

**CITY OF WOBURN  
NOVEMBER 15, 2016 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
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:**

ORDERED That the sum of \$125,000.00 be and is hereby transferred as so stated from Sales of Cemetery Lots Acct #391-359000 \$125,000.00 to 375<sup>th</sup> – 1<sup>st</sup> and 2<sup>nd</sup> Burial Grounds Acct #391058-589701 \$125,000.00

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

I hereby approve the above: s/John Sawyer, Cemetery Commission  
Chairman

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

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

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ORDERED That the City of Woburn appropriates the sum of One Million Three Hundred Thousand Dollars (\$1,300,000) to pay for the costs of acquiring a ladder truck, including the payment of costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

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City of Woburn, Massachusetts supplementing Order regarding the application of bond premium in City Council

ORDERED That each prior loan order of the City that authorizes the borrowing of money to pay costs of capital projects is hereby supplemented to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the City upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

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

**PUBLIC HEARINGS:**

On the petition by National Grid for a grant of right in a way to install approximately 174 feet of six (6) inch plastic gas main in Dexter Avenue to Baldwin Avenue to private way. PUBLIC HEARING OPENED. A communication dated November 10, 2016 was received from Superintendent of Public Works John Duran as follows:

Subject: National Grid – Dexter Avenue to Baldwin Avenue

I am providing this memorandum pursuant to the request by National Grid for a Grant of Location to allow for the installation of a six inch gas main to service the residential development as shown on their plan. I have evaluated the proposed plan location main as well as the marked out City of Woburn water and sewer mains in the street. The main should be located on the opposite side of the roadway as shown on the plan to avoid interference with the city infrastructure. I recommend that the City Council allow this under the following conditions:

- The main must be installed on the northerly side of the road unless written permission is granted from the DPW Superintendent in a mutually agreed upon location.
- I recommend that the pavement be restored to a minimum of 10 feet in width to the edge of the pavement in a uniform trench at a minimum depth of four inches for a length of approximately two hundred feet.

Please feel free to call me with any questions or concerns pursuant to this matter.

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On the petition by City of Woburn, 10 Common Street, Woburn, Massachusetts 01801 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended

Section 15.6.C.i to allow construction of a 15,000 square foot addition to the existing public library and a 49,000 square foot municipal parking lot with the Groundwater Protection District, at 45 Pleasant Street. PUBLIC HEARING OPENED. A communication dated November 10, 2016 was received from Planning Director Tina Cassidy as follows:

Re: Special Permit application for 45 Pleasant Street/City of Woburn

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition which seeks permission in accordance with Sections 15.6.C.i (Groundwater Protection District) of the Woburn Zoning Ordinance (WZO), to construct a 15,000-square foot addition to the City's existing public library and to construct a 49,000-square foot municipal parking lot in the Groundwater Protection District. The property is classified as an S-1 (Mixed-use)/R-2 (Residential) zoning district.

Planning staff contacted City Engineer, Jay Corey, to receive additional information regarding the path of the water infiltration and the location of its disbursement. Mr. Corey has confirmed that standard levels of stormwater will be dispersed within the Groundwater Protection District and that only an overflow line is directed to an adjacent wetland outside of the district. In addition, Mr. Corey stated that final designs are forthcoming, so further questions may arise at the Council's November 15<sup>th</sup> meeting which he can answer at that time.

If the City Council chooses to grant the Special Permit, the Planning Department recommends imposing the following as conditions of the Special Permit:

1. The Plan of Record shall be, "Figures 1-3 of Woburn, Massachusetts, prepared by the City of Woburn Engineering Department, 10 Common Street, Woburn, MA 01801; [Scale]; Figure 1 [Title], dated January 1, 2014; Figure 2, Groundwater Protection Map, dated January 1, 2014; Figure 3, Tributary Area Map Located at Woburn Public Library, dated September 28, 2016."

