

**CITY OF WOBURN
OCTOBER 22, 2013 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
DiTucci	Haggerty
Drapeau	Mercer-Bruen
Gaffney	Raymond
Denaro	

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 Linear Retail Woburn #1 LLC, 5 Burlington Woods Drive, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Sections 5.1(29) and 12 to allow for 1.) Approximately 8,892 square feet of existing space to be divided into two tenant spaces containing in Tenant A approximately 6,292 square feet of gross floor area and in Tenant B approximately 2,600 feet of gross floor area, 2.) A fast food restaurant in Tenant B space, and 3.) That Condition 1 in special permit dated February 20, 2011 be amended by deleting the plan of reference and replacing with the plan entitled "Site Plans for 299 Mishawum Road, Woburn, MA 01801" dated August 27, 2013 prepared by Allen & Major Associates, Inc., all at 299 Mishawum Road. PUBLIC HEARING OPENED. A communication dated October 8, 2013 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Linear Retail Woburn #1 LLC, 299 Mishawum Road, Woburn, Massachusetts

As you know I represent Linear Retail Woburn #1 LLC on the above-referenced matter. I respectfully request that the City Council public hearing on this matter presently scheduled for October 22, 2013 be continued to the City Council meeting on November 19, 2013. If you need any further information, please contact me. Thank you.

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

On the petition by OL Fresh, LLC, 22 Noble Hill Road, Beverly, Massachusetts 01915 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.29 and 12 to allow for a fast food restaurant at 307 Main Street and 6 High Street within the Groundwater Protection District. PUBLIC HEARING OPENED. A communication dated October 3, 2013 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of OL Fresh LLC, 307 Main Street and 6 High Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for October 22, 2013 be continued to the City Council meeting on November 19, 2013. If you need any further information, please contact me. Thank you.

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

On the petition by Ryeknot Properties – Woburn LLC, 278 High Street, Newburyport, Massachusetts 01950 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.5, 12 and 15 to allow for seven (7) residential dwelling units above the first story in a commercial structure at 307 Main Street and 6 High Street within the Groundwater Protection District. PUBLIC HEARING OPENED. A communication dated October 8, 2013 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Ryeknot Properties – Woburn LLC, 307 Main Street and 6 High Street, Woburn, Massachusetts

As you know I represent Ryeknot Properties – Woburn LLC on the above-referenced matter. I respectfully request that the City Council public hearing on this matter presently scheduled for October 22, 2013 be continued to the City Council meeting on November 19, 2013. If you need any further information, please contact me. Thank you.

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

On the petition by Lytron Realty Corp. and Lytron Incorporated to amend the Woburn Zoning Map for the parcels of land known as 73 Dragon Court containing approximately 5.3 acres of land; 41 Dragon Court containing approximately .52 acres of land; 39 Dragon Court containing approximately 1.31 acres of land; Dragon Court, Lot 1 containing approximately .28 acres of land and Dragon Court, Lot 2 containing approximately .28 acres of land, as shown on Assessors Map 16 Block 02 Lot 02, Map 16 Block 02 Lot 04, Map 16 Block 02 Lot 05, Map 16 Block 02 Lot 06 and Map 16 Block 02 Lot 07 from the R-2/I-P zoning district to the I-P zoning district. PUBLIC HEARING

OPENED. A communication dated October 7, 2013 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: (1) Lytron Realty Corp./Lytron Incorporated Petition to Amend Zoning Map and (2) Lytron Incorporated Petition to Amend Zoning Ordinance

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on the above matters presently scheduled for October 22, 2013 be continued to the City Council meeting on November 19, 2013. If you need any further information, please contact me. Thank you.

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

On the petition by Lytron Incorporated to amend the 1985 Woburn Zoning Ordinances, as amended, as follows:

Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended by revising the following:

- Section 5.1, line 72, Table of Use Regulations shall be amended by replacing the “_” with “P” in the R-2 Zoning District and inserting: Note 26 under the heading: “Notes; Other Sections”
- Amend Section 5 Notes to 5.1 Table of Use Regulations by adding the following note:

26. Accessory parking facilities in an R-2 Zoning District for use in an IP Zoning District shall be subject to the following conditions:

- a) No portion of the parking facility may be located within 100 feet of an immediate abutting property used for residential purposes;
- b) Except for the following, the Buffer Requirements set forth in Section 5.7 are not applicable:
 - i. The buffer zone may be used to calculate the Minimum Useable Open Space percentages required in Section 6.1;
 - ii. The buffer zone may be used for driveways, useable open space, walkways and landscaped areas; and
 - iii. The perimeter of the parking facility shall contain a screen of evergreen plantings at least ten (10) feet from the edge of a road except for entrances and exits and any portion of the parking facility abutting a highway. Such

evergreen plantings shall not be less than three (3) feet in width and six (6) feet in height at the time of occupancy of the parking facility and shall thereafter be maintained by the owner so as to maintain a dense screen year round. Other alternative screening devices may be permitted by Special Permit where topography, soils or other conditions make the planting or maintenance of such a hedge impractical.

c) The parking facility shall comply with the requirements of Section 8.4, 8.5 and 8.6; and

d) The City Council shall also impose such additional conditions of those specified in this Ordinance as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this Ordinance, including but not limited to the following: Screening, buffers, or planting strip, fences, or walls, as specified by the Council; modification of the exterior appearance of the structure; method and time of operation, or extent of facilities; regulation of number and location of drives, accessways, or other traffic features, and off-street parking or loading, or other special features beyond the minimum required in the Ordinance.

