

City Council Docket
February 24, 2020

The Waltham City Council will meet in the Council Chamber at City Hall, 610 Main Street, Waltham, MA on Monday, February 24, 2020 at 7:30 pm. The following matters and others may be considered.

Approval of Minutes
City Council Meeting 2/10/2020

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, February 24, 2020 at 7:30 p.m. on the following proposed amendment to the Zoning Ordinance.

Public Hearing
Zoning Ordinance 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 II entitled “Word Usage; Intent; Definitions,” Section 2.3 entitled “Definitions,” is hereby amended by adding after Subsection 2.331 the following new Subsection:

2.331A **PARKING SPACE** – An area exclusive of aisles, maneuvering areas, and driveways for the parking of one motor vehicle. Excluded from this definition are loading areas, drive through lanes for drive-in customer services, and the area(s) adjacent to fuels pumps at a retail gasoline station at which motor vehicles can conduct refueling, whether they are doing so or not.

ARTICLE III entitled “Establishment of Districts,” Section 3.2 entitled “Definition of uses,” is hereby amended as follows:

Subsection 3.227, entitled “Retail gasoline stations”, is hereby amended by deleting after the words “food store” the word “shall” and inserting in place thereof the word “may”.

Subsection 3.227 is hereby further amended by adding at the end, after the words “City Council”, the following:

“; provided that no such special permit shall be issued if such convenience food store will have a public floor area in excess of 1,000 square feet. If a retail gasoline station contains a pre-existing non-conforming convenience food store, the owner of said convenience food store may, by special permit, seek an increase in the public floor area thereof, provided, however, that no special permit shall be granted that would result in the total public floor area of said convenience food store (existing convenience food store public floor area and proposed additional convenience food store public floor area) exceeding 1,000 square feet.

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A convenience food store in a retail gasoline station shall be considered a separate retail business and parking spaces for said retail business shall be provided in accordance with Section 5.2 of this ordinance, “Stores/shops (retail businesses).”

ARTICLE III is hereby further amended, in Section 3.6 entitled “Special permit criteria for specific uses”, in Subsection 3.634 entitled “Retail gasoline stations”, by adding at the end of the first sentence after the words “City Council”, the following:

“; and further provided that no such special permit shall be issued if such convenience food store will have a public floor area in excess of 1,000 square feet or, in the case of a pre-existing use which is nonconforming in this regard, no such special permit shall be issued if such convenience food store will have a public floor area in excess of what is legally in existence as of December 31, 2019”

Subsection 3.634 is hereby further amended by deleting the second full sentence, and inserting in place thereof the following:

“If a retail gasoline station contains a pre-existing non-conforming convenience food store, the owner of said convenience food store may, by special permit, seek an increase in the public floor area thereof, provided, however, that no special permit shall be granted that would result in the total public floor area of said convenience food store (existing convenience food store public floor area and proposed additional convenience food store public floor area) exceeding 1,000 square feet.”

Subsection 3.634 is hereby further amended by adding, before the last sentence, the following sentence:

“A convenience food store in a retail gasoline station shall be considered a separate retail business and parking spaces for said retail business shall be provided in accordance with Section 5.2 of this ordinance, “Stores/shops (retail businesses).”

Public Hearing
Extended Retail Hours

GoPuff, LLC of 1233 Vine Street, Philadelphia, Pennsylvania (“Petitioner”) hereby petitions the City Council for the necessary authorization to operate an on-demand delivery service twenty-four (24) hours per day out of their warehouse location at 50 Sun Street, Waltham, Massachusetts (“Locus”) pursuant to the provisions of Article XIII, Chapter 8, §8-155, et al., of the Ordinances of the City of Waltham. The property is shown in Atlas Page 068, Block 015, Lot 0002. The property is situated in the Commercial Zoning District.

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

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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:

To excavate one 4 feet by 4 feet opening to perform Cathodic Protection work at the intersection of Crescent St. and Cherry St. in front of building #221 Crescent St.

Public Hearing
17-25

The Nationalgrid, 40 Sylvan Rd, Waltham petitions the Waltham City Council for permission under the provisions of Section 17-25 to excavate one 4 feet by 4 feet opening to perform Cathodic Protection work at the intersection of Crescent St. and Cherry St. in front of building #221 Crescent St. All work and resurfacing will be performed in accordance with the provisions of said Section 17-25 and the Waltham DPW.

