

City Council Docket
February 26, 2018

The Waltham City Council will meet in the Council Chamber at City Hall, 610 Main Street, Waltham MA on Monday, February 26, 2018 at 7:30 pm. The following matters and others may be considered.

Approval of Minutes

**Joint Public Hearing
Zoning Amendment**

Notice is hereby given in 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 26, 2018, at 7:30 P.M. on the following proposed amendment to the Zoning Ordinance:

Zee Em Trust II, c/o Boston Properties, 800 Boylston Street, #1900, Boston, MA 02199-8103, owner of the property at 500, 494 and 480 Totten Pond Road, petitions the City Council pursuant to M.G.L. c.40A, §5 to amend Chapter 21 of the General Ordinance of the City of Waltham entitled “ZONING”, is hereby amended as follows:

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

CHAPTER 21 of the General Ordinances of the City of Waltham entitled “Zoning” as most recently amended, is hereby further amended as follows:

ARTICLE III entitled “Establishment of Districts,” Section 3.2 entitled “Definition of Uses,” Subsection 3.229 entitled “Fast-food establishment” is hereby amended by inserting at the end of the third sentence, after the words “Subsection 3.228D” the following:

Section 3.229

“and fast casual restaurants, as defined by Section 3.229A”

Section 3.2 is hereby further amended by adding a new Subsection 3.229A as follows:

Fast casual restaurant – An establishment that: 1) serves food through limited table service or via a general service counter generally for consumption on the premises; 2) prepares food upon each customer order; and 3) provides seating for patrons encompassing at least 50% of the gross floor area of the restaurant. A fast casual restaurant may provide carry-out service but shall not have a drive-through. Notwithstanding the definition of Restaurant, Fast Food Establishment and Café, and Section 3.4.19, a fast casual restaurant shall be considered a separate and distinct use, and shall be an allowed use as provided for in Section 8.641 Establishment of Limited Commercial Revitalization Area Overlay District.

Section 3.4, Table of Uses is hereby further amended by adding under “Commercial” the following Table:

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Fast Casual Restaurant*

*Fast Casual Restaurant is allowed in the Limited Commercial Revitalization Area Overlay District pursuant to Section 8.641.

RA-1	RA-2	RA-3	RA-4	RB	RC	RD	HR-1	Use
N	N	N	N	N	N	N	N	Reference
HR-2	BA	BB	BC	LC	C	I	C/R	3.229A
N	N	N	N	N	N	N	N	

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CITY OF WALTHAM ENTITLED “ZONING”

CHAPTER 21 of the General Ordinances of the City of Waltham entitled “Zoning” as most recently amended, is hereby further amended as follows:

ARTICLE V entitled “Parking Requirements,” Section 5.21 entitled “Off-street parking requirements,” Table 5.21 entitled “Table of Off-street Parking Requirements” is hereby amended by inserting after the words “Fast-Food Requirements” the following:

Table 5.21

“and Fast casual restaurant”.

Table 5.21 is hereby further amended as follows:

Under Recreational Activities, amending the number of spaces for Tennis courts (in/indoor) from 6 to 4.5 spaces per court.

Table 5.21 is hereby further amended by adding a new category as follows:

Commercial recreational facilities (indoor)	1 for every 500 square feet of gross floor area of interior of the commercial recreational facilities (indoor), not including corridors, locker room, stairs or other service areas
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CITY OF WALTHAM ENTITLED “ZONING”

CHAPTER 21 of the General Ordinances of the City of Waltham entitled “Zoning” as most recently amended, is hereby further amended as follows:

ARTICLE VIII entitled “Incentive Zoning,” Section 8.6 entitled “Limited Commercial Revitalization Area Overlay District special permit (RO),” Section 8.64 entitled “Permitted uses,” Subsection 8.641 entitled “Uses in Underlying District” is hereby amended by inserting after the first sentence, after the words “underlying district.” the following:

Section 8.641.

Any use as a fast casual restaurant (see definitions) shall be allowed in the Limited Commercial Revitalization Area Overlay District by right where such use is less than 5,000 square feet and by special permit from the City Council where such use is over 5,000 square feet.

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 15 Lura Lane LLC, Miriam Schwartz, Manager with the address of 15 Lura Lane Waltham, MA as Petitioner and Owner, hereby petitions the City Council to locate on the premises at 15 Lura Lane, one one thousand gallon propane tank for Emergency Power, Garage Unit Heater, Hot Water Heater, Clothes Dryer.

The subject premises are shown in the Atlas of the City of Waltham, Massachusetts as follows:

- 15 Lura lane Page R032, Block 009, Lot 0015

Communications from the Mayor

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1. The Mayor respectfully requests authorization to grant Charles River Canoe & Kayak a 10A permit to put a temporary float on the Cronin's Landing Dock which will be removed after Columbus Day 2018.
2. The Mayor respectfully requests the acceptance of a gift of 50 Naloxone (Narcan) Nasal Kits from Newton-Wellesley Hospital to the Waltham Health Department.