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

Respectfully, s/Tina Cassidy, Planning Director

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On the petition by All-Tex Inc. dba Inline Distributing Co., 14093 Balboa Boulevard, Sylmar, California 91342 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.42, 5.1.57b, 7.3 and 9 to allow for a wholesale establishment, warehouse and distribution center, overnight parking of commercial motor vehicles and for the continued use of the nonconforming parking and loading docks, at 23 Normac Road. PUBLIC HEARING OPENED. A communication dated November 10, 2016 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Special Permit application for 23 Normac Road/All-Tex (d/b/a Inline Distributing Co.)

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition which seeks permission in accordance with Sections 5.1. (42), 5.1 (57b), 7.3 and 9 of the Woburn Zoning Ordinance (WZO), for the extension and alteration of a non-conforming structure/use and the overnight parking of commercial vehicles. The proposed use of the property is as a warehouse and distribution center for a wholesale establishment (Section 5.1. (42)). The use would include the overnight parking of commercial vehicles (Section 5.1[57b]); and would require special permits to allow the use of non-conforming parking conditions that were created prior to the current zoning regulations and loading docks which partially front on Normac Road (Section 7.3); and because the property is in a Floodway and Flood Plain District.

The property is located in an Industrial Park (IP) zoning district and within a Flood Plain district as noted above. The property appears to meet lot size, frontage, setbacks and height limitations of zoning but it is unknown whether the parcel meets the 30% minimum landscaped usable open space requirement.

The Aberjona River runs through the property, and a large portion of the site and the existing building are within a FEMA designated flood zone. In addition, a small portion of the site (at the southerly property line) contains wetlands, according to state Department of Environmental Protection mapping. However, as exterior modifications are limited to new pavement markings, current environmental conditions will not be apparently impacted by the proposed plan. The application indicates interior modifications will be limited to upgrading the office and warehousing space.

The Planning Department has several questions and observations relative to this proposal:

1. The petition indicates the property would be used and occupied by Inline Distribution Company, but the application contains no details about the company or its proposed use of the site. A warehouse and distribution center is in fact permitted in the I-P Zoning District but only if it is associated with a wholesale establishment. Is the petitioner a wholesaler? In order to authorize the continued use of this non-conforming property by the proposed use, the City Council must find, in accordance with Section 7.3, that “...*such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.*” No information has been provided in the application to support the notion that the proposed use is not substantially more detrimental than the one that previously occupied it. Will the petitioner have more or less employees on site (by the way, there is a discrepancy between the number of proposed employees reported in the Development Impact Statement and the number listed in the parking table on

the plan)? More or less truck traffic? More or less hours of operation per day?  
Generate more or less noise, odor, or negative visual effects?

2. The applicant has requested a Special Permit to store three (3) box trucks on site. However, there does not appear to be sufficient parking on site to accommodate the request. The zoning ordinance requires a total of 23 parking spaces for the proposed office and warehouse uses in the building. An additional six (6) spaces would be needed to account for the on-site storage of the three (3) box trucks and the three (3) associated employee vehicles. The total spaces needed on site then for this use is twenty-nine (29), and the site only has sixteen (16) spaces.
3. The proposed plans do not depict proposed areas on site for snow storage. Given the site's relative environmental sensitivity, Planning staff recommends the applicant be required to propose them for review and evaluation.

If the City Council determines the proposed use is allowed by zoning and if it chooses to grant the special permit, the Planning Department recommends imposing the following as conditions:

1. All vehicles that will be parked on site overnight must be registered in the City of Woburn;
2. The Special Permit shall be issued to Inline Distribution Co. only and shall not be transferrable; and
3. The Plan of Record shall be, "Plan of Land, Existing Conditions Plan Located in 23 Normac Road, Woburn, MA; Prepared by Vineyard Engineering & Environmental Services, Inc., 400 West Cummings Park, Suite 4800, Woburn, MA 01801; Scale: 1"=40'; Date: September 28, 2016."

