

**CITY OF WOBURN
MARCH 3, 2015 - 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:

ORDERED That the amount of \$140,000.00 be and is hereby appropriated from BLS/Ambulance Receipts Acct #31359-595000 \$140,000.00 to Fire/Overtime Acct #0122051-513100 \$140,000.00

I hereby recommend the above: s/Scott D. Galvin
I hereby approve the above: s/Timothy J. Ring, Chief, Fire Department
I have reviewed the above: s/Gerald W. Surette

s/Alderman _____

ORDERED That the Mayor be and is hereby authorized on behalf of the City to grant to NSTAR Electric Company ("Nstar") a perpetual and exclusive easement to construct, install and maintain one (1) pole and fixtures, service connections, equipment and appurtenances deemed necessary for the transmission and distribution supply of electric energy for light, heat, power, and for telecommunications or any other purpose over, along, across, under and upon a strip of land located off Russell Street, Woburn, MA, as shown on the Shaker Glen Booster Pump Station Electrical Site Plan, Sheet 11 of 12 and dated October 17, 2014 and marked ""New Utility Riser Pole with Anchor to be located within 10' from [existing] Pole".

s/Alderman Drapeau

PUBLIC HEARINGS:

On the petition by NSTAR Electric Company for a grant of right in a way to install conduit a distance of about 40 feet in Wyman Street southwesterly from pole 242/20 approximately 37 feet north of Brae Circle, to install conduit a distance of about 22 feet in Wyman Street easterly from pole 242/21 approximately 25 feet west of Brae Circle, and to install conduit a distance of about 2274 feet in Brae Circle at and southerly at intersection of Wyman Street. PUBLIC HEARING OPENED. A communication dated February 26, 2015 was received from Jacqueline Duffy, Right of Way Agent, NSTAR Electric Company as follows:

To the Board of Aldermen

NSTAR would like to continue the petition for Brae Circle, Woburn until the March 17th meeting.

Jacqueline Duffy, Right of Way Agent

On the petition by Oclen Realty LLC, an individual owning land to be affected by change or adoption, and Seaver Properties LLC to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 98 and 100 Baldwin Avenue, Dexter Avenue and Warren Avenue; referenced on the Assessors Maps at Map 09, Block 13, Lot 01; Map 09, Block 12, Lot 02; Map 09, Block 12, Lot 01; Map 09, Block 11, Lot 02 and Map 09, Block 11, Lot 01; and further described as the entire parcel of land known as 98 and 100 Baldwin Avenue, to the centerlines of Chester Avenue, Dexter Avenue and Monks Street containing approximately 253,214 square feet of land as shown on a plan by Keenan Survey entitled "Proposed Rezoning Plan in Woburn, Massachusetts" dated October 17, 2014 from R-2/OP zoning district to R-3 zoning district. PUBLIC HEARING OPENED. A communication dated February 24, 2015 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Amend Zoning Map/Oclen Realty LLC/Seaver Properties LLC/Baldwin Avenue/Dexter Avenue/Warren Avenue, Woburn, MA

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for March 3, 2015 be continued to the City Council meeting on March 17, 2015. My client is in the process of working with the City Engineer on the connection of Baldwin Avenue to an appropriate street in the area. If you need any further information, please contact me. Thank you.

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

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 February 24, 2015 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petitions of Woburn Foreign Motors, 394 Washington Street and 394R Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Since VHB will not be in a position to finalize a report to the City Council in connection with its Peer Review by March 3, 2015, I respectfully request that the City Council public hearing on this matter presently scheduled for March 3, 2015 be continued to the City Council meeting on April 7, 2015. If you need any further information, please contact me. Thank you.

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

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 February 24, 2015 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petitions of Woburn Foreign Motors, 394 Washington Street and 394R Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Since VHB will not be in a position to finalize a report to the City Council in connection with its Peer Review by March 3, 2015, I respectfully request that the City Council public hearing on this matter presently scheduled for March 3, 2015 be continued to the City Council meeting on April 7, 2015. If you need any further information, please contact me. Thank you.

