



***Waltham City Council  
Ordinances and Rules  
Committee  
Minutes  
Monday November 19, 2018***

***Hoover Committee Room  
City Hall, 610 Main Street  
Waltham, Massachusetts***

Chairman McLaughlin called the meeting to order at 11:32

Attendance:

Present: Fowler, Harris, Logan, McLaughlin, Stanley

Absent: None

Councillor Logan moved approval of the minutes from 11/5/2018. The motion was approved on a voice vote.

New matters:

Early Voting Resolution

Councillor Logan moved to lay the matter on the table. The motion was approved on a voice vote.

Zoning Amendment Marijuana Moratorium Extension

Councillor Logan moved that the matter be given a first reading. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation that it be given a first reading.

Tabled matters:

Zoning Amendment Convenience Food Store

Councillor Logan moved to take the matter from the table. The motion was approved on a voice vote. Chairman McLaughlin said we received back an opinion from the Board of Survey and Planning. Councillor Logan moved that the matter be given a first reading. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation that it be given a first reading.

Zoning Amendment Fast Casual as permitted use in Limited Commercial Revitalization District

Councillor Logan moved to take the matter from the table. The motion was approved on a voice vote. Chairman McLaughlin said we received back an opinion from the Board of Survey and Planning. Councillor Logan moved that the matter be given a first reading.

The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation that it be given a first reading.

#### Zoning Amendment Parking Requirements Fast Casual

Councillor Logan moved to take the matter from the table. The motion was approved on a voice vote. Chairman McLaughlin said we received back an opinion from the Board of Survey and Planning. Councillor Logan moved that the matter be given a first reading. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation that it be given a first reading.

#### Zoning Amendment Fast Casual Defined Use and table Reference

Councillor Logan moved to take the matter from the table. The motion was approved on a voice vote. Chairman McLaughlin said we received back an opinion from the Board of Survey and Planning. Councillor Logan moved that the matter be given a first reading. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation that it be given a first reading.

#### Zone Change 17 Prospect, 17-NX Prospect, and 105-111 Russell St. to Business B Zoning Amendment Convenience Food Store

Councillor Logan moved to take the matter from the table. Ward Councillor LaCava entered the room. Councillor Fowler asked about the Law Department opinion. Attorney McCourt reviewed recommendations made by the Board of Survey and Planning. Attorney McCourt reviewed how the petitioner would address the recommendations made by the Board of Survey and Planning as outlined in his letter to the council dated November 15, 2018. Attorney McCourt said there is an agreement that would be signed limiting the uses. The agreement is included in the November 15, 2018 communication. Councillor Harris asked Councillor LaCava if the agreement has addressed the concerns of the residents. Councillor LaCava said residents are still opposed to the zone change. Councillor Harris asked about the uses of the property. Paul Finger mentioned that the Council would be able to add further restrictions should the petitioner need a special permit. Councillor Harris urged the petitioner to conduct further outreach with the neighbors before they come in for a special permit. Councillor Fowler asked what would be allowed by right. Attorney McCourt said the by right uses would not make sense it would be a small office or a couple multifamily units. Councillor Logan asked Councillor LaCava if this was ready to go forward. Councillor LaCava said he was not sure. Councillor Logan said it would be good to get a better opinion on what the feeling is and if there is support from direct abutters. Councillor Logan moved to go beyond midnight. The motion was approved on a voice vote. Councillor Logan moved to lay the matter on the table. The motion was approved on a voice vote.

Special Permit 95 Moody St. for an increase in intensity of use (Floor Area Ratio (FAR) to 2.3)) for the construction of a fourteen (14) residential unit, mixed-use building on the property.

Councillor Logan moved to take the matter from the table. The motion was approved on a voice vote. Councillor Logan moved to release a redacted copy of the Law Department review to the petitioner. The motion was approved on a voice vote. Councillor Logan moved to lay the matter on the table. The motion was approved on a voice vote.

Special Permit Modification for Special Permit Order #28040 for Hyatt House Hotel at 54 Fourth Avenue

Councillor Logan moved to take the matter from the table. The motion was approved on a voice vote. Councillor Logan moved to approve the withdrawal submitted by the petitioner. The motion was approved on a voice vote. Councillor Logan moved to lay the matter on the table. The motion was approved on a voice vote.

Prestige Auto Sport, Inc. d/b/a Eastside Motoring, Petitioner, Special Permit Article 3, Sections 3.5, 3.512 and 3.632 of Zoning used car lot and on the property known as 265 Bear Hill Road, Waltham.

Councillor Logan moved to release a redacted copy of the Law Department opinion. The motion was approved on a voice vote. Councillor Logan moved to approve the extension of time. The motion was approved on a voice vote. Councillor Logan moved to lay the matter on the table. The motion was approved on a voice vote.

Marijuana Ordinance

Councillor Logan moved to take the matter from the table. Councillor Logan said we received a draft from the Law Department. Councillor Logan reviewed the time line for communications with the Law Department. Councillor Logan passed out amendments to the Ordinance drafted by the Law Department. Councillor Logan reviewed his changes. Councillor Logan reviewed not allowing commercial activities. Councillor Fowler asked if regulating personal cultivation would be inconsistent with state law. Councillor Logan said that commercial cultivation could be limited. Councillor Stanley it should be limited to commercial and industrial zone. Councillor Logan asked the Committee if they wanted to limit the number of licenses to 20 percent of the package stores. Councillor Logan suggested adding this as subsection q of section 12. The committee agreed. Councillor Fowler moved to request that the Council set a public hearing date. The motion was approved on a voice vote and the draft ordinance was forwarded to the full Council with a recommendation that a hearing be scheduled. Councillor Logan made a request that the Law Department draft a local option tax. The motion was approved on a voice vote. Councillor Logan moved to lay the matter on the table. The motion was approved on a voice vote.

17-25 Bond Requirement

Councillor Logan moved to take the matter from the table. The motion was approved on a voice vote. Councillor Logan moved place the matter on file. The motion was approved on a voice vote.

Plastic Bag Ban

Councillor Logan moved to take the matter from the table. Councillor Logan moved to request the clerk get a copy of other ordinances including Boston. Councillor Logan outlined the problems with plastic bags. Councillor Logan moved to lay the matter on the table. The motion was approved on a voice vote.

Councillor Stanley moved to adjourn at 12:39 am. The motion was approved on a voice vote.