

Ordinances & Rules Committee
Meeting Minutes
October 16, 2023

Chairwoman Harris called the meeting to order at 9:30 p.m.

Present: Councillors Dunn, Harris, LeBlanc, McLaughlin and O'Brien.

Absent: None.

Councillor McLaughlin moved approval of the minutes from 10/2/2023. The motion was approved by a voice vote.

Councillor McLaughlin moved to take King First West, LLC SP application at 55 First Ave off of the table. The motion was approved by a voice vote. Councillor McLaughlin moved to hear from all off committee members. The motion was approved by a voice vote. Chairwoman Harris spoke from the chair and explained the reasoning behind the recommitment of the special permit application back to the committee. Assistant Solicitor Azadi spoke and explained what she believed to be incomplete and discrepancies with accurate plans between the Engineering Dept., the Law Dept., the Building Dept. and the Clerk's Office. Building Inspector Bower went through his list of inconsistencies first.

- Needs latest version of plans
- Issue with the variance received from ZBA. The height of buildings is not accurate and they need a side-yard variance as well. Tim Sullivan, one of the attorney's representing petitioner said they used 208 feet as the baseline height not 193 feet.
- ZBA was given the number of parking spaces to be 1,081 and the garage is stated to hold 998 in the latest order and there is only 997. Also questions about how many spaces in front yard and will you have parking there. Nick Skoly of VHB stated they still plan to park in the front yard. Attorney Azadi said there is a 5-foot setback and no more parking on the plans.
- There is no distance from the entrance nor door locations on the plans.
- Caliper trees need to be at 3.5"
- Need to show the breakdown of snow storage with square footage on the plans
- Show the footage of the buildings on the plans
- Show the open space clarification of square footage on the plan for each site added Attorney Azadi.
- Loading areas need dimensions, trash and dumpsters needs screens or a door
- Height on connectors/roof is not on the plans
- Need exterior lighting plan – should be separate page
- Bike rack parking - is it in or outside garage/buildings. This needs to be specific. If there are any or is an area for amenities they need to be clearly identified on the plans. Councillor LeBlanc asked them to get the distance they are to the rail trail.
- Electrical locations need to be on plans. Mr. Skoly has spoken with Eversource and now has a more specific information on the plans.
- There are a lot of noise complaints with lab spaces in Waltham. Would like a noise audit and for it to be put in as a condition

Attorney Azadi added that we need documentation of the easement and whether it was abandoned or released in writing. She asked what the actual size of the locust is and to state it

on the plans in acreage and square footage. What are the access modifications and they need to be shown on plans and should be an actual written document to support the plan? If the percentage changes the entire special permit changes. They need to specifically state in the order the need for a modification.

Engineer Winn stated his issues next.

- Storm water mitigation – need to address it. They have ledge
- Need to do a test pit and can always modify it later with a minor modification
- Need an easement from the adjacent property owner for the catch basin their property and needs to be referenced and made a condition in the order. The catch basin also needs a hood if it doesn't have one already

Attorney Azadi added that the easement is for access but to clarify where the runoff is going to go and quantify it in a written response.

- As far as the I&I he is assuming they are going to take it but it needs to be indicated in writing in the order.

Attorney Azadi stated that the petitioner listed in the I&I calculation 50% office, 42% lab so what is the other 8% being used for. Is there water usage associated with this.

- The fire dept. also needs to see a water connections coming from and a fire hydrant on West St. and a fire hydrant on that side of building as well.
- Drains and oils and gas separators need to be identified on the plans
- Need a storm water pollution prevention plan and needs to be made a condition.

Engineer Garvin stated his issues:

- Traffic study the traffic commission approved was from November 2022. He did not receive any appendix
- The building is four times the allowed size
- Anything included one more car in the area affects the traffic impact of area
- Mitigation proposed should include one signal that controls all signals in area and needs to be specifically stated as to what it is petitioner is going to include.
- Petitioner needs to implement adaptive signal technology
- Propped mitigation needs to specifically address the improvements that are going to be done
- Safety issues need to be addressed at the TPR intersection
- Traffic signal timing
- Updated data with lab/office data
- West St. traffic – specific details laid out
- Crosswalks
- TBMs – doesn't commit to anything
- Need clarification on what the traffic study was based on
- We need more information on the impact at Wyman Street
- The proposed mitigation (within a half mile) doesn't state which intersections will be improved or if they will improve at all. They need to provide more information on their mitigation.
- The mitigation analysis of the intersections with the DEF ratings have not been decided upon

- Plans do not have electric vehicles, carpool only spaces or low emission spaces on plans
- Traffic Engineer recommends a peer review be done at the cost of the petitioner.

Attorney Azadi added a few more comments.

- The height of the connector should be 13'6"
- Fire equipment – 80' high – floors above would need to be 65'
- What is the actual height of the building on each side?
- Curb cuts and easements need to be in writing
- Cambridge water letter
- Letter of verification for Tyson for signing of special permit
- Draft decision needs to include bicycles and pedestrian amenities
- TDMs – who is going to receive the audits and reports? This should be included in decision
- Trash pickup set hours and days
- Storm water clarification in writing

Councillor LeBlanc asked about the height decision with the ZBA. Attorney Silverman explained what he discussed at the ZBA meeting. Attorney Azadi wants the Committee to understand that the ZBA decision appears to be measuring backwards. It is not normal calculation procedures. The ZBA decision controls the specific relief of what is requested. This should not become the norm. Councillor LeBlanc moved to place back on table. The motion was approved by a voice vote.

Councillor McLaughlin moved to adjourn. The motion was approved on a voice vote and Chairwoman Harris declared the meeting adjourned at 11:46 p.m.

Respectfully submitted,
Kara Wilson, Assistant City Clerk
November 2, 2023