

**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	

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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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**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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2<sup>nd</sup> that MATTER be LAID ON THE TABLE, 7 in favor, 1 opposed (Concannon opposed), 1 absent (Mercer-Bruen absent).

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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

Motion made and 2<sup>nd</sup> that the communication be accepted and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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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/President Haggerty

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON FINANCE with the following amendments: 1. That a communication be forwarded to the Mayor requesting a copy of the letter of intent and a copy of the appraisal used to determine the value of the property, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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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

Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE including the meeting notes provided by the City Engineer, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Motion made and 2<sup>nd</sup> that the following matter be taken out of order, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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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". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: February 23, 2017 s/Scott D. Galvin February 23, 2017**

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Motion made and 2<sup>nd</sup> to return to the regular order of business, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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**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. Appearing for

the petitioner was Bob Oliveira, Comcast Contract Project Coordinator and he stated that that he spoke to the Superintendent of Public Works who approved the plans, that the work will take three to four days, and that the work will be conducted nights and weekends. Alderman Gately stated that he wants to be certain access to the Post Office, Moose Hall and handicapped accessible parking spaces and sidewalks are not blocked during the work, and that he wants seven to eight feet ground and overlaid at the trench and trench area. PUBLIC COMMENTS: Carol Youngclaus, 2 Park Drive stated that she wants to be certain handicapped accessibility is not impaired along the sidewalks. Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2<sup>nd</sup> that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the conditions as follows: 1. That the petitioner shall not block access to the Post Office or Moose Hall during construction, 2. That the petitioner shall keep Federal Street passable at all times during construction, 3. That the petitioner shall grind and overlay the surface eight (8) feet side to side along any trench, and 4. That the petitioner shall keep Abbott Street handicapped accessible during construction including parking spaces and sidewalks, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: February 23, 2017      s/Scott D. Galvin February 23, 2017**

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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

No one appeared for the petitioner. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 7, 2017, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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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.

Re: Proposed amendments to Section 14 of the Zoning Ordinance to allow "stacked" units in townhouse developments by special permit and proposed amendments to Section 8.4.1.3 and Notes to Table 5.1 Table of Use regulations to allow City Council to waive certain driveway standards for multi-family and townhouse developments by special permit

Dear Council:

At its meeting on February 14, 2017, the Planning Board conducted a public hearing on the above-referenced zoning petition which was submitted by Seaver Properties LLC. After concluding the public hearing and following subsequent Board discussion,

members of the Board voted to make the following recommendations to the Council on this petition:

1. PROPOSED AMENDMENTS TO SECTION 8.4.1.3 AND NOTES TO TABLE 5.1, TABLE OF USE REGULATIONS TO ALLOW CITY COUNCIL TO WAIVE CERTAIN DRIVEWAY STANDARDS FOR MULTI-FAMILY AND TOWNHOUSE DEVELOPMENTS BY SPECIAL PERMIT

The Planning Board recommended the language proposed in this portion of the proposal last year, in connection with a different zoning petition submitted by a different applicant. After reviewing the language in more detail and considering its potential application to the development of Shannon Farm, the Planning Board voted unanimously (6-0-1, with Ventresca in abstention) to recommend adoption of an amended version of the proposal. The recommended version is attached to this communication in “red line” format.

2. PROPOSED AMENDMENTS TO SECTION 14 OF THE ZONING ORDINANCE TO ALLOW “STACKED” UNITS IN TOWNHOUSE DEVELOPMENTS BY SPECIAL PERMIT

The Planning Board voted unanimously (6-0-1, with Ventresca in abstention) to recommend adoption of this portion of the proposal. The Board discussed the amendments related to “stacked” units with the applicant extensively to determine the impact and relative public benefit of adopting the requested amendments. The Board heard testimony that permitting the limited inclusion of so-called “stacked” housing units in townhouse developments would have very limited future application City-wide, given the eighteen (18) acre minimum lot size requirement for townhouse developments. The use of “stacked” units will result in less impervious pavement and building ground coverage on the site, both of which are positive factors in terms of potential impacts on drainage. Moreover, the use of “stacked” units will, in the case of this development, result in a larger parcel of dedicated open space and less development and disturbance near one of the abutting neighborhoods (Glenwood Avenue and Waverly Road). Finally, the features and physical size of the “stacked” units will result in those units being less expensive than the traditional townhouse units. This will create a greater range of housing affordability, augment the actual affordable housing units that will be required to be provided under Section 11.11 of the Zoning Ordinance, and likely result in a development that attracts a wider spectrum of household types.