- Section 8.3 shall be amended by adding a new paragraph as follows:

3. Within any R2 district, the City Council by Special Permit pursuant to the requirements of Section may allow accessory parking facilities for a use in the IP Zoning District on a lot separate from the use to be served provided such facilities immediately abut the use to be served in the IP Zoning District and are owned by the user of the parking facilities.

PUBLIC HEARING OPENED. A communication dated October 7, 2013 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: (1) Lytron Realty Corp./Lytron Incorporated Petition to Amend Zoning Map and (2) Lytron Incorporated Petition to Amend Zoning Ordinance

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on the above matters presently scheduled for October 22, 2013 be continued to the City Council meeting on November 19, 2013. If you need any further information, please contact me. Thank you.

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

On the petition by Benchmark Senior Living, 40 Williams Streets, Wellesley, Massachusetts 02481-3904, Petitioner, and Lindquist Realty Trust, 320 Salem Street, Woburn, Massachusetts 01801, Landowner, to amend the Zoning Map of the City of

Woburn by amending the zoning district for the property identified on Assessors Map 32, Block 04, Lot 01 known as 320 Salem Street containing an approximately 4.43 acre parcel from the R-1 zoning district to the R-3 zoning district. PUBLIC HEARING OPENED. A communication dated October 16, 2013 was received from Attorney mark T. Vaughan, Riemer and Braunstein, Seven New England Executive Park, Burlington, Massachusetts 01803 as follows:

Re: Petition to Amend Zoning Code/Zoning Map (320 Salem Street, Woburn, Massachusetts)

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter which is presently scheduled for October 22, 2013 be continued to the City Council meeting date on November 19, 2013.

Thank you very much for your attention to this matter, and please do not hesitate to contact me should you have any questions whatsoever.

Very truly yours, s/Mark T. Vaughan

On the petition by Benchmark Senior Living, 40 Williams Streets, Wellesley, Massachusetts 02481-3904, Petitioner, and Lindquist Realty Trust, 320 Salem Street, Woburn, Massachusetts 01801, Landowner, to amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By revising the definition of “Extended Care Facility” contained in Section 2 as follows: the “period” after “rest homes” shall be deleted and the following language added: “and Assisted Living residences”, 2. By revising Section 6.1 (Table of Dimensional Regulations) by adding a new footnote #9 to read as follows: “9. Assisted Living residences located in the Residential-Three (R-3) zoning district boundary lines in the City of Woburn shall have a maximum height of 42 feet and/or 3 stories.”, and 3. By revising Section 8.2.5 (Schedule of minimum numbers of Required Off Street Parking Stalls) for Extended Care Facility by adding the following language after “1.8 space per dwelling unit” as follows: “, provided that Assisted Living residences shall have 0.50 space per unit and 1 visitor space per 10 units.” PUBLIC HEARING OPENED. A communication dated October 16, 2013 was received from Attorney mark T. Vaughan, Riemer and Braunstein, Seven New England Executive Park, Burlington, Massachusetts 01803 as follows:

Re: Petition to Amend Zoning Code/Zoning Map (320 Salem Street, Woburn, Massachusetts)

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter which is presently scheduled for October 22, 2013 be continued to the City Council meeting date on November 19, 2013.

Thank you very much for your attention to this matter, and please do not hesitate to contact me should you have any questions whatsoever.

Very truly yours, s/Mark T. Vaughan

On the petition by National Grid to install approximately 185 feet from the existing 6 inch bare steel 25 psig main in Salem Street, past 4 Salem Avenue to provide gas service to 4 Salem Avenue, 50 Mill Street, 58 Mill Street, 62 Mill Street, 70 Mill Street and 80 Mill Street. PUBLIC HEARING OPENED. A communication dated October 7, 2013 was received from Superintendent of Public Works John F. Duran as follows:

Subject: National Grid – Salem Avenue

I am providing this memorandum pursuant to the request by National Grid for the Grant of Right in a Way to allow the installation of a new portion of main to connect a new main from Salem Street to 4 Salem Avenue as shown on the attached plan.

I recommend that the City Council allow this under the following conditions. That all utilities including the water, sewer and drains are marked on the ground and that the proposed main be also clearly marked prior to cutting the roadway to allow for proper evaluation to avoid any encroachments upon municipal or other utilities. The existing utilities are not shown on this plan and it is critical to avoid damage to these mains. The new six inch gas main must be installed in the location shown on the plan and as marked on the ground unless written permission is granted from the DPW Superintendent in a mutually agreed upon location. In addition, associated roadway restoration consistent with DPW Standards with a minimum of 4 inches of pavement must also be submitted and approved by the DPW Superintendent. This should include a grind and inlay for a width of ten feet across Salem Street and onto Salem Avenue within the right of way. Please feel free to call me with any questions or concerns pursuant to this matter.

