

**CITY OF WOBURN
MAY 16, 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:

Presentation of Fiscal Year 2018 budget.

ORDERED The City of Woburn, in accordance with Section 31D of Chapter 44 of the Massachusetts General Laws, approve deficit spending that is in excess of appropriation for the removal of snow and ice. The budgeted appropriation for the removal of snow and ice for fiscal year 2017 amounted to \$279,000. The additional amount to be expended, but not to exceed, is \$750,000 (\$1,029,000 total) for fiscal year beginning July 1, 2016 and ending June 30, 2017. The exact amount of the deficit shall be raised by taxation on the Fiscal Year 2018 tax recapitulation forms.

s/Mayor Scott Galvin

s/Alderman _____

ORDERED That the sum of \$100,000.00 be and is hereby appropriated as so stated from DPW/Street Lights Acct #0142052-521104 \$50,000.00, DPW/Gas Acct #0143054-548100 \$50,000.00, Total \$100,000.00 to DPW O/T Acct #0141151-513100 \$90,000.00, DPW/Utilities Acct #0143552-521501 \$6,000.00, DPW/Bldg Maintenance Acct #0143554-554701 \$2,000.00, DPW/Repairs cct #0143554-554704 \$1,000.00, DPW/Sand/Stone/Gravel Acct #0141754-553300 \$1,000.00, Total \$100,000.00

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

I hereby approve the above: s/John F. Duran, DPW Superintendent

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

s/Alderman _____

A communication dated May 11, 2017 with attachment was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Resubmittal of Loan Order – Ladder Truck

At the Mayor’s request, the City Auditor re-submitted the Order seeking authority to borrow funds to pay the costs associated with the purchase of a new ladder truck, and I am submitting this brief explanation of the reason therefor.

The issue of whether the Council’s vote to approve the loan order complied with both the Section 3-3(G) of the WMC and Rule 25 of the Rules and Orders of the City Council was brought to my attention in correspondence from bond counsel to the Treasurer/Collector requesting “[e]vidence that the Finance Committee made a report to the City Council on the loan order under which the bonds were authorized.” As the loan order had not been sent to the Committee on Finance, the question posed to me was whether there was another motion/vote that the Council could take which would have the effect of transforming the approval vote, after taking the loan order from the table, into an approval vote taken after moving to suspend the Section 3-3(G) and Rule 25. Where a motion to suspend requires that the Ordinance or Rule to be suspended be sufficiently identified, I was unable to opine that there was any alternative, and that the loan order should be resubmitted, and the approval process begun anew.

Sincerely, s/Ellen Callahan Doucette

Attached thereto was the following Order:

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

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

s/Alderman _____

PUBLIC HEARINGS:

On the petition by Cellco Partnership d/b/a Verizon Wireless for a grant of right in a way pursuant to M.G.L. Ch. 166, §§22 and 25A to install and maintain wireless equipment and all sustaining and protecting fixtures on an existing utility pole #120/3 located on a public way near 8 Dickie Road. PUBLIC HEARING OPENED.

On the petition by Kiwanis Club of Woburn, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit to allow a carnival on June 16, 2017 and June 17, 2017 at Library Field, 0 Harrison Avenue. PUBLIC HEARING OPENED. A communication dated May 11, 2017 was received from Dan Orr, City Planner/Grant Writer, Planning Board as follows:

Re: Special Permit application for Flag Day celebration and carnival at 0 Harrison Street (Library Park) on June 16-17/Kiwanis Club of Woburn

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application submitted by the Kiwanis of Woburn for its Annual Flag Day Celebration and Carnival on June 16 and June 17, 2017 at Library Park pursuant to Section 5.1.75 (Carnival and/or Traveling Enterprises). The property is zoned R-2 and therefore allow such use by City Council Special Permit.

The Planning Department takes no exception to this request and recommends the Council consider imposing a condition requiring the applicant, and all activities authorized by this Special Permit, to comply with Note #14 of Section 5.1 of the Woburn Zoning Ordinances relative to parameters for event duration, times of operation, department notification and provision of liability insurance.

