

City Council Minutes 610 Main Street, Waltham, MA.

Monday, January 14, 2013

The joint meeting of the Waltham City Council and the Board of Survey and Planning was opened by City Clerk Rosario C. Malone the roll was called by the Assistant City Clerk Kevin Ritcey. Present at roll call were Councillors Brasco, Collura, Curtin, Darcy, Giordano, Kelly, Logan, Marchese, Marcou, McMenimen, O'Brien, Rourke, Stanley, Tarallo, and Waddick (15) Councillor arrived late. Board of Survey members attending were Kathleen Callahan, William Creonte, John Duffy, S. Anthony DeVito Brian Moroney and Mila Tarallo. (6)

Rosario C. Malone, City Clerk called the City Council to order.

The Assistant City Clerk, Kevin Ritcey read the Council Prayer, and then the President Pro Tem Rosario C. Malone led the City Council in the Pledge of Allegiance.

Councillor Giordano requested a moment of silence for our men and women in the armed services serving around the world. A moment of silence was observed.

Councillor Tarallo requested a moment of silence for Edward Callahan former City Council President and Councillor. A moment of silence was observed.

Councillor Tarallo moved that the rules of 2012 be adopted as the rules of the City Council for 2013. On a voice vote, the Rules were accepted.

The President Pro Tem Malone opened nominations for president of the City Council.

Councillor Brasco placed the name of Councillor Robert J. Waddick in nomination for president of the Waltham City Council.

President Pro tem Malone asked if there were any further nominations hearing none.

Councillor Logan moved to close nominations. On a voice vote, nominations were closed.

Assistant City Clerk Ritcey called the roll. Voting for Councillor Waddick were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Tarallo, Waddick, and Vizard By a 14 to 0 vote Councillor Waddick was elected President for 2013. Councillor McMenimen was not present for the vote.

Please welcome the President of the Waltham City Council for the year 2013 the honorable Robert J. Waddick.

President Waddick thanked the City Council for all their support over the past year and hoped for an other successful year.

President named Councillor Doucette as Vice President for the year 2013. Councillor Tarallo moved to confirmation the nomination. The City Clerk, Rosario C. Malone called the roll.

Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, Romard, Rourke, Tarallo, Waddick, and Vizard. By a 14 to 0 vote Councillor Waddick was elected President for 2013. Councillor McMenimen was not present for the vote.

President Waddick assigned the committees. Chairs will be elected at the Committees meeting held on January 22, 2013

License & Franchise Committee meets at
7:00 PM

Councillor Robert G. Logan

Councillor Paul J. Brasco

Ordinance & Rules Committee meets
following the Committee of the Whole

Councillor Edmund P. Tarallo

Councillor Diane P. LeBlanc

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Councillor Gary J. Marchese
Councillor Daniel P. Romard
Councillor Joseph M. Giordano, Jr.

Councillor Robert G. Logan
Councillor Gary J. Marchese
Councillor Stephen F. Rourke

Public Works Committee meets at the call of the Chair

Councillor Stephen F. Rourke
Councillor George A. Darcy, III
Councillor Diane P. LeBlanc
Councillor Thomas M. Stanley
Councillor Joseph W. Vizard

Finance Committee meets following the Committee of the Whole

Councillor Thomas J. Curtin
Councillor Paul J. Brasco
Councillor Joseph M. Giordano, Jr.
Councillor Kathleen B. McMenimen
Councillor Daniel P. Romard

Economic and Community Development Committee meets at 7:00

Councillor Paul J. Brasco
Councillor Thomas J. Curtin
Councillor George A. Darcy, III
Councillor Kenneth B. Doucette
Councillor Thomas M. Stanley

Veteran Service Committee meets at the call of the Chair

Councillor Joseph M. Giordano, Jr.
Councillor Kenneth B. Doucette
Councillor Diane P. LeBlanc
Councillor Thomas M. Stanley
Councillor Edmund P. Tarallo

Long Term Debt Committee meets at the call of the Chair

Councillor Thomas M. Stanley
Councillor Kenneth B. Doucette
Councillor Kathleen B. McMenimen
Councillor Edmund P. Tarallo
Councillor Joseph W. Vizard

President Waddick assigned the following Ad-hoc Committees and the Chairs

Ad-hoc Committees
Real Estate & RFP Committee.
Councillor Tarallo, Chair
Councillor Darcy
Councillor Doucette
Councillor Marchese
Councillor Romard

Committee, Disposition of the Fitch School.
Councillor Rourke, Chair
Councillor LeBlanc
Councillor Curtin
Councillor Logan
Councillor McMenimen.

