



***Waltham City Council
Ordinances and Rules Committee
Minutes
Monday, April 5, 2021
City Council Chamber
610 Main Street
Waltham, MA 02452***

Chairman McLaughlin called the meeting to order at 10:00 pm.

Attendance

Present:

John J. McLaughlin

George A. Darcy III

Caren Dunn

Cathyann Harris

Randall J. LeBlanc

Absent: none

Councillor Darcy moved approval of minutes from the March 1, 2021 meeting. The motion was approved on a voice vote.

Approval of minutes from the March 15, 2021 meeting

Establishing Zoning Regulations to Limit Unfettered Proliferation of Similar Businesses in Waltham Neighborhoods Resolution

Councillor Darcy spoke about Banks squeezing out other business that are of greater public benefit. Councillor Darcy requested the Law Department review this matter. 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.

Special Permit Modification at 511 Totten Pond Road, LLC & Totten Pond Road Service Center, Inc.

Attorney Joseph Connors said the modification was to allow a walk in freezer and to clarify that food preparation would be allowed. Councillor LeBlanc asked about the zoning amendment related to this use. 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 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. The motion was approved on a voice vote. Councillor Harris moved to send the filings subsequent to the Law Departments review of 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.

Zoning Amendment Medical Marijuana

Councillor Dunn moved to take the matter from the table. Councillor Dunn moved to release the Law Department opinion. The motion was approved on a voice vote. Chair McLaughlin instructed the Clerk to remove the matter from the Committee Docket due to time to act expiring.

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

Councillor Harris moved to take the matter from the table. The motion was approved on a voice vote. Attorney Francis explained that the petitioners would file modification to their existing special permit in order to make the two permits harmonious. Councillor Harris asked about the hours of operation, the number of trucks, clarified that this is not for compositing, merging of lots, number of employees, loading zone, runoff issues, and truck washing. Attorney Machude said that all of the issues had been addressed and there would be no truck washing or composting on site. Councillor LeBlanc asked for a condition stating no composting. Attorney Machude agreed. Councillor LeBlanc asked about when the modification would be filed. Attorney Francis said within 30 days. Councillor Dunn asked questions about storage. Councillor Darcy asked that a condition be added saying no loading between 6:00 am and 7:00 am and that litter be cleaned. Attorney Machude agreed. Councillor Harris clarified the conditions being requested. Councillor Harris moved approval. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation for approval.

Resolution Exempt Municipal Projects from Zoning

Councillor LeBlanc moved to take the matter from the table. The motion was approved on a voice vote. Councillor LeBlanc spoke about obstacles the city has experienced in its building projects. Attorney Azadi said that since these buildings are being constricted for the public good and public benefit there would be a rationale to exempt them from zoning. Councillor Darcy moved to release the law opinions. Councillor Darcy withdrew his motion in order to give the committee time to review the opinions. 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

Councillor Dunn moved to take the matter from the table. The motion was approved on a voice vote. Mr. Garvin said he had reviewed the traffic plan and that it conforms to established standards. Mr. Arseneault presented the site plan. Mr. Garvin reviewed it and did not identify deficiencies. Councillor Dunn asked about the mitigation from before. Mr. Garvin said he needed to review what it was. Attorney Chaudary said the petitioner is willing to make some contribution for traffic improvement. Councillor LeBlanc discussed trouble for bikes and walkers getting over the train tracks. Councillor Dunn moved to lay the matter on the table. The motion was approved on a voice vote.

Councillor Dunn moved to adjourn at 11:41 pm. The motion was approved on a voice vote.

Respectfully submitted,

Joseph W. Vizard, Assistant City Clerk