



***Waltham City Council
Ordinances and Rules
Committee
Minutes
Tuesday, April 16, 2019***

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

Chairman McLaughlin called the meeting to order at 8:46.

Attendance

Present:

John J. McLaughlin

George A. Darcy, III

Cathyann Harris

Robert G. Logan

Absent:

Randy LeBlanc

Councillor Logan moved approval of the minutes 4/1/2019. The motion was approved on a voice vote.

New matters:

Zoning Ordinance Amendment Convenience Food Stores

Councillor Logan said that the Board of Survey issued a recommendation. Councillor Logan moved that the matter be given a first reading. The motion was approved and the matter was forwarded to the full council with a recommendation that it be given first reading.

Special Permit Anchor Line Partners increase in Floor Area Ratio (FAR) to 1.38- 140 Fourth Avenue

Councillor Logan moved to hear from Attorney Mula. The motion was approved on a voice vote. Councillor Logan read from the communication from the petitioner dated April 11, 2019, which was filed in the City Clerk's Office. The petitioner reviewed the responses to various questions including the number of employee trips. Councillor Logan list of individuals with beneficial interests in Northwood Investors which has over 125 investors. Mr. Mula said Anchorline only had two individuals with ownership interest. Councillor Logan asked about the split of Office to R&D space. Councillor Logan read from section 3.359 in the first paragraph regarding the use for office. Councillor Logan moved to send a request regarding how the parking was calculated to the law department. The motion was approved on a voice vote. Councillor Logan moved to send the engineering response to the city engineer. 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.

Resolution Waive Attorney Client Privilege for 49 Marijuana Zoning Questions

Councillor Logan moved to release the opinion. The motion was approved on a voice vote. Councillor Logan 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.

Resolution Exempt Municipal Projects from Zoning

Councillor Logan read 3.216 of the Zoning Ordinance and said that all government uses are allowed in most zones. Councillor Logan said exempting the city from all zoning might be problematic if the City does something in a neighborhood. Councillor Logan also said that the city should play by the same rules as anyone else. Councillor Logan moved to lay the matter on the table. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation that it be filed.

Minor Modification to Special Permit #26408 at 1000 Winter Street

Attorney McCourt spoke on behalf of the petitioner. Councillor Logan explained that since the plans from 20 years ago did not have solar panels on the plans Councillor Logan said we needed an order. Councillor Logan asked Attorney McCourt to draft an order. Councillor Logan made motion for approval contingent of the Clerk receiving the order by noon on Thursday. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation for approval.

Request for Letter of Support or Non Opposition from petitioner, Middlesex Integrative Medicine, Inc.

Councillor Logan said we have a few of these on the table that because a marijuana establishment require a special permit and because the City Council act as a quasi-judicial capacity, such a letter could prejudice the council in granting the special permit. Councillor Logan said the Mayor could grant this letter and she is not bound by that. Councillor Darcy asked if there is an option related to this. Councillor Darcy asked what the work around was. Councillor Logan said that the work around is for the Mayor to issue it. Councillor Darcy asked if they approached the Mayor. Attorney Connors said he has and that they have not heard back. Councillor Harris asked why the petitioner is asking for this letter. Councillor Harris asked if there was a time limit for the letter to be issued. Ed Bartlett said they need the letter by December of 2019. Mr. Bartlett read from the template of the letter submitted to the Council. Councillor Harris said could we re-write this letter. Councillor Logan said that would be fine if it did not say that the Council supports or does not oppose it. Attorney Connors said the letter could be redrafted. Councillor Darcy moved to table. The motion was approved on a voice vote.

General Ordinance Amendment Chapter 3 Article III Keeping of Hens (Recommitted)

Councillor Darcy moved to send the matter to the Law Dept for review and request a response by June 15, 2019. The motion was approved on a voice vote. Councillor Darcy moved to lay the matter on the table. The motion was approved on a voice vote.

Draft FOG Ordinance (Recommitted)

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 be given a second reading.

Public Records Request for Legal Opinion Regarding Letters of Non-Opposition

Councillor Logan moved invoke attorney client privilege and not release the opinion. The motion was approved on a voice vote.

Public Records Request Legal Opinion Regarding Marijuana Zoning

Councillor Logan moved invoke attorney client privilege and not release the opinion. The motion was approved on a voice vote.

Tabled matters:

Compensation Ordinance Park Ranger

Councillor Darcy moved to take the matter from table. The motion was approved on a voice vote. Councillor Darcy 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 be given a second reading.

Special Permit 300 Third Ave increase in Floor Area Ratio (FAR) to 1.79

Councillor Logan moved to take the matter from the table. Moved that to recommend the extension to June 26, 2019 be granted. 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.

Ordinance Amendment for Article V Section 17-80

Councillor Logan reviewed the changes recommended Councillor Logan moved to amend the ordinance consistent with the Law Department opinion changes. 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 Non-medical Marijuana

Councillor Logan moved approval. Councillor Logan moved reconsideration. Councillor Logan reviewed technical amendments to the ordinance. Councillor Logan moved approval of technical amendments to the ordinance. 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.

Plastic Bag Resolution

Councillor Logan moved to take the matter from the table. The motion was approved on a voice vote. Councillor Logan moved to send the matter out to the full Council without recommendation. The motion was approved on a voice vote.

Councillor Logan moved to adjourn at 10:05 pm. The motion was approved on a voice vote.