E-Committee.

Councillor Darcy, Chair,
Councillor Rourke
Councillor Vizard
Councillor LeBlanc
Councillor Romard

Ambulance Review Committee.

Councillor Logan Chair,
Councillor Tarallo
Other Members Police Chief or designee
Fire Chief or designee E.M Director –
Bernie Mullin
Inspector of Wires – Timothy Kelly
Public Health Walter Sweder

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Councillor Logan moved to accept the minutes from December 26, 1012. On a voice vote, the minutes were accepted.

The Clerk read Rule 29 A

Public Hearings - Joint Hearing

Councillor Darcy moved to wave the full reading On a voice vote, the reading was waved. Due notice having been given, President Waddick opened the joint public hearing on the following

IN THE YEAR TWO THOUSAND AND THIRTEEN

That, pursuant to § 5 of Chapter 40A of Commonwealth of Massachusetts General Laws, Councillor George A. Darcy III hereby petitions for the following consideration:

AN ORDINANCE AMENDING THE ZONING CODE OF THE GENERAL ORDINANCES OF THE CITY OF WALTHAM.

The General Ordinances of the City of Waltham, Part III (Zoning Code), Article III(Establishment of Districts), Section 3.4(Table of Uses), Part 4, is amended by striking out the entry "N" ("Not permitted") for "Farm Stands" (listed under the Agriculture heading and in the definition of uses in Section 3.263) in Conservation/Recreation (C/R) districts and substituting in its place "Y" ("Permitted use as of right"). The General Ordinances of the City of Waltham, Part III (Zoning Code), Article III(Establishment of Districts), Section 3.2(Definition of Uses), Section 3.263 (Farm stands), is amended by striking out the existing definition in its entirety:

"3.263. Farm stands: A building or stand used for the sale of eggs and agricultural products actually raised or produced on the premises; provided, however, that such building or stand must be located at least 40 feet from any street line and accessible over a private driveway. Advertising signs not more than four square feet in area may be used."

and substituting in its place the following:

"3.263. Farm stands: A building or stand used for the sale of eggs or agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture related products; provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 per cent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located; and further provided, however, that such building or stand must be located at least 40 feet from any street line and accessible over a private driveway. Advertising signs not more than four square feet in area may be used."

President Waddick opened the public hearing to those wishing to speak in favor of the petition. Speaking in favor was Councillor George Darcy. No one stood in favor. No one spoke or stood in opposition. President Waddick closed that part of the public hearing and opened it to questions from Councillors. Councillor Curtin inquired as to why the change? Councillor Darcy response was Farm Stands are allowed in all zone except Conservation/Recreation. Councillor McMenimen inquired if other Farm Stands would be impacted. Councillor Darcy response was no. Councillor LeBlanc inquired if Pizzi Farms was included. It was. Councillor Marchese thanked Councillor Darcy for his effort. Board of Survey and Planning member John Duffy inquired if all present Farm Stands would be grandfathered. They would. Board of Survey and Planning member Kathleen Callahan inquired if the growing of marijuana would be allowed? Councillor Tarallo explained the new law relative to marijuana growth. President Waddick closed the Public Hearing and referred the General Ordinance amendment to the Ordinances and Rules Committee.

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Joint Public Hearing

Councillor Darcy moved to wave the full reading. On a voice vote, the reading was waved. Due notice having been given, President Waddick opened the joint public hearing on the following

That, pursuant to § 5 of Chapter 40A of Commonwealth of Massachusetts General Laws, Waltham City Councillor Edmund P. Tarallo and Waltham City Councillor George A. Darcy III petition for the following consideration:

AN ORDINANCE AMENDING CHAPTER 21 OF THE GENERAL ORDINANCES OF THE CITY OF WALTHAM MASSACHUSETTS ENTITLED "ZONING".

