

City Council Docket
November 27, 2023

The Waltham City Council will meet in the Council Chamber at City Hall, 610 Main Street, Waltham, MA on Monday, November 27, 2023 at 7:30 p.m. The following matters and others may be considered.

Approval of Minutes
Regular Meeting of 11/13/2023

Notice is hereby given that the City Council and the Board of Survey and Planning will hold a joint Public Hearing in the Council Chamber, City Hall, 610 Main Street, Waltham, Massachusetts, on Monday, November 27, 2023 at 7:30 P.M. on the following proposed amendment to the Zoning Ordinance:

Public Hearing
Zoning Ordinance Amendment

ORDERED:

That Section 3.222A of the City of Waltham Zoning Ordinance, as most recently amended, is hereby further amended by deleting said section in its entirety and replacing it with the following: 3.222A. Body art establishments as defined in Section 2.347, shall be permitted as of right in the zoning districts identified in Section 3.4, subject, however, to the following requirements:

- (1) Body art establishments shall not be considered a customary home occupation as defined by Section 6.11 of this Zoning Ordinance; and further, shall not be allowed in any residential unit in any district.
- (2) Body art establishments shall not be located in any establishment where liquor is sold or consumed or as an accessory use to any other use permitted in this Zoning Ordinance. Body art establishments shall not be located within 300 feet of a residential zoning district.
- (3) Body art establishments shall in no case operate between the hours of 10:00 p.m. and 10:00 a.m.
- (4) Body art establishments shall not be operated without a valid permit from the Board of Health.

And it is further Ordered: that Section 3.4, Table of Uses, of the City of Waltham Zoning Ordinance, as most recently amended, is hereby further amended by deleting the row relating to Body art establishments and replacing it with the following:

Body art establishments (Sec. 3.222A)	RA-1	RA-2	RA-3	RA-4	RB	RC	RD	HR1	HR2
	N	N	N	N	N	N	N	N	N
	BA	BB	BC(1)	LC	C	I	C/R	Use reference	
	N	N	Y	N	Y	Y	N	2.347	

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Public Hearing
Zoning Ordinance Amendment

Be it Ordained: that Article II of the Zoning Ordinance of the City of Waltham, as most recently amended, is hereby further amended as follows:

A new section, to be identified as Section 2.315A shall be added to said Article II following Section 2.315, and said section shall read as follows:

2.315A. DORMER – A projection built out from a sloping roof, usually containing a window or windows, that does not extend beyond the footprint of the building and the height of which shall be at least two (2) feet lower than the ridgepole of the roof. See also Section 4.222A. No such dormer shall be located nearer than three (3) feet from the vertical edge of the roof on which it is located.

Be it further Ordained: that Article II, Section 2.337, of the Zoning Ordinance of the City of Waltham, as most recently amended, is hereby further amended by adding the following to the end of the section:

With respect to single and two-family homes, bulk heads may project into any side yard or rear yard for a distance of up to five feet as long as they do not extend more than one (1) foot above ground level and as long as they do not extend closer than five (5) feet to any side or rear lot line. An elevator or lift may be installed on the exterior of a single or two-family dwelling for handicapped access as long as such elevator or lift does not extend more than five (5) feet into the setback and provided further that it does not extend closer than ten (10) feet to the street line if placed on the front of the dwelling and it does not extend closer than five (5) feet to the side or rear lot line if placed on the side or rear of the dwelling. A small roof, measuring no more than nine (9) square feet in size, may be placed over the front entrance door to a single or two-family dwelling, provided that said roof does not extend into the front setback more than three (3) feet and provided further that it does not extend closer than ten (10) feet to the street line.

Be it further Ordained: that Article III of the Zoning Ordinance of the City of Waltham, Section 3.7224, as most recently amended, is hereby further amended by deleting the words “12 months” and replacing same with the words “twenty-four (24) months.”

Be it further Ordained: that Article IV of the Zoning Ordinance of the City of Waltham is hereby further amended as follows:

A new section, to be identified as Section 4.222A, shall be added to said Article IV following Section 4.222, and said section shall read as follows:

4.222A. Dormers – Dormers, as described in Section 2.315A, shall be allowed in any half-story on a single or two-family dwelling provided that the dormer or combination of dormers, do not exceed fifty percent (50%) of the length of the exterior wall of the building on which each such dormer is located, do not extend beyond the footprint of the building, and have a height at least two (2) feet lower than the ridgepole of the roof.

Be it further Ordained: that Article V, Section 5.34, of the Zoning Ordinance of the City of Waltham, as most recently amended, is hereby further amended by adding at the end of the sentence, the following:

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except that in single and two-family zones, tandem parking is allowed by right for two cars for each dwelling unit.

