

City Council Docket
May 13, 2019

The Waltham City Council will meet in the Council Chamber at City Hall, 610 Main Street, Waltham, MA on Monday, May 13, 2019 at 7:30 pm. The following matters and others may be considered.

Approval of Minutes

4/22/2019, Special Meeting 5/6/2019

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, May 13, 2019 at 7:30 p.m. on the following proposed amendment to the Zoning Ordinance.

Public Hearing
Zoning Amendment

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 2.339 the following new Subsections 2.339A and 2.339B:

- 2.339A SOLAR ENERGY SYSTEM – A device or structural design feature, a substantial purpose of which is to provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.
- a) Solar Energy System, Active: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
 - b) Solar Energy System, Ground-Mounted / Canopy: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted.
 - c) Solar Energy System, Roof-Mounted: An Active Solar Energy System that is structurally mounted to the roof of a building or structure.
- 2.339B SOLAR-READY ZONE – The solar-ready zone area is 50% of the roof area that is either flat or oriented between 110 degrees and 270 degrees of true north, exclusive of mandatory access or set back areas as required by the MA Fire Code.

ARTICLE III entitled “Establishment of Districts,” Section 3.5 entitled “Special permits,” is hereby amended by adding after Subsection 3.539 the following new Subsections 3.539A:

3.539A Solar Energy Requirement

- (1) Any new structure and any addition to an existing structure requiring a special permit for an increase in intensity of use shall include a solar energy system that utilizes a minimum of 50% of the total roof area of all such structures. In cases where a site

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- includes an uncovered parking structure the structure shall also have a solar energy system installed to cover a minimum of 90% of its top level.
- (2) As part of the special permit application a solar assessment shall be submitted and the assessment must include, at a minimum:
 - a) An analysis for solar energy system(s) for the site detailing layout and annual production.
 - b) An analysis of the maximum feasible solar zone area of all structures and potential ground-mounted canopies.
 - (3) Exemptions: A project will not be required to install a solar energy system when there is no solar ready zone, or the solar-ready zone is shaded for more than 50 percent of daylight hours annually, or for building conversions with insufficient structural load capacity.
 - (4) Safety and Locations Guidelines:
 - a) Emergency Access – Solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide pathways to specific areas of the roof, provide for smoke ventilation opportunities, and provide emergency egress from the roof, as required by the MA Fire Code, as most recently updated.
 - b) Safety – No roof-mounted solar energy system shall be located in a manner that would cause the shedding of ice or snow from the roof into a porch, stairwell or pedestrian travel area.

ARTICLE IV entitled “Dimensional Requirements,” Section 4.2 entitled “Supplementary dimensional regulations,” is hereby amended in Subsection 4.217 entitled “Height exceptions,” by inserting after the word “ventilators” the following:

“, solar energy systems”

Subsection 4.217 is hereby further amended by inserting after the words “usually carried above roofs” the following:

“, if they do not extend more than twenty-five feet (25’) above the height limit of the zoning district in which they are located”

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Public Hearing
Zoning Ordinance

ARTICLE II of the Zoning Ordinances of the City of Waltham, entitled “Word Usage; Intent; Definitions,” Section 2.3 entitled “Definitions,” as most recently amended, is hereby further amended by adding a new subsection 2.213A as follows:

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2.213A URBAN AGRICULTURE – An umbrella term that describes a range of food growing practices that may include vegetable gardens, bee keeping (up to 3 hives), and /or raising up to 8 chickens (hens only), but does not include raising other kinds of poultry or livestock. Bee hives and chicken coops must be placed no closer than 10 feet from the property line. Not more than 3 hives and/or 8 chickens shall be allowed on any one property. Such urban agriculture shall be subject to approval by the Health Department.

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

3.228F Urban Agriculture: Urban agriculture as defined in Article II is allowed in all residential districts, subject to a permit from the Health Department, provided that bee hives and chicken coops shall not be located within ten feet (10’) of any property line, and further provided that not more than 3 hives and/or 8 chickens shall be allowed on any one property. No owner and/or keeper of any chicken coop shall willfully or through negligence cause, suffer, allow, or permit any infestation of rodents and/or vermin on the property on which it is located. Chicken feed leftover from feeding may not remain past dusk in an area accessible to rodents or other pests. Any animal feed that is stored on, at, or proximate to any chicken coop shall be stored in closed, moisture- and vermin- resistant containers.

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>
Urban Agriculture	Y	Y	Y	Y	Y	Y	Y	Y	Y
	<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>	
	N	N	N	N	N	N	N	3.228F	

Public Hearing
Special Permit

Charles P. Mantenuto, Petitioner and BVG Trust, Charles P. Mantenuto, Trustee, Owner hereby petition the City Council for the necessary Special Permit pursuant to the provisions of Article 3, Sections 3.511 and 3.521 of the Zoning Ordinance for the City of Waltham for an increase in intensity of use (Floor Area Ratio (FAR) to .79712)) for the construction of a nine (9) unit residential building on the property known as 185 Willow Street.

