

City Council Docket
April 8, 2019

The Waltham City Council will meet in the Council Chamber at City Hall, 610 Main Street, Waltham, MA on Monday, April 8, 2019 at 7:30 pm. The following matters and others may be considered.

Approval of Minutes
3/25/2019

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, April 8, 2019 at 7:30 p.m. on the following proposed amendment to the Zoning Ordinance:

Public Hearing
Zoning Ordinance Amendment

Be it Ordained that Chapter 21 of the General Ordinance of the City of Waltham entitled “ZONING” as most recently amended, is hereby further amended as follows:

Article II entitled “Word Usage; Intent; Definitions”, Section 2.314A entitled “Convenience Food Store”, is hereby amended by deleting the definition in its entirety and inserting in place thereof the following:

2.314A CONVENIENCE FOOD STORE IN GASOLINE STATION — A retail store operated as part of a gasoline station that is designed and stocked to sell primarily so-called "snacks" (that is, food which is ready for consumption directly from its container without prior cooking or preparation), beverages, prepackaged dry goods such as cigarettes, cigars, razors, razor blades and newspapers. Such a store may also sell fresh baked goods (e.g. donuts, bagels) made off the premises and hot pre-prepared foods (e.g. hot dogs, breakfast sandwiches) provided that there shall be no kitchen facilities on the premises, except warming devices and microwave ovens, and that no more than 125 S.F. of the public floor area of such store may be dedicated to the display and/or sale of such items. Notwithstanding the provisions of Sections 3.228, 3.228D, 3.228C, 3.229 and 3.620, a convenience food store in a retail gasoline station shall be considered a separate and distinct use, and shall be a permitted use as provided for in Section 3.4 Table of Uses.

Article III entitled “Establishment of Districts,” Section 3.6 entitled “Special Permit Criteria for Specific Uses”, §3.634 entitled “Retail Gasoline Station”, is hereby amended by deleting the definition in its entirety and inserting in place thereof the following:

Retail gasoline station. A convenience food store may be operated as part of a retail gasoline station that is legally in existence, whether by right, by use variance, by special permit, or as a nonconforming use, provided that a special permit is obtained from City Council. However, no such convenience food store shall have a public floor area in excess of 1,000 square feet. A convenience food store operated as part of a gasoline station may also sell fresh baked goods

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(e.g. donuts, bagels) made off the premises and hot pre-prepared foods (e.g. hot dogs, breakfast sandwiches) provided that there shall be no kitchen facilities on the premises, except warming devices and microwave ovens, and that no more than 125 S.F.

of the public floor area of the retail convenience food store may be dedicated to the display and sale of such items. As a part of the special permit application, a parking plan drawn to scale shall be submitted indicating the location of the additional off-street parking areas required for retail businesses in accordance with Section 5.2 of this chapter.

Article VI entitled “Special Provisions Relating To Signs”, Section 6.392 entitled “Advertising Copy”, is hereby amended by inserting the following sentence at the end of the paragraph:

A convenience food store in a retail gasoline station may have signage advertising the store or a specific product it sells, provided that the total area of all signs on the premises shall not exceed the permissible maximum.

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, Colbea Enterprises, LLC, with an address of 2050 Plainfield Pike, Cranston, RI 02921, as Petitioner and Owner, hereby petitions the City Council to amend the existing fuel storage license which allows 30,000 gallons of gasoline (3-10,000 gallon tanks) to 24,000 gallons of gasoline and 6,000 gallons of diesel (1-15,000 gallon tank and 1-9,000/6,000 gallon split).

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

- 962 Main Street: Page 58, Block 019, Lot 0005.

Public Hearing
17-25

The City of Waltham Engineering Department, 119 School Street, Waltham, petitions the City Council for permission under the provisions of Section 17-25 for the installation and/or maintenance of utilities. The property is located at the intersection of Trapelo Road and Christopher Road. All work and resurfacing to be done in accordance with the provisions of said Section 17-25.

Public Hearing
Special Permit

Anchor Line Partners, 1 Post Office Square, Boston, MA 02109, as Petitioner; and NWALP PHOP Property Owner LLC C/O Northwood Investors LLC, 575 Fifth Avenue, 23rd Floor, New York, NY 10017, as legal owner hereby petition the City Council of the City of Waltham to grant a Special Permit for an increase in Floor Area Ratio (FAR) to 1.38 pursuant to sections 3.511 and 3.521 of the Zoning Ordinance of the City of Waltham. The property is located at 140 Fourth

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Avenue and is shown on Atlas Page 40, Block 001, Lot 0029. The property is situated in a Commercial Zoning District.

Communications from the Mayor

1. The Mayor respectfully requests the opportunity for the City Auditor to present the FY2018 Independent Audit Report to the Finance Committee for their review at Committee meeting to be held on May 6, 2019.
2. The Mayor respectfully recommends that the city owned property at 102 Trimount Avenue be put out to bid or auction by the City Treasurer and Purchasing Agent, similar to what was done with the Charles Street property.
3. The Mayor respectfully requests the assurances of the City Council to MassDOT and the Federal Highway Administration (FHWA) that the City of Waltham intends to mandate the relocation of utilities attached and require the real estate to accommodate these infrastructure improvements and to have this matter acted upon without committee reference.
4. The Mayor respectfully requests an appropriation in the amount of \$77,400 from Unreserved Fund Balance to award the lowest qualified bid for the environmental remediation of the Fernald Greenway.
5. The Mayor respectfully requests the confirmation of the appointment for Carol F. Watts, 23 Keach Street, Waltham as a member of the Council on Aging to fill a vacancy due to Angie Mullaney's resignation.
6. The Mayor respectfully requests an appropriation in the amount of \$160,917.50 to fund the purchase of the playground equipment for the Whittemore School.
7. The Mayor respectfully requests an appropriation in the amount of \$35,000 to purchase a new field groomer for the CPW Parks Division.
8. The Mayor respectfully requests a transfer of funds in the amount of \$40,000 to pay the anticipated additional cost for the disposal of street sweepings for the remainder of FY2019.
9. The Mayor respectfully requests a transfer in the amount of \$790 to purchase four training tables for the conference room at City Hall.
10. The Mayor respectfully requests approval of a loan authorization in the amount of \$1,800,000 for the construction and equipment for the improvements to Bobby Connors Playground.
11. The Mayor respectfully requests approval of an abandonment of the surplus portion of a construction easement at 42 Gregory Street.