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

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

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

report was received from the Committee on Special Permits “back for action” with the following conditions attached:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: “Site Plan Shannon Farms, Woburn, Massachusetts” dated September 27, 2016 revised April 12, 2017 and revised May 3, 2017, prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts (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. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties. The street lights shall be in substantial conformity with the lantern plan submitted to the Committee on Special Permits.
3. Except in the event of an emergency, exterior construction activities on the Site shall be from 7 a.m. to 5 p.m. Monday through Friday, and 8 a.m. to 4 p.m. on Saturdays. Exterior construction activities on Site shall not be permitted on Sundays or federal or state holidays.
4. The applicant must comply with the requirements of Section 11.11 of the Zoning Ordinance (Affordable Housing Requirement) relative to the creation of at least eleven (11) affordable housing units.
5. The plan should identify adequate snow storage areas and the applicant must file a copy of the snow storage plan with the Director of Inspectional Services. The Petitioner shall be responsible for snow removal until such time when all its legal rights in the development are transferred to the Townhouse Association or similar association. Once the Townhouse Association, or similar association, has been transferred and its legal rights vested in the development, the Townhouse Association, or similar association, will be responsible for snow removal.
6. The mitigation for this proposal shall be as indicated below and in accordance with the City Engineer’s memo dated May 2, 2017, revised May 5, 2017:
 - a. Petitioner shall construct the Public Parking area as shown on the Plan in order to facilitate the public access to the Shaker Glen Conservation Area and additional open space which the Petitioner will deed to the City of Woburn’s Conservation Commission as part of this Special Permit, as indicated on the Plan of Record. The open space parcel shall be in accordance with and meet the requirements of Section 14.5 of the City of Woburn Zoning Ordinances. Such open space parcel shall be deeded to the City of Woburn’s Conservation Commission prior to the

- issuance of building permit. Petitioner shall coordinate with the City Solicitor as to the language and appropriate documentation for such transfer.
- b. Petitioner shall provide and install signage in such Public Parking area clearly indicating that there is access to the Shaker Glen Conservation Area. Petitioner shall seek guidance and approval from the Conservation Administrator for such signage.
 - c. Petitioner shall create a new access/entry point into Shaker Glen Conservation area for easy access for the general public. To facilitate this access, Petitioner shall build a trail from the Public Parking area to the new access/entry point. No certificate of occupancy, permanent or temporary, may be granted until the trail as depicted in the Plan of Record is constructed.
 - d. Petitioner shall provide sidewalks along Lexington Street along the entire length of the development parcel. Such concrete sidewalks shall be five feet (5') in width, with six inch (6") granite curbing, shall be concrete and there shall be a twenty-four (24) inch grass strip between the curbing and sidewalk. Construction of the sidewalks shall be subject to MassDOT approval.
 - e. The Petitioner shall install plantings, signage and benches in the Open Space Parcel in coordination with the Conservation Commission.
 - f. The Petitioner shall clean up the Open Space Parcel in coordination with the Conservation Commission.
 - g. Subject to the approval from MassDOT, the Petitioner shall complete traffic signal improvements at the Four Corners. The Petitioner must seek MassDOT approval prior to site construction and issuance of building permit. Petitioner shall notify the City Council, Building Inspector, and City Engineer within ten (10) days of approval or denial by MassDOT. Such improvements shall be completed within twelve (12) months of the date of approval from MassDOT.
7. Petitioner shall maintain such Public Parking area and the new trail head until such time when all its legal rights in the development are transferred to the Townhouse Association. Once the Townhouse Association, or similar association, has been established, and its legal rights vested in the development, the Townhouse Association, or similar association, shall maintain such Public Parking area and the new trail head which remains on its property in perpetuity. The remainder of the trail will remain under the jurisdiction of the Conservation Commission.
 8. Subject to obtaining the necessary approvals, the Petitioner shall provide signage at the townhouse development main entrance indicating access to Public Parking for Shaker Glen Conservation Area. Petitioner shall provide and install other signage to appropriately direct visitors to such Public Parking area. Petitioner will consult with the Conservation Administrator on all open space signage.
 9. Petitioner shall seek approval for the Public Parking area, as well as trail and access to Shaker Glen Conservation Area, from Eversource, or whomever is the beneficiary of the easement of power lines shown in the Plan of Record. Such approval shall be obtained before any excavation, construction, or any work may begin on the site. If no such approval is obtained, the Petitioner shall not be permitted to build the development referenced in the Plan of Record, and such Special Permit is null and void. Petitioner shall notify the City Council within ten (10) days of approval or

denial by Eversource or whomever is the beneficiary of the easement of power lines shown in the Plan of Record.

