Beaver St to a newly placed manhole approximately 50' away. The conduit at 400 Beaver St will start a newly placed private pole approximately 100' east of College Drive and travel southerly across Beaver St to an existing manhole approximately 55' away.

The property at 385 Beaver St is shown in the City of Waltham Atlas, Page 43, Block 5, Lot #1 (R0430050001). The property at 400 Beaver St is shown in the City of Waltham Atlas, Page 52, Block 2, Lot #1 (R0520020001). All work and resurfacing shall be done in accordance with the requirements of the General Ordinances of the City and to the satisfaction of the Director of Public Works. The Property at 385 Beaver St is situated in a Residence A-2 Zoning District and the Property at 400 Beaver St is situated in a Residence A-3 Zoning District. The Legal owner of both locations is Bentley University, 175 Forest St, Waltham, Massachusetts 02452.

Public Hearing

17-25

Bentley University, 175 Forest St, Waltham, MA 02452 hereby petitions the Waltham City Council for permission under the provisions of §17-25 to open the street at or near 400 Beaver St @ College Dr. to allow placement of conduit to bring network services to a new facility located at 400 Beaver St. The conduit at 400 Beaver St will start at a newly placed private pole approximately 100' east of College Drive and travel southerly across Beaver St to an existing

City Council Docket

March 26, 2018

manhole approximately 55' away. The property at 400 Beaver St is shown in the City of Waltham Atlas, Page 52, Block 2, Lot #1 (R0520020001). All work and resurfacing shall be done in accordance with the requirements of §17-25 of the General Ordinances and to the satisfaction of the Director or Public Works. The locus is known and numbered as 400 Beaver St and is shown in the "Atlas, City of Waltham, Massachusetts" as map 52, Block 2, Lot #1. The Legal owner of the locus is Bentley University, 175 Forest St, Waltham, Massachusetts 02452.

Communications from the Mayor

1. The Mayor respectfully requests approval of the enclosed Year 44 Community Development Block Grant Program. A spread sheet of applicants with the amount requested for 2019, the amount recommended, the required paperwork and certifications are also enclosed.
2. The Mayor respectfully submits the following recommendation for the 3 cottages is as follows based on "contributing resources" per the Memorandum of Agreement (MOA) see enclosed. Please also see my March 23, 2017 communication to you requesting authority regarding Cardinal Cottage. All 3 cottages were surveyed, and Cardinal Cottage, the oldest of the 3 cottages, went out to bid for exterior design then construction.
 1. Cardinal Cottage 2 affordable rental units (lower unit handicap accessible)
 2. Trapelo Cottage 1 affordable handicap accessible rental unit
 3. Baldwin Cottage 2 affordable rental units (lower unit handicap accessible)We will be filing a LIP application to DHCD and 40B applications to Waltham ZBA.
3. The Mayor respectfully requests a transfer in the amount of \$1,077.00 from account #001-163-5200-5381 Clerk-Voter Registration Contract Labor to account #001-161-5700-5720 Clerk-Out of State Travel. These funds will be used for the travel expenses of the Assistant City Clerk to attend the required training course from the New England Municipal Clerks' Institute and Academy at Plymouth State University, New Hampshire during July 14-20, 2018.
4. The Mayor respectfully requests an appropriation in the amount of \$380,268.00 to fund the repayment of the HOME funding obligation allocated to WATCH for the property located at 509 Moody Street. The City's request for a waiver of the repayment was not approved by HUD.

FROM:

Unreserved Fund Balance #001-000-3590-3590 \$380,268.00

TO:

Housing-HOME Funding (509 Moody Street) #001-183-5400-5610 \$380,268.00

Attached is a copy of a memo dated March 20, 2018 that was received from the Housing Director. Mr. Waters will be available to answer questions concerning this request.

5. The Mayor respectfully requests acceptance of a grant in the amount of \$101,161.00 from the Executive Office of Elder Affairs to be used by the Council on Aging for several programs that benefit senior citizens.

City Council Docket
March 26, 2018

6. The Mayor respectfully requests an appropriation for \$4,500 for an appraisal.

Applications & Licenses

Resolutions

1. Resolution Honoring Fire Chief Paul J. Ciccone on His Exemplary Career and Retirement Submitted by President LeBlanc and all Councillors
2. Resolution Honoring Joseph R. Goode, Chairman, Board of Assessors On His Exemplary Career and Retirement submitted by President LeBlanc and all Councillors
3. Autism Awareness Resolution – Submitted by President LeBlanc

Committee Reports

License and Franchise

1. The License and Franchise Committee recommends the fuel storage license at 135 Second Avenue for KW Waltham LLC be approved.
2. The License and Franchise Committee recommends the secondhand dealers license renewal at 1019 Trapelo Road for Game Stop be approved.
3. The License and Franchise Committee recommends the secondhand dealers license renewal at 318 Moody Street for Marcou Jewelers be approved.
4. The License and Franchise Committee recommends the secondhand dealers license renewal at 471 Main Street for The Tool Shed be approved.
5. The License and Franchise Committee recommends the secondhand dealers license renewal at 49 River Street for Descar Inc. dba Descar jewelry Design be approved.

