



***Waltham City Council
Ordinances and Rules Committee
Minutes
Monday, March 1, 2021
City Council Chamber
610 Main Street
Waltham, MA 02452
Following Committee of the Whole***

Chairman McLaughlin called the meeting to order at 9:16 pm.

Attendance

Present:

John J. McLaughlin

George A. Darcy III

Caren Dunn

Cathyann Harris

Randall J. LeBlanc

Absent: none

Councillor Dunn approval of minutes from the February 14, 2021 meeting. The motion was approved on a voice vote.

New Matters:

Special Permit pursuant to the provisions of Article 3, Section 3.5, subsections 3.512, 3.641 and 3.642 of the Zoning Ordinance of the City of Waltham to grant a special permit for the use of a portion of the Locus (as shown on the Site Plan, Sheet 3) for a Yard Waste Transfer Station and Organic Product Storage, on the property known as 44, 44R & 56 Williams Street and 114 Felton Street, Waltham, MA

Attorney Michaud presented a contract for a pest control plan. Councillor LeBlanc moved to request a Law Department review of the application and that the review be returned prior to March 15, 2021. The motion was approved on a voice vote. Councillor LeBlanc moved to lay the matter on the table. The motion was approved on a voice vote.

Special Permits under the provisions of Article III, §3.229; §3.620; §3.634; and §5.92 of the Zoning Ordinance of the City of Waltham ("Zoning Ordinance"), then in effect on September 24, 2018 (the date of the prior denial decision issued by the Waltham City Council), to permit: (1) a combined convenience store in a gas station; (2) for a fast-food establishment; and (3) for reduced parking for said uses at 225 Waverley Oaks, Waltham, MA

Attorney Hamza Chaudhry presented changes made to the plans after the City Council hearing. Engineer for the petitioner Alan Micale reviewed the plan changes that were filed with the City Clerk on March 1, 2021. Councillor Harris asked questions about these changes. Councillor LeBlanc asked how long the construction would take. Owner, Andrew Delli Carpini said it would take about 16 weeks. Councillor LeBlanc moved that Assistant City Solicitor Learned be invited to the next Committee meeting. The motion was approved on a voice vote. Traffic Engineer for the petitioner Andrew Arsenault reviewed the parking configuration. Mr. Arsenault also provided more information about the traffic and traffic patterns associated with the site. Councillor Darcy asked questions about accessibility and asked that plans be modified to show areas that are not supposed to have obstructions. Councillor Darcy expressed concern that the petitioner did not want to have an automatic door for the disabled. Chairman McLaughlin asked if this is the layout

at other sites. Attorney Chaudhry said this is smaller than most of the other sites. Chairman McLaughlin asked about snow storage. Chairman McLaughlin asked about the expiration of the ZBA decision. Attorney Chaudhry said the dates to act on the permit were tolled as a result of the litigation with the City. Councillor Darcy asked that the lines on the plans be adjusted to show them on the petitioner's property. Councillor Darcy moved to lay the matter on the table. The motion was approved on a voice vote.

Fuel Storage Permit Ordinance

Councillor LeBlanc moved that the matter be sent to the Law Department for a review of form and constitutionality. The motion was approved on a voice vote. Councillor LeBlanc moved to lay the matter on the table. The motion was approved on a voice vote.

Special Permit Costco Wholesale located at 71 Second Ave reduction in parking and other changes to the existing Special Permit in order to allow a fueling stations.

Councillor Harris moved to take the matter from the table. Councillor Harris that Attorney Azadi attend the next meeting. The motion was approved on a voice vote. Councillor Dunn asked why the Gas Station is open when the store is not. Mr. JP Andrews said it was for the convince of commuters. Councillor Dunn asked about the use of the of the hotel parking lot for traffic flow. Attorney Tam reviewed the response he provided on this issue. Attorney Connors and attorney Tamm reviewed the ways the permits could be modified and that this came out of the last process. Councillor Dunn asked about the decommissioning the space. Attorney Connors reviewed Inspector Forte's findings on the matter. Councillor Darcy said decommissioning is never mentioned in the ordinances and does not know how it is allowed. Chairman McLaughlin expressed concern about the traffic patterns and traffic flow. Chair McLaughlin asked about the turning radius for the fuel deliveries. Mr. Glowacki reviewed the flow. Chair McLaughlin asked about the fuel deliveries. Mr. Andrews said they expect 2 per day. Councillor Dunn expressed further concerns about the traffic exiting onto Winter Street. Councillor Harris moved to lay the matter on the table. The motion was approved on a voice vote.

Resolution on Realistic Affordable Housing and accompanying Ordinance

Councillor Darcy moved to take the matter from the table. The motion was approved on a voice vote. Councillor Darcy asked questions of Mr. Waters about the shifting the AMI down to 50% for the required affordable units. Mr. Waters said the Council recently set aside about of the units for this class of residents. Councillors Darcy, LeBlanc and Harris asked about people being left out if we make this change. Mr. Waters said individuals who make between 50-80% of the median area income would now be excluded. Councillor Paz said that there are many people in need and that moving the percentage to 50% would help those most in need. Councillor Paz questioned weather the current program is working. Councillor Paz said he would like the matter reviewed by the Law Department. Councillor Dunn moved to lay the matter on the table. The motion was approved on a voice vote.

Special Permit modification 225 Wyman Street

Mr. Connors reviewed the filing. Councillor Dunn moved approval. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation for approval.

Special permit 49-53 Linden Street pursuant to §3.4 and §3.635 of the City of Waltham Zoning Ordinance (Zoning Ordinance) to authorize a Drive-In Customer Service Use (defined in §3.225 of the Zoning Ordinance to include an automated banking facility) for a drive-through automated teller machine (ATM), (2) grant an extension special permit pursuant to §6.746 of the Zoning Ordinance to allow an extension of the hours of sign illumination otherwise required under §6.743 of the Zoning Ordinance to allow continuous illumination of the ATM (i.e., for 24-hours per day), and (3) amend City Council Order #28146, dated May 28, 1996, to authorize a modification to the existing parking layout to accommodate the ATM.

Councillor Harris moved to take the matter from the table. Councillor Harris moved to send the matter to the Law Department for review. The motion was approved on a voice vote. Councillor Harris moved to lay the matter on the table. The motion was approved on a voice vote.

Plastic Bag Ordinance

Councillor Harris moved to take the matter from the table. Councillor Harris moved an amendment regarding compostable bags and to extent the effective date to 180 days from passage. The motion was approved on a voice vote. Councillor Harris moved to send the updated language to the Law Department. The motion was approved on a voice vote. Councillor Harris moved to lay the matter on the table. The motion was approved on a voice vote.

Café Resolution

Councillor Harris moved to take the matter from the table. Councillor Harris moved to file. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation that it be filed.

Councillor Darcy moved to adjourn at 10:58 pm. The motion was approved on a voice vote.

Respectfully submitted,

Joseph W. Vizard, Assistant City Clerk

March 13, 2021