

***City Council Docket
October 9, 2018***

The Waltham City Council will meet in the Council Chamber at City Hall, 610 Main Street, Waltham MA on Tuesday, October 9, 2018 at 7:30 pm. The following matters and others may be considered.

**Approval of Minutes
9/24/2018**

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 Tuesday, October 9, 2018, at 7:30 P.M. on the following proposed zoning amendments:

**Joint Public Hearing
Zoning Amendment**

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 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.

**Joint Public Hearing
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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”.

Joint Public Hearing
Zoning Amendment

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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 satisfies all of the following criteria: (1) *primarily* serves food via a general service counter generally for consumption at tables on the premises; (2) prepares such food, which is not generally pre-packaged or in a ready-to-consume state, upon each customer order; (3) provides seating for patrons encompassing a minimum 50% and a maximum of 75% of the gross floor area of the restaurant; (4) is not housed in a “stand alone” building; (5) for meals consumed on premises non-disposable plates, cup and utensils are provided and (6) is not located within 300’ of a residential district. A fast casual restaurant may provide carry-out service but shall not include business that (1) are primarily in the business of sale of pre-packaged or ready-made food assembled prior to customer order for offsite consumption; (2) have (or typically have) a drive-through; or (3) provide food packaged or presented in such a manner that it can be readily consumed offsite or in a motor vehicle. Notwithstanding the definition of Restaurant, and

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Fast Food Establishment, 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:

Fast Casual Restaurant*

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	

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

Joint Public Hearing
Zoning Amendment

On the application of Capasso Hospitality, LLC, 49 Lexington Street, Newton, MA 02465, hereby petition the City Council for:

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 District Map” is amended by striking out the designations “Business A” and “Residence B” as shown on said map and substituting in place thereof new lines and designation “Business B” insofar as the said map relates to the following described premises.

The locus lies in Business B, Business A and Residence B zoning districts and the proposed amendment would have the locus zoned entirely Business B. The locus is those certain parcels of land with the improvements located thereon situated at 17 Prospect Street, 17-NX Prospect Street and 105-111 Russell Street in the City of Waltham, County of Middlesex (South), Commonwealth of Massachusetts (Atlas Page 59, Block 18, Parcels 10-12) and the portion to be rezoned is more particularly described as follows:

Beginning at a point on the westerly sideline of Prospect Street; thence running

N 89°24'40" E	30.00' to a point located on the centerline of Prospect Street; thence turning and running
S 00°35'20" E	119.50' by the centerline of Prospect Street to a point; thence turning and running

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S 88°25'15" W 220.21' by the centerline of Russell Street to a point; thence turning and running
N 01°34'45" W 20.00' to a point on the northerly sideline of Russell Street; thence turning and running
N 00°33'55" W 100.02' to a point; thence turning and running
N 88°25'15" E 190.51' to the POINT OF BEGINNING.

Containing 26,454 square feet or 0.607 acres, more or less.
to be rezoned from partially Business A, partially Business B and partially Residence B to all Business B.

Communications from the Mayor

1. The Mayor respectfully requests acceptance of a gift in the amount of \$25,000 from Bentley University to the Waltham Fire Department to be put towards the purchase of additional tactical equipment.
2. The Mayor respectfully requests acceptance of a gift in the amount of \$25,000 from Bentley University to the Waltham Police Department to be put towards the Police Department's mission of protecting the residents and businesses of Waltham.
3. The Mayor respectfully requests the City Council hold a public hearing for all the residents of the private ways consisting of Brennan, Carol, Goldencrest, Priscilla, Mountain, Crestview, Midland (private only) Streets to discuss the betterments and the process going forward and for all the residents to be notified of the hearing.
4. The Mayor respectfully requests a transfer in the amount of \$37,064 to fund the purchase of tactical gear for active shooter/active threat incidents.
5. The Mayor respectfully requests a transfer in the amount of \$43,578 for the appraisal services and environmental consulting services at 225-227 Beaver Street and 240 Beaver Street.
6. The Mayor respectfully requests a transfer in the amount of \$32,480 to fund the replacement purchase of the "jaws of life" equipment used on Squad 5.
7. The Mayor respectfully requests a response from the City Council relative to number one provided in the MSBA communication dated September 25, 2018.