Public Works

1. The Public Works and Public Safety Committee recommends the Sidewalks not being Cleared Resolution be filed.

Finance Committee

1. The Finance Committee recommends the Council Rule #43A mid-year budget review be filed.
2. The Finance Committee recommends the donation from June and Kevin O'Toole of Charlotte Road in the amount of \$1,000 for a bench at McCabe Playground be approved.
3. The Finance Committee recommends the Resolution regarding an Environmental Specialist be approved.

Committee of the Whole

1. The Committee of the Whole recommends the Mayor consult with the City's Environmental Specialist and perform an adequate level of environmental analysis to ensure the property at 334R

City Council Docket

March 26, 2018

Prospect Hill Road meets the requirements for its intended use and if successful the Mayor should proceed with entering into a Purchase and Sale agreement for the property for the agreed upon price of \$88,000 along with the City's standard conditions be approved.

2. The Committee of the Whole recommends that the request for care custody and control of the land and building known as 655 Lexington Street be transferred to the Waltham School Department be approved.
3. The Committee of the Whole recommends that the request for care custody and control of the land and building known as Fitch School, 14 Ash Street be transferred to the Waltham School Department be approved.
4. The Committee of the Whole recommends that Article V of Chapter 2 of the General Ordinances of the City of Waltham entitled "Compensation" Section 2-40, as most recently amended, is hereby further amended by adding, after the words "Board of Registrars of Voters \$1,000 per year" the words "City Clerk- Board of Registrars of voters \$1,500 per year" be approved for a first reading.
5. The Committee of the Whole recommends that Article V of Chapter 2 of the General Ordinances of the City of Waltham entitled "Compensation" Section 2-30.B2.7, as most recently amended, is hereby further amended by striking the amount of "\$7,000" and replacing it with the amount of "\$4,000" be approved for a first reading.
6. The Committee of the Whole recommends the Resolution regarding Pay Equity be filed.
7. The Committee of the Whole recommends the Resolution regarding Pregnant Workers be filed.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the modification of Special Permit for PD Winter Street LLC at 900 and 910 Winter Street be approved.
2. The Ordinances and Rules Committee recommends the ordinance amending Article XV issuance of a Building Permit be approved for a first reading.
3. The Ordinances and Rules Committee recommends the order concurring with the answers provided by Mr. Columba's letter dated March 15, 2018 be approved.
4. The Ordinances and Rules Committee recommends the ordinance amending Article IV of the General Ordinances to include regulating installation of small cell facilities on utility poles located in a public way be approved for a second reading.

Unfinished Business & Other Business

- Invoice from Creative Framing & Gallery for \$190.00 for the Kevin Ritcey Award and express mail
- ZBA Memo regarding 341 Second Ave, Alliance Realty Partners

City Council Docket

March 26, 2018

Tabled Items

- Fernald Wetlands Design & Engineering Service Appropriation for \$55,000
- Loan order in the amount of \$660,000.00 to award the bid of \$643,000.00 with contingency \$17,000.00. The funds will be used to award the bid for the replacement of the refrigeration and dehumidification equipment at the Veterans' Memorial Skating Rink
- Moderator to facilitate the joint meeting for the Waltham High School building project
- Chair of the Conservation Commission, the Chair of the Historical Commission the Chair of the Community Preservation Commission, the Traffic Engineer and the architect for the Waltham High School Project be invited to participate in the joint meeting of the Waltham City Council, the Waltham School Committee, the Waltham School Building Committee and the Mayor
- Joint meeting of the Waltham City Council, the Waltham School Committee, the Waltham School Building Committee and the Mayor be scheduled to discuss the Waltham High School building project
- Minutes from 5/8/2017
- Communication from Mayor dated July 3, 2017 regarding Veterans Fields on Forest Street, Gann Academy and Bentley University, Community Preservation Act Fernald Land and the Massachusetts Historical Commission Letter
- WEAC Recognition Resolution
- Retail Marijuana Moratorium

City Council Docket
March 26, 2018

City Council Rule 58
For Informational Purposes Only

1. Communication from mayor regarding 230-240 Moody Street response from Mr. Columba
2. Communication from the Mayor regarding requests for proposals (RFPs) for all City and School Buildings/Spaces and Land