A report was received from the Committee on Special Permits as follows: “ought to pass conditioned upon the Superintendent of DPW’s recommendation as follows:

1. That all utilities including the water, sewer and drains are marked on the ground and that the proposed main be also clearly marked prior to cutting the roadway to allow for proper evaluation to avoid any encroachments upon municipal or other utilities.
2. That existing utilities are shown on plan as it is critical to avoid damage to these mains.

3. That the new six inch gas main must be installed in the location shown on the plan and as marked on the ground unless written permission is granted from the DPW Superintendent in a mutually agreed upon location.
4. That associated roadway restoration consistent with DPW Standards with a minimum of 4 inches of pavement must also be submitted and approved by the DPW Superintendent. This should include a grind and inlay for a width of ten feet across Salem Street and onto Salem Avenue within the right of way.

On the petition by Skyworks Solutions, Inc., 20 Sylvan Road, Woburn, Massachusetts 01801 to amend an existing Inflammable License to allow above ground storage of liquid hydrogen Class A 4,500 gallons in AST container, misc. gas Class A and B 5,000 cubic feet in cylinders, misc. portable storage Class A and B 500 gallons in drums, mixture Class A and B 2x500 gallons in AST container, and N-Methyl2pyrrolidone Class B 4x350 gallons in IBC container, at 20 Sylvan Road. PUBLIC HEARING OPENED. A report was received from the Committee on Public Safety and Licenses as follows: “ought to pass”. IN FAVOR: None. OPPOSED: None.

On the petition by Lytron, Inc., 55 Dragon Court, Woburn, Massachusetts 01801 to amend an existing Inflammable License to allow above ground storage of acetylene flammable gas 10,000 cubic feet cylinders, hydrogen flammable gas 798 cubic feet cylinders, R290 propane flammable gas 80 lbs. tanks, and 20 gallons of LP-gas in 20 lb. or 5 gal. propane tanks, at 55 Dragon Court. PUBLIC HEARING OPENED. A report from the Committee on Public Safety and Licenses was received as follows: “back for action”. IN FAVOR: None. OPPOSED: None.

On the petition by 500 Lexington Street LLC, 27 Cambridge Street, Burlington, Massachusetts 01803 for a special permit to modify a special permit dated June 11, 2009 as modified by decisions dated September 3, 2009 and May 30, 2013 by deleting the plan of reference in Condition 2 and replacing same with the plan entitled “Plan of Land in Woburn and Lexington, 330 Lexington Street, Middlesex County, Massachusetts” dated January 30, 2009 as revised on July 28, 2009 and August 14, 2013 prepared by Commonwealth Engineering Inc. as the plan of record, at 500 Lexington Street a/k/a 330 Lexington Street. PUBLIC HEARING OPENED. A communication dated October 10, 2013 was received from Edmund Tarallo, Planning Director, Woburn Planning Board as follows:

Re: 500 Lexington Street Trust LLC – 500 Lexington Street (aka 330 Lexington Street) – To allow for the modification of the Special Permit Decision dated June 11, 2009, as modified September 3, 2009 and May 30, 2013 by replacing the plan of record in Condition 2 with a new plan of record

Dear Mr. Campbell and members of the City Council:

At the Woburn Planning Board meeting held on October 8, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the modification of Special Permit application of 500 Lexington Street Trust LLC, Robert W. Murray, Manager, regarding the property at 500 Lexington Street (aka 330 Lexington Street) subject to the following conditions:

1. That condition #2 of the May 7, 2013 modified decision issued May 30, 2013 be further modified by substituting the following: "That the plan of record shall be the plans entitled "Plan of Land in Woburn and Lexington, 330 Lexington Street, Middlesex County, Massachusetts"; dated January 30, 2009 as revised on July 28, 2009 and August 14, 2013 prepared by Commonwealth Engineering Inc., Civil Engineers and Land Surveyors, 27 Cambridge Street, Suite 106, Burlington, MA 01803" unless modified by conditions 2, 3, and 4 of this decision;
2. That the 12' wide surface between the two buildings shown on the plan of record as turfstone grid pavers (or equal) shall be of sufficient strength to support fire apparatus and shall be constructed at a width of not less than 12' from the drive and maintained so as to serve as a turn around and access point for fire/emergency apparatus in accordance with the turning radius for the Woburn Fire Truck prepared by the Engineering Department and such area shall be deed restricted as a fire lane;
3. That the infiltration chambers under the pavers shall be in compliance with an H-20 load rating;
4. That the fire hydrant shown in front of Unit 4 of the southerly building shall be relocated to just beyond Unit 4 and prior to the end of the roadway; and
5. That all conditions of the Special Permit decided May 19, 2009 and issued June 11, 2009; modified on August 11, 2009 and issued on September 3, 2009; and further modified on May 7, 2013 and issued on May 30, 2013 shall remain in full force and effect unless further modified by this decision.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

On the petition by IsabellaB LLC, 21G Olympia Avenue, Woburn, Massachusetts 01801 for a minor modification of a special permit pursuant to Section 5.1.43 and 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended granted February 28, 2103 to incorporate by reference a revised plan dated July 23, 2013 in place of the referenced plan dated October 20, 2012, at 210 New Boston Street. PUBLIC HEARING OPENED. A communication dated September 16, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: IsabellaB LLC – 210 New Boston Street and 0 Merrimac Street – To allow for the modification of Special Permit decision by replacing the Site Plan of Record

