



***Waltham City Council  
Ordinances and Rules  
Committee  
Minutes  
Monday March 18, 2019***

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

Chairman McLaughlin called the meeting to order at 8:36 pm.

Present:

John J. McLaughlin

George A. Darcy, III

Cathyann Harris

Robert G. Logan

Randall J. LeBlanc

Absent: None

Councillor Logan moved approval of the minutes from 3/4/2019. The motion was approved on a voice vote.

New matters:

***Resolution Acceptance of Chapter 33 Section 59 of MGL***

Councillor Harris moved to take the matter out of order. The motion was approved on a voice vote. Councillor Harris moved to hear from the President of the Waltham Firefighters Union 866 Michael Duffy. Mr. Duffy reviewed the need to adopt this statute in order to provide appropriate compensation to City personal who are in the National Guard and military reserves. Councillor Harris moved approval. Councillor Diane LeBlanc spoke in favor of the matter. Councillor Logan spoke in favor of the matter. Councillor Nabulime informed the Committee that she was recording. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation that it be approved.

***Modification to Existing Special Permit 54 Fourth Ave Waltham Suites LLC***

Councillor Randy LeBlanc recused himself from this matter and left the room. Councillor Logan moved to hear from off Committee members. The motion was approved on a voice vote. Dan Mills from MDM Transportation presented the traffic impact of the proposal. This included an increase of 23-24 trips during peak times. Councillor Logan asked about electric charging stations. Mark Wolman said that they would provide 2 charging stations. Attorney Dwyer addressed other matters that were raised at the public hearing including the construction of a sidewalk which presents some challenges due to the slope of the land. Eric Joseph from Paul Finger associates reviewed the challenges related to constructing a sidewalk. Attorney Dwyer said the petitioner is working on as built plans. He said the petitioner would install automatic doors. Councillor Harris asked

questions about the timeline of the project. Councillor Darcy said he would like to see a sidewalk proposal and asked the petitioner if he could view the site. Councillor Darcy asked about installing bike racks. Councillor Darcy asked the Clerk to find the Special Permit plans from 1995. Councillor McLaughlin asked about responses to the Engineering memo. Councillor Dwyer said he thought that they were provided but that he would send them if they were not. Councillor Darcy moved to lay the matter on the table. The motion was approved on a voice vote.

*Special Permit Reduction of Parking 100 First Ave HD Development of Maryland, Inc.*  
Attorney Proia passed out updated plans. Attorney Proia said the petitioner did not intend on having any further tent sales that would affect parking. Councillor Logan asked about snow storage. Jocelynn Mayer from VHB reviewed the plans for snow storage. Councillor Logan said he does not believe the use of parking spaces for snow storage is allowed. Councillor Darcy asked about bike racks. Councillor Randy LeBlanc and Councillor Harris asked further questions about snow storage. Councillor McLaughlin asked about employee parking. Councillor Darcy asked follow-up question about snow storage. Councillor Darcy moved to lay the matter on the table. The motion was approved on a voice vote.

Tabled matters:

*Zoning Amendment Affordable Housing*

Councillor Logan moved to take the matter from the table. Councillor Logan moved to amend the ordinance by strike Article 9 and inserting in place thereof Section 9.1 in two places. Councillor Darcy said he believes this change should be reviewed by to see if the matter needs to be re-advertised. Councillor Logan said he did not believe that the matter would need to be re-advertised because this is narrowing the scope. Councillor Harris said she thought this could be asked when the matter is sent to the Law Department for review and she asked questions related to timing and process. The amendment passed on a voice vote. Councillor Logan moved to amend the ordinance in section 9.14 by adding at the end thereof “except for developments of 12 units or less the number should be rounded down to 1. “Councillor Randy LeBlanc asked if the numbers could be increased for large developments Councillor Logan said that that would require a new advertising. The amendment passed on a voice vote. Councillor Darcy moved to increase the affordable housing percentage to 20% for developments with more 50 units. Councillor Logan said that this was beyond the scope of the proposal. Councillor Logan also said that he believed this would lead to developers simply applying for a 40B permit. Councillor Councillor Harris asked about getting to the 10% requirement under 40B. Councillor Logan said there is a lot more than zoning that has to be done to get us there. Councillor Darcy said that increasing this percentage is a way to the 10% and said that Somerville and Cambridge are at this percentage. Councillor Darcy requested a roll call.

