

**CITY OF WOBURN
OCTOBER 21, 2014 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

| | |
|-----------|--------------|
| Anderson | Gaffney |
| Concannon | Gately |
| DiTucci | Mercer-Bruen |
| Drapeau | Raymond |
| Haggerty | |

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

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 October 15, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Foreign Motors, 394 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for October 21, 2014 be continued to the City Council meeting on November 18, 2014. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby, III

A communication dated October 16, 2014 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Washington Street Traffic Improvements – Use of “Betterments”

I write in response to the City Council legal opinion request, submitted via an October 15 email by Alderman Mercer-Bruen, copy attached, as to whether the City Council could use the “betterment ordinance” to encourage the owner of 399 Washington Street to participate in discussions regarding traffic improvements for adjacent area of Washington Street. For context, a special permit for the property occupied by Woburn Foreign Motors at 394-R Washington Street is currently before the City Council, and it is expected that a special permit for the former W.R. Grace property at 369 Washington Street will be filed in the near future, if it has not already been filed.

Use of the “betterment ordinance” to encourage participation by the owner of 399 Washington Street in this instance is unavailing. The authority to impose betterment charges is derived from M.G.L. c.80, §1 which provides in part that “[w]henver a limited and determinable area receives benefit or advantage, other than the general advantage to the community, from a public improvement made by or in accordance with the formal vote or order of ...[the city] ... and such order states that betterments are to be assessed for the improvement”.

I searched the Municipal Code and the Zoning Ordinance for the “betterment ordinance” and located only 3 sections that could potentially be characterized as such, all of which are in Title 12, Streets, Sidewalks and Public Places, of the Municipal Code. The specific sections are Section 12-5, applicable when a new street is laid out, widened or altered; Section 12-8, relative to takings for roadway layout; and Section 12-14B, for temporary repairs of private ways pursuant to M.G.L. c.40, §6N.

None of these sections however are applicable to the traffic improvements on Washington Street primarily, because the area is under the care, custody and control of the Commonwealth of Massachusetts, not the City of Woburn and secondarily, because the City will not be constructing any traffic improvements in this area.

Should the City Council have any questions regarding this matter, please don’t hesitate to contact me.

Very truly yours, s/Ellen Callahan Doucette

PUBLIC COMMENTS: A communication dated October 14, 2014 was received from Dennis Clarke, President and CEO, Cummings Properties, 200 West Cummings Park, Woburn relative to concerns about the impact of the proposed expansion on traffic access in the area.

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. A communication dated October 15, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Foreign Motors, 394 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for October 21, 2014 be continued to the City Council meeting on November 18, 2014. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby, III

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 October 14, 2014 was received from Attorney Joseph

R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Jennifer and Scott Hardon, 19 Traverse Street, Woburn, MA

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for October 21, 2014 be continued to the City Council meeting on November 18, 2014. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby, III

On the petition by Flyers Unlimited, 271 Salem Street, Unit J, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to allow the sale or rental of automobiles, trucks, truck trailers, and motorcycles, including accessory repair and storage facilities (U-Haul trucks) at 271 Salem Street. PUBLIC HEARING OPENED. A communication dated October 17, 2014 was received from Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 271 Salem Street Unit J

Dear President Haggerty and Aldermen:

Request is made to continue this matter until your next regular meeting in November in order to provide additional information to the Council. Thank you for your attention to this matter.

Very truly yours, s/Mark J. Salvati

On the petition by Diane R. Kurkjian dba Everydog LLC, 441 West Street, Reading, Massachusetts 01867 for a special permit pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a kennel at 271 Salem Street, Units C and D PUBLIC HEARING OPENED.

