

City Council Docket
October 13, 2015

The City Council Meeting will be held on Tuesday, October 13, 2015 at 7:30 PM in the Council Chamber at City Hall, 610 Main Street, Waltham and the following matters and others will be considered.

Accepting minutes from September 28, 2015

Notice is hereby given that the City Council will hold a joint Public Hearing with the Board of Survey and Planning in the City Council Chamber at City Hall, 610 Main Street, Waltham MA on Tuesday, October 13th, 2015 at 7:30 pm on the following application:

Joint Public Hearing

AN ORDINANCE AMENDING CHAPTER 21 OF THE GENERAL ORDINANCES OF THE CITY OF WALTHAM ENTITLED “ZONChapter 21 of the General Ordinances entitled “Zoning District Map”, as most recently amended, is hereby further amended by striking out the designation “Residence A2 (RA2)” as shown on said map and substituting in place thereof new lines and designation “Conservation/Recreation (CR)” insofar as the said map relates to the following described premises:

The locus is that certain parcel of land known as “939 Trapelo Road” containing 1.426 acres of land more or less, identified in the “Atlas, City of Waltham, Massachusetts 1988” as Map 15, Block 1, Lot 1, with improvements located thereon, situated at the northeasterly corner of Trapelo Road and Bow Street in the City of Waltham, County of Middlesex, Commonwealth of Massachusetts, and more particularly described as follows:

A parcel of land bounded southerly by Trapelo Road, formerly called North Street, westerly by Bow Street, and northwesterly, northerly and easterly by land of the City of Waltham, and identified as “Lot 2” on a plan entitled “Plan of Land in Waltham & Lexington (Middlesex Co.) Mass.”, surveyed for Geraghty & Miller, dated December 2, 1996, Plan No. 379 of 1997, Book 27228, Page 430, and being the same premises conveyed to the County of Middlesex by deed of the Roman Catholic Archbishop of Boston, a corporation sole, dated December 8, 1959, and recorded with the Middlesex South District Deeds, Book 9512, Page 539, and further being the same premises conveyed to the Roman Catholic

Archbishop of Boston by deed of James J. Baxter, dated August 12, 1930, and recorded with the Middlesex South District Deeds, Book 5488, Page 281.

Public Hearing

KW Waltham LLC, Ara Aftandilian, Manager, PO Box 394, Topsfield, MA 01983, Petitioner, and RMD Trust, Jay J. Lander & Rhea M. Roazen, Trustees, 44 Falmouth Road, Weston, MA 02493, Owner of Property, hereby petition the City Council for a Special Permit pursuant to the provisions Article 3, Section 3.5, subsections 3.512 and 3.617 to allow the construction of a hotel and other site improvements, and, an increase in intensity of use for said hotel with the required parking on the property located at 135 Second Avenue, Waltham, Massachusetts Atlas Page 39, Block 1, Lot 2.

The building will have a total FAR (floor area ratio) of 0.68.

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The property is in a Commercial Zoning District.

Public Hearing 17-25

The Petitioner, 96 Linden Street Realty Trust, John Severini and Babak Veyssi, Principals with an address of 535 Boylston Street, Brookline, MA 02445 as the owners of the property located 96 Linden Street, Waltham, MA petitions the Waltham City Council for permission under the provisions of Sections 17-25 for the installation of utilities.

The property is 96 Linden Street is shown on the City of Waltham Atlas Page 52, Block 4, Parcel 2 and Page 53, Block 6, Parcel 1. All work is to be done in accordance with the provisions of said Section 17-25.

Communications from Mayor

1. Appropriation of funds in the amount of \$100,000 from the Stabilization Fund to Law – Judgements, Claims and Settlements #001-151-5400-5760.
2. Acceptance of a gift of Narcan from The Newton Wellesley Hospital to the Waltham Health Department.

Application for License and Permits

1. Renewal Application for extended hours – Burger King – 881 Moody Street
2. Secondhand dealers license – Nick Semakuwa - Quality Desiynz LLC – 431 River St.
3. Renewal of 2nd hand motor vehicle (Cl. 2) Boston Muffler & Brake 251 Lexington St.

Presentation of Petitions Resolutions

1. Virginia “Ginny” Hays Square
2. Brest Cancer Awareness 2015

Committee Reports

Public Works Committee

The Public Works Committee recommends the following gift of easement be approved.

The City of Waltham accepts as a gift, a 20 ft. by 130 ft. easement upon 2 parcels of land located along the boundary lines of 44 Leitha Drive and 50 Leitha Drive. Said easement is being gifted by Robert N. and Debra A. Martin of 44 Leitha Drive and David and Jennifer DeCola, aka Jennifer Wettergreen of 50 Leitha Drive.

License and Franchise

1. The License and Franchise Committee recommends the Fuel Storage Permit for 200 Calvary Street be approved.
2. The License and Franchise Committee recommends the Fuel Storage Permit for Cooper Street be approved with the condition that the license would be effected by the pending Zoning

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Ordinance Amendment regarding parking requirements in the Riverfront Overlay District be approved.

