

**City Council Docket**  
**December 11, 2023**

The Waltham City Council will meet in the Council Chamber at City Hall, 610 Main Street, Waltham, MA on Monday, December 11, 2023 at 7:30 p.m. The following matters and others may be considered.

**Approval of Minutes**  
Special Tax Levy Meeting of 11/27/2023  
Regular Meeting of 11/27/2023

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, December 11, 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.
- (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**  
**Fuel Storage**

BP 103 Fourth Avenue, LLC, 103 Fourth Avenue, Waltham, MA 02451, as owner and Boston Properties, 800 Boylston Street, Suite 1900, Boston, MA 02100 as operator of the facility hereby petitions the City Council for a Fuel Storage License for a new 679-gallon fuel oil above ground storage tank to serve a new generator at the property and 3,600 gallons of storage within tenant spaces located at 103 Fourth Avenue.

**Public Hearing**  
**Fuel Storage**

In accordance with Chapter 148 of the Massachusetts General Laws and Chapter 8 of the General Ordinances of the City of Waltham, the Applicant / Owner 275 Wyman LLC, c/o Hobbs Brook Real Estate LLC, 404 Wyman Street, Waltham, MA 02451, hereby petitions the City Council for an amendment to its existing fuel storage license to locate on the premises at 225 Wyman Street:

- A five-story (six-level) 1,495 space parking garage consistent with the existing fuel storage license for the site;
- Seven emergency generators with associated double wall steel, UL listed, diesel fuel tanks, all of which to be located on generator pads as shown on the Plans filed with this matter:
  - Generator 1 & 2 – Permanent emergency generators with associated 2,000-gallon diesel fuel tanks consistent with the existing fuel storage license;
  - Generator 3 – Permanent emergency generator with associated 300-gallon diesel fuel tank consistent with the existing fuel storage license;
  - Generator 4 – Temporary emergency generator with associated 520-gallon diesel fuel tank;
  - Generator 5 – Permanent emergency generator with associated 700-gallon diesel fuel tank;
  - Generator 6 – Permanent emergency generator with associated 1,500-gallon diesel fuel tank;
  - Generator 7 – Temporary and eventually permanent emergency generator with associated 900-gallon diesel fuel tank; and
- Up to 1,000 gallons of flammable or combustible liquids, up to 75 pounds of flammable solids, and up to 1 gallon of flammable gas, all of which shall be stored within appropriate containers in flammables / combustibles cabinets within tenant spaces;

All of the above to be consistent with City Council Special Permit Order No. 34110, as modified by the City Council.

**Communications from the Mayor**

1. The Mayor respectfully requests the acceptance of an award of \$59,990 from the Office of Grants and Research (OGR) to support the FY24 Municipal Road Safety (MRS) Program.
2. The Mayor respectfully requests the acceptance of the FY2022-24 Jail Diversion Program Grant in the amount of \$48,816.

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3. The Mayor respectfully requests a transfer of traffic impact funds in the amount of \$36,200 to conduct a traffic study of the West End area of Waltham.
4. The Mayor respectfully requests that the City Council approve the designation of the following non-CPA area (12.49 acres) at 190 Trapelo Road for future cemetery use.
5. The Mayor respectfully requests the use of American Rescue Plan Act (ARPA) funds in the amount of \$68,000 for the engagement of a consultant to conduct the first phase of a Moody Street Pedestrian Mall Study.
6. The Mayor respectfully requests the approval of a loan authorization in the amount of \$2,050,000 for the water main project on Clark, Ripley, Gale and Pierce Streets.
7. The Mayor respectfully requests that the area at Fernald property to the left as you enter from Trapelo Road, including the former Shriver and Cerc buildings, sledding hill and open space to the eastern property line, including both parking lots be named “The Eunice Kennedy Shriver Memorial Grounds”.
8. The Mayor respectfully requests that the City Council concurrence to file a ZBA 40B application to permit two housing units at the former Cardinal Cottage.
9. The Mayor respectfully requests the acceptance of donations to the Waltham High School from Distributor Corporation of New England of various pieces of equipment (value \$6,150) and Daikin Comfort Technologies of equipment (value \$10,279) to be used in the new high school’s HVAC Department.

**Applications and Licenses**

1. Lodging House Renewal — 17-19 Chestnut Street –Stanley & Leni Bloomenthal
2. Lodging House Renewal — 2 Appleton Street – Stanley & Leni Bloomenthal
3. Lodging House Renewal — 52-54 Bedford Street –James Mcken
4. Lodging House Renewal — 12-14 Lowell Street – Middlesex Human Service Agency
5. Class 2 Renewal — 265 Bear Hill Road – Specialty Auto Sales, Inc. dba Eastside Motoring

**Resolutions, Orders and Ordinances**

- Resolution Honoring AYC Massachusetts State Championship Cheerleaders
- Resolution Honoring AYC Eastern Massachusetts Championship Football Players
- Veterans Square Resolution for Jennarino Juliano
- Resolution Honoring Marybeth Duffy

**Committee Reports  
Committee of the Whole**

1. The Committee of the Whole recommends the acceptance of the submission of the ATC Asbestos Report for 240 Beaver Street be approved.

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2. The Committee of the Whole recommends the appointment of David L. Levinson, Ph.D., 70 Hawthorne Road, Waltham, as a member of the Board of Library Trustees be approved.
3. The Committee of the Whole recommends the following projects be submitted to the Mayor for inclusion into the Capital Improvement Plan for FY 2025-2029 be approved.

**Licenses and Franchises**

1. The Licenses and Franchises Committee recommends the Extended Retail Hours for CVS Pharmacy #114 at 12 Harvard Street be approved.
2. The Licenses and Franchises Committee recommends Resolution Honoring Gildo Oresto “John” Piantedosi be approved.
3. The Licenses and Franchises Committee recommends the Lodging House renewal for High Street W, LLC. at 24-26 High Street be approved.
4. The Licenses and Franchises Committee recommends the Lodging House renewal for Dennis Dyer at 107 Adams Street be approved.
5. The Licenses and Franchises Committee recommends the Lodging House renewal for Gilbrae Inn LLC. at 403 River Street be approved.
6. The Licenses and Franchises Committee recommends the Lodging House renewal for Ash Street Lodging, LLC. at 124-126 Ash Street be approved.
7. The Licenses and Franchises Committee recommends the Extended Retail Hours renewal for J&T Shun Lai, Inc. at 573 Main Street 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 (1<sup>st</sup> 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 (1<sup>st</sup> reading 11/13/23)
- Loan authorization in the amount of \$1,037,894.00 to be used for intersection improvements at Beaver Street, Warren Street and Pelham Road. (1<sup>st</sup> reading 11/27/23)

**Rule 58**