

**City Council Docket**  
**December 9, 2019**

The Waltham City Council will meet in the Council Chamber at City Hall, 610 Main Street, Waltham, MA on Monday, December 9, 2019 at 7:30 pm. The following matters and others may be considered.

**Approval of Minutes**  
Special Meeting 11/25/2019  
11/25/2019

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 9, 2019 at 7:30 p.m. on the following proposed amendment to the Zoning Ordinance.

**Public Hearing**  
**Zoning Amendment**

AN ORDINANCE AMENDING CHAPTER 21 OF THE GENERAL ORDINANCES OF THE CITY OF WALTHAM ENTITLED "ZONING"

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

ARTICLE III entitled "Establishment of Districts," Section 3.2 entitled "Definition of uses," is hereby amended by adding after Subsection 3.228D the following new Subsection:

3.228E Café: An establishment, except for those that are licensed to serve alcoholic beverages, that primarily serves coffee, tea and/or other non-alcoholic beverages, but also serves food, and that satisfies all of the following criteria: (1) provides table and/or counter seating for at least 25 patrons; (2) prepares food on premise from fresh ingredients upon customer order, generally for consumption on the premises; (3) provides non-disposable plates, cups, and utensils for food and beverages consumed on the premises; and (4) where food to be consumed on the premises is served at tables and/or counters by wait staff. A café may provide carry-out service but shall not include establishments that (1) primarily sell pre-packaged or ready-made food prepared prior to customer order for offsite consumption; (2) have a drive-up food service window; or (3) are housed in a stand-alone building. A café may include entertainment. Notwithstanding the provisions of Sections 3.228, 3.229 and 3.620, a Cafe shall be considered a separate and distinct use, and shall be an allowed use as provided for in Section 3.4 Table of Uses.

ARTICLE III is hereby further amended by adding in Section 3.4 entitled "Table of Uses," under the category "Commercial," the following:

	<u>RA-1</u>	<u>RA-2</u>	<u>RA-3</u>	<u>RA-4</u>	<u>RB</u>	<u>RC</u>	<u>RD</u>	<u>HR-1</u>	<u>HR-2</u>
Café	N	N	N	N	N	N	N	N	N
	<u>BA</u>	<u>BB</u>	<u>BC</u>	<u>LC</u>	<u>C</u>	<u>I</u>	<u>CR</u>	<u>Use Reference</u>	
	Y1	Y1	Y1	N	Y1	Y1	N	3.228E	

***City Council Docket***  
***December 9, 2019***

**Public Hearing**

**17-25**

Silvestre Buscemi, Jr. of 68 Beal Road, Waltham, MA, petitions the City Council for permission under the provisions of Section 17-25 to open the street for the cutting and capping of existing water and sewer and gas lines for the single family dwelling at 257 School Street and to re-install new water and sewer and gas lines. All work and resurfacing to be done in accordance with the provisions of said Section 17-25.

**Public Hearing**

**Grant of Location**

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 A. Debeneditis, Dated October 28, 2019 and filed herewith, under the following public way or ways of said City:

Calvary Street - Northeasterly from pole 35/21, approximately  
580 feet southeast of Flood Street, a distance of  
37.7 ± - conduit

**Public Hearing**

**Grant of Location**

Crown Castle of 1880 West Park Dr. in Westborough, MA hereby respectfully requests your consent to the location for facilities as hereinafter described for the installation of fiber optic cable for high speed data transmission in and under the following public streets, lanes, highways and places of the City of Waltham and of the pipes, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said facilities and accomplish the objects of said Company, and the digging up and opening the ground to lay or place same: To install and maintain approximately one hundred and one feet (101') more or less of a 4" PVC conduit in Smith Street at Hersum Way from the existing utility pole #280/13 on the east side northerly then westerly to the existing utility pole #280/13/1S.

**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 404 Wyman LLC, c/o Hobbs Brook Management LLC, 404 Wyman Street, Waltham, MA 02451, hereby petitions the City Council to amend the existing fuel storage license to allow on the premises one additional emergency

***City Council Docket***  
***December 9, 2019***

generator and associated double wall steel, UL listed, diesel fuel tank with a capacity of 350 gallons located along the westerly lot line of the locus.

Property located at 404 Wyman Street.

Map, Block, Lot Number: R 012 007 0010

At that time, interested persons may be heard. Complete information regarding this matter is on file in the City Clerk office during regular hours at City Hall.

**Communications from the Mayor**

1. The Mayor respectfully requests an appropriation of traffic impact funds in the amount of \$7,600 to conduct and collect traffic speed data at six major roadways in the City.
2. The Mayor respectfully requests a transfer in the amount of \$78,000 to award the lowest and responsible bid to fund the the design of the traffic signal reconstruction at the intersection of Trapelo Road and Waverly Oaks Road.
3. The Mayor respectfully requests and appropriation and a transfer of traffic impact funds totaling \$61,500 to award the lowest and responsible bid for the design of a new traffic signal at the intersection of Beaver Street and Warren Street.
4. The Mayor respectfully request an appropriation of traffic impact funds totaling \$72,400 to award the lowest and responsible bid for the design of the traffic signal reconstruction at the intersection of Main Street/Warren Street/Barbara Road/Gore Street.

**Applications & Licenses**

**Orders, Ordinances & Resolutions**

- CPC Application and Order for \$583,194 in Community Preservation Act funding for the purpose of obtaining the property at 67 Crescent Street for open space/recreation use.

**Committee Reports**

**Licenses and Franchises**

1. The Licenses and Franchises Committee recommends the extended hours renewal at 1074 Main Street – Veronica’s be approved.
2. The Licenses and Franchises Committee recommends the extended hours renewal at 852 Main Street – J&J Variety be approved.

**Finance**

1. The Finance Committee recommends an appropriation in the amount of \$4,500 to conduct an appraisal of the property located at 1335 Main Street be approved.

***City Council Docket***  
***December 9, 2019***

2. The Finance Committee recommends acceptance of forty gift certificates valued at \$1,500 from J & Co. to be distributed to the School Department, Community Day Center and Bristol Lodge be approved.

**Long Term Debt & Capital Planning**

1. The Long Term Debt & Capital Planning Committee recommends the CPC recommendation for an allocation of CPA funds in the amount of \$250,000 from their undesignated account to the UMass Field Station & Farm be approved.

2. The Long Term Debt & Capital Planning Committee recommends the CPC recommendation to reallocate \$5,000 from CPA Environmental Fund to CPC Copy Machine and CPC Personal Computers accounts be approved.

3. The Long Term Debt & Capital Planning Committee recommends the CPC recommendation for an appropriation of CPA Funds in the amount of \$30,000 for an Historical and Architectural Survey of Waltham be approved.

4. The Long Term Debt & Capital Planning Committee recommends the CPC recommendation for an appropriation of CPA Funds in the amount of \$36,199 for a Preservation Project at the Vale, the 1793 Theodore Lyman Estate be approved.

5. The Long Term Debt & Capital Planning Committee recommends the CPC recommendation for an appropriation in the amount of \$50,000 to hire a planner for the Storer Conservation Land be approved.

**Unfinished Business & Other Business**

- Time extension for Special Permit application for 94 Russell Street

**Tabled Items**

- Executive Session – Real Estate Matter – 10/15/2019
- Executive Session – Pending Litigation – 10/15/2019
- Mayor’s veto on Order Nos. #34291, 34292, 34295
- Installation of a guard rail on the backside of Beal Road sidewalk