

**CITY OF WOBURN
NOVEMBER 25, 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:

ORDERED Be it ordained that the City Council of the City of Woburn that the provisions of M.G.L. c.32B, §§21-23, are hereby accepted and implemented in order to allow changes in the City's health insurance plan designs without going through the collective bargaining process.

PUBLIC HEARINGS:

On the matter relative to Tax Classification for the City of Woburn. PUBLIC HEARING OPENED.

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 report was received from the Committee on Special Permits as follows: "Ought to pass with the following conditions: 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; and 2. That the hours of deliveries/fillings be limited to Monday through Friday from 8:00 am to 6:00 pm, with no deliveries/fillings on Saturdays or Sundays."

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 November 6, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: OL Fresh, LLC – 307 Main Street and 6 High Street – To allow for a fast food restaurant within the Groundwater Protection District pursuant to Sections 5.1.29 and 12

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 29, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of OL Fresh, LLC, regarding the property at 307 Main Street and 6 High Street to allow for a fast food restaurant pursuant to Sections 5.1.29 and 12 of the Woburn Zoning Ordinance subject to the following conditions:

1. That all unneeded existing water or sewer services shall be capped as required by the Engineering Department;
2. The petitioners shall conduct a test pit and perc test where the infiltration system is to be installed to confirm the soil conditions and infiltration rates are adequate and to the satisfaction of the engineering department;
3. A detail of the infiltration system and downspout connections shall be shown on a plan and approved by the engineering department prior to issuance of a building permit;
4. That the parking shall be in accordance with the plan dated Oct. 29, 2013 by Millennium Engineering, Inc.
5. That all parking shall be in compliance with Section 8.4.2.4; and
6. That the location of the dumpster shall not interfere with the access and egress to the parking spaces.

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 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 November 6, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Ryeknot Properties - Woburn LLC – 307 Main Street and 6 High Street – To allow for seven residential dwelling units above the first story pursuant to Sections 5.1.5 and 12

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on October 29, 2013, the Planning Board voted to send a favorable recommendation to the City Council on the Special Permit application of Ryeknot Properties, regarding the property at 307 Main Street and 6 High Street to allow for seven residential dwelling units above the first story pursuant to Sections 5.1.5 and 12 of the Woburn Zoning Ordinance subject to the following conditions:

1. That all unneeded existing water or sewer services shall be capped as required by the Engineering Department;
2. The petitioners shall conduct a test pit and perc test where the infiltration system is to be installed to confirm the soil conditions and infiltration rates are adequate and to the satisfaction of the engineering department;
3. A detail of the infiltration system and downspout connections shall be shown on a plan and approved by the engineering department prior to issuance of a building permit;
4. That the parking shall be in accordance with the plan dated Oct. 29, 2013 by Millennium Engineering, Inc.
5. That all parking shall be in compliance with Section 8.4.2.4; and
6. That the location of the dumpster shall not interfere with the access and egress to the parking spaces.

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 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 August 6, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Lindquist Realty Trust – Zoning Ordinance Amendment – 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 be 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.”.

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on August 6, 2013, the Planning Board voted to send a favorable recommendation to the City Council regarding Zoning Ordinance Amendment 1. 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 be added: “and Assisted Living residences”.

In addition, the Planning Board voted to send a favorable recommendation to the City Council regarding Zoning Ordinance Amendment 2. as modified to now read: to revise 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; Assisted Living residences located in the R-2, R-3, R-4, B-H, B-I, and S-1 zoning districts shall have a Minimum lot area of 1 acre; a Minimum Lot frontage of 125 feet; a Minimum side yard setback of 25 feet; a Minimum rear yard Setback of 30 feet; and that the maximum number of residential units shall be not more than 1 bedroom per 1,000 square feet of gross lot area not including the area assigned to rivers or canals that may be on the lot and that an Alzheimer room/bed shall be construed to be a bedroom.”

Finally, the Planning Board voted to send an unfavorable recommendation to the City Council regarding Zoning Ordinance Amendment 3. 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.”

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

Sincerely, s/Edmund P. Tarallo, Planning Director

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 August 6, 2013 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Lindquist Realty Trust – Zoning Map Change – To amend the Zoning Map of the City of Woburn by changing the zoning district for the entire parcel of land known as 320 Salem Street, containing approximately 4.43 acres of land as shown on the City of Woburn Tax Map 32, Block 04, Lot 01 from the R-1 zoning district to the R-3 zoning district.

Dear Mr. Campbell and members of the City Council:

At the Planning Board meeting held on August 6, 2013, the Planning Board voted to send a favorable recommendation to the City Council for the Zoning Map Amendment to change the zoning of the property at 320 Salem Street from R-1 to R-3 subject to the establishment of a covenant which limits the use of the property to single family homes and extended care facilities only.

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 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.