On the 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. PUBLIC HEARING OPENED. A communication dated October 16, 2014 was received from Planning Director Tina P. Cassidy as follows:

Re: Planning Department Comments on Application for Special Permits for Woburn
Auto Sales at 280 Salem Street

Dear Honorable Council:

The Planning Department has reviewed the plan and special permit application for the above-referenced property and project, in accordance with Sections 5-1.45 (sale or rental of automobiles, trucks, truck trailers and motorcycles, including accessory repair and storage facilities) and 7.3 (extension or alteration of a non-conforming use) of the Woburn Zoning Ordinance.

The plan that was reviewed was submitted with the special permit application and entitled: "Proposed Parking Plan, 280 Salem Street, Woburn, Mass.; Scale: 1"=40'; Dated: November 9, 2012, revised September 8, 2014; drawn by: Edward Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA."

In summary, the applicant is seeking permission to relocate its present offices from 1095R Main Street in Woburn to an existing building it also owns at 280 Salem Street. The property is zoned I-P (Industrial Park District) though the application lists the zoning district as I-G. The property is not located in a groundwater protection zone. The proposed use is allowed by City Council special permit in the I-P District.

There will be no new construction or exterior building changes as a result of this use/project. The existing building is approximately 23,000 square feet in size and there are five other tenants sharing space in the building. The applicant's attorney, Mr. Joseph Tarby, indicates the applicant will be utilizing only four (4) of the existing parking spaces on site for the relocated business. Those four spaces are numbered 1-4 on the plan accompanying the special permit application and are located in front of the building. These spaces would be used for the display of vehicles available for purchase.

If the City Council elects to grant the requested special permit the Planning Department recommends the City Council consider imposing the following as a condition of approval:

1. If the plan cited above becomes the Plan of Record for the special permit, it should be revised to eliminate the sixty "proposed parking 9'x18' spaces" that are shown in the "gravel area" toward the rear of the property. Those spaces are associated with another tenant on the site and are not intended to be part of this application, according to the applicant's attorney.

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

Respectfully, s/Tina P. Cassidy, Director

A communication dated October 16, 2014 with attachments was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Auto Sales LLC, 280 Salem Street, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find for filing a Memorandum dated October 16, 2014 that will be presented to the City Council at its public hearing scheduled for Tuesday, October 21, 2014.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours, Joseph R. Tarby, III

On the 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. PUBLIC HEARING OPENED. A communication dated October 16, 2014 was received from Planning Director Tina P. Cassidy as follows:

Re: Planning Department Comments on Special Permit Application by ServiceMaster by Disaster Associates for New Use at 300 Salem Street

Dear Honorable Council:

The Planning Department has reviewed the above-referenced plan and special permit application. The applicant seeks a special permit in accordance with Section 5-1(57b) of the Woburn Zoning Ordinance (accessory storage or parking of commercial motor vehicles other than as provided for in line 58 of Table 5.1, trucks, buses or contractors' equipment). The special permit would allow the applicant to park thirteen (13) commercial vehicles for the ServiceMaster business along the north wall of the existing building (the building wall closest to Cedar Place). The plan is for employees to "report" to work here in the morning, leave their personal vehicles behind and take one of the commercial vehicles to work for the day. They would return the commercial vehicle to the site at the end of the work day and leave in their personal vehicles.

The plan that was reviewed was submitted with the special permit application and entitled: "Plan of Land in Woburn, Mass. Scale: 1"=20'; Dated: August 4, 1976, revised 12-8-89; Drawn by: Dana F. Perkins and Sons, Inc., Civil Engineers and Surveyors,, Reading-Lowell Mass."

The property is zoned O-P (Office Park District) and the proposed use is allowed by City Council special permit in this zone. The site is approximately 2.43 acres in size and is not within a groundwater protection zone. The existing building has multiple tenants that currently all share the parking lot.

The Department has several questions/issues with this application:

1. The site plan submitted with the application does not accurately reflect conditions on the ground. Last revised in 1989, the plan is now 25 years old. Staff noted at least one discrepancy in the field during a site visit; there may be others.
2. How much of the on-site parking is needed for zoning compliance for the businesses already located on site?
3. Where will ServiceMaster employees park their personal vehicles during the day while they are off-site in company vehicles working?

