

**CITY OF WOBURN  
SEPTEMBER 16, 2014 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

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**MAYOR'S COMMUNICATIONS:** None.

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**PUBLIC HEARINGS:**

On the petition by NSTAR Electric Company for a grant of right in a way to install conduit westerly from Pole 239/7 approximately 97 feet south of Poole Street a distance of about six feet on Winter Street. PUBLIC HEARING OPENED.

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On the petition by Verizon New England, Inc. for a grant of right in a way to install a new 2 foot by 3 foot handhole and approximately 50 feet of 2 inch to 4 inch PVC from the proposed handhole to relocated joint occupancy pole P105/2 on High Street. PUBLIC HEARING OPENED.

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On the petition by KEG Realty LLC, George Hamilton, Manager, 19 Jefferson Avenue, Woburn, Massachusetts 01801 for two special permits pursuant 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 7.3 to allow alteration of a pre-existing nonconforming structure to allow for a 38 foot by 12 foot two-story addition, and 2. Pursuant to Section 15 to allow enlargement of an existing use to allow for a 38 foot by 12 foot addition in Ground Water Protection District, at 19 Jefferson Avenue. PUBLIC HEARING OPENED.

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On the petition by Jennifer Hardin and Scott Hardin, 35 Avalon Road, Reading, Massachusetts 01867 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended to allow for the change, extension and alteration of the existing nonconforming structure and nonconforming use (three residential units within

two structures on one lot) to allow for the addition to one of the structures to provide for a total of four (4) dwelling units (two in each structure) and for a finding the such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood, at 19 Traverse Street. PUBLIC HEARING OPENED. A communication dated September 10, 2014 was received from Erin Wortman, City Planner/Grant Writer as follows:

Re: Planning Department Comments on Special Permit Application for JFJ Holdings, LLC at 19 Traverse Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for the change, extension and alteration of the existing nonconforming structure and nonconforming use (three residential units within two structures on one lot) to allow for the addition to one of the structures to provide for a total of four (4) dwelling units (two in each structure) as shown on the plans filed with this Petition pursuant to Section 7.3. Additionally, the petitioner is requesting a finding from the City Council that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The property is located in an R-2 zoning district.

Per Section 7.3, pre-existing non-conforming structures or uses shall not be extended or altered unless the petitioner provides proof that the pre-existing non-conforming structure or use was validly and legally established. The petitioner has not provided said proof as part of the application. Based on the provided plan, the petitioner meets all requirements for maximum lot coverage, minimum open space, setbacks and parking for the requested use. All parking spaces are indicated as 9' (nine feet) x 18' (eighteen feet) which is the required parking stall dimension for a parking space within the City. With the Plan at 20 scale, the driveway width appears to be 12 feet which is the minimum driveway width for residential developments. However, lack of a proper turnaround may make it challenging for residents to exit parking spaces, and travel down the drive and onto Traverse Street.

Finally, the petitioner's request that the City Council find that the change, extension or alteration is not substantially more detrimental than the existing nonconforming use to the neighborhood is part of the special permit review process. Per Section 7.3, the Council is required to consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, character and visual effects.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely, s/Erin Wortman, City Planner/Grant Writer

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On the petition by R.C. Olsen Cadillac, Inc., 201 Cambridge Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57a of the 1985

Woburn Zoning Ordinances, as amended, to allow for three storage trailers at 201 Cambridge Road. PUBLIC HEARING OPENED. A communication dated September 10, 2014 was received from Erin Wortman, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department Comments on Special Permit Application for R.C. Olsen Cadillac, Inc. at 201 Cambridge Road

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for three (3) storage containers at 201 Cambridge Road pursuant to Section 5.1.57a of the Woburn Zoning Ordinance. The property is located in a B-H zoning district and the requested use is allowed by City Council special permit. Based on the application, the petitioner indicated that the three proposed trailers would be 8" x 8.5" x 20" as a temporary use as needed. It should be noted that staff believes that this is a scrivener's error and the dimensions are most likely 8' x 8.5' x 20'.

