

# ***City Council Docket***

## ***April 23, 2018***

The Waltham City Council will meet in the Council Chamber at City Hall, 610 Main Street, Waltham MA on Monday, April 23, 2018 at 7:30 pm. The following matters and others may be considered.

### **Approval of Minutes**

4/9/2018

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, April 23, 2018, at 7:30 P.M. on the following proposed amendment to the Zoning Ordinance:

### **Public Hearing**

#### **Zoning Ordinance Amendment**

CHAPTER 21 of the General Ordinances of the City of Waltham entitled "Zoning," as most recently amended, is hereby further amended as follows:

ARTICLE IX entitled "Affordable Housing," Section 9.1 entitled "Affordable housing provisions," is hereby further amended by deleting Subsection 9.141 entitled "Direct transfer" in its entirety and inserting in place thereof the following:

**"9.141. Rounding.** 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 over 1/2, shall be rounded up to the next whole number."

Section 9.1 is hereby further amended by deleting Subsection 9.142 entitled "Assignment" in its entirety and inserting in place thereof the following:

**"9.142. Assignment.** The applicant shall sell, lease or otherwise assign, at a specific reduced price, 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 treated as indicated in Section 9.141. The reduced price shall be set by the requirements of the state or federal funding source 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 state, federal or local funds are not used, the price shall be consistent with price limits used by the United States Department of Housing and Urban Development (HUD) HOME program or successor programs targeted for households earning less than 80% of the median income within the Standard Metropolitan Statistical Area that includes Waltham, provided further that at least 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) HOME program or successor programs targeted for households earning less than 60% of the median income within the Standard Metropolitan Statistical Area that includes Waltham. The Affordable Housing Restriction shall run with the land and be in force in perpetuity or for the maximum period allowed by law, and be enforceable under the provisions of Chapter 184, Section 26 or Sections 31-32 of the General Laws. The sale,

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lease or assignment shall occur within 30 days of the receipt of a temporary or permanent occupancy permit. If households are displaced at the end of the fifty-year affordable period, or within two years thereafter, the relocation restrictions in Section 9.131 shall apply. 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; 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 for a period not less than the original period required above; 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.”

Section 9.1 is hereby further amended by deleting from Subsection 9.143, entitled “Fee in lieu of dwelling units,” the number “10%” and inserting in place thereof the number “15%”.

ARTICLE IX is hereby further amended by inserting at the end of Section 9.15, entitled “Eligibility,” the following:

“; provided further that for those units required to be priced consistent with price limits used by the United States Department of Housing and Urban Development (HUD) HOME program or successor programs targeted for households earning less than 60% of the median income within the Standard Metropolitan Statistical Area that includes Waltham, eligibility shall be consistent with standards recognized under the HUD HOME program or successor programs targeted for households earning less than 60% of the median income within the Standard Metropolitan Statistical Area that includes Waltham.”

ARTICLE IX is hereby further amended by deleting Section 9.17, entitled “Waiver of density restrictions,” in its entirety and inserting in place thereof the following:

**“9.17. Waiver of density restrictions.** Developments not subject to a special permit voluntarily complying with affordable housing requirements by assigning units under Section 9.142 may discount the floor area of the required affordable units and an equal amount of floor area of the by-right units from calculations pertaining to meeting restrictions on FAR-by-right in Section 4.1 of these zoning ordinances. In no event shall an applicant receive a density bonus, for purposes of the FAR calculation, greater than the

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floor area attributable to 15% of the total number of dwelling units in the project where a fee is paid pursuant to Section 9.143. In no event shall an applicant receive a density bonus for purposes of the FAR calculation, greater than the floor area attributable to 20% of the total number of dwelling units in the project where any units are assigned pursuant to Section 9.142 or 9.144.”

**Communications from the Mayor**

1. The Mayor respectfully requests an appropriation in the amount of \$1,069,220.00 from Unreserved Fund Balance to the following accounts:

|                    |                                   |              |
|--------------------|-----------------------------------|--------------|
| #001-421-5100-5131 | Snow – Overtime                   | \$148,100.00 |
| #001-421-5200-5276 | Snow – Rental of Trucks/Equipment | \$896,000.00 |
| #001-421-5200-5532 | Snow – Plows, Blades & Parts      | \$25,120.00  |

These funds will be used to pay for the additional snow plowing and removal expenses incurred to date during fiscal year 2018.

2. The Mayor respectfully requests a transfer of capital improvement funds totaling \$35,000.00 from one capital account to another capital account to be used for various building upgrades to fire stations, including kitchens, bathrooms and other building areas.

**FROM:**

|                    |                                     |             |
|--------------------|-------------------------------------|-------------|
| #310-220-2010-6428 | Fire-Heating Systems (All stations) | \$20,000.00 |
| #310-220-2010-6260 | Fire-Electrical Systems (Central)   | \$15,000.00 |

**TO:**

|                    |  |             |
|--------------------|--|-------------|
| #310-220-2010-6244 | Fire-Various Bldg Renovations (All stations) | \$35,000.00 |
|--------------------|--|-------------|

3. The Mayor respectfully requests an appropriation of \$5,255.00 for the Disability Services Commission to fund the following handicap project.

