

## ***City Council Docket***

### ***September 12, 2022***

The Waltham City Council will meet in the Council Chamber at City Hall, 610 Main Street, Waltham, MA on Monday, September 12, 2022 at 7:30 p.m. The following matters and others may be considered.

#### **Approval of Minutes**

Regular Meeting of 8/1/2022  
Executive Session Minutes of 8/1/2022

#### **Public Hearing Special Permit**

Flora Holdings LLC, Kaitlyn Smith and Erica Zimmerman, Managers, and 221 Bear Hill Road LLC, Owner of 221 Bear Hill Road, Waltham, MA 02451, (collectively the “Petitioners”), hereby petition to the City Council for the necessary Special Permit pursuant to the provisions of Article III, Section 3.5, Subsections 3.511 and 3.512, *et. al.* and Article XII, Subsection 12.3, *et. al.* of the Zoning Ordinance of the City of Waltham, for the use of 221 Bear Hill Road, Waltham, MA 02451 (the “Locus”), as an adult use marijuana retailer and to increase the intensity of use.

The Locus is known and numbered as 221 Bear Hill Road, Waltham MA 02451, and is shown as Atlas page, block and lot(s) R048-002-0005. The Locus is situated in the Commercial Zoning District,

The legal owner of the Locus is 221 Bear Hill Road LLC, 195 Marsh St., Belmont, MA 02478

#### **Public Hearing Special Permit**

Waltham Cannabis, Inc. 130 South Royalston Road, Royalston, Massachusetts 01368, and Michael Polacco, Trustee of Full House Realty Trust 100 Felton Street, Suite 201, Waltham, Massachusetts 02452, collectively as Petitioners, hereby petition the City Council for a Special Permit pursuant to §3.5 and Article XI §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 locus is known and numbered as 1254-1256 Main Street and is shown in the “Atlas, City of Waltham, Massachusetts 1988”, as Map 5 Block 9 Lot 1.

The Legal Owner of the locus is Michael Polacco, Trustee of the Full House Realty Trust, 100 Felton Street, Suite 201, Waltham, Massachusetts 02453.

#### **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

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mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install approximately 1,050 feet of 12-in Plastic main in Trapelo Rd (#70 to Mill Street), from the existing 12in in Upton Rd to Mill St. Abandon 380ft of 8in CI LP main in Trapelo Rd.

Coordinate culvert crossing with town replacement.

Replace 950 feet of 6-inch Bare Steel main with 8-inch Plastic in Trapelo Rd, from Upton Rd to Mill St. (Coordinate with Public Works to replace 100feet of main culvert crossing.

Replace 200 feet of 6-inch Plastic main with 8-inch Plastic in Waverly Oaks Rd, #550-558 from Trapelo Rd to inlet to proposed R105 Waverly Oaks @ Brookfield location.

#### **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 July 5, 2022 and filed herewith, under the following public way or ways of said City:

Waverly Oaks Road - Northeasterly from pole 334/74, at the intersection of Brookfield Road, install approximately 5± feet conduit.

W.O.# 8915301

#### **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 ARE-MA Region No. 51 LLC, c/o Alexandria Real Estate Equities, Inc., 400 Technology Square, Cambridge, MA 02139, hereby petitions the City Council for an amendment to its existing fuel storage license to locate on the premises at 225 & 231 Second Avenue:

- Continued storage of up to 1,100 gallons of flammable liquids for research laboratory use within the building;
- Continued use of the existing 5,000 gallon #2 diesel fuel tank associated with an emergency generator located on a concrete pad to the west (rear) of 225 Second Avenue;
- A new concrete generator pad with associated underground duct bank and underground water infiltration system for two emergency generators with associated double wall steel, UL listed, fuel tanks for up to 4,000 gallons of diesel fuel, adjacent to the existing emergency generator located to the west (rear) of 225 Second Avenue; and

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- A new concrete pad with associated bulk gas storage area located at the northwest corner of 225 Second Avenue for four tanks and storage of up to 12,000 gallons of bulk gases associated with the research laboratory use.

All of the above to be consistent with City Council Special Permit Order No. 33419, as modified by the City Council.

Map, Block, Lot Number: R 039 001 0011 (225 Second Avenue)  
R 039 001 0010 (231 Second 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 – Permanent emergency generator with associated 700 gallon diesel fuel tank;
  - Generator 5 - Temporary emergency generator with associated 520 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 460 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.

Map, Block, Lot Number: R 021 001 0005 (225 Wyman Street).