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

On the 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. PUBLIC HEARING OPENED. A communication dated February 24, 2015 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petitions of Madison Properties, 369 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Since VHB will not be in a position to finalize a report to the City Council in connection with its Peer Review by March 3, 2015, I respectfully request that the City Council public hearing on this matter presently scheduled for March 3, 2015 be continued to the City Council meeting on April 7, 2015. If you need any further information, please contact me. Thank you.

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

On the petition by NASDI, LLC, 39 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.57a, 5.1.57b, 7.3 and 9 of the 1985 Woburn Zoning Ordinances, as amended to allow for the outside storage and parking of commercial motor vehicles, commercial trailers, trucks and contractor's equipment within the Flood Plain District at 39 Olympia Avenue. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, with the conditions as follows: 1. The Plan of record shall be the plan entitled "Reuse Conditions Plan #39 Olympia Avenue in Woburn, Massachusetts" dated December 18, 2014 as revised January 30, 2015 prepared by Hayes Engineering, Inc. Civil Engineering and Land Surveyors, 603 Salem Street, Wakefield, Massachusetts (the "Plan"); 2. That all registered vehicles parked or stored overnight on the site shall be registered in the City of Woburn, which shall be consistent with Equipment List provided on February 23, 2015 and on file; 3. All signage must comply in all respects with the provisions of Section 13 (Sign Regulations) of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Inspectional Services; 4. The Petitioner shall maintain the existing security lights within the outside storage area as shown on the Plan; 5. There shall be no exterior washing of vehicles or equipment on site and no interior washing of vehicles or equipment unless an oil-water separator is installed in the building; 6. No construction debris or processed materials shall be stored on the site; 7. The Petitioner shall not deliver, accept, or store any asbestos on the site; 8. That any violation of this Special Permit, shall lead to a review of said Special Permit and potential revocation after due process; and 9. That this Special Permit shall be non-transferrable."

On the petition by Burns Landscaping & Construction, LLC, 68 Delwood Drive, Tewksbury, Massachusetts 01876 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57a, 5.1.57b and 7.3 to allow for the outside storage and parking of commercial motor vehicles, commercial trailers, trucks, storage containers and contractor's equipment at 1095R Main Street. PUBLIC HEARING OPENED. A communication dated February 26, 2015 was received from Neil Cronin, City Planner as follows:

Re: Planning Department comments on special permit application for Burns Landscaping & Construction, LLC at 1095R Main Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for the outside storage and parking of commercial motor vehicles, commercial trailers, trucks, storage containers, and contractor's equipment at 1095R Main Street pursuant to Sections 5.1.(57a), 5.1.(57b), and 7.3 of the Woburn Zoning Ordinance. The property is located in the I-P

zoning district and the requested special permits would allow the petitioner to operate his landscaping business at this location.

The Planning Department notes several issues with respect to this application:

1. It is not possible to determine whether the project meets the parking requirements of the zoning ordinance because no summary of floor uses and area has been provided. A breakdown of various uses of the floor space of the buildings on site (i.e. office space, storage, other) should be identified and quantified and the attendant parking requirements noted.
2. The application includes a request for a special permit under Section 7.3. of the zoning ordinance and it is not clear why this special permit is necessary. The proposed use (accessory storage or parking of containers, trailers and vehicles) is not a non-conforming use but rather one allowed by special permit. Additionally, there appears to be no expansion of non-conformity requested. We recommend the applicant explain what specific relief is needed in accordance with Section 7.3.
3. Nothing in the application or the plan included in the proposal shows how refuse will be handled on site. If the provision for trash is outside an existing building, the refuse area should be shown on the plan and enclosed with a sight-impervious fence 6' in height. If the trash area will be inside a building that fact should be noted.
4. The areas proposed for the "mulch and stone storage bins" and "truck and trailer parking" are located east of Kensington Avenue, on lots separate from the main structures and use. As such these accessory uses will technically be off-site from the principal use including the buildings and employee parking on the west side of Kensington Ave. Accessory uses, by definition, must be located "...on the same lot as the principal use..."