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

Respectfully, s/Dan Orr, City Planner/Grant Writer

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On the petition by Seaver Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.3c, 5.1 Note 20, 11.3.2, 14, and Site Plan Approval pursuant to Sections 12.2.2 and 12.3.2 to allow for one hundred eighteen (118) residential townhouse units at 285, 287 and 299 Lexington Street. PUBLIC HEARING OPENED. A communication dated November 8, 2016 was received from

Re: Proposed townhouse development at 215 Lexington Street/Seaver Properties LLC

Dear Members of the Council:

The Planning Department has reviewed the above-referenced application dated September 29, 2016 which seeks special permits under Sections 5.1.3(c) [townhouse development], 5.1 Note 20 [townhouse developments in R-1 and R-2 Districts], 11.3.2. [procedures for Special Permits], 14 [townhouse development in Residential Districts R-1 and R-2], 12.2.2. [site plan review for townhouses] and 12.3.2 [City Council special permit and site plan review authority] for construction of 118 townhomes on roughly 50 acres on Lexington Street.

The Department also attended an October 31, 2016 meeting of City Hall departments held at the applicant's request for the purposes of reviewing the special permit plan, and obtained follow-up comments from those same departments after the meeting.

### ZONING ISSUES

As currently drawn the plan would require relief from a number of zoning provisions:

1. Section 14.4.4 of the Zoning Ordinance requires that *“Any part of the developed tract that abuts the open space tract shall be subject to a minimum of a 25 foot setback.”* The plan violates the 25' setback provision in multiple places so the open space parcel will need to be redrawn and the open space area recalculated (must be at least 50% of the parcel's area).
2. The Inspectional Services Director has determined that as presently designed, the proposed open space parcel does not meet the definition of OPEN SPACE by virtue of the nature and amount of work proposed to take place within the boundaries of the open space parcel.
3. The proposed plan shows a total of four (4) driveways servicing the proposed townhouse development; a maximum of two (2) driveways is permitted for residential uses according to the Director of Inspectional Services.
4. A corner of unit #54 is within the 75' front setback requirement applicable to townhouse developments (Table of Dimensional Regulations Section 6.1) and will need zoning relief unless it is relocated.
5. Relief from the 75' front setback requirement applicable to townhouse developments will also be needed if the existing farmhouse is to be part of the townhouse development. The structure is currently a conforming structure in the R-1 district but will become non-conforming if included in the townhouse special permit application.
6. The width of one of the proposed Lexington Street intersections (the “boulevard” design) exceeds the maximum allowed residential driveway width of 24'. The recently-enacted zoning change authorizing special permits for wider driveways for multi-family dwellings could address this issue but probably not unless the application is withdrawn and resubmitted. (The recently-enacted change was not yet in effect on the day the special permit application was filed with the City Clerk's office; the City Solicitor has not been consulted on this point). In the event the “boulevard” driveway design is approved, appropriate signage and pavement markings are needed to ensure motorists' understanding of the “one way in, one way out” design.

The applicant was informed of these zoning-related issues at the department review meeting and is working to minimize or eliminate them. It should be noted that Section 11.3.1. of the Zoning Ordinance states that no special permit application “...shall be accepted or considered complete that does not have any necessary variances required from the Board of Appeals....” (or, in the event of a dispute as to whether a variance is needed, resolution of the dispute by the Board of Appeals). This application will therefore need to be reworked, resubmitted and/or zoning relief obtained before the application can proceed.

#### ISSUES RELATED TO OPEN SPACE PARCEL

- The application mentions the value of the open space parcel is in part due to public use of the existing informal trails across the site and the gravel drives/paths within the NStar easement. None of the existing trail network is shown on the plan and there is no proposal to create a trail to the open space parcel. Moreover, there is no indication that the public is or will be permitted to legally use the area within the NStar easement for recreational activities such as hiking and biking. Does the public have the legal right to access the land under the NStar easement today and use its roads and paths? Will the public have access to these areas/facilities after construction of the townhomes?
- The application notes the existence of abandoned vehicles and other farm equipment within the proposed open space parcel. The developer should be required to remove these objects as soon as possible but in any event before deeding the open space parcel to the City if the project is approved.