Applications & Licenses

- George Yiga Ssempogo, 18 Middle Street, Unit 2, Waltham, petitions the City Council for a Massport License.

Orders, Ordinances & Resolutions

- Small Business Saturday Resolution
- Council Support for a New Waltham Police Station
- Honoring Ugandans in Waltham Resolution

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Committee Reports
License and Franchise

1. The License and Franchise Committee recommends the Resolution for DAV street naming be recommitted to the Veterans Service Committee.

Finance

1. The Finance Committee recommends the acceptance of a donation from Leraci Landscaping Inc. in the amount of \$500 for the Waltham Police Athletic League be approved.

Public Works

1. The Public Works and Public Safety Committee recommends the Fernald Wetland matter be recommitted to the Fernald Use Committee.
2. The Public Works and Public Safety Committee recommends the combined Police/Fire Station and Moody St. fire renovations be filed.
3. The Public Works and Public Safety Committee recommends the 17-25 at 151 Crescent Street be approved.

Long Term Debt

1. The Long Term Debt Committee recommends the loan authorization in the amount of \$280,000 for the purchase of a new front-end loader for the CPW Department be approved for a first reading.
2. The Long Term Debt Committee recommends a transfer of funds in the amount of \$29,542.88 for three stander type mowers and grounds keeping equipment for the Parks and Forestry Division be approved.

Committee of the Whole

1. The Committee of the Whole recommends the matter regarding filling vacancies –Assistant City Clerk be filed.
2. The Committee of the Whole recommends communication referencing the acceptance of Marquardt Building for the police station be filed.
3. The Committee of the Whole recommends the \$7,280,000 loan order for the police station renovation be filed.
4. The Committee of the Whole recommends the school committee request for 190 acres at the Fernald be filed.
5. The Committee of the Whole recommends the appropriation request to enact zoning to allow occupancy for police at the Fernald be filed.

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Economic and Community Development

1. The Economic and Community Development Committee recommends the recommendations set forth by the Ambulance Service Review Committee for the renegotiations for the renewal of the contract be approved.
2. The Economic and Community Development Committee recommends the Gas Resolution dated 2/17/2017 be filed.

Ordinances and Rules

1. The Ordinances and Rules Committee recommends the Resolution regarding an Earth Moving Ordinance be filed.
2. The Ordinances and Rules Committee recommends the real estate agreement relative to SP#31771 be filed.
3. The Ordinances and Rules Committee recommends the GOA Fuel Storage amendment be filed.
4. The Ordinances and Rules Committee recommends the resolution regarding Abutter's List Procedures be filed.
5. The Ordinances and Rules Committee recommends the Bicycle Parking Requirements be filed.
6. The Ordinances and Rules Committee recommends the Resolution regarding building height be filed.
7. The Ordinances and Rules Committee recommends the sidewalk easement at 385 Winter Street be filed.
8. The Ordinances and Rules Committee recommends the 36 River Street communication be filed.
9. The Ordinances and Rules Committee recommends the Local Control of Marijuana Resolution be filed.
10. The Ordinances and Rules Committee recommends the General Ordinance Amendment regarding betterments on private ways be approved for a second reading.
11. The Ordinances and Rules Committee recommends the Ordinance Amendment amending Chapter VIII Article II entitled amusements be approved for a second reading.
12. The Ordinances and Rules Committee recommends the Special Permit Modification for Special Permit Order #28040 for Hyatt House Hotel at 54 Fourth Ave be approved in part.
13. The Ordinances and Rules Committee recommends the time extension for the Special Permit application at 265 Bear Hill Road be approved.

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14. The Ordinances and Rules Committee recommends the minor modification to Special Permit #31913 at 470, 494 & 500 Totten Pond Road be approved.

Unfinished Business & Other Business

Tabled Items

- Installation of a guard rail on the backside of Beal Road sidewalk

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City Council Rule 58
For Informational Purposes Only