

Ordinances & Rules Committee  
Meeting Minutes  
February 22, 2022

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The Clerk called the meeting to order at 8:26 p.m.

Clerk Kara Wilson called the roll.

Present: Councillors Darcy, Dunn, Harris and McLaughlin.

Absent: LeBlanc

Councillor McLaughlin moved approval of the 2/7/2022 minutes. The motion was adopted on a voice vote and the minutes were approved.

The Clerk read the first agenda item: Winter Sidewalks Safety Resolution.

Councillor Harris spoke on the Resolution. She would like to start a discussion with the Director of CPW and the Mayor and discuss what it means and what to do when people are out moving snow and people are using public sidewalks as snow storage. Adams Street had an eleven-foot snow pile. We need to come up with solutions with the CPW Department Councillor Harris made a request that was approved by a voice vote to have the Mayor, if she wishes and the CPW Director come to the next Ordinances and Rules Committee meeting to discuss Resolution and what are other issues with snow removal from sidewalks in the City and areas and ideas where we could get started with improving snow removal on sidewalks and where we could get started with drafting an ordinance to support winter safe sidewalks.

Councilor Harris moved to place the Resolution on the table. The motion was adopted on a voice vote and the Resolution was tabled.

Councillor LeBlanc moved to take the Zoning Review Resolution from 6/21/2021 off of the table. The motion was adopted on a voice vote and the matter was approved. Councillor LeBlanc asked to ask the Law Department for an update on the requests previously made in committee regarding the building codes. The motion was adopted on a voice vote and the matter was approved. Councillor LeBlanc moved to place the matter back on the table. The motion was adopted on a voice vote and the matter was approved.

Councillor LeBlanc took the chair from Councillor Darcy. Councillor Darcy moved to take the Uma Flowers Special Permit application off of the table. The motion was adopted on a voice vote and the matter was approved. He stated that Uma Flowers is requesting we hold another hearing based on the change in Council seats and time. Councillor Darcy made a request that was approved by a voice vote to have the Law Dept. respond to the following:

REQUEST #1

Request that the Waltham Law Department opine on the questions below. A written response is respectfully requested by Thursday March 3rd or no later than Monday March 7th. These questions relate to the retail marijuana special permit applications, and in particular the request by one of the applicants to conduct a second public hearing in regard to its application.

1. Are all current City Councillors eligible to vote if special permit applicants advertise a second public hearing?
2. Are current City Councillors who attended the first public hearing required to be present at the second public hearing in order to vote?
3. Does the second public hearing automatically trigger another (new) 90-day window?

4. Must the material presented at the second public hearing be identical to the first public hearing?  
Are substantial or minor changes allowed between hearings?

5. Can the public participate in this second public hearing?

6. Must prior requests (e.g. request for city sponsored traffic study) be repeated in the Ordinances and Rules Committee after the second public hearing? More broadly, do questions and requests before the second public hearing remain part of the council's official deliberation?

7. Can the applicant be required to consider data from our city sponsored traffic study?

On the motion Councillor Dunn asked if the traffic study would even be completed by the time of this second hearing. Councillor Darcy asked if it is fair that these petitioners have to do it and the other ones have not. Councillor Darcy made a second request that was approved by a voice vote to:

**REQUEST #2**

Request that a representative of the Law Department attend the next Ordinances & Rules committee meeting on Monday March 7th after 8pm to answer questions related to the 5 retail marijuana special permit applications currently before the Waltham City Council.

Councillor Darcy moved to place the matter back on the table. The motion was approved by a voice vote and matter was tabled.

With no further matters Councillor Darcy moved to adjourn.

Chairman Pro Tem LeBlanc declared the meeting adjourned at 8:51 p.m.

Respectfully submitted,  
Kara Wilson, Assistant City Clerk  
February 28, 2022