

**CITY OF WOBURN
FEBRUARY 21, 2017 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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

MAYOR'S COMMUNICATIONS:

A communication dated February 14, 2017 with attachment was received from His Honor the Mayor Scott D. Galvin as follows:

Richard Haggerty, City Council President
Members of Woburn City Council

In accordance with Section 25 of the Charter of the City of Woburn, I am vetoing the City Council's recent amendment of Title 14, Article 1, Section 14-7 of the 1989 Woburn Municipal Code entitled "Trash Removal and Recycling – Condominium Associations", and am returning same to the City Council with the following objection.

The amendment to Section 14-7 excludes residential condominiums in excess of three units, not in existence as of December 31, 2016, from City's refuse recycling collection service. This exact issue was previously addressed more than fifteen years ago, when the City Council authorized the collection of trash from condominiums, which service has also been extended to every condominium project reviewed and approved by the City Council since that time. The provision for including condominiums in the City's trash collection service is based on the equitable premise that condominium owners are taxpaying residents of the City and are equally entitled to all City services.

The minimal cost savings associated with this ordinance amendment is far outweighed by the negative message it conveys to new residents of our community, who will become the only single-family taxpaying homeowners that are required to pay for trash collection.

Furthermore, this ordinance amendment has not impact on the provision of trash collection services for apartment buildings in excess of three units, as they are already required to provide for their own trash pickup.

I respectfully request that you reconsider your support of this ordinance.

Sincerely, s/Scott D. Galvin, Mayor

A communication dated February 16, 2017 with attachment was received from His Honor the Mayor as follows:

Re: Proposed Order to Establish a Downtown Parking Enhancement Fund

Dear Honorable Members of the City Council:

I am writing to express my strong support for quick passage of the Order relative to creation of a downtown parking fund.

As you know, the recent, steady private-sector interest in redeveloping downtown properties has led to an impending influx of new residential units in the downtown. The new residences will be particularly welcome, given all of the economic and social benefits that come with having residences in close to proximity to what is perhaps our most important commercial district. However, lot sizes and construction costs often make it impossible for the developer of a downtown parcel to provide all of the parking needed to serve those new residents on a site.

Our current policy of providing relief on this point through the partial reliance on municipal off-street lots is a good one, but it must be tempered by the fact that the public parking supply is limited and must serve all of the businesses in the downtown as well. Woburn is extremely fortunate to have this level of development activity in its downtown and hopes to encourage more in the future. To be successful though, it will need to be accommodated in a way that complements, and does not hurt, existing establishments.

Passage of the pending Order is a crucial step to ensuring successful future downtown redevelopment. The Order is the product of collaboration between Planning Board Director Tina Cassidy, City Solicitor Ellen Callahan Doucette, myself and Alderman Anderson and is a logical outgrowth of the downtown parking-related work of my office and the Redevelopment Authority over the last several years. Although the new provision will admittedly place a burden on future developers, I firmly believe the burden will be an equitable and fair one.

I urge you to support the swift passage of this zoning amendment and would be happy to elaborate on the reasons for my support if needed. Thank you.

Respectfully, s/Scott D. Galvin

Attached thereto was the following Order:

ORDERED Whereas, the redevelopment of the downtown area is desired and encouraged for the revitalization of the area, but is limited due to the inadequate inventory of both off and on street parking areas; and

Whereas, the redevelopment of the downtown area without adequate parking facilities would adversely affect existing residents and businesses by placing further demand on already-limited downtown parking; and

Whereas, the cost to the City of providing more parking in the downtown area is significant and can cost in excess of \$10,000 to \$15,000 per parking space; and

Whereas, in order to address the inadequacy of parking in the downtown area it is reasonable and responsible to condition further redevelopment projects by requiring a contribution to be expended toward the development of public parking.