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#### **Communications from the Mayor**

1. The Mayor respectfully requests the transfer of the care, custody and control of the records from the City's Recreation Department to the City Clerk for safe keeping in the Rosario Malone Archives Center.
2. The Mayor respectfully requests acceptance of a celebratory banner of "The Best Places to Live" for the City Hall Museum Room from the Chamber of Commerce, Bentley University, and Brandeis University.
3. The Mayor respectfully requests the acceptance of a citation from Governor Baker and Lieutenant Governor Polito for the 135<sup>th</sup> Anniversary of the City given to the Waltham Parade Committee.
4. The Mayor respectfully requests the acceptance of magnet, notepad, pen, and a cup from the Brandeis University Waltham Group for their 50<sup>th</sup> Anniversary.
5. The Mayor respectfully requests acceptance of a photograph of women safety officers donated by Mary Ellen Ryan.
6. The Mayor respectfully requests the care, custody and control of the land at 240 Beaver Street be transferred to the Consolidated Public Works Department.
7. The Mayor respectfully requests the care, custody and control of the administration building at 240 Beaver Street be transferred to the Consolidated Public Works Department and its future successor, the Building Maintenance Department.
8. The Mayor respectfully requests acceptance of three phone books from Patty and Bill Strom for the phone booth in the City Hall Museum Room.
9. The Mayor respectfully requests acceptance of several gifts donated by Mary Ellen Ryan for the Waltham Museum Room.
10. The Mayor respectfully requests the use of the American Rescue Plan Act (ARPA) funds in the amount of \$1,820,522 for the replacement of portable radios for both the Fire and Police Departments.
11. The Mayor respectfully requests a transfer of funds in the amount of \$124,000 to fund the abatement and demolition of the building located at 625 Moody Street and the Leary Field buildings (field house, concession stand and two ticket booths) located at 45 Athletic Field Road.
12. The Mayor respectfully requests approval of a financing transaction in the total amount of \$197,500 to fund the Chesterbrook storm water project.
13. The Mayor respectfully requests to go into Executive Session regarding the property located at 101 School Street.

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14. The Mayor Respectfully requests a placeholder for the proposed lease at 58 Chestnut Street.
15. The Mayor Respectfully requests a placeholder for the proposed lease at 25 Lexington Street.
16. The Mayor Respectfully requests acceptance of a donation of time from Brown and Caldwell to assist the City with Development of an application for the FY 2022-2023 MS4 Municipal Assistance Grant to develop better web-based tools for MS4 compliance.
17. The Mayor Respectfully requests transfer of funds in the amount of \$3,500.00 to perform the highest and best use of appraisal of the Fitch School.
18. The Mayor Respectfully requests approval of a loan authorization in the amount of \$1,700,000.00 to be used for the purchase of replacement trucks and vehicles for the Street/Water/Sewer Divisions of the Consolidated Public Works Department.
19. The Mayor Respectfully requests a transfer of funds in the amount of \$25,000.00 for general expenses (advertising) for the Zoning Board of Appeals (ZBA) to be incurred in FY2023.
20. The Mayor Respectfully requests a transfer of funds in the amount of \$4,500.00 to be combined with an existing \$510.00 to install signage at the Library Parking Lot on Exchange Street.

#### **Applications and Licenses**

- Renewal of Class 2 License – 935R Main Street – Pilicy Auto & Yacht Inc-Xpilicy Auto Sales
- Renewal Second Hand Dealers License – 318 Moody Street – Quality Designz, Inc.

#### **Resolutions, Orders and Ordinances**

- Resolution to Provide Accessible Mailboxes in Waltham

#### **Committee Reports**

##### **Ordinances and Rules Committee**

1. The Ordinances and Rules Committee recommends the Special Permit Application for Cellco/Verizon at 250 Second Avenue be approved with the condition the revised order and plan be sent to the Office of the City Clerk by September 8, 2022 at 12:00 p.m.

#### **Unfinished Business & Other Business**

- Minor Modification to Special Permit at 135 Second Avenue, KW Waltham, LLC.

#### **Tabled Items**

- Loan Authorization roof replacement at City Hall \$643,000.00 (8/1/2022)
- Loan Authorization clock tower repair at City Hall \$645,000.00 (8/1/2022)
- Loan Authorization for Leary Field \$4,000,000.00 (8/1/2022)

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**Rule 58**

For Informational Purposes Only

- Mayor's Communication regarding City's CPW Department and Forestry Division to work on a design re-creating a smaller replica of the Cornelia Warren's famous maze at 265 Beaver for the Cornelia Warren Farm and Field Station at 240 Beaver Street.
- The Mayor's Communication regarding the Armory Project Removal and the communication from Daria Gere of Watch CDC.