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.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

ORDINANCES, CHARTER AND RULES:

On the Order to amend Title 13 of the 1989 Woburn Municipal Code, as amended relative to water meters, committee report was received "ought to pass, as amended with the amendments as follows: 1. To delete the second sentence from the proposed revision to Section 13.2.14 of the 1989 Woburn Municipal Code, as amended, and replace same with the following: "All meters and meter reading devices shall be purchased by and remain the property of the Department of Public Works. For all residential units in existence as of January 1, 2013, all meters and meter reading devices shall be installed and remain the property of the Department of Public Works at no charge. All meter reading devices shall be purchased by, installed and remain the property of the Department of Public Works at no charge to all commercial units in existence as of January 1, 2013."; 2. To amend the third paragraph of the proposed revision to Section 13.2.14 of the 1989 Woburn Municipal Code, as amended, by deleting the words "Duplex and multi-family residential units" and replacing same with the following: "Multi-family dwelling units in excess of five (5) units, including condominiums and townhouses,"; 3. To add in the third paragraph of the proposed revision to Section 13.2.14 of the 1989 Woburn Municipal Code, as amended, the words "in the manner" before the words "as the Superintendent of Public Works shall direct" in the first sentence and the second sentence; 4. That the proposed revisions, as amended, to Section 13.2.14 of the 1989 Woburn Municipal Code, as amended, shall be adopted, as further amended; 5. To amend Section 13.2.19 of the 1989 Woburn Municipal Code, as amended, by deleting the following from the second sentence: ", at the expense of the Owner,"; 6. To amend the proposed revision to Section 13.2.35.2 of the 1989 Woburn Municipal Code, as amended, by deleting from the first sentence the words "single-family, duplex or multifamily units" and replacing same with the following: "Single Family Dwelling, Two Family Dwelling or Multi-Family Dwelling", and therefore adopt the proposed language as amended; 7. To adopt the proposed language for Section 13.2.35(C)(1) of the 1989 Woburn Municipal Code, as amended; 8. To amend the proposed revision to Section 13.2.35(C)(2) of the 1989 Woburn Municipal Code, as amended, by deleting from the second sentence the words "and commercial units in existence as of January 1, 2013" and

replacing same with the following: “units in existence as of January 1, 2013 and meter reading unit at no charge for all commercial units in existence as of January 1, 2013” and therefore adopt the proposed language as amended; 9. To adopt proposed language for Section 13.2.35(C)(3) and Section 13.2.35(C)(4) of the 1989 Woburn Municipal Code, as amended, and renumber the remaining paragraphs accordingly.”

NEW PETITIONS:

Petition by National Grid for a grant of right in a way to install approximately 85 feet of 2 inch plastic main to supply house number 3 Hobson Avenue.

Petition by Linear Retail Woburn #1 LLC, 5 Burlington Woods Drive, Burlington, Massachusetts 01803 for special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.29, 5.1.63A, 7.3, 8.2.5 and 12 to allow for the alteration of an existing non-conforming structure to allow for: 1. Approximately 9,250 square feet of existing space presently occupied by one retail tenant to be divided into three (3) tenant spaces: Tenant A containing approximately 2,600 square feet more or less of gross floor area; Tenant B space containing approximately 2,500 square feet more or less of gross floor area; and Tenant C space containing approximately 4,150 square feet more or less of gross floor area; 2. A fast food restaurant in the Tenant A space with an outdoor seasonal seating area; 3. A drive thru for Tenant B space (bank); 4. A reduction in the required parking space from 171 parking spaces to 148 parking spaces; 5. Alteration of nonconforming signage; and 6. That Condition 1 to the Landowner’s Decision and Notice of Special Permit dated February 20, 2011 be amended by deleting the reference to the Plan of Record and replace with the plan entitled “Site Plans for 299 Mishawum Road, Woburn, MA 01801” dated November 30, 2013 prepared for Linear Retail Woburn #1 LLC, Five Burlington Woods Drive, Burlington, MA 01803 by Allen & Major Associates, Inc., all at 299 Mishawum Road.

Petition by David Donovan, 46 Plain Road, Westford, Massachusetts 01886 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 7.6.2 to allow for the reconstruction of the existing non-conforming use and structure (two family) to provide for the construction of a new two family dwelling at 4 Prospect Street.

Petition by Brian Carpentier d/b/a Koffee Kup Bakery, 436 Riverside Avenue, Burlington, Vermont 05401 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to allow for overnight parking of commercial motor vehicles at 10 Micro Drive.

Petition by Upland Architects, 250 E. Main Street, Norton, Massachusetts 02766 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section

5.1.57b to allow Comcast utility vehicles to park overnight on a regular schedule at 9 Forbes Road.

COMMUNICATIONS AND REPORTS:

A communication dated November 15, 2013 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting this report to you on the parking violations within the city of Woburn for the period ending October 2013: number of violations issued 624, number of violations paid 330, number of violations outstanding 198, amount collected and submitted to the Collector's Office \$37,004.20. There exists a backlog of 6,042 tickets from 1982 through 2012. Demand will be sent until all tickets have been paid. Parking fines referred to the Handicapped Commission \$7,200.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas, there is a water pressure deficiency between 62 Robinson Road and the last house on Carol Road; and

Whereas, there is a plan to install a pressure booster/pump to increase the water pressure in the area from approximately 38 to 60 pounds per square inch; and

Whereas, the residents in the area have dealt with this deficiency for too long (decades);

Now, Therefore, Be It Resolved that the Superintendent of Public Works and the City Engineer finalize the design and install the pressure booster/pump to increase the water pressure in the area within six months between 62 Robinson Road and the last house on Carroll Road.

s/Alderman Anderson, President Denaro, Alderman DiTucci and Alderman Drapeau

Motion made and 2nd to ADJOURN.