Therefore, Be it Ordained by the City Council of the City of Woburn that the 1985 Zoning Ordinances, as amended, be further amended by deleting therefrom Section 8.3 Locations of Required Off Street Parking Facilities, and inserting in its place the following:

8.3 Off Street Parking Facilities Required

Off street parking facilities shall be provided on the same lot with the principal use, except that:

1. Within any R3, R4, Business, Mixed Use, Industrial, or Office Park district, the City Council, by Special Permit, may allow the parking facility requirements to be met on a lot separate from the use to be served, if such facilities are located within five hundred (500) feet of the use to be served, and if the City Council finds that suitable arrangements, such as ownership, long term lease or easement, have been made to assure the permanent provision of the parking facilities;
2. Within the B-D District, municipal parking facilities may be substituted for the required off street parking for non-residential uses, if such facilities are located within five hundred (500) ft. of the use to be served;
3. Within the B-D District, the City Council, by Special Permit, may allow municipal parking facilities to substitute for the required off street parking for residential uses under this Section if it imposes, as a condition of approval, the non-waivable fee required by Section 8.3.4 below and makes the following findings:

1. That the municipal parking facilities are located within five hundred (500) feet of the use to be served;
2. That the proposed combination of on-site, off-street parking spaces and municipal parking spaces is available and adequate to serve the proposed development; and
3. That reliance on municipal parking facilities will not create an undue burden on the municipal parking facilities.
4. If a Special Permit is granted to allow municipal parking facilities to substitute for required off-street parking for residential uses in the B-D District, it shall be conditioned on the payment of a fee equal to Seventy Five Hundred Dollars (\$7,500) for each space in a municipal parking facility that substitutes for a required off-street parking space. The City Council shall not have the authority to vary or waive the fee, either in whole or in part, for any project. The payment of a fee shall not act as a guarantee that future tenants of the residential development shall be entitled to the reservation or designation of a parking space or spaces.

All such fees shall be deposited in a separate "Downtown Parking Enhancement Fund" to be established in the City Treasury and administered by the Treasurer/Collector. Funds deposited in this account shall only be used for costs incurred by the City in acquiring, designing, constructing and/or reconstructing land and facilities that increase the supply of parking within the B-D District. Expenditure of funds from this account shall only be authorized by a 2/3 vote of the City Council.

s/Alderman Higgins, Alderman Anderson, President Haggerty,
Alderman Gately, Alderman Tedesco, Alderman Campbell

A communication dated February 16, 2017 with attachment was received from His Honor the Mayor Scott D. Galvin as follows:

President Haggerty and Honorable Members of the Woburn City Council:

I am pleased to inform you that we have signed a letter of intent to purchase the property at the site of the former Strand Theater on Main Street in Woburn Center.

I have attached a plan, created by City Engineer Jay Corey, for a parking lot on the site, which will accommodate 62 much-needed parking spaces in Woburn Center. This new parking lot, combined with the new parking lot we are building behind the Woburn Public Library, will create more than 150 new spaces to support the growth of business in Woburn Center.

In order to finance the purchase and development of the new parking lot on Main Street, I have submitted a request for the City Council to approve a Bond Authorization in the amount of \$1.9 million. I am available to discuss this very exciting opportunity at the City Council Finance Committee meeting.

Sincerely, s/Scott D. Galvin, Mayor

Attached thereto was an Order as follows:

ORDERED Be it Ordained by the Woburn City Council that pursuant to M.G.L. c.40, §14, the Mayor be and is hereby authorized to purchase the properties described as 455-465 and 467-471 Main Street, Woburn, described as Parcels 1 and 2 in a deed recorded with the Middlesex South Registry of Deeds in Book 43821, Page 163, excepting therefrom, an 851 s.f. parcel of land; and that the Mayor be authorized to enter all agreements, execute any and all instruments as may be necessary on behalf of the City of Woburn to effect said purchase; and that the City of Woburn appropriates the sum of One Million Nine Hundred Thousand Dollars (\$1,900,000) to pay costs of (i) purchasing the parcels of property upon which to construct a municipal parking lot, (ii) designing and constructing the parking lot on such property, and (ii) all other expenses 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.