On Wednesday October 15th, Planning staff told Mr. Chris Carey, President and Owner of ServiceMaster Disaster Associates, that it would need additional information in order to complete its review of the application (the follow-up email to him is attached).

If Council agrees this information is needed and if Mr. Carey elects to provide it I would be happy to finish reviewing the proposal and offer the Council further comments.

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

Respectfully, s/Tina P. Cassidy, Director

Attached thereto was the following:

(Word text of email sent from Tina Cassidy to Chris Carey on Wednesday October 15, 2014 at as a follow-up to earlier telephone conversation)

Good afternoon Chris. Here are the questions I have regarding your pending special permit application:

1. Need a list of the number and type of businesses currently operating out of the building. I don't necessarily need the actual business names, but do need the type of business and area (example: "There are three businesses currently renting space in the building: one is a auto repair facility, one is a manufacturer, one is a general business office.")
2. Need a list of how much floor space each of those uses occupies (example: "The auto repair facility occupies ____ sq. ft., the manufacturer ____ sq. ft., and the business office ____ sq. ft.")
3. Need a count of how many parking spaces exist on-site today. I don't dare rely on the plan that was filed with the application because it is from 1976, revised in 1989, and seems to be outdated. I say that because I went to the site a week ago and noted that the parking spaces in the area you're seeking permission to use are shown as

diagonal parking spaces on the 1976/1989 plan. In reality, on site, the spaces are perpendicular spaces. There may have been other changes, so I do need a current count.

Having this information will enable me to confirm (or not) that there is adequate parking on the site today to meet the current parking requirements for the existing uses. By the same token, I'll be able to tell whether there truly are "extra" parking spaces on site that are in excess of the number required by zoning that can accommodate your vehicles.

Lastly, the Council will want to know where your employees will park their personal vehicles during the work day. My understanding is that your employees will "report" to this site in the morning, leave their personal vehicles behind and take the company vehicle for the day's work. They will then return in the afternoon to drop off the company vehicle, get their personal car and go home. If this is the case, there is a need for 13 more spaces, to hold the employees' personal vehicles while they are at work during the day. Has this arrangement been made?

Thanks for your help.

Tina P. Cassidy
Planning Director/WRA Administrator

On the 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. PUBLIC HEARING OPENED. A communication dated October 16, 2014 was received from Erin Wortman, City Planner/Grant Writer:

Re: Planning Department Comments on Special Permit Application for Gamus, LLC d/b/a GTS Distribution at 27 Draper Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for a distribution business to be located within approximately 25,870 net square feet of the existing building and the overnight parking of petitioner's commercial vehicles at 27 Draper Street. The property is located in the I-G zoning district. The requests are allowed by City Council special permit in the I-G district.

Based on the application, the petitioner has indicated that this business is a leading wholesale distributor of gaming, toys, sports and entertainment collectibles. The applicant has indicated that the hours of operation will be regular business hours 9 am to 5 pm Monday through Friday with some operations on Saturday. Deliveries, loading and emptying of dumpsters on-site should be done only during business hours.

The proposed use has low parking and traffic impact with seven employees and no public access to the business. Proposed use anticipates three to four truck trips to ship product to the warehouse per week and deliveries of product out of the site will be conducted by UPS and FedEx. The request for overnight parking of commercial vehicles is for the petitioner's two vans which make local deliveries as necessary. Per Section 11.6, trucking associated with warehouse facilities shall not use any street in a residential district. Therefore, I recommend that the Council restricts the petitioner's commercial vehicles from traveling the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site. Further, all vehicles parked overnight should be registered in the City of Woburn and parked either in the loading docks to the rear of the portion of the building as occupied by the petitioner or within the building itself.

