

**CITY OF WOBURN
SEPTEMBER 20, 2016 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$134,000.00 be and is hereby appropriated as so stated from BLS Ambulance Receipts Acct #31359-590000 \$134,000.00 to Fire Ambulance Salary Acct #0122051-511500 \$125,000.00, Fire/Equipment Acct #0122058-585000 \$9,000.00, Total \$134,000.00

I hereby recommend the above. s/Scott D. Galvin, Mayor

I hereby approve the above: s/Timothy Ring, Chief Fire Department

I have reviewed the above: s/Charles E. Doherty, City Auditor

PUBLIC HEARINGS:

On the petition by 304 Cambridge LLC to amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Amend section 5 Notes to 5.1 Table of Use Regulations by adding the following note: 26. 1. Restaurant Full Service/Fast Food located in an S-1 Zoning District shall be subject to the following conditions: a. The full service/fast food restaurant must be located in an office building containing a minimum of 50,000 square feet of gross floor area; b. Any fast food restaurant shall not be visible from the exterior of the office building; c. The office building shall have frontage on a State numbered road under the jurisdiction of Mass Highway for design, construction and maintenance as of January 1, 2012.; 2. Physical Fitness Training Facilities located in an S-1 Zoning District shall be subject to the following conditions: a. The Physical Fitness Training Facility must be located in an office building containing a minimum of 50,000 square feet of gross floor area; b. The office building shall have frontage on a State numbered road under the jurisdiction of Mass Highway for design, construction and maintenance as of January 1, 2012.; 2. Amend Section 5.1 Table of Use Regulation as follows: a. Line 17a by replacing the "--" with an "x" in the S-1 Zoning District and inserting: Note 26 under

the heading: "Notes, Other Sections."; b. Line 28 by replacing the "-“ with an "x" in the S-1 Zoning District and inserting: Note 26 under the heading: "Notes, Other Sections."; c. Line 29 by replacing the "-“ with an "x" in the S-1 Zoning District and inserting: Note 26 under the heading: "Notes, Other Sections." PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "ought to pass with the following amendments: 1. That Section 26.1.b in Section 1 of the proposed ordinance be amended to read "Any fast food restaurant shall not be visible (including signage) from the exterior of the building. No fast food drive-up customer service facility shall be allowed."; and 2. That Section 3.c in the proposed ordinance be amended to read "Line 29 by replacing the "-“ with a "P" in the S-1 Zoning District and inserting: Note 26 under the heading: "Notes, Other Sections."

On the petition by Houg Vong and My Thi Vong, 6 Albany Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1 Note 15 to amend a prior special permit issued September 24, 2015 to allow for an oversized garage to reference a revised set of plans showing the height of the garage to be 2.3 feet higher than previously approved at 6 Albany Street. PUBLIC HEARING OPENED.

On the petition by NAI Entertainment Holdings LLC, 846 University Avenue, P.O. Box 9108, Norwood, Massachusetts 02062-9108 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.15b to amend a special permit dated May 6, 1994 to allow for: 1. A revised site plan for is existing cinema building entitled "Showcase Cinemas, 25 Middlesex Parkway Woburn, MA" dated June 10, 2016 and prepared by Allen & Major Associates Inc., 100 Commerce Way, Woburn, MA 01888-0118 (the "Site Plan"); 2. A modification to II Grant of Special Permit (b)(ii) by eliminating the reference to Condition No. 17; 3. A modification to III Cinema Conditions Condition 17 by deleting said Condition 17 in its entirety; and 4. A modification to IV General Condition by deleting "Site" on the third line and the sixth line and replacing with "Parcel II" as shown on the Site Plan, at 25 Middlesex Canal Park. PUBLIC HEARING OPENED.

On the petition by Destination Partners, Incorporated, 12 Henshaw Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to park two (2) box trucks in connection with its event planning business at 12 Walnut Hill Park. PUBLIC HEARING OPENED.

On the petition by Anchor Realty Trust, 3 Breed Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 8.3.2 to allow for six (6) offsite parking spaces at 3 Breed Avenue. PUBLIC HEARING OPENED.