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

s/Alderman _____

A communication dated February 16, 2017 with attachment was received from His Honor the Mayor Scott D. Galvin as follows:

President Haggerty and Honorable Members of the Woburn City Council:

I am pleased to report the Wilmington Town Selectmen did not second a motion by one of the selectmen to opposed the construction of the New Boston Street Bridge.

I am enclosing informational notes from City Engineer Jay Corey, who served as the City's representative at the meeting, or your review and records.

Sincerely, s/Scott D. Galvin, Mayor

PUBLIC HEARINGS:

On the 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. PUBLIC HEARING OPENED.

On the petition by Seaver Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 for a special permit and site plan approval 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 February 17, 2017 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 Seaver Properties LLC, 285, 287 and 299 Lexington Street Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of my client Seaver Properties LLC, I respectfully request that the public hearing scheduled for February 21, 2017 be continued to March 7, 2017. If you have any questions, please do not hesitate to contact me. Thank you.

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

A communication dated February 2, 2017 was received from Donald R .Oliver, Sr. Right of Way Specialist, Eversource Energy, One NStar Way, SE210, Westwood, Massachusetts 02090 as follows:

Subject: 2016-1440 Seaver, Lexington Street, Woburn

Dear Mr. Campbell:

We are in receipt of your letter to Mr. Chris Rodstrom of Eversource dated November 23, 2016 regarding: "Special Permit - Seaver Properties LLC, Lexington Street, Woburn" (attached).

In response, Eversource has a strict policy of not allowing structures in the Right of Way (ROW). Every proposed use in the ROW is required to be evaluated by ROW,

Transmission & Distribution Engineering, Legal other related Departments as applicable. Eversource has provided a ROW license application to Seaver LLC and upon return receipt, requested additional and missing information (Chris Rodstrom to Abdi Behjat 11/3/16, Town house Development). To date, we have not received the requested information. The Eversource ROW Licensing Application process is required for all inquiries and evaluated one by one, on their own merits to assure Reliability and Safety of the Electrical System. Any Eversource approval or denial is required to be in writing.

Moving forward, I will be the contact person for this project. Mr. Rodstrom has moved on. Please direct any and all concerns and correspondence to me.

Sincerely, Donald R .Oliver, Sr. Right of Way Specialist

On the petition by Seaver Properties, LLC, 215 Lexington Street, Woburn, Massachusetts 01801 to amend the 1985 Woburn Zoning Ordinances, as amended, by amending Section 14 Townhouse Development in Residential Districts R-1 and R-2 to allow stacked townhouses, and Section 8.4.1.3 and Note 1 in Notes to Table 5.1 relative to driveway width or minimum driveway radii requirements for townhouses, multi-family dwellings and commercial projects, as set forth in the Journal of the City Council Regular Meeting of January 17, 2017. PUBLIC HEARING OPENED. A communication dated February 8, 2017 with attachments was received from Scott L. Seaver, Seaver Construction, Inc., 215 Lexington Street, Woburn, Massachusetts 01801 regarding a revised plan. PUBLIC HEARING. PUBLIC COMMENTS: Written communications in opposition to the proposed zoning amendment from 30 residents individually, a petition signed by 4 residents and a petition signed by 32 residents were received.

On the petition by NBTC Realty LLC to amend the 1985 Woburn Zoning Ordinances, as amended, by adding new definitions for “Billboard” and “Electronic Billboard” to Section 2 Definitions; by amending Section 13 Sign Regulations; and by amending Section 21 Mishawum Station Transit Oriented Development Overlay District including adding a new Section 7 Billboards as set forth in the petition. PUBLIC HEARING OPENED. A communication dated January 25, 2017 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Proposed zoning text amendment to allow billboards within the Mishawum Station TOD Overlay District and adopt definitions of “billboard”, “electronic billboard”, and attendant sign regulations/NBTC Realty LLC

Dear Councilors:

At a meeting of the Woburn Planning Board held on January 10, 2017, the Board voted unanimously to close the public hearing on the above-referenced petition and to continue discussion to its meeting on January 24th, for purposes of making a recommendation on the proposed amendment to the City Council.