If you have any questions about the Board’s recommendation please do not hesitate to contact me.

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

Planning Director’s recommendation for amendments to Parking section of  
Zoning Ordinance relative to driveways  
February 13, 2017

## 8.4 Design and Layout of Required Parking Facilities

### 1. Dimensions

- 1.) ~~Parking stall, standard:~~ minimum of nine (9) feet- in width, eighteen (18) feet- in length
- 2.) ~~Parking stall, compact car:~~ minimum of eight (8) feet- in width, sixteen (16) feet- in length
- 3.2a) ~~Retail p~~Parking stall, retail; minimum of ten (10) feet in width, eighteen (18) feet in –length
- 4.2b) ~~Handicapped p~~Parking stall, handicapped; minimum of twelve (12) feet in width; eighteen (18) feet in length

### 2.3) Minimum and Maximum Entrance and Exit Driveway Widths:

The term “entrance and exit driveway” as used in this Section shall mean the location at which the driveway meets the street, and shall not mean the driveway(s) interior to the site.

Minimum Driveway Width: For both residential and commercial developments, the minimum driveway width shall be twelve (12) feet.

Maximum Driveway Width: For residential and commercial developments, the maximum driveway width shall be as follows:

Residential: Maximum driveway width of twenty-four (24) feet. For a detached two-family dwelling in the R-2 zoning district, the maximum driveway width serving the lot shall be forty-eight (48) feet. (amended 5/26/2009)

Commercial Developments of less than 15,000 square feet: Maximum driveway width of twenty-eight (28) feet of pavement width, leading to an intersection having a radius of ten (10) feet.

Commercial Developments of greater than 15,000 square feet: Maximum driveway width of twenty-eight (28) feet of pavement width, leading to an intersection having a radius of thirty (30) feet, ~~however, t~~

Notwithstanding the provisions of this section, the maximum pavement width may be increased and/or the minimum required driveway radius may be reduced ~~increased~~ for multi-family dwellings and commercial developments only, greater than 15,000 square feet if so authorized by Special Permit issued by the City Council pursuant to this Section 8.4.1.2 or if shown on a plan

approved by either the City Council or the Planning Board. Neither the City Council nor the Planning Board shall have the authority to modify the dimensional requirements for entrance and exit driveways servicing one-family and two-family dwellings.

Note: All driveways shall be subject to the additional regulations set forth in Section 5.2.4 hereof. (Amended 9/30/1999)

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. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petition would allow multifamily dwellings up to four units per dwelling with no more than 25% stacked units, that the proposal provides more open space and creates a diversity of housing options, the proposal would also allow the maximum width of a driveway to be varied if authorized by special permit, that the petitioner has an agreement to purchase the former Shannon Farm property, that there was a concern expressed by neighbors about the nineteen units proposed for the upper right portion of the parcel, that the petitioner will relocate those units as stacked units, that stacked flats allow more greenspace, more diversity in unit types, that the change will only apply to parcel of eighteen acres or more, that the proposal does not increase the number of units, does not allow four story buildings, and does not change height or open space requirements, that the petitioner will provide a parking lot as was included in the original proposal, that stacked units allows different price points per unit, that the Planning Board recommended the approval of the petition, that 70% of the 50% of the parcel given to the city must be upland, that in 1996 Winning Home was selling the property in Woburn and Winchester, that the Woburn property was zoned for single family homes, that the neighbors did not want a single family home development, that the city adopted the zoning to prevent a large scale family development at Shannon Farm and Winning Farm, that the petitioner is still proposing a townhouse development, that the petitioner is not adding single family homes to the proposal, that the petition meets all the criteria set forth in Section 14.1, that the petitioner received input from the neighbors that they did not want units near Shaker Glen, that the plan for the development was modified based on this information, that the proposal was not changed to reduce expenses but to address the concerns of the neighbors, that townhouses are sometimes referred to as row houses, that there are other definitions of townhouses, and that the petitioner is not proposing to change the definition of townhouses. Attorney Tarby offered a photograph of a stacked townhouse unit for the City Council to review. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Scott Seaver of the petitioner stated that there were nineteen townhouse units proposed on the northern side of the NStar easement, that the new proposal will open up six acres of land for open space, that all nineteen of the units have been shifted to the southern side of the easement, that six buildings will have four stacked flats, that the buildings will be thirty feet in height which is lower than the single family restriction of thirty-five feet in height, that the stacked flats are smaller units than the other townhouses, that rather than 2,000 square foot townhouses the stacked flats units