**APPROPRIATION**

|       |                    |                                    |            |
|-------|--------------------|------------------------------------|------------|
| From: | #237-560-2300-3591 | F/B Reserved for Handicap Projects | \$5,255.00 |
| To:   | #237-560-2318-5205 | HP – LCN Door Openers (25 Lex St)  | \$5,255.00 |

These items were voted and approved by the Disability Services Commission at their meeting of April 13, 2018.

4. The Mayor respectfully requests the acceptance of a gift in the amount of \$5,000.00 from the Friends of the Hurley House to the Waltham Police Department towards the GREAT program.

5. The Mayor respectfully requests funding in the total amount of \$20,000.00 to cover the transportation and disposal of excavated materials, concrete and asphalt that is generated from water and sewer excavations while performing water and sewer repairs.

The funding will be a transfer as follows:

**TRANSFER FROM:**

|                       |                    |                           |
|-----------------------|--------------------|---------------------------|
| Sewer-MWRA Assessment | #600-440-5400-5690 | \$10,000.00               |
| Water-MWRA Assessment | #610-452-5400-5690 | \$10,000.00               |
| <b><u>TOTAL</u></b>   |                    | <b><u>\$20,000.00</u></b> |

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#### **TRANSFER TO:**

|                       |                       |                           |
|-----------------------|-----------------------|---------------------------|
| Sewer-Trench Tailings | #600-440-5400-5394-45 | \$10,000.00               |
| Water-Trench Tailings | #610-452-5400-5394-45 | \$10,000.00               |
| <b><u>TOTAL</u></b>   |                       | <b><u>\$20,000.00</u></b> |

6. The Mayor respectfully requests an appropriation of \$5,000.00 from Unreserved Fund Balance to account #001-480-5200-5276 Traffic-Rental of Trucks/Equipment. These funds will be used to rent a Stake Body Truck with a lift gate for May and June this fiscal.

7. The Mayor respectfully requests approval of the enclosed Taking Order for the Arrigo Farm property.

8. The Mayor respectfully requests the acceptance of the Green Communities Grant.

#### **Applications & Licenses**

- Tables and chairs on sidewalk renewal – 367 Moody Street - Miriam Benetez
- Lodging house renewal – 26 Myrtle Street - Michael Cotton
- Lodging house renewal – 77 Prospect Street – Claudio Coppola
- Fortune Teller license application- Her lady's Oracle- 942 Trapelo Road - Dawn Marie Costorf

#### **Orders, Ordinances & Resolutions**

- Public Service Recognition Week Resolution sponsored by President LeBlanc, Councillor Harris, McLaughlin and the City Council
- Honoring Patricia A. Azadi as the recipient of the 2018 Kevin M. Ritcey Award for Outstanding Public Service Resolution sponsored by President LeBlanc and Council
- Marjorie "Marjie" Hartman for her 71+ Years of Outstanding Public Service Resolution sponsored by President LeBlanc and Council
- SRO Ann Frassica on Being Named SRO of the Year Resolution sponsored by President LeBlanc and Council
- Paving Resolution sponsored by Councillor R. LeBlanc

#### **Committee Reports**

##### **License and Franchise**

1. The License and Franchise Committee recommends the 17-25 street opening at 400 Beaver Street be approved.
2. The License and Franchise Committee recommends the Grant of Location at 400 Beaver Street be approved.
3. The License and Franchise Committee recommends the secondhand dealer's license renewal at 443 Moody Street for Avinden Inc. dba Mr. Sweeper be approved.
4. The License and Franchise Committee recommends the motor vehicle class II auto renewal for Waltham Auto Tow Inc. at 279R crescent Street be approved.

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### **Public Works**

1. The Public Works and Public Safety Committee recommends the 17-42 for the installation of sidewalks and curbing on Harrington Road be approved and betterments are to be assessed.
2. The Public Works and Public Safety Committee recommends the 17-25 street opening at 156-158 Ash Street be approved.

### **Finance Committee**

1. The Finance Committee recommends the acceptance of the FFY 2018 EOPSS Pedestrian and Bicycle Enforcement Grant in the amount of \$5,625.00 be approved.
2. The Finance Committee recommends the appropriation in the amount of \$90,000 from unreserved to fire –overtime be approved.

### **Committee of the Whole**

1. The Committee of the Whole recommends the authorization for the Mayor to work with MAPC and Good Energy to begin an energy aggregation program in Waltham be approved.

### **Ordinances & Rules**

1. The Ordinances and Rules Committee recommends the zoning amendment for cellular equipment at educational institutions be approved for a first reading.
2. The Ordinances and Rules Committee recommends the zoning amendment moratorium of marijuana establishments be approved for a first reading.
3. The Ordinances and Rules Committee recommends the general amendment regarding betterments on private ways be approved for a first reading.

### **Unfinished Business & Other Business**

- CPC recommendation for FY2019 Administrative Budget

### **Tabled Items**

- Autism Awareness Resolution
- Fernald Wetlands Design & Engineering Service Appropriation for \$55,000
- 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
- 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
- Retail Marijuana Moratorium

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**City Council Rule 58**

For Informational Purposes Only

1. Communication from Historic New England
2. Communication from Friends of Stonehurst
3. Communication from Pam Perini
4. Communication from Mayor regarding Financial Transparency Website Application Project