10. Before any construction may begin, Petitioner is required to remove all farming machinery, equipment, tools, and other implements of husbandry, as well as any debris, from areas that will be deeded to the City of Woburn for open space.
11. Petitioner's construction vehicles or other work related heavy equipment or heavy vehicles as well as any such vehicles which are owned or operated by its subcontractors or vendor deliveries, shall not traverse on Grace Road, Maura Drive, and/or Waltham Street.
12. Each townhouse unit that does not have a garage and/or driveway of its own shall be allocated at least two deeded spots, which must be clearly labeled.
13. All visitor parking spots must be clearly labeled and used as such. No visitor parking spots as indicated on the Plan of Record may be deeded out to property owners.
14. No occupancy permit, temporary or permanent, may be issued by the Building Commissioner for the remaining cluster of buildings to be constructed, unless all items required under Section 14 of the of the City of Woburn Zoning Ordinances and these Conditions have been complied with.
15. The existing stone wall located on Lexington Street will remain in place as indicated on Page 11 of 27 on the Plan of Record.
16. All blasting shall conform with all local, state, and federal statutes, regulations, and other administrative procedures. Petitioner shall obtain all required blasting permits. Dust control shall be coordinated with the Fire Department during blasting and demolition and at all other times during construction with the Building Department.
17. The landscaping plan shall be submitted and approved by the City Council prior to the issuance of occupancy permits for the last cluster. Further, if trees are going to be planted in the grass strips, the grass strips shall be at least six (6) feet wide. All other trees shall be planted five (5) feet to ten (10) feet behind the sidewalk or curb.
18. Petitioner shall consult with the Engineering Department and area developers for location of handicapped access ramps along Lexington Street.
19. Adequate rodent and pest control shall be put in place before demolition.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

SPECIAL PERMITS:

On the review of the special permit issue to New Creek II LLC for 425 Washington Street signage condition, committee report was received "that the signage plan submitted, which includes the removal of the south facing signage, be approved pending amendment of the special permit".

FINANCE:

On the Order to transfer the sum of \$892,028.17 from Fire/BLS Ambulance Account to various Fire Department Accounts, committee report was received “ought to pass”.

ORDINANCES:

On the Order to amend the 1989 Woburn Municipal Code, as amended, Title 3 by adding a new Article VII, Section 3-35 Revolving Funds, committee report was received “back for action pending clarification from the City Solicitor as to the status of the Cable Television and Telecommunications Revolving Fund.” A communication date May 10, 2017 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Amendment of the WMC – Revolving Funds – Supplemental

This memorandum shall serve as a response to the Committee’s questions regarding the cessation of revolving funds for Special Education and Cable TV in the coming fiscal year, which funds were not included in the proposed Code amendment.

To explain, municipalities are only permitted to segregate money for specific purposes if authorized to do so by another general law or special act. In accordance with M.G.L. c.44, §53E½, revolving funds may only be established where a program or service is being provided for which a fee is being charged. For Medicare reimbursements which do not fit squarely within §53E½ as a fee charged for a program or service, the practice of depositing these funds into the Special Education Revolving Fund is being discontinued, and the funds will be deposited to the general fund and made available for appropriation.

As to money received from Cable TV licensing agreements, the Department of Revenue Bureau of Accounts has opined that such funds are considered general revenue funds, despite the common municipal practice of depositing such funds into a revolving fund. In January of 2016, the Bureau of Accounts issued an Informational Guideline Release (IGR) advising that after June 30, 2016, it would close out Cable TV funds held separately as part of the free cash certification.

Although these monies too will be deposited to the general fund and be available for appropriation, this IGR explained two options that allow Cable TV funds to be held separately. First, is the establishment of either an enterprise fund under c.44, §53F½, or a special receipts fund under c.44, §53F¾. Both of these statutes required local acceptance. A copy of IGR No. 16-102 is attached for the Committee’s information.

If the Committee has any further questions regarding this matter please do not hesitate to contact me.

Sincerely, s/ Ellen Callahan Doucette

PUBLIC SAFETY AND LICENSES:

On the petitions for renewal of Taxi Cab Licenses by SureRide, LLC; ABCE Taxi of Woburn; Woburn Cab Co. Inc.; and Checker Cab of Woburn, committee reports were received “ought to pass”.

On the petition for renewal of Livery License by Checker Cab of Woburn, committee report was received “ought to pass”.

NEW PETITIONS:

Petitions for renewal of Livery Licenses by Kelley Towncar, Inc., 888 Main Street, #2; and Harmony Transportation, Inc., 8 Conn Street for renewal of a Livery License.