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

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

A communication dated October 16, 2014 with attachments was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Draper Realty LLC/Gamus LLC, 27 Draper Street, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find for filing a Memorandum dated October 16, 2014 that will be presented to the City Council at its public hearing scheduled for Tuesday, October 21, 2014.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours, Joseph R. Tarby, III

On the 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. PUBLIC HEARING OPENED. A communication dated October 16, 2014 was received from Erin Wortman, City Planner/Grant Writer as follows:

Re: Planning Department Comments on Special Permit Application for New Creek II LLC at 425 Washington Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for the alteration of the existing nonconforming structure and use (shopping center) to allow for a physical fitness training facility to be located within approximately 4,523 (+/-) square feet of vacant space in the petitioner's shopping center and alterations to the petitioner's nonconforming signage. The property is located in the B-N zoning district. The majority of requests are allowed by City Council special permit in the B-N district.

Based on the application, the petitioner indicated that this business is a fitness franchise with monthly and membership options for individuals typically 7 (seven) to 79 (seventy-nine) years of age. The number of classes will initially open with 20 (twenty) to 25 (twenty-five) classes per week with an anticipated expansion of 40 (forty) classes per week based on member need. The maximum class size will be 45 (forty-five) members. The applicant has indicated that the estimated hours will be 5 am to 9 pm Mondays through Thursdays, 5 am to 7:30 pm Fridays and 7:30 am to 1 pm on Saturdays and Sundays. All classes will occur indoors and this use should not produce any additional noise to the neighborhood.

The proposed use has low parking and traffic impact with typically two to three employees onsite at one time and 60 to 120 member visits throughout a typical day. Proposed use is within a shopping center and existing parking infrastructure accommodates this type of use. The petitioner's engineer noted that Section 8.2.5 of the Zoning Ordinance does not include a parking requirement for a fitness studio so the engineer created calculations based on one (1) parking space per person (members and staff) based on assumed maximum capacity. As a result, the total provided for the site is five (5) less than what that engineer has calculated as required for the proposed use. However, I believe that this calculation should fall under the other uses category within Zoning Ordinance Section 8-2 (Number of Required Off-Street Parking Facilities) since there is no specific line item for fitness studio and arbitrarily creating a calculation is inappropriate. Therefore, the City Council should make the determination if there are sufficient spaces to accommodate on the site all the users of the facility.

Lastly, with regard to signage requests, the proposed use is within the B-N zoning district and therefore the Sign Review Board shall approve or disapprove all sign requests unless it's a temporary sign.

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

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

A communication dated October 16, 2014 with attachments was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of New Creek II LLC, 425 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find for filing a Memorandum dated October 16, 2014 that will be presented to the City Council at its public hearing scheduled for Tuesday, October 21, 2014.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours, Joseph R. Tarby, III

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. A report was received from the Committee on Ordinances as follows: "ought to pass."

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the sum of \$190,000.00 from Stabilization Fund Acct to DPW Remedial Yardwork in Accordance with ACO Acct, committee report was received “ought to pass”.

On the Order to appropriate the sum of \$430,000.00 from Stabilization Fund Acct to LED Street Lights Acct, committee report was received “ought to pass”.

On the Order to appropriate the sum of \$125,000.00 from BLS – Ambulance Receipts Acct to Fire Ambulance Salary Acct, committee report was received “ought to pass”.

On the Order to appropriate and authorize borrowing of the sum of \$1,300,000.00 to pay costs of ground remediation at Leland Park and construction of a park, committee report was received “ought to pass”.

On the Order to appropriate the sum of \$150,000.00 from Overlay Reserve Account to Assessor’s Appraisal Account, committee report was received “ought to pass”.

PUBLIC SAFETY AND LICENSES:

On the petition by Wadner Paul dba Wadner’s Livery for a new Livery License for one (1) vehicle, committee report was received “ought to pass”.

NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicle Sales Licenses by C.N. Wood Company, Inc., 200 Merrimac Street; and Woodco Machinery, Inc., 22 North Maple Street.

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by ACT Leasing, Inc., 215 Salem Street; Oliver McDermottroe dba McDermottroe Auto Sales, 229 Lexington Street; Donald J. Socorelis dba Woburn Glass Co., 243 Main Street; Southside Associates, Inc. dba Burke’s Garage, 71 Main Street; and Woburn Glass & Service, Inc., 545 Main Street.

Petition by Madison Properties, 20 Park Place Plaza, Suite 433, Boston, Massachusetts 02116 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction at 369 Washington Street of a Mixed Use Hotel/Restaurant

Use as follows: 1. Special Permit pursuant to Section 5.1.20a to allow for a Mixed Use Hotel/Restaurant Use; 2. Special Permit pursuant to Section 5.1.29 and Section 11.6.10 to allow for a fast food restaurant with a drive up customer service facility; 3. Special Permit pursuant to Section 5.1.28, Note 16 to allow for restaurant hours in excess of 11:00 p.m.; 4. Special Permit pursuant to Section 5.7.6 to allow alternative screening devices; 5. Special Permit pursuant to Section 6.1, Note 8 to allow for the height of the proposed hotel to be in excess of thirty-five (35) feet; 6. Special Permit pursuant to Section 8.7.6 to allow for a reduction in off street loading requirements; 7. Site Plan Approval pursuant to Section 12.2.1 and 12.3.2 to allow for a fast food restaurant; and 8. Site Plan Approval pursuant to Section 12.2.4 and 12.3.2 to allow for construction in excess of 15,000 square feet and more than 100 parking spaces, all at 369 Washington Street.

COMMUNICATIONS AND REPORTS:

A communication dated October 6, 2014 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of the City Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of July 1, 2014 – September 30, 2014.

142 Main Street (matter is with the City Council).

34 Sylvanus Wood Lane issues resolved thru District Court.

20 Garfield Avenue Owner has been communication with Building Department, in process of maintaining grounds.

45 Revere Road ongoing issues matter is being handled by District Court will provide update on next report.

52-54 High Street ongoing issues matter is being handled by District Court will provide update on next report.

As always if there are any questions or concerns do not hesitate to contact me.

s/Thomas C. Quinn, Jr., Building Commissioner

A communication dated October 6, 2014 was received from Mayor Scott D. Galvin as follows:

Re: Woburn 38 Development v. Woburn Board of Appeals

Attached hereto are the Notices of Rescheduled Hearing and Site Visit issued by the Housing Appeals Committee in regard to the 40B appeal filed by Woburn 38 Development. In keeping with its usual procedure, the first day of the hearing will be conducted before Chairman Werner Lohe on November 5, 2014 at 10:00 a.m. in the City Council Chamber. At the conclusion of the first day of testimony, Chairman Lohe will conduct a site visit.

The hearing will continue on November 6 and on consecutive days thereafter at 10:00 a.m. at the Housing Appeals Court, 100 Cambridge Street, 2nd Floor, Boston, MA.

Sincerely, s/Scott D. Galvin

A communication dated October 14, 2014 with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Statutory Notice of Intent to Sell 18.42 acres (802,375 square feet) of Land Woburn Assessors Map 78, Lot 29, Block 05, Woburn, Massachusetts

Dear Municipal Agents:

Enclosed please find with this Statutory Notice of Intent to Sell a Notice of Intent to Sell for Other Use and a copy of the Purchase and Sale Agreement for the property. Pursuant to the provisions of Mass. G.L. c. 61A §14 (Effective March 22, 2007) the above identified land, taxed pursuant to the provisions of Mass. G.L. c. 61A is intended to be sold to Robert W. Murray, 27 Cambridge Street, Burlington, Massachusetts 01803-4616 or a nominee and converted to residential use while so taxed. According to said section, you are required to receive this Notice of Intent.