The Planning Board resumed but did not conclude discussion of the matter at its meeting on January 24, 2017. Members ultimately voted on January 24, 2017 to table discussion further to its meeting on February 14, 2017.

The Planning Board recognizes that the statutory 21-day time frame for providing a recommendation on this matter will expire before February 14th, but trusts this will not create a difficulty for the City Council given that it is not scheduled to resume discussion of this matter itself until February 21st.

Please feel free to contact me if you have any questions about the Board's deliberations on this matter.

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

A communication dated February 16, 2017 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Board recommendation on proposed zoning text amendments related to billboards by City Council special permit in the Mishawum Station Transit Oriented Development Overlay District ("Mishawum Overlay")

Dear Council:

The Planning Board conducted the public hearing on the above-referenced zoning amendment at its meeting on January 10, 2017. Following the public hearing and subsequent Board discussions on January 10, 2017, January 24, 2017 and February 14, 2017, members of the Planning Board voted unanimously (7-0) to recommend to the City Council that the proposal not be adopted.

In reaching this recommendation, members acknowledged billboards may offer some limited value to the community at large and also appreciated the difficult position of the proponent of the zoning change, who hoped to pre-empt the erection of a billboard nearby with this amendment. However, those points were outweighed by the facts that (a) members generally consider billboards to be a blight for residents and passersby alike and (b) are not something the City should authorize via zoning, even in a "defensive" posture, as a potential way to block the construction of one by the State in another location.

Members also considered billboards to be incongruous for the Mishawum Overlay district, the stated goal of which is to encourage residential uses. Lastly, members believed that allowing billboards in the Mishawum Overlay district would make it very difficult or impossible to turn down similar requests to allow billboards elsewhere in the City in the future, particularly along other stretches of Route 128 and along I-93.

If you have any questions relative to the Planning Board's recommendation, please do not hesitate to contact me.

Respectfully, s/Tina P. Cassidy, Planning Director

A copy of a communication dated February 13, 2017 to Tina Cassidy, Planning Director from City Solicitor Ellen Callahan Doucette was received.

On the petition by NAI Entertainment Holdings LLC, 846 University Avenue, P.O. Box 9108, Norwood, Massachusetts 02062-9108 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 5.1.15b to amend a special permit dated May 6, 1994 as modified November 10, 2016 to allow for: 1. A revised site plan for its existing cinema building entitled "Showcase Cinemas, 25 Middlesex Parkway, Woburn, MA" dated June 10, 2016, revised August 8, 2016 and prepared by Allen & Major Associated, Inc., 100 Commerce Way, Woburn, MA 01888-0118 (the "Site Plan"); and 2. A modification to "IV General Condition" by deleting "Site" on the third line and the sixth line and replacing with "Parcel II" as shown on the Site Plan, at 25 Middlesex Canal Park. PUBLIC HEARING OPENED. A communication dated February 16, 2017 was received from Tina P. Cassidy, Planning Board/WRA Director as follows:

Re: Request for modification to previously-approved special permit application for 25 Middlesex Canal Park Road/NAI Entertainment Holdings LLC

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition which requests two modifications to a Special Permit dated May 6, 1994. The Council previously approved modifications to this Special Permit in a Decision dated November 10, 2016. The lot in question is zoned Interstate Business (B-I).

The applicant is seeking modifications to the earlier (May 6, 1994) Special Permit decision by:

1. Incorporating a revised plan of record for the existing cinema building "Proposed Site Plan" (Sheet C-1); and
2. Modifying "IV General Condition" by deleting "Site" on the third line and the sixth line and replacing with "Parcel II" as shown on the site plan.

