

City Council Docket
June 14, 2021

The Waltham City Council will meet in the Council Chamber at City Hall, 610 Main Street, Waltham, MA on Monday, June 14, 2021 at 7:30 pm. The following matters and others may be considered.

Approval of Minutes

Special Meeting Minutes of 5/17/2021
Regular Meeting Minutes of 5/24/2021
Executive Session Minutes of 5/24/2021

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, June 14, 2021 at 7:30 p.m. on the following proposed amendment to the Zoning Ordinance:

Public Hearing
Zoning Ordinance Amendment

Chapter 21 of the General Ordinance of the City of Waltham entitled “ZONING,” is hereby amended as follows:

Article XI entitled “Medical Marijuana Treatment Centers and Cultivation Operations”, Section 11.2 entitled “Definitions”, Section 11.210 entitled “Medical Marijuana Treatment Center”, is hereby amended by deleting the definition in its entirety and inserting in place thereof the following:

MEDICAL MARIJUANA TREATMENT CENTER (MTC), (Formerly Known as a Registered Marijuana Dispensary (RMD)), an entity licensed under 935 CMR 501.101 that acquires, cultivates, possesses, processes (including development of related products such as Edible Marijuana or Marijuana Products, MIPs, Tinctures, aerosols, oils, or ointments), repackages, transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for Medical use. All capitalized terms shall have the meanings set forth in 935 CMR § 501.002.

Public Hearing
17-25

Phase 3 Real Estate Partners, 4380 La Jolla Village Drive, Suite 230, San Diego, California 92122, as Petitioner; and BP3-BOS6 21 Hickory LLC, c/o Phase 3 Real Estate Partners, 4380 La Jolla Village Drive, Suite 230, San Diego, California 92122, as Owner of 21 Hickory Drive respectfully request to open a portion of Bear Hill Road at the intersection of Bear Hill Road and Hickory Drive under the provisions of Section 17-25 for the purpose of removing the existing gas main within Hickory Drive and replacing with an upsized gas main which will connect to the existing gas main within Bear Hill Road. All work and resurfacing to be done in accordance with the provisions of said Section 17-25 as shown on the Bear Hill Road Street Opening Plan No. C-1.00 prepared by Simpson Gumpertz & Heger dated June 1, 2021.

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Public Hearing
Grant of Location

Respectfully represents NSTAR ELECTRIC COMPANY DBA EVERSOURCE ENERGY, a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the City Council may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located substantially as shown on the plan made by T. Thibault, dated March 26, 2021 and filed herewith, under the following public way or ways of said City:

Bear Hill Road - Southeasterly from pole 332/25, approximately 2747± feet northeast of Main Street
A distance of about 4± feet - conduit

Public Hearing
Grant of Location

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WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the City Council may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located substantially as shown on the plan made by **T. Thibault, dated April 21, 2021** and filed herewith, under the following public way or ways of said City:

Third Avenue - Westerly at Prospect Hill Lane
A distance of approximately 223± feet – conduit

Public Hearing
Special Permit

Uma Flowers Waltham, LLC, Priyanka Patel and Tejal Patel, Managers and Petitioner and NSD Realty Trust, LLC, Bhuren Patel, Manager and Owner of 196 Bear Hill Road, Waltham, Massachusetts, hereby petition the City Council for the necessary Special Permit pursuant to the provisions of Article 3, Sections 3.5, 3.512, et.al, Art. XI, Section 11.3, et al., and Art. XII, Section 12.3, et al. of the Zoning Ordinance of the City of Waltham to grant a special permit for the use of a medical and adult-use cannabis dispensary at the property known and numbered as 196 Bear Hill Road, Waltham. The property is shown in Atlas Page 048, Block 001, Lot 0006. The property is situated in the Commercial Zoning District.

Public Hearing
Special Permit

Middlesex Integrative Medicine, Inc., 155 Federal Street, Suite 402, Boston, Massachusetts 02110 and Executive Park Realty Corporation, 29 Juniper Hill Road, Waltham, Massachusetts 02452, collectively as Petitioners, hereby petitions the City Council for a Special Permit pursuant

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to §3.5 and Article XII §12.1 to 12.13 of the Zoning Ordinance to operate a marijuana establishment or marijuana retailer as defined by §12.21 of the Zoning Ordinance.

The Petitioners also are moving to amend the Special Permit granted to them on October 15, 2019 by the City Council as Order No. 34570 which granted a Special Permit to operate a medical marijuana treatment center (Registered Marijuana Dispensary) as defined by §11.210 of the Zoning Ordinances to allow the colocation of a recreational marijuana establishment or marijuana retailer pursuant to §12.21 at the same location 305 Second Avenue.

The locus is known and numbered as 305 Second Avenue and is shown in the “Atlas, City of Waltham, Massachusetts 1988”, as Map 39 Block 1 Lot 15.

The property is situated in a Commercial Zoning District.

The Legal Owner of the locus is Executive Park Realty Corporation of 29 Juniper Hill Road, Waltham, Massachusetts 02452.