#### DESIGN ISSUES

The applicant relied in large measure on the City’s Geographic Information System (GIS) for property boundary line information which is unacceptable. The entire property must be surveyed by a Registered Land Surveyor and the applicant should be required to incorporate the survey information/plan into the application. This information will be particularly important in order to protect the integrity of a City-owned sewer main along the western property line and to ensure proper infiltration of runoff toward abutting lots.

- 5” vertical granite curbing is proposed only at the locations where the project’s interior roadways will intersect with Lexington Street. Limited amounts of sloped granite curbing are proposed inside the development, but the majority of the site’s interior roadways are proposed to have no curbing at all. 6” vertical curbing should be required throughout the development.
- At least one turnaround does not meet minimum truck turning radii for some of the Fire Department’s equipment and at least two of the interior roads exceed 150’ in length and do not have turnaround provisions. Adequate turnarounds must be provided in all instances. Further, all interior roadways must have corner radii that accommodate the Fire Department’s largest vehicle. Lastly, the Fire Department is reviewing the “boulevard” design of one of the project’s intersections with Lexington

Street, as well as other aspects of the roadway layouts to ensure adequate access to all parts of the development by emergency equipment.

- A number of the proposed interior roadways (those servicing units #31 & 32, #27-29, #94-96, #98-101, and at #66) do not meet the mandatory minimum aisle width of 20' for fire department access roads as required by 527 CMR 1.00 (18.2.3.4.1.1.). They must be redesigned to meet this criterion. Additionally, the dimensions of all interior roadways should be noted directly on the plans.
- Sidewalk handicap ramps should be required at each roadway and walkway crossing, not just at the intersections with Lexington Street.
- If trees are being planted in the grass strips, the grass strips should be at least 6' wide. Otherwise, trees should be planted 5'-10' behind the sidewalk or curb.
- The developer should be required to install a concrete sidewalk meeting Woburn Department of Public Works and MassDOT specifications along Lexington Street for the length of his project's frontage, as Murray Hills was required to do for the other half of Shannon Farm across the street. In addition, strategically-placed handicap ramps and crosswalks on and across Lexington Street should be installed to provide contiguous ADA-compliant access to the new sidewalks on the other side of Lexington Street being constructed by Murray Hills.
- Consider making the traffic pattern one-way into and out of the clubhouse and at units #89-107. This would compensate for the fact that the interior roadways in these locations are less than 24' in width, which is the recognized minimum standard for safe two-way vehicular travel.
- Although locations of street lights are shown on the plans, no other details about the site lighting were included in the application. Also, lighting in several areas (near units #108-#117 for example) appears inadequate.
- Consider whether "dead-end" signs should be added to the entrances to the interior roadways servicing units #108-117 and #18-25 given the roadways' relative length.
- The Public Works, Engineering and Fire Departments have outlined numerous technical changes that must be made to the proposed utility system designs, including placement of
- fire hydrants every 500' on every interior roadway. The applicant is working to incorporate those requirements into the application/plans.

#### OTHER COMMENTS

- The Development Impact Statement submitted with the application contains no information on or assessment of traffic impacts as required by Section 18.5.1, nor does it contain a detailed assessment of the project's impact on utilities as required by Section 18.5.2. The developer has engaged a traffic engineering firm to perform the traffic study and work in that regard is on-going.
- The applicant has not conducted any flow tests to determine whether there is adequate water pressure for domestic service and firefighting capability. Testing (with positive outcomes) must be done, and results/analyses included in the Development Impact Statement.
- No details or specifications regarding the proposed landscaping, trees or building facades have been included in the application.