The property is shown in Atlas Page 071, Block 001, Lot 0012. The property is situated in the Business A Zoning District.

Communications from the Mayor

1. The Mayor respectfully requests a transfer in the amount of \$25,000 to purchase office furniture for the Assessors Department.

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2. The Mayor respectfully requests the appointment of Julia M. DeCola, 28 Willard Street, Waltham as a member of the Board of Registrars of Voters.
3. The Mayor respectfully requests an appropriation of \$125,000 to pay overtime expenses for the Fire Department.
4. The Mayor respectfully requests a transfer in the amount of \$6,014.02 to purchase a new server for the Law Department.
5. The Mayor respectfully requests an appropriation in the amount of \$100,000 to pay medical bills for fire fighters who are injured in the line of duty for the remainder of the fiscal year.
6. The Mayor respectfully requests a transfer in the amount of \$6,910 of projected excess FY2019 salary funds to be used for conservation related items.
7. The Mayor respectfully requests a transfer in the amount of \$10,000 to fund payments of the employees/retirees life insurance program for the remainder of the fiscal year.
8. The Mayor respectfully requests an appropriation in the amount of \$85,435 to fund the major repairs for several small projects at Government center, Prospect Street fire Station, Library, 911 Building & WC&C Center.
9. The Mayor respectfully requests an appropriation and a transfer of funds totaling \$567,478 to fund the low and responsible bidder for the Whittemore School playground improvements.
10. The Mayor respectfully requests acceptance of a commemorative bottle of wine from Beth Mattero for the City Hall Museum.
11. The Mayor respectfully requests an appropriation in the amount of \$350,000 to fund the interest payment of the bond anticipation notes (BANS) of a land acquisition purpose that was financed on September 27, 2018 and maturing June 27, 2019.
12. The Mayor respectfully requests a transfer in the amount of \$4,726 to purchase a copy machine/scanner for the Human Resources Department.
13. The Mayor respectfully requests an appropriation and a transfer totaling \$2,225,000 to fund the construction phase of the Lexington Street and School Street Water and Sewer Improvements Project.

Applications & Licenses

- Lodging House renewal – 415 South St.- Brandeis University - Skyline
- Lodging House renewal – 415 South St.- Brandeis University – The Village
- Lodging House renewal – 415 South St.- Brandeis University – East Quad Pomerant Hassefeld
- Lodging House renewal – 415 South St.- Brandeis University – Scheffres Gordon Reitman Cabl
- Lodging House renewal – 415 South St.- Brandeis University – Ridgewood

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- Lodging House renewal – 415 South St.- Brandeis University – Massell Quad
- Lodging House renewal – 415 South St.- Brandeis University – Rosenthal Dorms

Orders, Ordinances & Resolutions

- General Ordinance Amendment on Sidewalk Shoveling
- Marijuana Equity Provisions Resolution

Committee Reports

Licenses and Franchises

1. The Licenses and Franchises Committee recommends the extended hours for Pinky Inc. dba J&J Variety at 851 Main Street be approved.
2. The Licenses and Franchises Committee recommends the new Class II Motor Vehicle resale License for Specialty Auto Sales at 265 Bear Hill Road be approved.
3. The Licenses and Franchises Committee recommends the secondhand dealers license renewal for Larry DeRoche at 1250 Main Street be approved.
4. The Licenses and Franchises Committee recommends the secondhand dealers license renewal for Descar Inc. dba Descar Jewelry Design, ltd. At 49 River Street be approved.

Public Works and Public Safety

1. The Public Works and Public Safety Committee recommends the Harrington Road legal opinion on Sidewalks and Curbing be filed.
2. The Public Works and Public Safety Committee recommends option four for the recommendations regarding the Bentley University Beaver Street Rotary sign design be approved.

Finance

1. The Finance Committee recommends the acceptance of a gift totaling \$1,050 from Prestige Car wash be approved.
2. The Finance Committee recommends a transfer totaling \$5,000 for the purchase of a copy machine for the Fire Department be approved.

Ordinances & Rules

1. The Ordinances and Rules Committee recommends that a citizen input hearing on Ordinance Amendments relating to the Plastic Bag Resolution be scheduled.
2. The Ordinances and Rules Committee recommends that Zoning Ordinance Amendment for Convenience Food Stores be approved for a second reading.

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Long Term Debt & Capital Planning

1. The Long Term Debt & Capital Planning Committee recommends the loan authorization in the amount of \$10,000,000 for the renovation and construction of the Moody Street Fire Station be approved for a second reading.

Veterans Service Committee

1. The Veterans Service Committee recommends the Resolution regarding the City Council's Support of the Lions Flag Drive be approved.

Unfinished Business & Other Business

- Time extension for BP Third Avenue LLC at 214 Third Avenue, 186-194 Third Avenue and 94 Fourth Avenue

Tabled Items

- FOG Ordinance (second reading 4/22/2019)
- Loan authorization of \$1,800,000 for Bobby Connors Playground
- Mayor's veto on Order Nos. #34291, 34292, 34295
- Installation of a guard rail on the backside of Beal Road sidewalk