On the petition by Aldo Gallinelli and Judith Gallinelli, 15 Sorelle Place, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.56, Note 15 of the 1985 to allow for construction of a detached 30 foot by 40 foot barn at 15 Sorelle Place. PUBLIC HEARING OPENED. A communication dated September 6, 2016 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

Re: 12 Sorelle Place

With regard to the above, I have reviewed the site plan and Architectural Plans for the proposed detached garage that is in excess of 900 square feet and offer the following:

1. Location of proposed garage meets the required setbacks per the WZO section 6.2(3) for front, side and rear setbacks.
2. Proposed height of the garage as shown on the Architectural Plans is greater than the Maximum allowed height of twenty feet per WZO section 6.2(3) as shown twenty feet nine inches.
3. Architectural plans are insufficient for a full review, items listed below will need to be provided by applicant: A. Detail plan of roof framing; B. Details of all engineering lumber to be used; C. Detail of Header sizes about all openings.

Additionally it should be verified on the exact height of the garage doors as the plan shows nine foot high doors. Once the additional information has been received a further review will occur.

As always if you have any questions do not hesitate to contact me.

A communication dated September 15, 2016 was received from Building Commission Thomas C. Quinn, Jr. as follows:

With regard to the above, I have reviewed the plans for a detached garage that were submitted to the City Clerk's Office on August 31, 2016 prepared by C.D. Calhoun and I offer the following:

- Proposed elevation is shown at 19' 3 ¼" which is under the allowable maximum height of 20'.
- Pg. A-2 Front Elevation does not show proposed height of garage doors, height should be identified and shown on any plan that may be part of a Special Permit.
- Plans do not show any areas inside the structure that water or sewer service would be located if the applicant intends on installing it should be shown on plans.
- I will advise that any electrical power that will be used in the building will need to be supplemented from the single family residential house, a separate electrical service and meter would not be approved by the Building Commissioner.

As always if you have any further questions with this plan do not hesitate to contact me.

A set of plans entitled “Gallinelli Barn, 15 Sorelle Road, Woburn, Mass” dated 8/30/16 prepared by C.D. Calhoun & Associates Incorporated was received.

On the petition by NGP Management LLC, 3 Pluff Avenue, North Reading, Massachusetts 01864 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.69 and 7.3 to amend a special permit dated September 25, 1997 as follows: 1. Landowner’s Decision and Notice of Special Permit dated September 25, 1997 allowing for the fast food establishment and ATM by revising Condition 6 which currently allows for hours of operation from 6:00 a.m. to 8:00 p.m. to allow hours of operation from 4:00 a.m. to midnight, and 2. Landowner’s Decision and Notice of Special Permit dated September 25, 1997 allowing for the alteration of the existing externally illuminated nonconforming sign to allow for a modified sign that is an internally illuminated sign, at 318 Montvale Avenue. PUBLIC HEARING OPENED. A communication dated September 14, 2016 was received from Tina P. Cassidy, Planning Board/WRA Director as follows:

Re: Special permit applications for 314-318 Montvale Avenue/NGP Management LLC, and 318 LLC & 314 Montvale Avenue LLC

Dear Honorable Council:

The Planning Department has completed its review of two petitions that have been filed with the City Council for this property.

The first application, filed by NGP Management LLC, seeks two (2) modifications to a Special Permit Decision granted on September 25, 1997. Specifically, the applicant is requesting a revision to the permitted hours of operation of the existing fast food restaurant and ATM to permit both to be open 20 hours per day (4:00 a.m. to midnight) versus the current restrictions which limit hours of operation to 14 hours per day (6 a.m. to 8 p.m.). NGP is also seeking permission to alter its externally illuminated nonconforming sign to allow for a modified sign that is internally illuminated.

The second application, filed by 318 LLC NS 314-318 Montvale Avenue LLC, requests several things: Permission to construct a 4,000 sq. ft. addition to the existing building for “retail” use, to continue use of the existing non-conforming parking spaces on site, and two (2) modifications to the 1997 Special Permit decision to accommodate the new retail space: To eliminate a condition that limits the number of establishments on the site to two, and to allow for the alteration of the existing wall and free-standing signage by modifying it, adding to it, and illuminating it internally.

This comment letter addresses both applications, and the City Council may want to consider both applications simultaneously as well to ensure consistency between the decisions.

1. One application requests permission to continue to use the “...non- conforming parking spaces on a portion of the lot.” The Planning Department suggests the applicant identify the location of all non-compliant parking spaces on the plan and provide at least a verbal explanation as to why/how the spaces do not conform.
2. Much of the signage on site (free-standing and wall signs) may already be internally illuminated, despite the fact that the 1997 City Council decision required all signage to be externally illuminated. The applicant should be required to provide site plans *and* building elevation plans that specify the location, size and dimension of each proposed sign on site so that compliance with zoning can be confirmed and the signs’ impact on abutting properties ascertained. This seems especially important given the request to allow the signs to be internally illuminated.
3. The 318 LLC/314-318 Montvale Avenue LLC application seeks to delete condition #9 which limits the site to two (2) establishments: an ATM and “...no more than one (1) other permitted use to be allowed at this location.” Staff does not recommend the condition be stricken; if it were, there is a risk the applicant could demise the interior space into more than three commercial establishments. Instead, the Planning Department recommends the condition be modified by replacing “one (1)” with “two (2)” and adding an “s” to “use”.