The General Ordinances of the City of Waltham Massachusetts, Part III (Zoning Code), entitled "ZONING DISTRICT MAP OF WALTHAM MASS." is amended by striking out the designation "Residence A2 (RA2)" as shown on said map and substituting in place thereof new lines and designation "Conservation/Recreation (CR)" insofar as the said map relates to the following described premises. complete text on file

The loci currently lie in a Residence A2 (RA2) zoning district. The proposed amendment would have the loci zoned entirely Conservation/Recreation (CR). The loci are the collection of two adjacent parcels of land with the improvements located thereon, situated at Larchmont Avenue and 131R Lincoln Street, in the City of Waltham, County of Middlesex (South), Commonwealth of Massachusetts, and more particularly described as follows:

“Parcel 1:

The certain parcel of land located at the end of Larchmont Avenue, Waltham, Middlesex County, Massachusetts, and shown as Lot 2, containing 21,815 square feet, on a Plan entitled “Subdivision Plan of Land in Waltham”, Scale 1” = 20’, dated July 5, 1978, prepared by Alfred Gargaro, Suveyor, recorded with the Middlesex South District Registry of Deeds as Plan No. 821 of 1978 at the end of Record Book 13495.

Meaning and intending to convey and hereby conveying the land acquired by the Grantor by Deed from John L. Butcher to the Grantor dated April 18, 1986, recorded with said Registry of Deeds in Book 16924, Page 460, excepting therefrom so much as was conveyed by the Grantor to John L. Butcher and Mary Jane Butcher by Deed dated August 27, 1997, and recorded with said Registry of Deeds in Book 27617, Page 142.

For title references see deed dated April 18, 1986, and recorded with the said Registry of Deeds in Book 16924, Page 460.

Parcel 2:

A certain parcel of land situated in the City of Waltham, Count of Middlesex, Commonwealth of Massachusetts, whose address is 131R Lincoln Street, and containing about six acres of land, be the same more or less, and more particularly bounded and described as follows: Beginning at the Southwest corner of said Premises by land now or formerly of George Webber; thence running northerly and bounding Westerly by said Webber’s land about sixty-nine (69) rods to land now or formerly of Nathan Hardy; thence running easterly and bounding Northerly by said Hardy’s land about fourteen (14) rods to land set off as dower to widow Sarah Sanderson; thence running southerly and bounding Easterly by said land set off as dower about sixty-nine (69) rods to a stake and stones and other land now or formerly of said Webber; thence running westerly and bounding Southerly by said Webber’s land to a stake and stones and the first mentioned bound.

For title references, see deed of Valerie Viles-Johnson formerly known as Valerie Viles, dated November 17, 2000, and recorded with Middlesex South District Registry of Deeds in Book 32038, Page 358, as well as deed of Frederick R. Viles and Shirley P. Viles dated March 5, 1985 and recorded with the Middlesex County South District Registry of Deeds in Book 16041 at Page 436.”

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President Waddick opened the public hearing to those wishing to speak in favor of the petition. Speaking in favor were Councillors George Darcy and Tarallo. No one stood in favor. No one spoke or stood in opposition. President Waddick closed that part of the public hearing and opened it to questions from Councillors. Councillor Marchese thanked Councillors Tarallo and Darcy for their good sense in changing the zone. Councillor McMenimen was concerned for the adjacent land. Councillor Darcy response was it would not affect the adjacent land. Councillor Romard inquired if any funding by the state would be lost. Councillor Darcy would check into it. Councillor Rourke inquired as to the benefit of the change. Councillor Darcy explained the benefit to the city. Councillor Stanley was concerned with the neighbors on Curve and Lincoln Street. Councillor Darcy explained the benefit to the neighbors. Councillor Doucette explained that a similar change was done on Lexington Street behind the Fire and Police Stations. Councillor Curtin inquired if abutters were notified. City Clerk Malone said they were. President Waddick closed the Public Hearing and referred the matter to the Ordinances and Rules Committee.