Although not mentioned by the Petitioner, Planning staff was able to discern that Sheet C-1 was modified based on past Planning Board comments to reflect the correct street name in the title block. It is not clear whether the substituted "Proposed Site Plan" reflects any other changes, whether authorized or not.

The second modification request cites a "IV General Condition" but a copy of the "IV General Condition" was not included with the application. Without knowing what that condition says, Planning staff cannot recommend its modification. Moreover, the request

to revise citations with “Parcel II” is problematic. There are two parcels shown on the plan, but they are labelled Parcels 11 and Parcels 12. There is no “Parcel II”.

The application fails to explain the petitioner’s intention with respect to the area in front of the building that is now intended to become part of Parcel 12 (this area on the plan contains drainage, water, gas and access easements). Is this portion of the lot to remain as currently constructed (i.e. striped into parking spaces with landscaped islands) or will the pavement be removed and replaced with landscaping? Planning staff strongly recommends the Council consider requiring this entire area to be repaved and restriped to ensure conformance with the zoning ordinance. The Petitioner proposes to “pavement stripe existing parking spaces to be abandon (sic) due to setback requirements” and to install a wooden guardrail around this portion of the site. If he is allowed to do so, there will be some non-conforming spaces to the south and west of the proposed new property lines that do not conform to the minimum parking setback requirement of 5’ (the plan shows the elimination of only those spaces which are north and east of the new property lines, while the partial, non-conforming spaces to the south and west of the lines would remain). It would also detract substantially from the aesthetics of the cinema site (wooden guardrail through what otherwise looks like a parking lot).

The Planning Department recommends that the City Council require the Petitioner to provide the following information before taking any action on this filing:

1. That the Petitioner confirm the intended purpose of modifying “IV General Condition” and the impact(s), if any, to the parcel in question;
2. That the Petitioner accurately identify the parcel to which the modifying language refers and that any condition modifications accurately reference the parcel titling of the modified site plan (e.g. “Parcel 11” or “Parcel 12” as opposed to “Parcel II”); and
3. That the measurements of all proposed property lines, including the frontage for both lots, be added to the plan.

The Planning Department also recommends the Council consider whether the revised plan of record the Council is being asked to substitute is in fact adequate for the task. It does not show the entirety of the parcel in question; in particular, it fails to show the entirety of Lot 12.

If the Council votes to grant the Special Permit requests, the Planning Department recommends it impose the following as conditions of approval:

1. That the Plan of Record shall be “Showcase Cinemas, 25 Middlesex Canal Park Drive, Woburn, MA; Date: 06/10/16, revised 08/08/16; Scale: 1”=50’; Applicant/Owner: NAI Entertainment Holdings, LLC, 846 University Avenue P.O. Box 9108, Norwood, MA 02062; prepared by: Allen & Major Associates, Inc., 100 Commerce Way, P.O. Box 2118, Woburn, MA 01888; Sheet C-1 (entitled Proposed Site Plan) and Sheet 1 (entitled ALTA/ACSM Land Title Survey); and

2. That all other conditions of the Special Permit issued on May 6, 1994 that have not been modified previously shall remain in full force and effect.

On a final note, Planning staff noted that an earlier Planning Department communication recommended the Council require the Petitioner to submit a Subdivision Approval Not Required Plan (ANR) to the Planning Board as a condition of approval of the modifications. The Council elected not to impose it as a condition, so Planning staff has not repeated it here. The Council and Petitioner should note however that if these Special Permit modifications are granted, the Planning Department will not sign off on any building permit for either lot unless and until a Subdivision Approval Not Required Plan is endorsed by the Planning Board and recorded at the Registry of Deeds.

Please feel free to contact me if you have any questions about this recommendation.