And be it further Ordained: that Article V, Section 5.35 of the Zoning Ordinance of the City of Waltham, as most recently amended, is hereby further amended by deleting the word “in” and replacing it with the words “within five (5) feet of any street line and.”

Public Hearing
Street Opening (17-25)

Nationalgrid petitions the Waltham City Council to open a public way. Nationalgrid requests permission to cut a (30-foot trench) into a freshly (paved on 11/9/2023) paved street at the intersection of Hammond Street @ Lord Street in Waltham. All work will be completed subject to Section 17-25 of the General Ordinances of the City of Waltham.

Public Hearing
Grant of Location

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the City of Waltham and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

Nationalgrid requests permission to cut a (30-foot trench) into a freshly (paved on 11/9/2023) paved street at the intersection of Hammond Street @ Lord Street Waltham. It would replace 20 feet of 4-inch wrought iron gas main (1904). The rest of the area/project has new plastic. The project is scheduled for completion 12/19/2023.

Communications from the Mayor

1. The Mayor respectfully requests the acceptance of the submission of the ATC Asbestos Report for 240 Beaver Street.
2. The Mayor respectfully requests the acceptance License Agreement for Green Rows of Waltham Inc.
3. The Mayor respectfully requests acceptance of the License Agreement for Community Farms Outreach, Inc. d/b/a Waltham Fields Community Farm.
4. The Mayor respectfully requests the appointment of David L. Levinson, Ph.D., 70 Hawthorne Road, Waltham, as a member of the Board of Library Trustees.

Applications and Licenses

1. Lodging House Renewal — 24-26 High Street –High Street W, LLC.
2. Lodging House Renewal — 107 Adams Street –Dennis Dyer
3. Lodging House Renewal — 403 River Street –Gilbrae Inn LLC.

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4. Lodging House Renewal — 124-126 Ash Street – Ash Street Lodging, LLC.
5. Extended Retail Hours Renewal — 573 Main Street – J&T Shun Lai, Inc.

Resolutions, Orders and Ordinances

- Resolution Honoring Gildo Oresto “John” Piantedosi

Committee Reports
Committee of the Whole

1. The Committee of the Whole recommends the Concerning Alerting All Waltham Residents to be on High Alert for Potential Fraud & Scams from Itinerant Contractors be filed.

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the Fuel Storage for 305 Winter Street Investors at 305 Winter Street be approved.
2. The Licenses and Franchises Committee recommends the Lodging House renewal for MST Realty Associates, LLC. at 49-51 Brown Street be approved.
3. The Licenses and Franchises Committee recommends the Lodging House renewal for SMT Realty Associates, LLC. at 104 Adams Street be approved.
4. The Licenses and Franchises Committee recommends the Lodging House renewal for SMT Realty Associates, LLC. at 74 Adams Street be approved.
5. The Licenses and Franchises Committee recommends the Class 2 renewal for ABKO Auto Body and Paint, Inc. at 97R Linden Street be approved.
6. The Licenses and Franchises Committee recommends the Class 2 renewal for Chrislins Auto, Inc. at 477 Main Street be approved.
7. The Licenses and Franchises Committee recommends the Class 2 renewal for JJJ Auto Retailers, Inc. at 196 High Street be approved.
8. The Licenses and Franchises Committee recommends the Class 2 renewal for Boston Muffler and Brake Co. Inc. at 251 Lexington Street be approved.
9. The Licenses and Franchises Committee recommends the Extended Retail Hours renewal for 7-Eleven #37504A at 511 591 Moody Street be approved.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the Special Permit application for LPC West Main LLC at 1362 Main Street be approved.

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Long Term Debt & Capital Planning

1. The Long Term Debt & Capital Planning Committee recommends the loan authorization in the amount of \$1,037,894.00 to be used for intersection improvements at Beaver Street, Warren Street and Pelham Road be approved for a 1st reading.

Finance

1. The Finance Committee recommends the acceptance of pictures from the Waltham High School Class of 1927 donated by Garry Richards for the Waltham City Hall Museum room be approved.
2. The Finance Committee recommends the acceptance of a Certificate of Achievement for Excellence in Financial Reporting for the fiscal year June 30, 2022 be approved.
3. The Finance Committee recommends the transfer of traffic funds of \$9,700.00 to purchase a Rectangular Rapid Flashing Beacon to be installed at the intersection of Lake Street and Princeton Avenue be approved.

Unfinished Business & Other Business

Tabled Items

- Loan authorization in the amount of \$9,500,000.00 for the 190 Trapelo Road Memorial and Universal Areas (1st reading 11/13/23).
- Loan authorization of \$6,462,197.00 for the Winter Street and Lincoln Street – water, sewer, drain and street/sidewalk improvements (1st reading 11/13/23)

Rule 58