Public Hearing SPECIAL PERMIT

Due notice having been given, President Waddick opened the public hearing on the petition by 511 Totten Pond Road, LLC, 511 Totten Pond Road, Waltham, Massachusetts 02451, and Totten Pond Service Center, Inc., 511 Totten Pond Road, Waltham, Massachusetts 02451 hereby petition the City Council for a Special Permit pursuant to §3.5 and §3.634 of the Ordinance to operate a convenience store as part of a retail gasoline station at 511 Totten Pond Road, Waltham, Massachusetts. The locus is known and numbered as 511 Totten Pond Road and is shown in the “Atlas, City of Waltham, Massachusetts 1988”, as Map 31, Block 4, Lot 1. The property is situated in a Limited Commercial Zoning District. The legal owner of the locus is 511 Totten Pond Road, LLC, 511 Totten Pond Road, Waltham, Massachusetts 02451. President Waddick opened the public hearing to those wishing to speak in favor of the petition. Speaking in favor was Joseph Connors, attorney for the petitioners. No one stood in favor. No one spoke or stood in opposition. President Waddick closed that part of the public hearing and opened it to questions from Councillors. Councillor Tarallo as Ward Councillor had several questions. Would there be an addition to the outside of the building? The response by Attorney Connors was the back would be squared off but no real change. Councillor Tarallo requested for Committee a floor plan. Councillor Romard inquired if there would be any impact on the other business in the area Attorney Connors will supply a trip count to the Ordinances and Rules Committee. Councillor Romard inquired as to an increase of hours. Attorney Connors stated there would be none. Councillor LeBlanc how many additional cars Attorney Connors will bring the information to the Ordinances and Rules Committee meeting. Councillor Brasco inquired if there were plans in the future for fast food. Attorney Connors stated no. Councillor Giordano inquired about the sale of lottery tickets? The response was possibility. Councillor Logan inquired if Attorney Connors knew how many gas stations in Waltham had stores. Attorney Connors would supply the committee with the information. Councillor Darcy inquired as to the safety at the bus stop in front of the station. Attorney Connors stated that the safety concerns were addressed. President Waddick closed the public hearing and referred the matter to the Ordinances and Rules Committee.

FUEL STORAGE

Due notice having been given, President Waddick opened the public hearing on the petition by New Church Institute of Education (property owner), 345 Lexington Street, Waltham and Chapel Hill –Chauncy Hall School (operator of the facility hereby petitions the City Council

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for a fuel storage license for the property located at 785 Beaver Street. R042-007-0008
The license is for the installing of an underground propane tank to heat the swimming pools that is less than 1,100 gallons. It is not located in a Floodplain, and it has a proposed minimum set back of 250-feet from any abutting property.

President Waddick opened the public hearing to those wishing to speak in favor of the petition. Speaking in favor were Al Trakimas, Engineer for the petitioner. No one stood in favor.

Speaking in opposition were Yium Cheling, 820 Beaver Street and Mary McGaughey, 501 Lexington Street. No one stood in opposition. President Waddick closed that part of the public hearing and opened it to questions from Councillors. Councillor Romard had safety concerns for the neighbors and students. Inquired about the inspection of the tank by the facilities director and by the Fire Department. Councillor Logan inquired as to the number of hours the heating system would be used. Councillor Curtin had safety concerns and inquired as to the alarm system being used. Councillor Tarallo requested the test pit results. He also requested how they have meet safety requirements. Councillor Darcy addressed run off issues and the restoring of the stonewall. President Waddick requested the petitioner to forward all responses to the Licenses and Franchises Committee. President Waddick closed the public hearing and referred the application to the License and Franchise Committee.

Communications from the Mayor

The Clerk read the following communications from the Mayor and each, in turn, was referred

1. Respectfully request the reappointment of David R. Kaloupek of 1 Bishop Forest Drive, Waltham, as a trustee of the Board of Trustees of the City of Waltham Municipal Affordable Housing Trust Fund.

Referred to the Committee of the Whole

2. Respectfully request the reappointment of Karen Megerdichian of 235-2 Ash Street, Waltham, as a trustee of the Board of Trustees of the City of Waltham Municipal Affordable Housing Trust Fund.