On a related note, we recommend the applicant be required to provide floor plans of the interior of the building. In addition to the general information such plans would provide, citing specific floor plans in the Decision will help ensure compliance with any condition relative to the maximum number of establishments allowed on site and will permit an evaluation as to whether the proposed site plan meets the parking requirements.

4. The new 4,000 sq. ft. “retail” use is somewhat of a mystery. It is defined only as a “retail establishment” in the development impact statement included in the application. The Planning Department strongly recommends the Council ascertain the type of retail establishment that would locate here, if for no other reason than to evaluate traffic conditions and impacts. “Retail” is a very broad term, and the amount of traffic generated by say a convenience store would be much greater than the traffic generated by a specialty clothing store of the same size.
5. Plans of the exterior elevations should be required for review, so the Council can evaluate the building’s aesthetics, analyze the location of all signage and points of ingress/egress, confirm conformance with maximum building height requirements and to provide a specific development plan, for the benefit of abutters for whom aesthetics and building scale matter.
6. The application form incorrectly states that both properties involved in this application are zoned B-H. They are not – they are both “split-zoned” and lie in both the B-H and R-2 zoning districts.

7. The parking summary on sheet 3 of 6 should be revised to provide the floor area of each establishment, so that conformance with parking requirements can be verified.
8. All compact parking spaces must be clearly identified by signage and/or markings as required by Section 8.2.3. The current plans do not show any such signage.
9. Parking spaces for ATM's must be located within 100' of the ATM machine. The plan should denote which spaces within 100' of the machine are in fact reserved for the ATM. Planning staff suggests the two ATM spaces be equipped with signage indicating their reservation for ATM users only.
10. The City's Engineering Director should be consulted regarding matters related to traffic on site, to/from the site, and the proposed project's interrelationship with the planned Montvale Avenue project.
11. Investigate possible reconfiguration of the westernmost driveway to further discourage/prevent left turns by exiting cars;
12. A retaining wall is proposed along the western property line. Will it violate zoning by exceeding six (6) feet in height?
13. Section 8.6.1. requires that parking lots containing more than five (5) stalls be screened from abutting properties used for residential purposes. There is a combination of existing and proposed vinyl/stockade fence that screens the parking lot from the residential properties at 89 and 95 Washington Street, but a significant run of fencing is 6' chain link which will provide no sight-impervious buffer. Does the existing/proposed fencing scheme adequately protect the properties at 89 & 95 Washington Street ?
14. The locations of proposed lighting is shown on the plan but no details are provided to ensure it will provide adequate security lighting and be shielded and arranged so as to prevent glare onto adjacent streets and properties (Section 8.5.1 and 8.5.2).
15. Sections 8.7.1. and 8.7.5 require the building to have one loading bay for use by the tenants thereof. The plan doesn't appear to include one. The bay must be at least 10' wide, 35' in length and 12' in height in accordance with Section 8.7.2.1. and must be located *inside* the building in accordance with Section 8.7.2.6 because it is located within 100' of a residential district.

Please feel free to contact me if you have any questions regarding these comments.

Respectfully, s/Tina P. Cassidy, Planning Board/WRA Director

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Five-Year Capital Plan FY2017-FY2021, committee report was received “ought to pass.”

PUBLIC SAFETY AND LICENSES:

On the Order to authorize the conveyance of a parcel of land on Old Lexington Street, committee report was received “ought to pass”.

NEW PETITIONS:

Petition by Woburn Friends of Hospice Care/Woburn Irish American Club, 147 Main Street, Woburn, Massachusetts 01801 for a Special Event Permit to allow a road race/walk on October 2, 2016 in the area of Horn Pond.

Petition by ACT Leasing, Inc., 215 Salem Street, Woburn, Massachusetts 01801 for renewal of Second Class Motor Vehicle Sales License.