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 10, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the application of IsabellaB LLC, regarding the property at 210 New Boston Street to allow for the modification of the Special Permit decision by substituting the Site Plan of Record subject to the following conditions:

1. That condition #1 of the February 28, 2013 decision shall be modified to read: "That the Plan of Record shall be "Modified Plot Plan, 210 New Boston Street, Woburn, Mass." dated July 23, 2013, prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA."
2. That all other conditions of the February 28, 2013 decision shall remain in full force and effect unless modified by this decision.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

A communication dated October 8, 2013 was received from the Committee on Special Permits as follows: "ought to pass conditioned upon the Planning Board's recommendations as follows:

1. That condition #1 of the February 28, 2013 decision shall be modified to read: "That the Plan of Record shall be "Modified Plot Plan, 210 New Boston Street, Woburn, Mass." Dated July 23, 2013, prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA"
2. That all other conditions of the February 28, 2013 decision shall remain in full force and effect unless modified by this decision."

On the petition by Herley Industries, Inc., 10 Sonar Drive, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 7.3 to allow for the alteration and expansion of a non-conforming use and structure to provide for an equipment area at 10 Sonar Drive. PUBLIC HEARING OPENED. A communication dated September 26, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Herley Industries, Inc. – 10 Sonar Drive – To allow for the alteration and expansion of a non-conforming use and structure to provide for an equipment area pursuant to Section 7.3

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on September 24, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Herley Industries, Inc., regarding the property at 10 Sonar Drive to allow for the alteration and expansion of a non-conforming use and structure to provide for an equipment area pursuant to Section 7.3 of the Woburn Zoning Ordinance subject to the following condition:

1. That the Plans of Record shall be "Plot Plan, 10 Sonar Drive, Woburn, Mass." Dated May 16, 2013 prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA. and "Nitrogen Supply D3 Equipment Layout, Herley Vega, Woburn, MA" drawn by A. Talas dated 03 Aug. 12 Sheet 1 of 1.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

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 141-143 Main Street, 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. A communication dated September 3, 2013 with attachments was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: 141-143 Main Street

Aldermen:

With regards to the above referenced address, site visits have been conducted by this writer from the public ways of Main Street and Richardson Street Extension to view existing conditions as outlined below:

1. Exterior grounds have overgrown brush and an accumulated amount of trash on decks, porches.
2. Resident parking is limited in the rear of dwelling and it appears that Richardson Street Extension and Richardson Street are being used by residents of this dwelling.
3. Allowable use of property is residential and as of this time a determination of current units within the structure is unknown, records indicate that in 2008 there were 5 dwelling units.

If you need additional information as always do not hesitate to contact me.

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

On the petition by Dave & Busters of Massachusetts, Inc., 2481 Manana Drive, Dallas, Texas 75220 for a special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Sections 5.1.72 and 8.3.2 to allow for its parking requirements to be met on a separate lot from the use to be served by allowing 104 parking spaces at Lot B, 275 Mishawum Road, 2. Section 5.1 Note 16 to allow for hours of operation consistent with the hours of operation approved by the Woburn License Commission 11:00 a.m. to 1:00 a.m. seven days per week, and 3. Section 5.1 Note 22 to allow for two hundred (200) coin operated, recreational, or entertainment machines, all at Lot A, 275 Mishawum Road. PUBLIC HEARING OPENED. A communication dated September 16, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Dave & Buster's of Massachusetts, Inc. – Lot A, 275 Mishawum Road – To allow for the construction of a 47,350 SF building, to allow for 200 coin operated recreational or entertainment machines, to operate between 11AM and 1AM seven days per week, and to allow for the parking requirement to be met on a separate lot, Lot B, 275 Mishawum Rd. 104 parking spaces pursuant to Sections 5.1.72, 5.1 Notes 16 & 22, 8.3.2, 21.2 and 12.3.2

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on September 10, 2013, the Board voted to forward a favorable recommendation to the City Council in accordance with the petitioner's request to allow for the construction of a 47,350 SF building, to allow for 200 coin operated recreational or entertainment machines, to operate between 11AM and 1AM seven days per week, and to allow for the parking requirement to be met on a separate lot, Lot B, 275 Mishawum Rd. 104 parking spaces pursuant to Sections 5.1.72, 5.1 Notes 16 & 22, 8.3.2, 21.2 and 12.3.2 subject to the following conditions:

1. The Petitioner shall construct and improve the Site as described in the plans submitted with the Petition for Special Permit entitled: "Site Development Plans For Dave & Buster's, 275 Mishawum Road, Woburn, MA 01801" dated May 10, 2013 and revised on July 24, 2013 and September 3, 2013, Sheets ABB-1, EX-1, C-1, C-2, C-3, C-4, C-5, C-6A, C-6B, C-7, C-8, C-9A, C-9B, D-1, D-2, D-3 and D-4 prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a

determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.