Based on the provided plan, the proposed use has the three (3) trailers located at the south easterly portion of the property which directly abuts a R-1 District. It is unclear how many parking spaces will be eliminated by the proposed trailers. Additionally, it is unclear how many parking spaces are needed for the current use and if there are adequate spaces if the requested use is granted. If the Council chooses to grant this request, then the use should only be granted for a period of time not to exceed one year per Section 5, Note 17 of the Woburn Zoning Ordinance.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely, s/Erin Wortman, City Planner/Grant Writer

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On the petition by Alderman Michael Raymond to further amend the 1985 Zoning Ordinances, as amended, by deleting from Section 2, Definitions, the current definitions of Manufacturing, Light and Manufacturing, Heavy, and inserting in their place new Definitions as follows: MANUFACTURING: Fabrication, processing, packaging, or assembly operation, predominantly from previously prepared materials, to produce durable and/or non-durable finished goods or component parts, free from agents disturbing to the neighborhood, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electro-magnetic radiation, heat, vibration or other adverse environmental effect, provided there is no outside storage of materials or finished goods, but excluding heavy industrial operations such as asphalt, block, bottling, concrete, steel or fertilizer manufacturing, heavy forging processes, scrap metal processing, garbage and refuse incineration or the disposal of other material not originating on the premises, except as produced by the City of Woburn. All manufacturing shall be in compliance with Title 9, section 9-2, Noise Control, of the Woburn Municipal Code. MANUFACTURING, LIGHT: Manufacturing as defined

above, employing only electric or other generally noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes. MANUFACTURING, HEAVY: Manufacturing other than light manufacturing. PUBLIC HEARING OPENED.

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On the petition by President Richard Haggerty by further amending the 1985 Woburn Zoning Ordinances, as amended as follows: 1. That Section 2 Definitions be further amended by adding the following definition to Section 2: Mixed Use Hotel/Restaurant: A mix of hotel and restaurant uses in one building or in separate buildings on one development lot. 2. That Section 5.1, Table of Use Regulations, be amended by adding a new line 20(a) entitled "Mixed Use Hotel/Restaurant" which use shall be allowed in the B-D, B-I, I-P, I-P2, I-G, S-2, O-P and O-P93 zoning districts by "P" special permit and shall not be allowed in the remaining zoning districts. PUBLIC HEARING OPENED.

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On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit to modify a special permit dated December 5, 2002 which Decision allowed for the alteration of an existing non-conforming structure by the construction of a covered service drive at 394 Washington Street and Special Permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) (69) and 7.3 to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. That the new site plan of record be the plan entitled "Site Plans for Woburn Foreign Motors Proposed Redevelopment, 394 Washington Street, Woburn, MA 01801" dated August 7, 2014, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (the Plan); and 3. In addition, the Petitioner seeks approval of the following modifications to the existing Site Plan of record: to allow for a stand-alone car wash within the interior of the building, additional parking spaces, transformer; dumpsters and fuel pump, all as shown on the Plan, at 394 Washington Street. PUBLIC HEARING OPENED. A communication dated September 10, 2014 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Planning Department Comments on Application for Special Permit and Site Plan Modifications for Woburn Foreign Motors at 394 & 394R Washington Street

Dear Honorable Council:

The Planning Department has reviewed the plans and special permit application to approve/modify previous decisions for special permit/site plan review for the above-referenced property in accordance with Sections 5-1.45 (sale or rental of automobiles, trucks, truck trailers and motorcycles, including accessory repair and storage facilities), 5-1.69 and 7.3 (extension or alteration of a non-conforming use), Footnote 8 to Section 6.1 (increase in building height over 35'), 8.6.3. (screening and landscaping), 8.7 (off-street loading requirements), 12 (site plan review) and 13.5 (non-conforming signs) of the Zoning Ordinance.

The plans reviewed were submitted with the special permit application and entitled: “Site Plans for Woburn Foreign Motors, Proposed Redevelopment, 394 Washington Street Woburn, MA 01801” and were drawn by Allen & Major Associates, Inc. The plan set consisted of the following sheets, all dated August 7, 2014 with no revisions: Sheet EX-1 (Existing Conditions Plan); Sheet ABB-1 (Notes and Abbreviations); Sheet C-1 (Demolition Plan); Sheet C-2A (Layout & Materials Plan); Sheet C-2B (Layout & Materials Plan); Sheet C-3 (Grading & Drainage Plan); Sheet C-4 (Utilities Plan); Sheet C-5 (Erosion Control Plan); Sheet C-6A (Landscape Plan); Sheet C-6B (Landscape Plan); Sheet C-7 (Site Lighting Plan); Sheet C-8 (Site Electrical Plan); and Sheets D-1, D-2, D-3, D-4 and D-5 (Details).