- Snow storage areas have not been shown on the plan. They should be added, and if the project is approved, a copy of the snow storage plans should be required to be filed with the Inspectional Services Department.
- How will trash be collected from units in this project? If not weekly curbside from each unit, what provisions have been made for outside storage and collection?
- The interior roadways in this project should be assigned names. A system that relies solely on unit numbers is difficult for emergency responders and should be avoided. Further, the applicant should be required to propose street names now, for review and approval by the Police and Fire Departments prior to any approval of the project.
- Twelve (12) units of the 118 units will have to be affordable housing units in accordance with Section 11.11 of the Zoning Ordinance.

In closing, please note several departments requested additional information from the developer including a plan showing the utility system designs in a more overall fashion (versus showing all utility systems on a series of six to seven separate sheets). When provided, that additional information may elicit more comments and feedback beyond those provided here.

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

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

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On the petition by Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 9 James Terrace, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts 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. PUBLIC HEARING OPENED.

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:** None.

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**NEW PETITIONS:**

Petitions for renewal of First Class Motor Vehicle Sales Licenses by Lannan Chevrolet, Inc., 40 Winn Street; and Lawless Inc., 196 Lexington Street.

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Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Jeffrey Pollock dba Exclusive Automobile, 7 Independence Drive; Route 16 Auto Broker, 280 Salem Street; Tracy M. Batten dba Tracy's Auto Sales, 62R Winn Street; and Velozo Enterprises, Inc. dba Rogers Radiator, 936 Main Street.

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Petition by Woburn Truck and Auto, Inc., 1095R Main Street for renewal of Third Class Motor Vehicle Sales License.

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Petition by Abdelaziz Ilaj dba Woburn Motor Sports, 104 Winn Street for transfer and renewal of Second Class Motor Vehicle Sales License.

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Petition by Gevorg Melikyan dba Milano Jewelry, 11 Bartlett Avenue, Belmont, Massachusetts 02478 for a new Pawn Brokers License.

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Petitions by Stephen Miele and Dennis M. Stone for approval of an exemption under M.G.L. Ch. 268A, §20(b) to allow the provision of snowplow services to the city.

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Petition by Thomas M. Skeffington, Sr. for approval of an exemption under M.G.L. Ch. 268A, §20(b) to allow the provision of snowplow services and power washing services to the city.

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Petition by Verizon New England Inc. for a grant of right in a way to install approximately 132 feet of underground conduit in Presidential Way from Verizon Manhole #2A northerly and easterly to private property at 4 Presidential Way.

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Petition by Comcast of Massachusetts/New Hampshire/Ohio, Inc. for a grant of right in a way on Pleasant Street to install one four inch PVC communication conduit 225 feet+/- easterly from utility pole #NT/NT on Abbott Street to the Federal Street side of the building located at 19 Pleasant Street.

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Petition by John a. Buttaro, Trustee, Salvatore F. Buttaro and Marie J. Buttaro Irrevocable Trust, 2 Buttaro Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.56 Note 15 to construct a three bay garage with center door height of nine feet and height of other doors of eight feet at 16 Buttaro Road.

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Petition by 124 Lexington Street Realty Trust, John Marotto, Trustee, 122 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to allow for work in a floodplain under Section 9 and construction of a single family home in the groundwater protection district under Section 15 at 124 Lexington Street.

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Petition by 124 Lexington Street Realty Trust, John Marotto, Trustee, 122 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to allow for work in a floodplain under Section 9 and construction of a single family home in the groundwater protection district under Section 15 at 130 Lexington Street.

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Petition by Reading Vending LLC, 8 Presidential Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 42 and 57B for the operation of a wholesale establishment, warehouse and distribution center and overnight parking of up to eleven commercial motor vehicles, vans and delivery trucks for a vending machine supply business at 8 Presidential Way.