2. The Planning Board shall retain jurisdiction over the landscaping.
3. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
4. The hours of operation shall be limited to 11:00 a.m. – 1:00 a.m. seven days per week.
5. The Petitioner shall have the right to install up to two hundred (200) amusement devices in the building, subject to licensing by the Licensing Commission.
6. The number of seats shall be limited to 828 seats.
7. Deliveries Monday – Friday shall be between the hours of 9:00 a.m. – 4:00 p.m. Deliveries on Saturday and Sunday shall be between the hours of 9:00 a.m. and 4:00 p.m.
8. During construction all trucks must enter and exit the Site from Industrial Parkway onto Mishawum Road in front of the Site.
9. During construction, all vehicles must be parked on Site.
10. During construction, no vehicles shall be parked on Mishawum Road or Old Mishawum Road.
11. During construction, all staging and deliveries will occur on Site.
12. Exterior construction activities on the Site shall not commence prior to 7:00 a.m. and shall cease no later than 6:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday and not all on Sundays. This does not include off site utility work.
13. During the Site redevelopment and construction phases, Dave & Buster’s shall maintain all adjoining roadways free and clear of all debris.
14. The Parking Easement Agreement dated June 17, 2013 by and between Mishawum Properties, LLC and NBTC Realty LLC (a copy of which is on file with the City Clerk’s office) is hereby incorporated into this Decision as a condition hereto.
15. Monday through Friday inclusive between the hours of 6:00 p.m. EST to 3:00 a.m. EST of the following day; Saturday between the hours of 1:00 p.m. EST and 3:00 a.m. EST of the following day; and Sunday between the hours of 1:00 p.m. EST and 1:00 a.m. of the following day there shall be a minimum of ninety-five (95) parking spaces available to the Petitioner on Lot B, Mishawum Road.
16. In the event that the Parking Easement Agreement dated June 17, 2013 (a copy of which is on file with the City Clerk) is terminated during the Petitioner’s occupancy of the Site, the Petitioner (in addition to enforcing its legal rights under both its Lease of the Site and the Parking Easement Agreement) shall use its best efforts to secure substitute parking for 95 parking spaces, which spaces shall be in compliance with Section 8 of the 1985 City of Woburn Zoning Ordinance, as amended.
17. The Petitioner shall provide the following mitigation:
 - (a) Mishawum Road at School Street/Ryan Road
 - Replace existing vehicle loop detectors with video detection.
 - Install emergency vehicle preemption equipment.

- Provide GPS-based signal coordination with nearby existing signals at Industrial Parkway's intersections with Mishawum Road and Ryan Road/SBLI office driveway.
- Upgrade existing traffic signal controller to accommodate GPS coordination (if required).
- Upgrade of pedestrian signal heads and push buttons at this location;
- Restriping and signing modifications to change the exclusive right-turn lane on the Mishawum Road northbound approach to a shared through/right-turn lane.

(b) Industrial Parkway at Ryan Road/SBLI Driveway

- Replace existing vehicle loop detectors with video detection.
- Install emergency vehicle preemption equipment.
- Provide GPS-based signal coordination with nearby existing signals at the intersections of Mishawum Road/Industrial Parkway and Mishawum Road/School Street/Ryan Road.
- Upgrade of pedestrian signal heads and push buttons at this location.
- Removal of the No Turn on Red sign for the Ryan Road northbound approach, which will require approval of the Traffic Commission.

(c) Mishawum Road at Industrial Parkway

- Provide GPS-based signal coordination with nearby existing signals at the intersections of Industrial Parkway/Ryan Road/SBLI driveway and Mishawum Road/School Street/Ryan Road.
- Timing adjustments to improve overall traffic flow.

(d) Site frontage sidewalk

- Install new sidewalk (approximately 600 feet) along site frontage on Mishawum Road, including connecting sidewalk to and from Northern Bank parking lot.

(e) Traffic monitoring study

A traffic monitoring study shall be conducted for the three intersections of Mishawum Road/School Street/Ryan Road, Industrial Parkway/Ryan Road and Mishawum Road/ Industrial Parkway. The study would involve performing weekday morning, evening and Saturday midday roadway peak hour traffic counts and capacity analyses at the three intersections after the implementation of the improvements and comparing the results to the analyses presented in the traffic study submitted with this application. The monitoring study would be subject to the following conditions:

The monitoring study shall be submitted to the City prior to the issuance of an Occupancy Permit;

The traffic improvements at the three intersections shall be in place at least four months prior to performing traffic counts;

The monitoring study results will be subject to review by the Traffic Commission with input from the City Engineer. If the results are not to the Commission's satisfaction, some or all of the improvements may be modified or removed.

18. The Petitioner shall provide the following security details as approved by the Chief of Police:
 - (a) Sunday – Thursday: One (1) officer for 5.5 hours (7:00 p.m. – 12:30 a.m.)
 - (b) Friday – Saturday: One (1) officer for 7.5 hours (6:00 p.m. – 1:30 a.m.)
One (1) officer for 7 hours (7:00 p.m. – 2:00 a.m.)
 - (c) Following the initial 3-6 months of opening, the Petitioner shall review/adjust the above-referenced detail with the Chief of Police and, if business allows, the security details will be reduced during non-peak hours and days. Additionally, the above-referenced security detail may be increased or adjusted during peak times of years.
19. The Applicant shall install “No Parking Any Time” signs on Mishawum Road and Old Mishawum Road adjacent to the project site.
20. That the existing on site utility lines shall be video inspected prior to the building permit to ensure the system is in adequate condition to receive the additional flow.
21. That the proposed grease trap and associated components be subject to an operation and maintenance plan to mitigate any future problems and a maintenance contract shall be in place in order to service the proposed grease trap and associated components.
22. Approximately 850 feet of the old cast iron main still exists along the frontage of the proposed development and the bank property. Cleaning and lining of this segment of pipe or replacing it with a new 8 inch main shall be done to the satisfaction of the Public Works Superintendent.
23. That in addition to the vertical granite curb Mishawum Road between Industrial Way and Old Mishawum Road shall be resurfaced.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

