



***Waltham City Council
Ordinances and Rules
Committee
Minutes
Monday, June 17, 2019***

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

Chairman McLaughlin called the meeting to order at 8:30 pm.

Attendance

Present:

John J. McLaughlin

George A. Darcy, III

Cathyann Harris

Randall J. LeBlanc

Robert G. Logan

Absent: none

Councillor Logan moved to accept the minutes from 5/28/2019. The motion was approved on a voice vote.

Councillor Randy LeBlanc moved to accept the minutes 6/3/2019 as amended. The motion was approved on a voice vote.

140 Fourth Ave

Councillor Darcy moved to take the matter from the table. The motion was approved on a voice vote. Councillor Darcy moved to approve the extension to Sept 25th. The motion was approved on a voice vote.

Resolution Increasing Affordable Housing Dwelling Unit Mandate from 10% to 20% in Article IX Sec. 9.1 and other sections

Councillor Darcy moved to take the matter from the table. The motion was approved on a voice vote. Councillor Darcy said the time to act on this matter had expired and moved that the matter be placed on file. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation that the matter be filed.

Special Permit for Kaali Corporation at 790 Main Street for use to operate a convenience food store

Councillor LaCava asked questions about the responses to questions from Councillors. Attorney Shawn Keefe reviewed his responses dated June 13, 2019, which are on file in the Clerk's Office as well as the plan changes that were made in response to City Council comments at the hearing which was held on June 10, 2019. Attorney Keefe said that the existing trailer would be removed and bollards were added to the plans. Councillor Logan said that he could not support the special permit because the reduction of parking and at this location was not in the community's interests. Councillor Harris asked clarifying questions about the traffic report. Heather Monticup the petitioner's traffic engineer presented the parking configuration. Cars waiting to be serviced would be removed and replaced with parking for the store. The traffic engineer reviewed the different elements of the traffic study and projections into the future. The biggest change is on a Saturday where there would be 26 more trips in and out of the site. Councillor Harris asked about

how the traffic counts were projected. Ms. Monticup said using ITE data and standards. Councillor Harris asked questions about the average delay of vehicle. Councillor Harris asked about selling vaping products on site. Attorney Keefe said that the petitioner has a tobacco license and plans to continue to sell tobacco products. Councillor Harris asked that the petitioner look at not selling vaping products at the store. Councillor LeBlanc asked about how cars access the bays. Kalpesh Patel explained how the flow of traffic works today. Councillor Randy LeBlanc asked further clarifying questions about the flow of the traffic on the site. Councillor Darcy asked about other gas stations with convenience stores and their parking spaces. Attorney Keefe said they are working on getting the data together and reviewed the parking configuration at New World Gas that the petitioner also owns. Councillor Logan said he has concerns that the parking as shown on the plan won't work that way in real life. Councillor Logan said that there is no place for snow storage. Councillor Logan asked Attorney Keefe to find out if there is any other location in Waltham where a gas station with a retail store was also given a parking reduction. Councillor LaCava asked about snow storage. Attorney Keefe said that the petitioner currently hauls snow off site and they will continue to do so. Councillor LaCava asked if they had been caught selling underage in the past. Councillor LaCava said that if there is not a danger to the public we should not be standing in the way of business. He would like to see more information about the traffic to make sure that there is no danger to the public. Councillor Darcy moved to lay the matter on the able. The motion was approved on a voice vote.

Special Permit for The Davis Companies at 1017-1019 Main Street and 1025-1075 Main Street for Floor Area Ratio (FAR) of 1.09.

Attorney Michael Connors reviewed the responses to comments made at the public hearing on June 10, 2019 that are contained in a communication dated June 13, 2019, which is on file in the Clerk's Office. Councillor Logan asked about replacing the remote parking and the change in the FAR which is a decrease. Councillor Logan asked about the number of spaces. Attorney Connors said it is an increase of 2. Councillor Logan moved to send to law for review. Councillor Randy LeBlanc asked questions about the remote lot. Attorney Connors said the remote parking lot could be big enough to build something. Attorney Connors said that this parking configuration would be safer because of the current entrance to the remote parking. Councillor Darcy asked if the parking lot was full on Saturdays and Sundays. Councillor Darcy asked if parking for the neighbors is offered. Attorney Connors said they do not actively tow. Councillor Logan moved to send the matter to the Law Department for review. The motion was approved on a voice vote. Councillor Logan moved to lay the matter on the able. The motion was approved on a voice vote.

Extension of time for Special Permit at 1560 Trapelo Road

Councillor Logan moved approval. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation for approval.

Compensation Ordinance Library Director (Recommitted)

Councillor Logan moved to lay the matter on the able. The motion was approved on a voice vote.

General Ordinance Marijuana Host Community Agreements and Letters of Support or Non-Opposition (Recommitted)

Compensation Ordinance Fire Department Radio Liaison (Recommitted)

General Ordinance Plastic Bags (Recommitted)

General Ordinance Plastic Bag fines (Recommitted)

Councillor Logan moved to act on the matters collectively. The motion was approved on a voice vote. Councillor Logan moved to send the matters to the Law Department for review. The motion was approved on a voice vote. Councillor Logan moved to lay the matters on the able. The motion was approved on a voice vote.

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

Councillor Logan moved to take the matter from the table. The motion was approved on a voice vote. Councillor Logan said he was happy to see that the petitioner had agreed with more of the Law Department comments in their June 13, 2019 communication which is on file in the Clerk's Office. Councillor Logan asked about the matters that were in grey, Attorney Connors reviewed the rational for including some items that make it clear what the rational for the decision was. Councillor Logan moved approval. Councillor Harris thanked the petitioner for the work on the order. The motion was approved on a voice vote and the matter was forwarded to the full Council with a recommendation for approval.

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

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

Councillor Logan moved to adjourn at 9:32 pm. The motion was approved on a voice vote.

Respectfully submitted,
Joseph W. Vizard, Assistant City Clerk