In summary, the applicant is seeking permission to construct a new three-story, 152,600 gross sq. ft. multi-purpose showroom building on Lot B where two (2) one-story concrete block buildings now exist. The existing one-story Jaguar sales/repair facility on the abutting Hogan Tire property (Lot A) will remain. It will temporarily house the Toyota sales and service operations during construction of the new building on Lot B and, following construction, will then be “repurposed” by equipping it with an interior car wash and using it for automobile storage. The applicant also seeks approval of various modifications to the existing site plan of record with this application, including additional

and reconfigured parking spaces, landscaping, an electrical transformer, Dumpsters and a fuel pump. The fuel pump and inside car wash will be used only to service customer vehicles and will not be available for general public use.

The property is zoned B-I (Interstate Business District), and the existing/proposed uses are allowed by special permit in that district. The site is currently non-conforming in multiple respects including street frontage, landscaped useable open space, floor area ratio, rear setback requirement for the building on Lot B, and minimum parking setbacks from lot lines. Note that the proposed 1.26 floor area ratio for Lot B is just under the 1.28 maximum Floor Area Ratio (FAR) recently authorized by Zoning Board of Appeals for Lot B. Lot A meets the minimum floor area ratio required by zoning.

The plans note there will be a total of 190 structured (interior) and surface (exterior) parking spaces on Lot A and a total of 487 parking spaces on Lot B. These numbers do not include any of the additional parking “spaces” that might otherwise be represented by the repair bays and model showroom vehicles on several floors of the buildings.

The proposed project offers several improvements over existing conditions:

- It reconfigures the parking spaces on site so that all spaces are set back at least five (5) feet from all property lines, in essence “correcting” the current parking setback non-conformity;
- There is no fire hydrant on site presently and the project proposes to add one;

- Lot B more closely conforms to the required amount of landscaped usable open space; and
- The new building on Lot B will now meet minimum required rear setbacks, whereas the existing building does not.

If the City Council elects to grant the requested special permit and site plan modifications, the Planning Department recommends the City Council consider imposing the following as conditions of approval:

1. That two minor changes be made to the new plans of record that will be cited in the decision:
  - (a) Label Lots A and B on sheets EX-1, C-1, C-2A, C-2B, C-3, C-4, C-5, C-6A, C-7 and C-8; and
  - (a) Revise the land usage table on Sheet C-2A by changing the existing and proposed “street frontage” distances to reflect the amount of street frontage recognized under the Zoning Ordinance;
2. That the seven (7) non-conforming parking spaces identified on Sheet C-2A as “7 non-conforming parking spaces not included in total count“ be eliminated on the plan and in the field (i.e. not striped) in order to maintain a safe minimum driveway aisle width at that point on the site (in lieu of parking, the 7-space area could be used as additional landscaping);
3. That the Council does not impose Conditions #1, 2, or 3 of the December 5, 2002 Special Permit decision as conditions on the new Special Permit; and
4. That the Council does impose Conditions #4 and #5 from the December 5, 2002 Special Permit decision as conditions of the new Special Permit and incorporates them into the new decision.

I defer to the Engineering Department with respect to commentary on the drainage and traffic aspects of this application/project. I do note that the installation of a crosswalk and reconfiguration of the driveway (which includes a dedicated left turn lane for exiting traffic) should improve both pedestrian and vehicle safety at this location.

Please feel free to contact me at (781) 897-5818 if you have any questions regarding this recommendation.

Respectfully, s/Tina P. Cassidy, Director

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On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for special permits pursuant to the 1985 City of Woburn Zoning

Ordinance, as amended, as follows: 1. Section 5.1 (45) to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. Section 5.1 (69) and 7.3 to allow for the replacement of the existing non-conforming six (6) foot fence as shown on the plan with a six (6) foot wall; 3. Section 8.7 to allow for a reduction in the off street loading requirements; 4. Sections 5.1 (69), 7.3 and 13.5 to allow for the alteration of the existing non-confirming signage; 5. Footnote 8 to Section. 6.1 to allow for an increase in the building height from thirty-five (35) feet to forty-five (45) feet, more or less; 6. Section 8.6.3 to allow for an exception to the area and landscaping requirements to allow for alternate landscaping equal or superior in visual appearance; and 7. Sections 12.2.4 and 12.3.2 to allow for the replacement of the existing buildings on the property with a new building containing approximately 152,600 square feet in gross floor area, more or less, at 394R Washington Street.  
PUBLIC HEARING OPENED.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:** None.

**NEW PETITIONS:**

Petition by Festival on the Common, 3 Russell Street, Woburn, Massachusetts 01801 for a Special Event Permit to allow a holiday season festival on and around Woburn Common, Federal Street, Library Place, city hall parking lot and court house parking lot on November 29, 2014.