A report was received from the Committee on Special Permits as follows: “ought-to-pass conditioned upon the attached conditions, incorporated herein:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: “Site Development

Plans For Dave & Buster's, 275 Mishawum Road, Woburn, MA 01801" dated May 10, 2013 and revised on July 24, 2013 and September 3, 2013, Sheets ABB-1, EX-1, C-1, C-2, C-3, C-4, C-5, C-6A, C-6B, C-7, C-8, C-9A, C-9B, D-1, D-2, D-3 and D-4 prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.

2. The Planning Board shall retain jurisdiction over the landscaping.
3. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
4. The hours of operation shall be limited to 11:00 a.m. – 1:00 a.m. seven days per week.
5. The Petitioner shall have the right to install up to two hundred (200) amusement devices in the building, subject to licensing by the Licensing Commission.
6. The number of seats shall be limited to 828 seats.
7. Deliveries shall be between the hours of 7:00 a.m. – 4:00 p.m. seven days per week.
**This condition is to be further reviewed.*
8. During construction all trucks must enter and exit the Site from Industrial Parkway onto Mishawum Road in front of the Site.
9. During construction, all vehicles must be parked on Site.
10. During construction, no vehicles shall be parked on Mishawum Road or Old Mishawum Road.
11. During construction, all staging and deliveries will occur on Site.
12. Exterior construction activities on the Site shall not commence prior to 7:00 a.m. and shall cease no later than 6:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday and not all on Sundays. This does not include off site utility work.
13. During the Site redevelopment and construction phases, Dave & Buster's shall maintain all adjoining roadways free and clear of all debris.
14. The Parking Easement Agreement dated June 17, 2013 by and between Mishawum Properties, LLC and NBTC Realty LLC (a copy of which is on file with the City Clerk's office) is hereby incorporated into this Decision as a condition hereto.
15. Monday through Friday inclusive between the hours of 6:00 p.m. EST to 3:00 a.m. EST of the following day; Saturday between the hours of 1:00 p.m. EST and 3:00 a.m. EST of the following day; and Sunday between the hours of 1:00 p.m. EST and 1:00 a.m. of the following day there shall be a minimum of ninety-five (95) parking spaces available to the Petitioner on Lot B, Mishawum Road.
16. In the event that the Parking Easement Agreement dated June 17, 2013 (a copy of which is on file with the City Clerk) is terminated during the Petitioner's occupancy of the Site, the Petitioner (in addition to enforcing its legal rights under both its Lease of the Site and the Parking Easement Agreement) shall use its best efforts to secure

substitute parking for 95 parking spaces, which spaces shall be in compliance with Section 8 of the 1985 City of Woburn Zoning Ordinance, as amended.

17. The Petitioner shall provide the following mitigation:

(a) Mishawum Road at School Street/Ryan Road

- Replace existing vehicle loop detectors with video detection.
- Install emergency vehicle preemption equipment.
- Provide GPS-based signal coordination with nearby existing signals at Industrial Parkway's intersections with Mishawum Road and Ryan Road/SBLI office driveway.
- Upgrade existing traffic signal controller to accommodate GPS coordination (if required).
- Upgrade of pedestrian signal heads and push buttons at this location;
- Restriping and signing modifications to change the exclusive right-turn lane on the Mishawum Road northbound approach to a shared through/right-turn lane.

(b) Industrial Parkway at Ryan Road/SBLI Driveway

- Replace existing vehicle loop detectors with video detection.
- Install emergency vehicle preemption equipment.
- Provide GPS-based signal coordination with nearby existing signals at the intersections of Mishawum Road/Industrial Parkway and Mishawum Road/School Street/Ryan Road.
- Upgrade of pedestrian signal heads and push buttons at this location.
- Removal of the No Turn on Red sign for the Ryan Road northbound approach, which will require approval of the Traffic Commission.

(c) Mishawum Road at Industrial Parkway

- Provide GPS-based signal coordination with nearby existing signals at the intersections of Industrial Parkway/Ryan Road/SBLI driveway and Mishawum Road/School Street/Ryan Road.
- Timing adjustments to improve overall traffic flow.

(d) Site frontage sidewalk

- Install new sidewalk (approximately 600 feet) along site frontage on Mishawum Road, including connecting sidewalk to and from Northern Bank parking lot.

(e) Traffic monitoring study

A traffic monitoring study shall be conducted for the three intersections of Mishawum Road/School Street/Ryan Road, Industrial Parkway/Ryan Road and Mishawum Road/ Industrial Parkway. The study would involve performing

weekday morning, evening and Saturday midday roadway peak hour traffic counts and capacity analyses at the three intersections after the implementation of the improvements and comparing the results to the analyses presented in the traffic study submitted with this application. The monitoring study would be subject to the following conditions.