Roll Call:

George A. Darcy, III YES

Cathyann Harris NO

Robert G. Logan NO

Randall J. LeBlanc NO

John J. McLaughlin NO

The amendment was not approved.

Councillor Darcy moved to increase the affordable housing percentage to 17% for developments with more 50 units.

Roll Call:

George A. Darcy, III YES

Cathyann Harris NO

Robert G. Logan NO

Randall J. LeBlanc NO

John J. McLaughlin NO

The amendment was not approved.

*Compensation Amendment Consolidating Public Works Director*

Councillor Logan moved to take the matter from the table. The motion was approved on a voice vote. Councillor Logan moved to amend the ordinance by removing the reference to o the assistant to the parking clerk. The motion was approved on a voice vote. Councillor Logan moved that the matter be given a second reading. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation that it receive a second reading.

*General Ordinance Amendment Consolidating Water and Sewer and Public Works*

Councillor Logan moved to amend the ordinance to say that the principal office assistant remaining in the Engineering Department would be under the supervision of the City Engineer. The motion was approved on a voice vote. Councillor Logan moved that the matter be given a second reading. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation that it receive a second reading.

*Zoning Amendment Smoke Shops*

Councillor Logan moved to take the matter from the table. The motion was approved on a voice vote. 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 receive a first reading.

*Public Records Request Marijuana Zoning Opinion*

Councillor Logan moved to send the matter to the Law Department for review and to release it based on their recommendation for redactions. The motion was approved on a voice vote.

*Special Permit 215 South Street wireless communication equipment*

Councillor Logan moved to take the matter from the table. Councillor Darcy moved to release the legal opinion to the petitioner. The motion was approved on a voice vote.

Councillor Logan reviewed the height, FCC clearances and the title sheets. The petitioner agreed to extend the FCC shot clock. Councillor Darcy 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. Councillor Logan asked about the office space on the first floor and expressed a desire for retail. Councillor Logan asked about exiting onto the MBTA right of Way. Attorney Bret Francis presented a portion of the deed that grants access. Other matters reviewed included residential units having a separate entrance. The number of units and leaving a 6 inch reveal on the sidewalk at Felton Street. There was discussion of where the water and sewer lines would tie in. New conditions were added one saying there would be no residential units on the first floor and one requiring the filing of as built plans. Councillor Darcy asked about automatic doors, and the sidewalks. Councillor Logan moved recommend that the Council approve the special permit as long as a revised order and updated plans are filed with the clerk. The motion was approved on a voice vote.

*Special Permit Modification at 450 Totten Pond Road*

Councillor Logan moved to take the matter from the table. The motion was approved on a voice vote. Councillor Logan moved that the legal opinion be released to the petitioner. The motion was approved on a voice vote. Councillor Logan moved that the petition be denied because it is beyond the scope of the Council's authority. The motion was approved on a voice vote.

*Park Ranger*

Councillor Logan moved to take the matter from the table. The motion was approved on a voice vote. Councillor Logan moved to hear from Councillor Romard. The motion was approved on a voice vote. Councillor Logan asked that the ordinance and the Law Department opinion be sent out. Councilor Darcy moved to take the matter from the table. The motion was approved on a voice vote.

*Interpretive services resolution*

Councillor Darcy moved to take the matter from the table. The motion was approved on a voice vote. Councillor Darcy request was made for the Clerk to estimate the cost. The motion was approved on a voice vote. Councillor Darcy moved to lay the matter on the table.

Councillor Rand Leblanc moved to adjourn at 11:33 pm. The motion was approved on a voice vote.

Respectfully submitted,  
Joseph W. Vizard, Assistant City Clerk