3. The License and Franchise Committee recommends that request of withdrawal without prejudice for the TFS Newco LLC dba Tedeschi Food Shop extended hours at 131 Lexington Street be approved.
4. The License and Franchise Committee recommends that request of withdrawal without prejudice for the TFS Newco LLC dba Tedeschi Food Shop extended hours at 10 High Street be approved.
5. The License and Franchise Committee recommends a grant of location on West Street be approved with the condition upon the petitioner to provide new stamped plans signed off by CPW and paving curb to curb or if possible paving centerline to curb be approved.
6. The License and Franchise Committee recommends the renewal of second hand motor vehicles - Pilgrim Auto Body, Inc. be approved.
7. The License and Franchise Committee recommends the renewal of second hand motor vehicles (Class 2) – Pilicy Auto & Yacht Inc. be approved.
8. The License and Franchise Committee recommends the Renewal of second hand motor vehicles (Class 2) – PPA, Inc. be approved.
9. The License and Franchise Committee recommends the Renewal of second hand motor vehicles (Class 2) – DW Enterprise Inc. be approved.
10. The License and Franchise Committee recommends the Renewal of second hand motor vehicles (Class 2) – Sideris Automotive Services, Inc. be approved.
11. The License and Franchise Committee recommends the Renewal of second hand motor vehicles (Class 2) – Colvins Inc. be approved.
12. The License and Franchise Committee recommends the Renewal of second hand motor vehicles (Class 2) - Paul’s Auto Service Inc. be approved.
13. The License and Franchise Committee recommends the Renewal of second hand motor vehicles (Class 2) – Newton St. Services, Inc. be approved.
14. The License and Franchise Committee recommends the Renewal of extended hours – Tedeschi’s #426 at 591 Moody Street be approved.
15. The License and Franchise Committee recommends the Renewal of extended hours – Waltham Fuel at 1335 Main Street be approved.

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16. The License and Franchise Committee recommends the resolution regarding Charlotte Smith Square be approved with the Order to read as follows:

Ordered that the southeast corner of the intersection of South Street and Russell Street, shall hence force be known as Charlotte Smith Square. And further Ordered that a suitable marker be erected at that location in tribute to her many contributions to the City.

Committee of the Whole

The Committee of the Whole recommends a portion of the Resolution for 1 Balm Road be it further resolved that the city council request the Community Preservation Committee to use administrative funds to have an appraisal conducted on the said property be approved.

Finance Committee

The Finance Committee recommends the appropriation of \$17,500 from the stability fund to CPW for handicap ramps be approved.

Long Term Debt

The Long Term Debt Committee recommends a transfer of capital improvement funds totaling \$28,658.39 to be combined with existing funds of \$1,800 in account Fire-Hybrid Vehicle #310-220-2013-6411 and used towards the purchase of a hybrid vehicle for the Fire Prevention Office be approved.

The Long Term Debt Committee recommends an appropriation of funds in the amount of \$24,650 from the Stabilization Fund to account Building – Hybrid Vehicle #001-192-5800-6411 to purchase a hybrid vehicle for the Building Dept. be approved.

The Long term Debt Committee recommends an appropriation of funds in the amount of \$90,000 from the Stabilization Fund to account CPW - Tractor #001-420-5800-6444. to purchase a tractor with a mower attachment to maintain the Fernald and Mackerel Hill properties be approved.

Ordinances & Rules

1. The Ordinance and Rules Committee recommends the approval of The Nathaniel at Banks Square Condominium bid on unit 200 in the amount of \$200,000.00 (affordable unit) be approved.
2. The Ordinance and Rules Committee recommends the approval of The Nathaniel at Banks Square Condominium bid on unit 202 in the amount of \$291,201.00 be approved.
3. The Ordinance and Rules Committee recommends the approval of The Nathaniel at Banks Square Condominium bid on unit 203 in the amount of \$247,000.00 be approved.
4. The Ordinance and Rules Committee recommends the approval of The Nathaniel at Banks Square Condominium bid on unit 204 in the amount of \$278,400.00 be approved.

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5. The Ordinance and Rules Committee recommends the approval of The Nathaniel at Banks Square Condominium bid on unit 205 in the amount of \$285,000.00 be approved.
6. The Ordinance and Rules Committee recommends the approval of The Nathaniel at Banks Square Condominium bid on unit 207 in the amount of \$302,605.00 be approved.
7. The Ordinance and Rules Committee recommends the approval of The Nathaniel at Banks Square Condominium bid on unit 303 in the amount of \$266,792.00 be approved.
8. The Ordinance and Rules Committee recommends the Special Permit regarding 46 Bear Hill Road be approved.
9. The Ordinance and Rules Committee recommends the Zoning Ordinance Amendment effecting parking in the Riverfront Overlay District be approved for a first reading.

Unfinished Business and Other Business

1. Jimmy Johns Gourmet Sandwiches
2. Recommendation from CPC for appropriation of funds to demolish non historic buildings on the CPA funded portion of the Fernald.
3. Letter regarding 751 Main Street/TD Bank Special Permit - Condition F #33111
4. Code Enforcement Report (Power Point presentation to be scheduled)
5. CPC Allocation of estimated FY2016 CPA Surcharge & Auditors Tru Up Misc. Funds

Tabled Matters

Tabled from 6/22/2015

Amend Sections 2.2 and 3.1 of the City Charter

Tabled from 8/3/2015

Zoning Map Amendment Ordinance for 939 Trapelo Road (First reading 8/3/15)

Tabled from 9/28/2015

ADHOC Fitch School Committee – final report

Adjournment