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12. The Mayor respectfully requests authorization to sign a Memorandum of Agreement between the City of Waltham and UMass.

13. The Mayor respectfully requests acceptance of a grant in the amount of \$100,000 from the Massachusetts Rehabilitation Commission (ADA).

Applications & Licenses

1. Lodging House renewal – 6 Park Place – Charles, Matthew & Marc Pintabone
2. Lodging House renewal – 26 Myrtle Street – Michael Cotton
3. Chairs and Tables on Sidewalk renewal – 367 Moody Street – Miriam Benitez

Orders, Ordinances & Resolutions

- Autism Awareness Resolution

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the Extended Hours permit for DKD Inc., dba Veronica's at 1074 Main Street be approved.
2. The Licenses and Franchises Committee recommends the Secondhand Dealers License renewal for Marcou Jewelers at 318 Moody Street be approved.
3. The Licenses and Franchises Committee recommends the Secondhand Dealers License renewal for The Toolshed at 471 Main Street be approved.
4. The Licenses and Franchises Committee recommends the Secondhand Dealers License renewal for Gamestop #7772 at 1019 Trapelo Road be approved.
5. The Licenses and Franchises Committee recommends the portion of Graverson Playground to be dedicated to Jack and Elinor Marcou and be approved.
6. The Licenses and Franchises Committee recommends the portion of Graverson Playground to be dedicated to Mario Lituri be approved.

Economic and Community Development

1. The Economic and Community Development Committee recommends the acceptance of a donation for \$1,000 in gift cards to the Housing Department for use as they see fit be approved.
2. The Economic and Community Development Committee recommends the Year 45 Community Development Block Grant Program be approved.

Public Works and Public Safety

1. The Public Works and Public Safety Committee recommends the Resolution regarding Sewer Backups in Eastview Park be filed.

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2. The Public Works and Public Safety Committee recommends the Downtown Trash container Resolution be approved.

Finance

1. The Finance Committee recommends the transfer of funds in the amount of \$4,439 to establish and fund an account to pay the general liability insurance premium for the property located at 554 Lexington Street be approved.

2. The Finance Committee recommends an appropriation in the amount of \$10,500 to fund three months rents of the two apartments located at Cherry Street for temporary housing while the Moody Street Fire Station is under construction be approved.

3. The Finance Committee recommends an appropriation in the amount of \$39,500 to fund the major repairs of several small projects at the Library, Government Center, Senior Center and 27 Lexington Street be approved.

4. The Finance Committee recommends an appropriation in the amount of \$705,000 from the Unreserved Account to CPW for snow overtime, materials and equipment be approved.

5. The Finance Committee recommends an appropriation in the amount of \$20,000 from the Library State Aid account for educational supplies to meet the FY2019 materials budget requirement from the State be approved.

Committee of the Whole

1. The Committee of the Whole recommends the Municipal Electricity Aggregation Plan Default Rate at 10% be approved.

2. The Committee of the Whole recommends the Municipal Electricity Aggregation Plan be approved.

3. The Committee of the Whole recommends the appropriation of \$1,000,000 to fund the accelerated early site package for Waltham High School building project at 554 Lexington Street be approved.

4. The Committee of the Whole recommends the confirmation of the appointment of Carol A. Patten, 149 Mallard Way, Waltham, as a member of the Waltham Council on Aging be approved.

5. The Committee of the Whole recommends the Arbor Day Resolution be approved.

6. The Committee of the Whole recommends the Earth Day Resolution be approved.

7. The Committee of the Whole recommends the FY2020 City Council budget request be approved.

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Ordinances & Rules

1. The Ordinances and Rules Committee recommends that the Resolution regarding Hearings at Government center be approved as amended.
2. The Ordinances and Rules Committee recommends that the General Ordinance Amendment Chapter 3 Article III Keeping of Hens be approved for a first reading.
3. The Ordinances and Rules Committee recommends that the Draft FOG Ordinance be approved for a first reading.
4. The Ordinances and Rules Committee recommends that the Special Permit at 415 South Street for wireless communication equipment be approved.

Long Term Debt and Capital Planning

1. The Long Term Debt and Capital Planning Committee recommends the CPC recommendation for CPA funds totaling \$50,000 for repairs at Stonehurst be approved.

Fernald Use

1. The Fernald Use Committee recommends the Fernald Front Lawn Resolution be approved.

Unfinished Business & Other Business

- Minor Modification to Special Permit #26408 at 100 Winter Street
- Request for Letter of Support or Non Opposition from petitioner, Middlesex Integrative Medicine, Inc.

Tabled Items

- Loan order in the amount of \$3,849,500 for work to be done in area 1314B (tabled 3/25/2019)
- CPC application for \$3,000,000.00
- Mayor's veto on Order Nos. #34291, 34292, 34295
- Installation of a guard rail on the backside of Beal Road sidewalk

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Rule 58
For Informational Purposes Only