Petition by MetroNorth Business Center LLC, 74 Commerce Way, Woburn, Massachusetts to amend the 1985 Woburn Zoning Ordinances, as amended, as follows:

ORDERED Be it ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:
1. Amend Section 5 Use Regulations and Notes to 5.1 Table of Use Regulations as follows: 1. Amend Note 1 by adding after “(8.2.5)” the following: “a maximum driveway width for commercial developments greater than 15,000 square feet (8.4.1.3)”; and 2. Amend Section 8.4 Design and Layout of Required Parking Facilities as follows: 1. Amend Section 8.4.1.3 by adding to the end of the fifth paragraph after the word “Planning Board” the following: “or by a Special Permit granted by the City Council pursuant to this Section 8.4.3.”

By MetroNorth Business Center LLC, an individual owning land to be affected by the change or adoption

A communication dated September 13, 2016 was received from Attorney Joseph R, Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: R.C. Olsen Cadillac, Inc., 201 Cambridge Road, Woburn, Massachusetts

Dear Mr. Campbell:

On October 9, 2014 your office issued a Landowner's Decision and Notice of Special Permit which was recorded with the Middlesex County Registry of Deeds at book 64400, Page 445 (the "Decision"). The Special Permit was extended to October 9, 2016. On behalf of my client I respectfully request that the Special Permit be extended for one additional year to October 9, 2017. If you need any further information please do not hesitate to contact me.

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

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

Re: Concept Plan Review Application of Cabot, Cabot & Forbes LLC, 120 Commerce Way, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that this office represents Cabot, Cabot & Forbes LLC in connection with the above-referenced Concept Plan Review Application. Pursuant to Section 23.3.3.6 Concept Plan Submission Criteria of the 1985 City of Woburn Zoning Ordinance as amended, I hereby submit an Application for a CWCOD Concept Plan Review.

Pursuant to Section 3.3.2, this matter will be reviewed by the Concept Plan Review Committee consisting of 3 members of the City Council and two members of the Planning Board. I am enclosing twenty copies of the Concept Review Application (City Council – 10 copies; Planning Board – 8 copies; City Engineer – 2 copies).

In addition I have enclosed a copy of the Treasurer's Certificate that has been filed with the City Treasurer's office. Please contact me at your earliest convenience to discuss the scheduling of a meeting of the Concept Plan Review Committee. If you need any further information please do not hesitate to contact me. Thank you.

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

COMMUNICATIONS AND REPORTS:

A communication dated September 15, 2016 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Orders to authorize Conveyance of Ryan Park/Acceptance of Easements

Submitted herewith are 2 Orders for the Council’s consideration. The first Order is to authorize the Mayor to execute a deed of the 12-acre, more or less, Ryan Park land to the Recreation Commission. This conveyance is required by the EOEI Article 97 Land Disposition Policy relative to the special legislation authorizing the temporary use of the Clapp School. Conveyed to the City in 1979, the Ryan Park land has never been formally dedicated as Recreation land subject to Article 97 protection.

The second Order authorizes the Mayor to accept drainage and sewer easements created by the definitive subdivision plan for Moreno Drive.

Thank you for your attention to this matter, and please don’t hesitate to contact me regarding any additional questions or concerns.

Sincerely, s/Ellen Callahan Doucette, City Solicitor

Attached thereto was the following:

ORDERED Be it ordained by the City Council of the City of Woburn that the Mayor be and is hereby authorized to execute a deed conveying approximately 12.6 acres of land, more or less, located off Russell Street and known as “Ryan Park” to the Woburn Recreation Commission for administration, control and maintenance under the provisions of M.G.L. c.45, §3 as it may hereafter be amended, and of amended Article 49 of the Massachusetts Constitution.

s/Alderman _____

ORDERED Be it ordained by the City Council of the City of Woburn that the Mayor be and is hereby authorized to accept the grant of drainage and sewer easements located in and upon residential lots located on Moreno Drive, Woburn.

s/Alderman _____

A communication dated September 7, 2016 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 meeting for the month of August 2016.

A communication dated September 1, 2016 was from Gegi Leeger, Director, Privacy and Regulatory Affairs, XO Communications Services, LLC, 13865 Sunrise Valley Drive, Herndon, Virginia 20171 advising that XO Communications Services, LLC has become a subsidiary of Verizon Communications, Inc.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order to amend Section 18-1(A) of the 1989 Woburn Municipal Code, as amended relative public notice of Americans with Disabilities Act (ADA) contact telephone numbers. _____

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Committee on Special Permits meet with representatives of the Extra Space Storage relative to a special permit issued on February 8, 1989 for the property located at 15 Olympia Avenue.

s/Alderman Mercer-Bruen

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 9 James Terrace; and

WHEREAS, at the said building or buildings the exterior grounds have excessive parking on the locus and adjoining streets;

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation.

s/Alderman Gately

Motion made and 2nd to ADJOURN.