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

On the petition by AAM 15 Management LLC, 15 Middlesex Canal Park, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Sections 5.1.20 and 12.2.4 to amend the special permit decisions dated October 11, 2001 and November 12, 2010 to allow for: 1. A new Site Plan of Record entitled: "Site Plans for Building Addition, Crowne Plaza Boston-Woburn, Woburn, MA" dated January 11, 2017, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01888-0118; and Condition One (so called Condition 1); 2. An approximately 7,200 square foot more or less addition and other minor exterior renovations as shown on the Site Plan; and 3. Site Plan Review pursuant to Section 12.2.4, at 15 Middlesex Canal Park. PUBLIC HEARING OPENED. A communication dated February 16, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit modification for 15 Middlesex Canal Park Drive/AAM 15 Management LLC

The Planning Department has completed its review of the petition, filed by AAM 15 Management LLC pursuant to Section 12.2.4 (Site Plan Review). In addition, the Petitioner seeks two (2) modifications to a Special Permit Decision granted on October 11, 2001 and modified on November 12, 2010. Regarding the request for Site Plan Review, the Petitioner is proposing "an approximately 7,200 square foot more or less addition (ballroom facility) and other exterior renovations as shown on the Site Plan." The requested modifications to the existing Special Permit pertain to the adoption of a new Site Plan of Record, "...and Condition One (so called Condition 1)." Planning staff assume the request is intended to simply update the Plan of Record citation contained in Condition #1 if the new Site Plan is approved, but the application is not clear on this point. The City Council should confirm the plan citation change would be the extent of the requested change to that Condition.

The Planning Department offers the following comments on the proposed Site Plan:

- The proposed building and lot will continue to meet setback, frontage, and maximum building height requirements. With respect to loading facilities, Section 8.7 requires that at least 1 loading bay be present in a hotel structure with greater than 5,000 sq. ft. of gross floor area, but none are shown on the Site Plan (with the required number of bays increasing to two (2) at 101,000 sq. ft., three (3) at 151,000 sq. ft., and additional bay for every additional 150,000 sq. ft. of gross floor area once a facility exceeds 300,000 sq. ft.). Planning staff recommends that the applicant revise the plan to show the location of the loading bay(s) in accordance with this ordinance.
- As a result of the addition, the existing amount of landscaped usable open space will decrease, including the removal of one (1) tree. However, the reduced number of trees and landscaped usable open space will continue to meet minimum requirements according to the Site Plan.
- Exterior lighting does not appear in any portion of the parking lot area on the Site Plan, nor is any information provided in this regard in the application. Planning staff recommends that this issue be addressed at the Council's hearing, as the lack of lighting interspersed throughout a parking lot poses pedestrian and vehicular safety issues.
- The number of parking spaces on site will remain the same; the calculation cited in the plan is as follows:
 - Hotel Use: 195 Rooms (1:1 Spaces/Room) + 40 Employees (1:3 Space/Employees) = 209 Spaces
 - Full-Service Restaurant Use: 17,790 sq. ft. (12 Spaces/1,000 sq. ft.) = 214 Spaces
 - Other Uses: ("Additional Available Spaces") = 11 Spaces
 - Total Parking Provided: 434 Spaces

This calculation apparently indicates that only eleven (11) parking spaces are being allotted for the new addition, which is being called a "ballroom". The application does not provide any information about the intended uses to which the "ballroom" would be put, and the term is not defined in the Zoning Ordinance. There is no floor plan provided in the plan set and the seating/occupancy capacity of the "ballroom" is not noted in the application. Planning staff suggests the Council request detailed information about the use of the ballroom. If it will be space designed to host weddings, awards banquets, conferences and the like, it might in fact fall into the category of "Auditorium, theater or place of public assembly". If it did, the Petitioner would be required to provide one (1) space for every three (3) patron seats, plus one (1) for every three (3) employees on the largest work shift (i.e. caterers, event planning staff, etc.) Has the Inspectional Services Director been consulted with respect to parking requirements?