Referred to the Committee of the Whole

3. Respectfully request acceptance of a state grant from the Executive Office of Environmental Affairs for the PARC grant program in the amount of \$ 280,500. These funds will be used to help effect the required improvements to the former Metropolitan State Hospital parking lots required pursuant to the terms of the Met State Reuse Plan and amendment thereto. This is state reimbursement grant that can only be received upon completion of the project.

Referred to the Finance Committee

4. Respectfully request the City appropriate the amount of the PARC grant an matching funds in the amount of \$ 467,500.00. Previously appropriated funds in the amount of \$170,383.84 are available in account # 310-175-2000-6269 Planning Met State Parking Lot Improvements. For the difference, the Mayor respectfully request an appropriation in the amount of \$ 297,116.16 from Unreserved Fund Balance to account # 001-175-5800-6269 Planning Met State Parking Lot Improvements, of these funds \$280,500 will reimbursed to the City from PARC grant.

Referred to the Finance Committee

Licenses All Licenses are referred to the Licenses and Franchises Committee

Renewal of Extended Hours Tiki House Restaurant 569 Moody Street

Renewal Lodging House Licenses for

24 -26 High Street 240 Crescent St. 12 Maple St.

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Zoning Amendment Schedule for January 14, 2014 joint Public Hearing.

That, pursuant to § 5 of Chapter 40A of Commonwealth of Massachusetts General Laws, Councillor George A. Darcy III hereby petitions for the following consideration:

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Councillor Darcy moved to file the matter since the public hearing on the amend Zoning Ordinance had taken place. On a voice vote, the matter was filed.

That the Loan Order in the amount of \$3,500,000.00 for Bank’s School having had a first reading is before the City Council for a second reading.

Councillor Stanley moved for a second reading and final reading. The roll was call. Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard, by a 14 to 0 vote, the order was adopted. Order # 31860

That the loan order in the amount of \$550,000.00 to provide funding for the purchase of a new apparatus truck to replace the current Engine 1 located at the Moody Street Fire Station having had a first reading be given a second reading.

Councillor Stanley moved for a second reading and final reading. The roll was call . Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard, by a 14 to 0 vote, the order was adopted. Order # 31858

That the loan order in the amount of \$137, 000.00 to provide funding for the design and construction of a right turn lane at the intersection of Main Street and Newton Street.

\$15, 000.00 will be dedicated to design and the remainder to construction having had a first reading is before the City Council for a second reading.

Councillor Stanley moved for a second reading and final reading Roll was call . Voting yea were Councillors Brasco, Curtin, Darcy, Doucette, Giordano, LeBlanc, Logan, Marchese, McMenimen, Romard, Rourke, Stanley, Tarallo, and Vizard, by a 14 to 0 vote, the order was adopted. Order # 31859

Communication from the City Clerk relative to 2013 Municipal Election Calendar

Councillor Tarallo moved to suspend the rules and act on the communication without committee reference. On a voice vote, the rules were suspended. Councillor Tarallo moved to adopt the Election Order. On a voice vote, the order was adopted. Order # 31861

Resolutions

Councillor McMenimen presented a resolution commending the following firefighter for their years of service to the City Firefighter Robert Shepard, 12/4/1983 to 1/4/2012

Firefighter William Brodie, 8/9/1980 to 3/22/2012, Lieutenant William Lombardo, III

2/26/1989 to 9/26/2012 Lieutenant William MacDonald 3/30/1975 to 9/26/2012 Lieutenant

Robert Sweeny, 8/20/1978 to 9/30/2012

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Councillor McMenimen moved to act on the resolution without committee reference. On a voice vote, the resolution was acted on without committee reference. Councillor McMenimen moved to adopt the resolution. On a voice vote, the resolutions were adopted.

Councillors Stanley and Giordano presented a resolution relative to the reduction of property taxes of veterans in exchange for volunteer services.

Councillor Stanley spoke on the need to show gratitude to residents who served the country.

Referred to the Finance Committee

Councillor Stanley presented a resolution regarding the CIP Program.

Referred to the Long Term Debt Committee

Councillor Doucette moved to adjourn. On a voice vote, the City Council adjourn at 11:00 PM.