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Petition by ServiceMaster by Disaster Associates, 100 Maple Street, Stoneham, Massachusetts 02180 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow parking of petitioner's commercial motor vehicles at 300 Salem Street.

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Petition by New Creek II LLC, 3333 New Hyde Park Road, New Hyde, New York 11042 for a special permit pursuant to Sections 7.3 and 13.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of existing nonconforming structure and use (shopping center) to allow for a physical fitness training facility located within approximately 4,523 square foot more or less of vacant space in petitioner's shopping center and alterations to petitioner's nonconforming signage, at 425 Washington Street.

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Petition by Woburn Auto Sales LLC d/b/a Salem Street Auto Sales, P.O. box 158, North Billerica, Massachusetts 01862 for a special permit pursuant to Section 5.1.45 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the sale or rental of

automobiles, trucks, truck trailers and motorcycles and for a Second Class Motor Vehicle Sales License at 280 Salem Street.

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Petition by Gamus, LLC d/b/a GTS Distribution, 12407 Mukilteo Speedway, Suite 100, Lynwood, Washington 98087 for a special permit pursuant to Sections 5.1.42 and 5.1.57b to allow for a distribution business and the overnight parking of petitioner's commercial vehicles at 27 Draper Street.

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**COMMUNICATIONS AND REPORTS:**

A communication dated September 3, 2014 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging for the month of August 2014.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:**

A communication dated August 29, 2014 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Al Magro, 9 Rich Road, to the Woburn Board of Registrars of Voters, with a three-year-term to expire March 30, 2016; subject to approval by the City Council.

Mr. Magro's appointment fills the seat of Edward E. Reil, 11 Veteran Road, who recently resigned.

Respectfully, s/Scott D. Galvin, Mayor

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**MOTIONS, ORDERS AND RESOLUTIONS:**

**ORDERED** That due to the State Election, the City Council Regular Meeting scheduled for November 4, 2014 is hereby canceled.

s/Alderman \_\_\_\_\_

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ORDERED Be it Ordained by the City Council of the City of Woburn that Title 5, Article XII, Sections 5-68 through 5-81 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting Section 5-68 (E)(5) in its entirety and replacing same with the following new Section 5-68(E)(5):

5. In addition to any insurance requirements established by state law or regulation, any person seeking a license to operate within the City of Woburn shall be required to maintain a minimum limit of automobile liability insurance coverage as follows:

Taxis                    \$100,000 combined single limit, each occurrence

Private Livery    \$150,000 combined single limit, each occurrence

Limousines        \$300,000 combined single limit, each occurrence

- a. Upon cancellation, the motor vehicle insurance coverage amounts as required herein or the reduction of the motor vehicle insurance coverage amounts to levels that are less than what are required herein, or upon the motor vehicle no longer being registered with the Massachusetts Registry of Motor Vehicles, or a name change, then the license shall be void with one exception. If the termination of motor vehicle insurance coverage or the termination of the motor vehicle registration is solely due to the acquisition of a replacement motor vehicle, then the license may be suspended for a period not to exceed 3 months pending the satisfactory inspection of the replacement vehicle, as provided herein and the approval of a new license by the City Council.
- b. Written notice of cancellation, non-renewal, or of any limits reduction change in said policy shall be mailed to the City Clerk, City Hall, 10 Common Street, Woburn, MA 01801 at least ten (10) days in advance of the effective date thereof..
- c. The license holder must provide their insurance company with a copy of this ordinance.
- d. The insurance requirement provisions of this part shall be effective immediately upon adoption, and all licensees shall be required to comply with these provisions within ninety (90) days thereof. The failure to comply with this provision shall be grounds for the suspension or revocation of the license.

All licensees are required to submit a certificate of insurance satisfactory to the City Clerk or his designee, indicating therein the amount of coverage and the maximum number of persons to be carried in each vehicle.

s/Alderman \_\_\_\_\_

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ORDERED That the City Council vote to abandon and discontinue as a public way all land within the former location of Locust Street, as shown on a plan prepared by the City of Woburn Engineering Department; and that the Mayor be and is hereby authorized to convey the lot or lots to be created by this abandonment and discontinuance to the abutters upon such terms and conditions as he shall determine.

s/Alderman \_\_\_\_\_

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ORDERED That the Mayor be and is hereby authorized to execute a License Agreement between the City of Woburn and Santander Bank, N.A. for the provision of municipal parking, daily and on weekends, during such times as the bank is not open for business.

s/Alderman \_\_\_\_\_

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Motion made and 2<sup>nd</sup> to ADJOURN.