If the Council ultimately votes to grant the Special Permit requests, the Planning Department recommends it impose the following as conditions of approval:

1. Notwithstanding any changes that the Council imposes to the proposed new Site Plan, the Plan of Record shall be, "Site Plans for Building Addition, Crowne Plaza Boston-

Woburn, Woburn, MA dated January 11, 2017, [revised_____], prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01888-0118”;

2. That the Plan of Record be revised to reflect adequate lighting and loading facilities in the interest of public safety and safe and adequate accommodation of shipping/delivery traffic, respectively.

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

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

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$240,000.00 from Unreserved Fund Balance Acct to Veteran’s Cash Aid Acct, committee report was received “ought to pass”.

On the Order to transfer the sum of \$20,000.00 from BLS Ambulance Receipts Acct to Fire Apparatus Maintenance Acct, committee report was received “ought to pass”.

On the Order to transfer the sum of \$2,274,560.00 from Unreserved Fund Balance Acct to Various Capital Projects, committee report was received “ought to pass”.

On the Order to authorize the Mayor in consultation with the Board of Assessors to negotiate an agreement with ECA Solar Systems W.B. LLC for payment in lieu of taxes for personal property associated with a solar photovoltaic facility at 181 New Boston Street, committee report was received “ought to pass”.

NEW PETITIONS:

Petition by M&L Transit Systems, Inc, 60 Olympia Avenue for renewal of Common Carrier License.

Petition by TransAction Corporate Shuttles, Inc., 5 Wheeling Avenue for renewal of Common Carrier License.

Petition by Lawless, Inc., 196 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.44, 5.1.71 and 7.3 to allow for 1. the reconditioning, adjusting, equipping and preparation of motor vehicles; 2. commercial parking lot; and 3. alteration of nonconforming use (loading dock fronts on street) and structure (loading dock fronts on street and interior landscaping, at 8 Draper Street.

Petition by Woburn Toyota, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.71 and 7.3 to modify a special permit dated July 1, 2016 to allow for parking of additional vehicles in its commercial parking lot at 1095R Main Street.

Petition by Burns Landscaping & Construction, LLC, 68 Delwood Drive, Tewksbury, Massachusetts 01876 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57a, 5.1.57b and 7.3 to modify special permits dated April 9, 2015 and November 13, 2015 by amending Condition Two to allow for a revised site plan.

Petition by West Woburn Development Corporation, 27 Cambridge Road, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.3c to modify a special permit dated January 9, 2003 (the "Decision") by: (1) allowing for the installation of a water pump station as shown on the plans filed with the Petition; (2) allow for a "Building Envelope Plan" as shown on the Pump Station Locus and Building Envelope Plan filed with the Petition; and (3) replacing the plan of record in Condition 1 of the Decision with the plan filed with this Petition entitled "The Village at Winning Farm Site Plan in Woburn, Mass. dated February 1, 2001, revised May 18, 2001; June 1, 2001; November 5, 2001; December 31, 2001; December 9, 2002; March 21, 2003; May 12, 2003; September 10, 2004 and December 15, 2004, Scale 1" = 100 feet; prepared by Commonwealth Engineering Inc., Civil Engineers and Land Surveyors, 27 Cambridge Street, Suite 106, Burlington, MA 01803 (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., all at 498 Lexington Street.

Petition by Cabot, Cabot & Forbes, LLC, 185 Dartmouth Street, Suite 402, Boston, Massachusetts 02116 for special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 23.4.2 for a special permit to allow restaurant and retail uses on ground floor (9,390 square feet) with multifamily residential housing within the six stories above (289 units) with 462 total parking spaces including surface spaces to serve the retail and residential clubhouse areas and a structured parking facility wrapped by residential units at 120 Commerce Way.

COMMUNICATIONS AND REPORTS:

A communication dated February 7, 2017 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director’s Report and the minutes of the Council on Aging meeting for the month of January 2017.

A communication dated February 7, 2017 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Council on Aging Annual Report for calendar year 2016.