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Petition by Commonwealth Investment Properties LLC, 12 Chandler Road, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 7.3 to alter and reconstruct a pre-existing nonconforming three family residential dwelling by razing the existing structure and replacing with a new three family dwelling house at 43-45 Church Street.

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Petition by Park Avenue Solar Solutions, 102 Greenwich Avenue, Greenwich, Connecticut 06830 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 26 to install an approximately 586 kW carport solar array over existing parking lot at 300 Wildwood Avenue.

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Petition by MetroNorth Business Center, c/o National Development of New England LLC, 2310 Washington Street, Newton Lower Falls, Massachusetts for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Sections 5.1 Note 1 and 8.4.1.3 to allow for increase in the maximum driveway width and radius at 74 Commerce Way.

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Petition by EHDK Realty, LLC, P.O. Box 920097, Needham, Massachusetts 02492 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.5 to allow construction relating to residential use above commercial structure and Section 12 Site Plan Review for garden apartments on second floor of commercial structure and as a result of comprising more than 15,000 square feet of gross floor area at 455-471 Main Street.

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Petition by Woburn Toyota, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.71 to allow for a commercial parking lot at 15 Commonwealth Avenue.

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Petition by Alton Acquisition II, LLC and LR-Woburn 1, LLC, 327 W. Maple Avenue, Monrovia, California 91016 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42a, 7.3, 9 and 12.2.4 to modify a special permit dated November 10, 2016 allowing for self-storage warehouse facility within the Flood Plain District as follows: 1. Condition 3 be modified to allow hours of operation Monday through Thursday 7:00 a.m. to 7:00 p.m., Friday 7:00 a.m. to 8:00 p.m., Saturday 7:00 a.m. to 7:00 p.m., Sunday 8:00 a.m. to 5:00 p.m.; 2. Condition 12 be modified by deleting the language on line three beginning with “and” through “area” on line 5; and 4. Condition 3 be modified to read “The Special Permit shall issue to Alton Acquisition II, LLC and LR-Woburn I LLC and shall not be transferable except for the same or similar use.”, at 39 Olympia Avenue.

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Petition by Sports Management Services, Inc., an individual owning land to be affected by change or adoption, to amend the Zoning Map of the City of Woburn by changing the zoning district for two parcels of land known as Lot 69-08-07 on Garfield Avenue and Lot 69-08-08 on Garfield Avenue together containing approximately 2.92 acres of land as shown on a plan by Allen & Major Associates, Inc. entitled “Parcel Rezoning Plan” dated November 10, 2016 from R-1/I-G to R-3.

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**COMMUNICATIONS AND REPORTS:**

A communication dated October 20, 2016 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 September 2016: Number of violations issued 610, Numbers of violations paid 363, Number of violations outstanding 230, Amount collected and submitted to Collectors Office \$41,860.20, Parking fines referred to the Handicap Commission \$20,000.00.

There is a backlog of 1,640 unpaid tickets dating from January 2004 to August 2016. 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

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A communication dated October 28, 2016 was received from City Solicitor Ellen Callahan Doucette relative to statutory amendments of note including Chapter 184 of the Acts of 2016, An Act Relative to Non-Conforming Structures Chapter 219 of the Acts of 2016 An Act Relative to Job Creation and Workforce Development, M.G.L. c.40A, §6 Nonconforming Structures, and M.G.L. c.40A, §9 Special Permits.

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A communication dated November 3, 2016 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Orders for Mayoral Authority to Grant/Accept Easements

With this memorandum I am submitting to the City Council two Orders for mayoral authority to accept and grant easements. The first Order is for the Mayor to accept two easements required by the special permit granted to 859 Main Development LLC. The first easement is for the future road widening of Route 39 (Main Street) and the second, the future construction of a walking trail abutting the Middlesex Canal.

The second Order relates to a temporary access easement requested by 434 HM LLC to allow access to the rear of 434 Main Street over city-owned property from Mann's Court by construction vehicles during the renovation of that property pursuant to the special permit granted by the City Council on December 1, 2015. I have attached a plan to the Order which depicts the easement. Without this easement, the only access to the property would be from Main Street.