Aside from these concerns, the Planning Department recommends the Council consider imposing the following conditions on any approval of this special permit application:

1. An updated plan of record be prepared that identifies adequate snow storage area(s). Once the plans have been revised to depict adequate and appropriate snow storage areas, the plans so revised should be cited in the blank space in the following recommended condition of approval:

"Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "_____".

2. That any special permit granted in accordance with Section 5.1.57a (use of accessory storage or parking of storage container, storage trailer, commercial trailer or semi trailer) should be limited to a period of time not to exceed one year per Section 5, Note 17 of the Woburn Zoning Ordinance. (It should be noted that the Woburn

Zoning Ordinance does not impose the same time restrictions for uses granted a special permit under Section 5.1.57[b]).

3. All vehicles that will be parked on site overnight must be registered in the City of Woburn.
4. All signage must comply in all respects with the provisions of Section 13 (Sign Regulations) of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Municipal Inspections.
5. Section 8.5.1. of the Zoning Ordinance requires security lighting for all parking facilities “which are used at night”. If the Council determines that the overnight parking of vehicles (and the specifics of this business’s activities) will equate to the lot being “...used at night”, then the following condition of approval should be included:

“The plans should be revised to incorporate details of security lighting, and be shielded in such a manner that will prevent direct light from impacting abutting properties.”

6. Any proposed exterior refuse area(s) shall be enclosed with a sight-impervious fence six (6) feet in height.
7. No refuse area shall be emptied between the hours of 9:00 p.m. and 7:00 a.m. Similarly, no refuse area shall be filled after the close of business.
8. The special permit shall be issued to Burns Landscaping & Construction, LLC and shall not be transferrable.

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

Sincerely, s/Neil Cronin, City Planner

CITIZEN’S PARTICIPATION:

A petition for Citizen’s Participation Time was received from Carolyn Youngclaus, 2 Park Drive on behalf of the Woburn Preservation Campaign Committee to request that the Community Preservation Act be given the Council’s approval to be included on the November 3, 2015 Municipal Election ballot.

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

On the petition by Adamo Rufo dba Route 16 Auto Broker for a transfer of a Second Class Motor Vehicle Sales License from Woburn Auto Sales LLC, committee report was received "ought to pass".

NEW PETITIONS:

Petition by Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1, Note 14 to allow a carnival from May 12, 2015 through May 17, 2015 at 25 Middlesex Canal Park.

Petition by James L. McKeown Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 for a Special Event Permit to allow a road race and health walk on May 3, 2014 along city streets beginning and ending at Library Field.

Petition by MINAST, LLC, 11 Presidential Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42 and 12 to allow for the construction of a new building containing approximately 46,858 square feet of gross floor area for 1. warehouse and distribution use, and 2. office use, at 1 Presidential Way.

COMMUNICATIONS AND REPORTS:

A communication dated February 24, 2015 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. Figures cited below are for the Month of January 2015: Number of violations issued 72, Numbers of violations paid 28, Number of violations outstanding 41, Amount collected and submitted to Collectors Office \$4,624.40, Parking fines referred to the Handicap Commission \$1,200.00.

There is a backlog of 1,783 unpaid tickets dating from January 2004 to January 2015. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

Respectfully submitted, s/Charles O'Connor, Parking Clerk

A communication dated February 12, 2015 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: 1095R Main Street

With regard to the above, I offer the following in response to the communication from the Committee on Public Safety dated November 25, 2014 regarding any ongoing issues on the locus, discussions with the property owner and tenant (Burns Landscaping) have occurred. The tenant Burns Landscaping currently has filed a petition for a special permit pursuant to the 1985 Woburn Zoning Ordinances as amended, to allow for the outside storage and parking of commercial motor vehicles, commercial trailers, trucks, storage containers and contractors equipment on this locus to address the concerns.

I would ask that you submit this response to all respective committee members.

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

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Committee on Ordinances shall review the Woburn Municipal Code relative to the salary, duties and powers of the City Auditor as established by Ordinance under Sections 14 and of the City Charter and provide recommendations for necessary changes to the City Council within 45 days of this Order.

s/President Haggerty

Motion made and 2nd to ADJOURN.