The monitoring study shall be submitted to the City prior to the issuance of an Occupancy Permit;

The traffic improvements at the three intersections shall be in place at least four months prior to performing traffic counts;

The monitoring study results will be subject to review by the Traffic Commission with input from the City Engineer. If the results are not to the Commission's satisfaction, some or all of the improvements may be modified or removed.

18. That temporary occupancy shall not be issued for more than a period of one year.
19. The Applicant shall install "No Parking Any Time" signs on Mishawum Road and Old Mishawum Road adjacent to the project site.
20. That the existing sewer sanitary line shall be video inspected prior to the building permit to ensure the system is in adequate condition to receive the additional flow.
21. That the proposed grease trap and associated components be subject to an operation and maintenance plan to mitigate any future problems and a maintenance contract shall be in place in order to service the proposed grease trap and associated components.
22. The Petitioner shall provide funds to the City of Woburn in the amount of \$75,000.00 toward the replacement of the water line in Mishawum Road and to repave Mishawum Road from the Ryan Road/School Street intersection to Industrial Parkway.
23. That mitigation shall not be less than 3% of the final audited total development cost.
24. That this Special Permit shall be non-transferrable.
25. That the developer/owner shall provide the Fire Department with a call list which shall include the on-site emergency response coordinator who will be available 24/7.
26. That the developer owner and/or the then current management company and Fire Department shall meet, as required by the Fire Department, to review fire

safety issues including but not limited to the Emergency Evacuation Plan, site circulation to and within the site and other related fire safety issues.

27. That additional "DO NOT BLOCK INTERSECTION" signage be installed at the entrances/exits at the subject Dave & Buster's facility site."

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

ORDINANCE:

On the Order to amend the 1989 Woburn Municipal Code, as amended, Title 6, Section 6-7 Penalties and Enforcement relative to animal waste, committee report was received "ought to pass".

NEW PETITIONS:

Petition by Tanner TaTa Foundation, 400 West Cummings Park, Suite 1725-320 for a Special Event Permit to allow a road race and health walk on November 24, 2013 beginning at 15 Middlesex Canal Park and environs.

Petition for renewal of First Class Motor Vehicle Sales Licenses by C.N. Wood Company, Inc., 200 Merrimac Street; Lannan Chevrolet, Inc., 40 Winn Street and Winn Street; M&L Transit Systems, Inc., 60 Olympia Avenue; R.C. Olsen Cadillac, Inc., 199-201 Cambridge Road; and Woodco Machinery, Inc., 22 North Maple Street.

Petition for renewal of Second Class Motor Vehicle Sales Licenses by Capelo's Auto Service, Inc. dba J.C. Auto Sales, 84-86 Winn Street; Capelo's Garage, Inc., 22 Winn Street; Kenneth L. O'Connor dba City Line Motors, 30 Rear Torrice Drive; Oliver M. McDermottroe dba McDermottroe Auto Sales, 229 Lexington Street; Robert McSheffrey dna Bob McSheffrey Auto Sales, 880 Main Street; Ollies Service Center, 310 Main Street; Southside Associates, Inc. dba Burke's Garage, 71 Main Street; and Donald J. Socorelis dba Woburn Glass Co.

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

A Conservation Easement and Restriction was received from Premier Homes LLC, 8 Sweet William Circle, Nashua, New Hampshire 03062 pursuant to Sections 31, 32 and 33

of Chapter 184 of the Massachusetts General Laws granting to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land containing approximately 12,380 square feet of land and shown as Lot 3 on a plan entitled "Definitive Subdivision Meadowview Farms Lots 1-7" recorded in the Middlesex Registry of Deeds as Plan #832 of 2011.

A Conservation Easement and Restriction was received from Premier Homes LLC, 8 Sweet William Circle, Nashua, New Hampshire 03062 pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws granting to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land containing approximately 12,380 square feet of land and shown as Lot 4 on a plan entitled "Definitive Subdivision Meadowview Farms Lots 1-7" recorded in the Middlesex Registry of Deeds as Plan #832 of 2011.

A communication dated October 16, 2013 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Request for Minor Modification/Main Street Woburn RX, LLC,
891 Main Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Main Street Woburn RX, LLC. On January 10, 2013 your office issued a Landowner's Decision and Notice of Special Permit setting forth approval by the Woburn City Council of the Special Permit granted to my client (the "Decision").

Enclosed please find a copy of a plan entitled "Layout & Materials Plan, Sheet No. C-2, CVS-Woburn Main Street (RT 38) & School Street Woburn, MA. 01801" dated August 24, 2012 revised October 24, 2012, November 1, 2012, November 16, 2012, December 5, 2012, February 15, 2013, April 9, 2013, May 30, 2013, August 13, 2013 and October 11, 2013 prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01888-0118.

The Site Plan of Record referenced in Condition 1 of the Decision required that the fence along the common property line between the CVS property and the residential abutter on School Street be installed three (3) feet off the boundary line to avoid the cutting down of mature trees along the property line. The fence was installed in varying distances from the lot line ranging from 3 feet to 8.3 feet. As a result the buffer zone between the CVS property and the residential abutter is increased and the requirement to cut down trees along the common boundary line will be eliminated.