Thank you for your attention to this matter and please do not hesitate to contact me if you have any questions regarding the above.

Sincerely, s/ Ellen Callahan Doucette

Attached thereto were the following two Orders:

**ORDERED** Be it ordained by the City Council of the City of Woburn that the Mayor be and is hereby authorized to accept two easements from 859 Main Development LLC, the first easement, being a "Proposed Route 38 Widening Easement" containing 7,376 square feet of land more or less; and a second easement being a "Prop. 30' Trail Easement", both of which are shown on a plan entitled "Proposed Residential Development 859 Main Street in Woburn, Massachusetts" dated September 24, 2012 and revised October 26, 2012 by Keenan Survey recorded with the Middlesex South District Registry of Deeds as Plan No. 184 of 2013.

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

**ORDERED** Be it Ordained by the City Council of the City of Woburn that the Mayor be and is hereby authorized to execute a temporary access easement to 434 HM LLC as shown on a plan entitled "License Area location Mann's Court - Main Street Woburn, Massachusetts" dated January, 2016 and revised February 16, 2016, on such terms and conditions as the Mayor may determine, and further, to authorize the Mayor to take all related actions necessary and to sign all required documents to effect such temporary access.

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

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An original Quitclaim Deed executed by the City of Woburn was received granting the care, custody and control of a certain parcel of land on Russell Street shown on a plan entitled "The Commonwealth of Massachusetts Plan of Road in the City of Woburn Middlesex County laid out as a State Highway by the Department of Public Works dated January 20, 1953" to the Woburn Recreation Commission.

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

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**APPOINTMENTS AND ELECTIONS:**

A communication dated October 30, 2016 was received from Sheila McElhiney as follows:

Dear Attorney Campbell:

As requested by Mr. Richard M. Haggerty, President of the Woburn City Council, this is to notify you of my acceptance of the appointment by the Woburn City Council to serve as Clerk of Committees per the terms stated in his letter dated October 26, 2016.

s/Sheila McElhiney  
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**MOTIONS, ORDERS AND RESOLUTIONS:**

**ORDERED** That His Honor the Mayor, the City Engineer and the Superintendent of Public Works be requested to provide the City Council with an update as to the status of the installation of traffic control signals and traffic control measures at the intersection of Wood Street and Salem Street

s/Alderman Anderson, Alderman Mercer-Bruen, Alderman Concannon,  
Alderman Campbell, Alderman Gately, Alderman Higgins,  
Alderman Tedesco, Alderman Gaffney, President Haggerty

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ORDERED Be it ordained by the City Council of the City of Woburn that Section 2-9 Appointments to fill vacancies in the 1989 Woburn Municipal Code, as amended, be further amended by deleting the section in its entirety and replacing with the following:

Whenever a vacancy occurs in any office now filled by appointment by the Mayor, the Mayor shall appoint a person in the manner of the original appointment, to fill such a vacancy and to hold office for the balance of the unexpired term and until a successor is appointed and qualified. Whenever a vacancy occurs in any office now filled by appointment by the City Council, the City Council shall appoint a person in the manner of the original appointment, to fill such a vacancy and to hold office for the balance of the unexpired term and until a successor is appointed and qualified. Whenever any person holding office appointed by the Mayor shall be temporarily unable to discharge the duties of the office, the Mayor may appoint a person to discharge such duties until the Mayor determines that such inability has ceased. Whenever any person holding office appointed by the City Council shall be temporarily unable to discharge the duties of the office, the City Council may appoint a person to discharge such duties until the City Council determines that such inability has ceased.

s/Alderman Gately

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ORDERED Be it ordained by the City Council of the City of Woburn that a petition be filed with the General Court that legislation be adopted as follows provided that The General Court may make clerical or editorial changes of form to reasonably effectuate the purposes set forth herein.