Communications from the Mayor

1. The Mayor respectfully requests a transfer of traffic impact funds in the amount of \$9,186.24 towards the funding of a Rectangular Rapid Flashing Beacon (RRFB) at 25 Lexington Street.
2. The Mayor respectfully requests an appropriation in the amount of \$92,000. to fund several minor capital items. These items were requested by the respective departments for the FY2022 budget not included in the Mayors Recommended Budget due to the nature and useful life of the item.
3. The Mayor respectfully requests the permanent appointment of Kevin O’Connell of Waltham, Massachusetts as Chief of Police.
4. The Mayor respectfully requests acceptance of a donation of a copy of the Waltham Jaycees City Directory for the City Hall Museum Room from Stuart McCallum, 214 Warren Street, Waltham.
5. The Mayor respectfully requests acceptance of a donation of a 1924 City of Waltham municipal employee outing photograph from Mary Ellen Ryan of Waltham, MA for the City Hall Museum Room.
6. The Mayor respectfully requests acceptance of a grant from the federal government for the American Rescue Plan Act (ARPA) Grant Funds program in the amount of \$24,068,916. as well as a portion of the Middlesex County allotment for \$12,120,520. totaling the estimated grant to be \$36,189,436. The City has received confirmation of an initial deposit of the grant in the amount of \$11,406,694.50 and the Mayor respectfully requests acceptance of this said initial deposit amount.
7. The Mayor respectfully submits a letter and the LIP Application package forwarded from the Law Department on behalf of the Housing Division of the Planning Department.

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8. The Mayor respectfully requests the account transfers and appropriations to fund the Water and Sewer Operations and Maintenance (O&M) payroll expenses for the remainder of the FY2021.
9. The Mayor respectfully requests an opportunity for MWRA representatives to appear before the City Council on June 21, 2021 at 7:30 p.m. or as soon thereafter to brief the City Council on MWRA's anticipated projects in the City.
10. The Mayor respectfully requests a transfer of funds totaling \$37,800. for the upgrade to the outdated security system at the Municipal Center which covers the City Yard, the Public Vehicles Garage and the Water and Sewer Garage.
11. The Mayor respectfully requests acceptance of grant funding from the Commonwealth of Massachusetts Department of Mental Health in the amount of up to \$43,000. to the Waltham Police Department for the Pre-Arrest Jail Diversion Program/Edinburgh.
12. The Mayor respectfully submits three requests from the City's Building Inspector and Law Department for Building Department Ordinance changes.

Applications and Licenses

- Fortune teller renewal – James Spanks – 12 Sartell Road
- Secondhand dealers renewal – 100 River Street – Four Jwaze LLC

Orders, Ordinances & Resolutions

- Resolution Honoring Jacob Winn on His Eagle Scout Achievement
- Gas Leak Resolution
- Zoning Review Resolution
- Video Monitors in Council Chamber Resolution
- Building a Bike Park Resolution

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the Fuel Storage License at 162 & 168 Felton Street and 8 Fern Street be approved.
2. The Licenses and Franchises Committee recommends the Class 2 dealers license renewal/rename change at 215 Lexington Street for JBM Properties, LLC be approved.

Finance

1. The Finance Committee recommends an appropriation in the amount of \$11,300 to fund the salaries of the Mayor's Office PT staff for the remainder of FY2021 be approved.

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2. The Finance Committee recommends acceptance of the remainder of the distribution from the Estate of Carol Cormier in the amount of \$39,771.28 for the benefit of the Waltham Public Library.
3. The Finance Committee recommends the proposed I&I Restrictive Covenant for 728 Moody Street be field without prejudice.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the Resolution, Creation of a Planning Board, be filed.
2. The Ordinances and Rules Committee recommends the New England Cannabis Corp. letter of Support/non-opposition be filed.
3. The Ordinances and Rules Committee recommends the VitaSphere communication letter of Support/non-opposition be filed.
4. The Ordinances and Rules Committee recommends the Special Permit Modification of Order #30881 for 21 Hickory Drive be approved.

Veterans Service Committee

1. The Veterans Service Committee recommends the Naming Conventions for Veterans be approved.

Unfinished Business & Other Business

- Extension of time for Special Permit application at 225 Waverly Oaks Road-Colbea Enterprises
- Extension of time for Special Permit application at 71 Second Ave. – Costco Wholesale Corp.
- CPC Recommendation for the Fiscal Year 2022 Budget for \$177,172 be appropriated to the Administration Account for FY2022
- CPC Recommendation for Allocation of CPA Funds for the Replacement of the HVAC System at the French American Victory Club for \$83,150.
- CPC Recommendation for Allocation of CPA Funds for the Replacement of the Roofing System at Beaver Brook Apartments for \$771, 050.78
- Minor Modification of Order #34341 at 265 Bear Hill Road

Tabled Items

- Open Meeting Law Complaint

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Rule 58
For Informational Purposes Only

- Communication from the Mayor relating to the Waltham High School Fencing
- Communication from the Mayor relating to the Town of Weston Commercial Dog Walking Permit and Regulations