The proposed revision to the Decision by substituting Sheet No. C-2 of the plan approved in the Decision does not result in any change or modification to the location of the buildings nor does it change any of the conditions contained in the Decision.

Further, the proposed modification does not result in a substantive amendment which changes the result of the Decision or which grants relief different from that originally granted.

On behalf of my client, I respectfully request approval by the City Council at its meeting on October 22, 2013 of a minor modification to the Decision by replacing Sheet No. C-2 referenced in Condition 1 with revised Sheet No. C-2 referenced above.

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

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

Petition by Lei Song, 83 Walnut Street, Apartment 3, Newton, Massachusetts 02460 for a special permit pursuant to Section 33b of the 1985 Woburn Zoning Ordinances, as amended, to allow a muscular therapy business at 325 Main Street.

Petition by Kimberly Poirrier, 7 Laurence Road, Woburn, Massachusetts 01081 for a special permit pursuant to Section 33b of the 1985 Woburn Zoning Ordinances, as amended, to allow for a muscular therapy business at 395 Washington Street aka 10 Tower Office Park, Suite 306.

COMMUNICATIONS AND REPORTS:

A communication dated October 16, 2013 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging for the month of September 2013.

A communication dated September 30, 2013 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: Woburn Municipal Code Title 15, Article VIII, 1`5-42

Dear Members of City Council:

With regard to the above referenced section of the Woburn Municipal Coder, I submit the following quarterly nuisance report for the period of July 1, 2013-September 30, 2013.

As of this time there are no properties that currently are within the nuisance proceedings within the Inspectional Services Department.

Below is an update of previous issues that have been resolved:

5 Kennedy Park all issue resolved
351 Salem Street all issued resolved

As always if there are any questions concerns do not hesitate to contact this writer.

Thomas C. Quinn, Jr., Building Commissioner, City of Woburn

A communication dated October 7, 2013 addressed to the Woburn City Council and the Committee on Ordinances was received from City Solicitor Ellen Callahan Doucette relative to proposed amendments to the Woburn Zoning Ordinances, as amended, in particular of Section 7.3 Extension or Alteration of Nonconforming Use, Section 8.3 Locations of Required Off Street Parking Facilities, and 3. Table 5.1, line 75 Carnivals and/or Traveling Enterprises.

A communication dated October 11, 2013 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Lawless Chrysler Jeep, Inc., 36 Commerce Way, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Lawless Chrysler Jeep, Inc. in connection with the above-referenced Special Permit Petition. On behalf of my client, I respectfully request leave to withdraw without prejudice of the above-referenced petition which has been scheduled for a public hearing on October 22, 2013. Also, please withdraw my request to continue the public hearing to November 19, 2013.

If you need any further information, please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That in accordance with precepts issued by His Excellency the Governor Deval L. Patrick and in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in Special State Elections to assemble at the polling places in their respective wards in the City of Woburn as designated herein, on TUESDAY, the TENTH OF DECEMBER, 2013 from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the Special State Election for the candidates for the office of REPRESENTATIVE IN CONGRESS FOR THE 5TH DISTRICT at the following polling places:

<u>Ward-Precinct</u>	<u>Polling Place Location</u>
1-1	Joyce Middle School Library, 55 Locust Street
1-2	Clapp Elementary School Cafeteria, Hudson Street and Arlington Road
2-1	Shamrock Elementary School Gymnasium, 60 Green Street
2-2	Shamrock Elementary School Gymnasium, 60 Green Street
3-1	Hurd Elementary School Gymnasium, 75 Bedford Road
3-2	Hurd Elementary School Gymnasium, 75 Bedford Road
4-1	Wyman Elementary School Auditorium, Main Street and Eaton Avenue
4-2	White Elementary School, 36 Bow Street
5-1	Goodyear Elementary School Gymnasium, 41 Central Street
5-2	Goodyear Elementary School Gymnasium, 41 Central Street
6-1	Altavesta Elementary School Gymnasium, 990 Main Street
6-2	Altavesta Elementary School Gymnasium, 990 Main Street
7-1	Reeves Elementary School Gymnasium,

240 Lexington Street

7-2

Reeves Elementary School Gymnasium,
240 Lexington Street

s/President Denaro

ORDERED That due to the Special State Election, the City Council Regular Meeting scheduled for December 10, 2013 be and is hereby rescheduled to Monday, November 25, 2013.

s/President Denaro

RESOLVED That the Traffic Commission approve the installation of no parking signs on both sides of the Woburn Parkway from 21 Woburn Parkway to the intersection with Water Street.

s/Alderman DiTucci

RESOLVED That the Traffic Commission install traffic calming measures along Willow Street and Locust Street, with special attention to the intersection of the two streets

s/Alderman DiTucci

ORDERED Be it ordained by the City Council of the City of Woburn that the playground located adjacent to the Woburn Police Station at 25 Harrison Avenue be named the "Katherine 'Kay' Walsh Playground", in honor of Kay and all her contributions to the City of Woburn and its children.

s/Alderman Gaffney

Motion made and 2nd to ADJOURN.