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:

To excavate one 4 feet by 4 feet opening to perform Cathodic Protection work between pole #172/65 on Lincoln St. and building #581 Lincoln St.

Public Hearing
17-25

The Nationalgrid, 40 Sylvan Rd, Waltham petitions the Waltham City Council for permission under the provisions of Section 17-25 to excavate one 4 feet by 4 feet opening to perform Cathodic Protection work near pole #172/65 on Lincoln St. near building #581 Lincoln St. All work and resurfacing will be performed in accordance with the provisions of said Section 17-25 and the Waltham DPW.

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:

To excavate one 4 feet by 4 feet opening to perform Cathodic Protection work at the intersection of South St. and Charles River Rd. in front of building #713 South St.

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Public Hearing
17-25

The Nationalgrid, 40 Sylvan Rd, Waltham petitions the Waltham City Council for permission under the provisions of Section 17-25 to excavate one 4 feet by 4 feet opening to perform Cathodic Protection work at the intersection of South St. and Charles River Rd. in front of building #713 South St. All work and resurfacing will be performed in accordance with the provisions of said Section 17-25 and the Waltham DPW.

Public Hearing
17-25

Frank D. Valentino of 80 Clark Lane, Waltham Massachusetts (“Petitioner”) and Owner of property located at 44-46 Oak Street, Waltham, Massachusetts (“Locus”) hereby petitions the City Council for the necessary Authorization to open the street at 44-46 Oak Street, Waltham, Massachusetts pursuant to the provisions of Article 1, Section 17-25 of the Ordinances of the City of Waltham to grant access to the street for the utility connections.

The property is shown in Atlas Page 070, Block 015, Lot 0013. The property is situated in the Residence B Zoning District.

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 American Tower 10 Presidential Way, Woburn, MA 01801, hereby petitions the City Council for a fuel storage license to locate on the premises at 110 Bear Hill Road. Additionally, this Application is to locate an 80 KW standby emergency generator with a 300-gallon steel and double wall self-containment diesel fuel tank inside the generator as well as 24/7 remote monitoring at grade within the existing compound.

Property located at 110 Bear Hill Road.

Map, Block, Lot Number: Walt-000048 000001 000016

Public Hearing
17-25

Robert Kaitz with an address of 731 Moody Street Suite 22 Waltham, MA 02453 as the owner of the property located at 54 Albemarle Road Waltham MA petitions the Waltham City Council for permission under the provisions of Section 17-25 to excavate the public way in the vicinity of 54 Albemarle Road Waltham MA in order to terminate the gas line.

Communications from the Mayor

1. The Mayor respectfully requests authorization to grant the Charles River Canoe & Kayak a Section 10A permit to cleat a temporary seasonal dock to the steel dock on the Riverwalk next to the Cronin’s Landing Dock.
2. The Mayor respectfully requests that the City Council transfer the care, custody and control of parcel R 032 005 0038 known as 131R Lincoln Street, Waltham (+/-) six acres to the Waltham

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School Committee and Waltham School Department for educational use and purposes associated with educational use.

3. The Mayor respectfully requests approval of an appropriation totaling \$27,900 to perform major repair projects including window replacement at three fire stations, rug replacement in Veterans Department and Government Center Gym cleaning.

Applications & Licenses

- Lodging House renewal – 415 South St. North Quad – Brandeis University
- Lodging House renewal – 415 South St. Massell Quad – Brandeis University
- Lodging House renewal – 415 South St. The Village – Brandeis University
- Lodging House renewal – 415 South St. Sky Line – Brandeis University
- Lodging House renewal – 415 South St. Rosenthal Dorms – Brandeis University
- Lodging House renewal – 415 South St. Ridgewood – Brandeis University
- Secondhand Dealers License renewal – 471 Main St. – The Tool Shed
- Secondhand Dealers License renewal – 108-C River St. – Play It Again Sports, LLC
- Secondhand Dealers License renewal – 318 Moody St. – Marcou Jewelers