AN ACT AUTHORIZING THE CITY OF WOBURN TO ISSUE  
ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC  
BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.

- (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the city of Woburn may grant 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to the following establishments: (i) 304 Restaurant, LLC located at 304 Cambridge Road; and (ii) The

Dog House Bar and Grill, LLC, located at 434 Main Street.

- (b) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the city of Woburn may grant one additional license for the sale of wines and malt beverages to be drunk on the premises, pursuant to section 12 of chapter 138, to Lord Hobo Brewing Company, LLC, located at 5 Draper Street. The licenses granted pursuant to this act shall be subject to all of said chapter 138 except section 17.
- (c) The licensing authority shall not approve the transfer of a license granted pursuant to this act to any other location, but it may grant a license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.
- (d) If a license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then the license to a new applicant at the same location under the same conditions as specified in this act.
- (e) If a license authorized pursuant to subsection (a) or (b) is not issued initially within 3 years after the effective date of this act, it shall not thereafter be issued.

SECTION 2. This act shall take effect upon its passage.

s/President Haggerty

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ORDERED Be it Ordained by the City Council of the City of Woburn, that the City Clerk be and is hereby authorized to correct a scrivener’s error in the 1985 Zoning Ordinance of the City of Woburn, as amended, by amending Section 27 Technology and Business Mixed Use Overlay District (TBOD), to read Section 28 Technology and Business Mixed Use Overlay District (TBOD), by renumbering the subsections accordingly; and by revising all applicable internal references to Section 27 and/or its subsections to reference Section 28, as they may appear throughout the Zoning Ordinance.

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

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ORDERED Be it Ordained by the City Council of the City of Woburn, that the 1985 Zoning Ordinance of the City of Woburn, as amended, be further amended by revising Section 3 Administration, Enforcement and Appeals, to insert a new subsection as follows:

3.4 Administrative Correction of Scrivener’s Errors

Typographical or numbering errors which do not affect the intent or substance of this Ordinance or any of its articles or sections may be corrected by the City Clerk, without need of a public hearing or further legislative action, by filing a revised copy of same in the Offices of the City Clerk, City Solicitor and Building Commissioner, with a “Scrivener’s Note” providing the date and substance of the correction.

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

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ORDERED Be it ordained by the City Council of the City of Woburn that the Section 5.1. 42a Self-storage Warehouse facility of the 1985 City of Woburn Zoning Ordinance, as amended, be further amended deleting the “P” under the B-I, I-P and I-G zoning districts and replacing same with a “-“ thereby making the use a prohibited use in those zoning districts.

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

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RESOLVED Whereas, Woburn City Clerk William C. Campbell sent a letter to Attorney General Maura Healey regarding the constitutionality of early voting; and

Whereas, two months have passed and City Clerk Campbell has still not received a communication from the Attorney General;

Now, therefore, be it Resolved, the Woburn City Council adopt the attached letter and send this communication to Attorney General Maura Healey.

s/ Alderman Tedesco, Alderman Anderson, Alderman Concannon,  
Alderman Campbell, Alderman Mercer-Bruen

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RESOLVED Whereas, the Woburn City Council received a communication from Victoria Ruston, Director, Office of Environmental Analysis, requesting scoping comments regarding the proposed trans-rail system to be located at Olin Chemical, 51 Eames Street in Wilmington;

Now, therefore, be it Resolved that the Woburn City Council adopt the attached letter and send this communication to the respective parties:

Danielle Gosselin, Office of Environmental Analysis  
US Senator Edward Markey  
US Senator Elizabeth Warren  
US Representative Katherine Clark  
State Senator Ken Donnelly  
State Representative James Miceli  
State Representative James Dwyer  
State Representative Jay Kaufman

s/Alderman Tedesco, Alderman Mercer-Bruen, Alderman Concannon,  
President Haggerty

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