Appended hereto please find a Statement of Intent to Sell, including a statement of proposed use of the land, location and acreage as drawn as scaled by the Woburn Assessor Office. Also enclosed please find a certified copy of the executed Purchase and Sale Agreement specifying the purchase price and all terms and conditions of the proposed sale.

There are no additional agreements or additional consideration for any contiguous land under the same ownership not classified pursuant to the provision of Mass. G.L. c. 61A.

For a period of 120 days after the latest date of deposit in the United States mail, the City of Woburn shall have a first refusal option to meet the bona fide offer to purchase the above described land or after public hearing assign the right to a non-profit conservation organization or to the Commonwealth or any of its political subdivisions provided in said

Chapter. During the 120 day period the City or its assignee enjoys the right, at reasonable times and upon reasonable notice to enter upon the land for purposes of surveying or inspecting the land.

If the City elects not to exercise the option, and not to assign its right to exercise the option, the City shall send written notice of non-exercise, signed by the Mayor, to the landowner as specified in the appended Notice of Intent to Sell.

I thank you for your prompt action on this matter.

Very truly yours, s/Joseph R. Tarby, III

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated October 16, 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 Thomas W. Lawton, 24 Hallmark Drive, to the Woburn Golf and Ski Authority, subject to confirmation by the City Council, with a term to expire Dec. 31, 2018.

Mr. Lawton's appointment fills a vacancy on the Authority.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Committee on Public Safety and Licenses meet with the owner of 1095R Main Street for the purpose of discussing compliance with the Class Three Motor Vehicles Sales License issued for the property.

s/Alderman Raymond

ORDERED That the City Engineer facilitate a meeting between the Massachusetts Department of Transportation and the property owners/traffic consultants of 394R Washington Street, 369 Washington Street, and 399 Washington Street for the purpose of coordinating efforts relative to traffic flow improvements in the Washington Street corridor. It is the intent of this

Order to have one comprehensive traffic improvement plan for this section of Washington Street.

s/President Haggerty, Alderman Mercer-Bruen
and Alderman Gately

ORDERED Pursuant to Section 12.7 of the 1985 Woburn Zoning Ordinances, as amended, the City Council finds that due to the size, scale or complexity of proposed projects on the Washington Street corridor or because of potential impact of the said proposed projects that the assistance of outside consultants is warranted and further that the applicants shall equally share the reasonable costs incurred by the City Council in employing outside consultants for the purpose of preparing a comprehensive traffic improvement plan for the subject area on Washington Street with respect to the following special permit petitions:

1. 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.
2. 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;

3. Madison Properties, 20 Park Place Plaza, Suite 433, Boston, Massachusetts 02116 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction at 369 Washington Street of a Mixed Use Hotel/Restaurant Use as follows: 1. Special Permit pursuant to Section 5.1.20a to allow for a Mixed Use Hotel/Restaurant Use; 2. Special Permit pursuant to Section 5.1.29 and Section 11.6.10 to allow for a fast food restaurant with a drive up customer service facility; 3. Special Permit pursuant to Section 5.1.28, Note 16 to allow for restaurant hours in excess of 11:00 p.m.; 4. Special Permit pursuant to Section 5.7.6 to allow alternative screening devices; 5. Special Permit pursuant to Section 6.1, Note 8 to allow for the height of the proposed hotel to be in excess of thirty-five (35) feet; 6. Special Permit pursuant to Section 8.7.6 to allow for a reduction in off street loading requirements; 7. Site Plan Approval pursuant to Section 12.2.1 and 12.3.2 to allow for a fast food restaurant; and 8. Site Plan Approval pursuant to Section 12.2.4 and 12.3.2 to allow for construction in excess of 15,000 square feet and more than 100 parking spaces, all at 369 Washington Street.

s/President Haggerty, Alderman Mercer-Bruen
and Alderman Anderson

Motion made and 2nd to ADJOURN.