Applications & Licenses

- Lodging House renewal: Martin Reilly Realty Trust - 20 - 22 Adams Street
- Lodging House renewal: Martin Reilly Realty Trust - 44 - 46 Chestnut Street
- Lodging House renewal: Martin Reilly Realty Trust - 118 - 120 Robbins Street
- Lodging House renewal: Martin Reilly Realty Trust - 11- 13 Walnut Street

Resolutions

Cross Walk Safety Sponsored by President LeBlanc
Bike Parking at City Hall Sponsored by Councillor Mackin

Committee Reports

License and Franchise

1. The License and Franchise Committee recommends that a Second Hand Dealer License Alpha Cellphone Plus be approved.
2. The License and Franchise Committee recommends that a Lodging House License for Bentley University - 175 Forest St.- Castle Hall Upper be approved.
3. The License and Franchise Committee recommends that a Lodging House License for Bentley 175 Forest St.- Copley Hall North Lower be approved.
4. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St.- Copley Hall South Lower be approved.
5. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St.- Fenway Hall be approved.
6. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St.- Forest Hall Upper be approved.
7. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St.- HUD Tree Dorms Upper be approved.
8. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St.- Kresge Hall Upper be approved.
9. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St- Miller Hall Upper be approved.
10. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St-Slade Hall Upper be approved.
11. The License and Franchise Committee recommends that a Lodging House License for Bentley University -175 Forest St-Stratton House Beaver be approved.

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Public Works and Public Safety

1. The Public Works & Public Safety Committee recommends 17-25 street opening petition for 1101 Main Street be approved.

Finance Committee

1. The Finance Committee recommends that an appropriation in the amount of \$83,000.00 to fund the ongoing engineering services for the Illicit Discharge Detection & Elimination (IDDE) Program be approved
2. The Finance Committee recommends that Acceptance of donation in the amount of \$1,000.00 for a bench to honor the six Crane Brothers (Alfred, Edward, Donald, Walter, Robert and Raymond) for their service as veterans be approved.
3. The Finance Committee recommends that an appropriation in the amount of \$550,000.00 from Unreserved Fund Balance for snow plowing and removal services be approved.
4. The Finance Committee recommends that a transfer of funds in the amount of \$55,000.00 the design & engineering services of Fernald Center wetlands rehabilitation project be approved
5. The Finance Committee recommends that a resolution requesting an IT Audit be approved.

Committee of the Whole

1. The Committee of the Whole recommends that the City not exercise its Right of First Refusal in light of the master deed amendment regarding 204 Clocktower Drive, Unit 113, Wellington Crossing Affordable Condominium Resale and City's Right of First Refusal be approved.
2. The Committee of the Whole recommends that the re-appointment of Robert P. Millian, Jr. of 16 Bither Avenue, Waltham, MA 02453 as a Constable be approved.
3. The Committee of the Whole recommends that that the resolution urging Her Honor, the Mayor of Waltham, to reengage the Stigmatines in negotiations, either directly or through an intermediate, as soon as possible be approved.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends an extension to Lincoln Cooper Street, LLC to act on a special permit that the time to complete such work be extended by 12 months from March 7, 2018 to March 7, 2019 be approved.

Long Term Debt and Capital Planning

1. The Long Term Debt Committee recommends that a loan order in the amount of \$660,000.00 to award the bid of \$643,000.00 with contingency \$17,000.00. The funds will be used to award the bid for the replacement of the refrigeration and dehumidification equipment at the Veterans' Memorial Skating Rink be given a first reading.
2. The Long Term Debt Committee recommends that an appropriation of CPA Funds totaling \$3,265,405 for Elsie Turner Field and Graverson Playground be approved.
3. The Long Term Debt Committee recommends that an appropriation a transfer of funds in the amount of \$50,799.70 for the purpose of adding a play structure to the Veterans' Memorial Field Complex be approved.

Economic and Community Development

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1. The Economic and Community Development Committee recommends that a resolution regarding the Local 339 Carpenters Union be approved and recommitted to the Ordinances and Rules Committee.

Unfinished Business & Other Business

- Modification of Special Permit for PD Winter Street, LLC at 900 and 910 Winter Street

Tabled Items

- Moderator to facilitate the joint meeting for the Waltham High School building project
- Chair of the Conservation Commission, the Chair of the Historical Commission the Chair of the Community Preservation Commission, the Traffic Engineer and the architect for the Waltham High School Project be invited to participate in the joint meeting of the Waltham City Council, the Waltham School Committee, the Waltham School Building Committee and the Mayor
- Joint meeting of the Waltham City Council, the Waltham School Committee, the Waltham School Building Committee and the Mayor be scheduled to discuss the Waltham High School building project
- Minutes from 5/8/2017
- Communication from Mayor dated July 3, 2017 regarding Veterans Fields on Forest Street, Gann Academy and Bentley University, Community Preservation Act Fernald Land and the Massachusetts Historical Commission Letter
- WEAC Recognition Resolution
- Retail Marijuana Moratorium

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City Council Rule 58
For Informational Purposes Only

- Letter from Waltham Cable Access Channel regarding continued distraction.
- Communication from the Historical Commission the Robert Treat Paine Estate
- Communication from the Mayor regarding the purchase price for 334R Prospect Hill Road