Orders, Ordinances & Resolutions

- Resolutions Deadline Resolution
- Recuse Resolution

Committee Reports

Licenses & Franchises

1. The Licenses and Franchises Committee recommends the lodging house renewal at 44-46 Chester Ave. for Martin Reilly Realty Trust be approved.
2. The Licenses and Franchises Committee recommends the lodging house renewal at 118 - 120 Robbins Street for Martin Reilly Realty Trust be approved.
3. The Licenses and Franchises Committee recommends the lodging house renewal at 20 - 22 Adams Street for Martin Reilly Realty Trust be approved.
4. The Licenses and Franchises Committee recommends the lodging house renewal at 49 – 51 Brown Street for MST Realty Associates, LLC be approved.
5. The Licenses and Franchises Committee recommends the lodging house renewal at 104 Adams Street for SMT Realty Trust/SMT Realty Associates, LLC be approved.
6. The Licenses and Franchises Committee recommends the lodging house renewal at 74 Adams Street for SMT Realty Trust/SMT Realty Associates, LLC be approved.
7. The Licenses and Franchises Committee recommends the lodging house renewal at 755 Main Street for Max Horn be approved.

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8. The Licenses and Franchises Committee recommends the lodging house renewal at 21-23 Pine Street for Max Horn be approved.

9. The Licenses and Franchises Committee recommends the lodging house renewal at 11-13 Walnut Street for Martin Reilly Realty Trust be approved

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the order authorizing Councillor Mackin to represent the City Council before the Biosafety be approved.

2. The Ordinances and Rules Committee recommends the Zoning Amendment Café Use Ordinance be approved for a second reading.

Finance

1. The Finance Committee recommends the Council Rule 66 – Mid-year Budget Review Docket matter be filed.

2. The Finance Committee recommends the acceptance of a gift of a Waltham High School Letter Sweater from Denise Zuppe for the City Hall Museum be approved.

3. The Finance Committee recommends the acceptance of the gift of the Mini City Hall from the 135th Anniversary Parade float from Pete and Cathy Magliarditi for the City Hall Museum be approved.

4. The Finance Committee recommends the acceptance of a donation of the Paratech Model 52-5 Lift Bag Set and the G2 Control Kit in the amount of \$8,078 from the Max McCormack Memorial Foundation be approved.

5. The Finance Committee recommends the appropriation in the amount of \$39,045 to perform numerous major repair projects including Library heating coil replacement, CPW radio tower and Willow Street Fire Station window replacement be approved.

6. The Finance Committee recommends the acceptance of Waltham Hospital Nursery and other Hospital memorabilia from Mary Ellen Koehane Ryan for the City Hall Museum Room be approved.

7. The Finance Committee recommends the approval of the Waltham School Departments MOU – Every Student Succeeds Act memorandum.

Public Works and Public Safety

1. The Public Works and Public Safety Committee recommends the 17-25 street opening at 44 – 46 Oak Street be approved.

Committee of the Whole

1. The Committee of the Whole recommends the Brandeis President Leibowitz Resolution be filed without prejudice per Rule 81.

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2. The Committee of the Whole recommends the Stigmatine Development Rights Resolution be filed without prejudice per Rule 81.
3. The Committee of the Whole recommends the Resolution regarding purchasing 0 Prospect Hill Road be filed without prejudice per Rule 81.
4. The Committee of the Whole recommends the Resolution Supporting Provision of Air Conditioning at Waltham High School be filed without prejudice per Rule 81.
5. The Committee of the Whole recommends the resolutions concerning Council Support for a New Waltham Police Station be filed without prejudice per Rule 81.
6. The Committee of the Whole recommends the Community Preservation Act Ballot Question Resolution be filed without prejudice per Rule 81.
7. The Committee of the Whole recommends the confirmation of the reappointment of Raymond Buscemi, 106 Lincoln Street as a constable be approved.

Unfinished Business & Other Business

- Time extension for Special Permit application at 94 Russell Street
- Time extension for Special Permit application at 790 Main Street
- Time extension for Special Permit application at 1017- 1019 Main St. & 1025-1075 Main St.

Tabled Items

- Parking Resolution (12/23/2019 approved to schedule a PH)
- Woerd Ave Landfill Revitalization Project Loan \$4,195,000 (First reading 1/27/2020)

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Rule 58
For Informational Purposes Only