Petition by ecoATM, LLC, 296 Mishawum Road for renewal of Secondhand Dealers and Secondhand Collectors License.

Petition by NStar Electric Company d/b/a Eversource Energy for a grant of right in a way on Wyman Street southwesterly from pole 242/20 approximately 37 feet north of Brae Circle a distance of about 40 feet to install conduit, Wyman Street easterly from pole 242/21 approximately 25 feet west of Brae Circle a distance of about 22 feet to install conduit, and Brae Circle at and southerly at intersection of Wyman Street a distance of about 2274 feet to install conduit.

Petition by Crocker Sales Co. Inc., 9 High Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57a, 5.1.57b and 15 for allow for parking of storage container, parking of commercial vehicles, and a new use from auto sales to business to business in the groundwater protection district at 20 High Street.

Petition by The Salem Street Consortium LLC, Paul Scribner Manager, 16 Bacon Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 7.2 to allow for a 300 foot addition to a preexisting nonconforming use (auto repair) at 11R Salem Street.

Petition by C&C Realty Trust, Fred J. Cotreau and John J. Canney, Jr., Trustees, 64 Chestnut Street, Wakefield, Massachusetts 01880 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.5 and 5.1.43 to allow for 2800 cubic

yards of fill and for outside storage of building materials and equipment at 6 Draper Street.

Petition by Madison Woburn Holdings, LLC, 333 Newbury Street, Suite 201, Boston, Massachusetts 02115, as individual owning land to be affected by change or adoption pursuant to M.G.L. Ch. 40A, Sec. 5, to amend the 1985 Woburn Zoning Ordinances, as amended, Section 2 Definitions by amending the definition of Mixed Use Hotel/Restaurant as follows: "Mixed Use Hotel/Restaurant: A mix of hotel, restaurant or other permitted uses in one building or in separate building on one development lot."

COMMUNICATIONS AND REPORTS:

A communication dated May 2, 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 April 2017.

A copy of a deed from Edward A. Hovsepien and Dean Kahr, Trustees of H&K Realty Trust to the City of Woburn relative to the property located at 455-465 Main Street and 467-471 Main Street.

A communication dated April 27, 2017 from Erik Scheier, P.E., MBTA Senior Project Manager, MassDOT, Ten Park Plaza, Suite 3910, Boston, Massachusetts 02116 requesting comments by May 19, 2017 relative to MBTA bus stop accessibility improvements on Cambridge Road.

A copy of the annual report of Communities United, Inc. which operates Head Start and Early Head Start programs in Woburn.

A communication dated May 11, 2017 was received from Juni Kobayashi, Artistic and Managing Director and Elaine Fong, President of the Board, Odaiko New England, 29 Montvale Avenuem #23, Woburn, Massachusetts 01801 requesting support of the City Council for the operation of the performing arts center.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the City Council Regular Meetings scheduled for July 4, 2017 and August 1, 2017 are hereby canceled and that the City Council Regular Meetings scheduled for July 18, 2017 and August 15, 2017 begin at 6:30 p.m.

s/President Haggerty

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 13, Article II, Section 13.2.14, paragraph 3, of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

Multi-family dwelling units in excess of five (5) units, including condominiums and townhouses, shall be equipped with such meter and meter reading devices, in the manner as the Superintendent of Public Works shall direct. In addition, a separate water meter and meter reading device shall be installed on all services lines for non-residential use, irrigation lines, pool houses, etc. in the manner as the Superintendent shall direct. Multi-family dwelling units with six (6) or more units, including condominiums and townhouses, shall be billed at a commercial water and sewer rate for the non-residential use. Multi-family dwelling units with five (5) or less units, including condominiums and townhouses, shall be billed at the residential water and sewer rate for the non-residential use. This does not apply to townhouse or condominium associations with 6 or more units.

s/Alderman Tedesco and Alderman Gaffney

RESOLVED Whereas, the City Council recognizes that the city is currently undertaking two major capital construction projects; and

Whereas, in the opinion of the City Council the health and safety of the city's firefighters and current condition of the Engine 3 fire station warrants the city taking all necessary steps to begin planning for a new fire headquarters;

Now, Therefore, Be It Resolved that His Honor the Mayor submit to the City Council a proposed amendment to the city's five-year capital plan to include the planning and construction of a new fire headquarters.

s/President Haggerty

Motion made and 2nd to ADJOURN.