A communication dated February 14, 2017 was received from Suzanne M. Bump, Auditor of the Commonwealth, State House, Boston, Massachusetts 02133 relative to the financial impacts of early voting under G.L. c. 54, §25B and 950 C.M.R. 47.00 et seq on the City of Woburn.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas, the Woburn City Council received notification from the State Auditor’s Office regarding the financial impacts of the Early Voting Law and;

Whereas, the Office of the State Auditor found that provisions of the Early Voting Law imposes a mandate within the meaning of the Local Mandate Law;

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

Governor Charles D. Baker, Jr., Governor, Commonwealth of Massachusetts
Karyn E. Polito, Lt. Governor, Commonwealth of Massachusetts
William F. Galvin, Secretary of State, Commonwealth of Massachusetts
Maura T. Healey, Attorney General, Commonwealth of Massachusetts
Suzanne M. Bump, State Auditor, Commonwealth of Massachusetts
Representative Robert A. DeLeo, Speaker of House of Representatives,
Commonwealth of Massachusetts
Senator Stanley C. Rosenberg, Senate President, Commonwealth of
Massachusetts
Representative Bradley H. Jones, Jr., House Minority Leader, Commonwealth of
Massachusetts
Senator Bruce E. Tarr, Senate Minority Leader, Commonwealth of
Massachusetts
Senator Kenneth J. Donnelly
State Representative James J. Dwyer
State Representative Jay R. Kaufman
Scott D. Galvin, Mayor, City of Woburn

s/Alderman Anderson and Alderman Tedesco

Attached thereto was the following:

To Whom It May Concern:

On September 14, 2016, the Woburn City Council had sent a communication to the Office of the State Auditor regarding the financial impacts of the newly established early voting requirements under G.L. c. 54, Section 25B and 950 C.M.R. 47.00 et seq. We write to you to discuss the findings made by the State Auditor's office as well as the impacts this new law had on all local municipalities in the Commonwealth.

The Office of the State Auditor found that provisions of the Early Voting Law were in contravention of the Local Mandate Law, G.L. c. 29, Section 27C and that the state funding appropriation for early voting to be insufficient based on the standards of the Local Mandate law. The audit of the Early Voting Law found that the estimated statewide cost for implementation of mandated expenses totaled \$719,708.25 and that optional expenses totaled \$1,190,624.43. The Secretary of State reimbursed municipalities \$444,602.70 for optional expenses; there was no appropriation for reimbursement of mandated expenses.

We are concerned that based on the findings made by the Office of the State Auditor that this legislation became law without regard for the Local Mandate Law. But our largest concern remains to be the operational constraints put on local clerks' offices by this law. In our city alone, for the last week of early voting it required us to cancel a public meeting and not hold any committee meetings as the Clerk's office was focused solely on

early voting. We are also looking for answers regarding the constitutionality of early voting raised by our City Clerk late last year.

Our City Clerk had sent a letter to both the offices of the Secretary of State and Attorney General asking whether this law was constitutional or not, attached herewith is a copy of a memorandum by our Clerk regarding the constitutionality of early voting. After a couple of months of no reply from the Office of the Attorney General, we sent a communication inquiring of the status of our City Clerk's letter, and we were told that we did not have the statutory authority to ask such a question of the Attorney General's office.

We respectfully ask that the Legislature look to review the current Early Voting Law based on the findings made by the Office of the State Auditor and make the necessary adjustments as needed, as well as to review the constitutionality concerns regarding the Early Voting Law.

Sincerely,

Richard M. Haggerty, President, Alderman at Large
Michael P. Concannon, Alderman at Large
Joanne E. Campbell, Alderman Ward 1
Richard F. Gately, Jr., Alderman Ward 2
Mark E. Gaffney, Alderman Ward 3
Michael D. Anderson, Alderman Ward 4
Darlene Mercer-Bruen, Alderman Ward 5
Edward A. Tedesco, Alderman Ward 6
Lindsay E. Higgins, Alderman Ward 7

Signed by its Clerk, William C. Campbell

Motion made and 2nd to ADJOURN.