will be 1,200 square feet to 1,300 square feet which are less expensive and take up less room than the townhouses, that a road with water, sewer and utilities can be constructed under the easement, that the proposal did not lose nineteen units but the petitioner chose to modify the plan, that the modified plan provides the city with more open space, that townhouses are allowed in the R-1 zoning district if the parcel has more than eighteen acres, that the petitioner is following the specifications in the ordinance, that the number of units was calculated based on the ordinance, that an engineering plan cannot be prepared until the petitioner knows what will be allowed and this is dependent on the proposed zoning changes, that the petitioner has an agreement with the sellers of the property which he has to abide by, that the Fire Department reviewed the proposed roadway plan based on their specifications, that a definite plan will not be available until the zoning matter is decided, that the property will look better than if there was a traditional single family ANR development, that townhouse developments tend to have older residents, that there is a purchase and sale agreement for the agricultural land and another purchase and sale agreement for the farmhouse lot which is separate, that there is a small percentage of wetland, that NStar stated that no structure would be allowed under the easement which the petitioner has not proposed to do, that the petitioner can no go further with NStar without a fully engineered plan but a fully engineered plan cannot be prepared until this zoning issue is decided, that the 118 units is a combination of the parcels under the two purchase and sale agreements, that approximately nine acres of land are located under the easement, that the petitioner took more of the land under the easement for parking and depressions for drainage, that the purchase price of the 2,000 square foot units would be in the \$600,000.00 range, that the purchase price of the 1,200 to 1,300 square foot units would be in the \$400,000.00 range, that the petitioner is not trying to change the definitions in the zoning code or saying that a stacked flat is a townhouse just that stacked flats can be included in the townhouse development, that he is not trying to pull something over on someone, that the project would generate more income if there were all townhouses but stacked flats takes some risk out of the development as there are different price points, for the public there are more options and for the city there is more open space, that the city will receive 24 acres of open space connected to Shaker Glen, that there will be less impact on schools, fewer required services, and a traffic system improvement at the Four Corners intersection with the proposal rather than a single family development, that there is a lot of benefit to the city and the public with this proposal, that the proposal will only allow stacked flats under Section 14 not citywide, that the stacked flats will have two bedrooms, and that reconfiguring the 118 units without stacked flats in the contiguous parcel can be accomplished but there will be less green space between the units. Alderman Gately stated that there is no benefit to the city with the stacked units, that the nineteen units were lost because the roadway cannot cross the easement, that there are many issues outstanding, that there are too many units, that the petitioner should consider a reduction in the number of units, that he is not in favor of the proposal, that the development should be single family homes, that the Winning Farm project is up a hill on the Winchester line but this proposal is on the main road and will look like a housing development, and that the development is not restricted to residents over 55 years of age. Alderman Anderson stated that the purchase and sale agreement indicated 111 units, that he is concerned about changing the rules, that the parcel across the street could not take advantage of

stacked flats, that 70% if the dedicated public land is supposed to be upland, that he wants a calculation of the upland and wetland, that the intention of the zoning amendment is to allow more units but also more open space, that under the ordinances there should be clusters, that the modification is not all based on altruism, that the petitioner can build townhouses but he wants a certain number of units, that this proposal is the petitioner's way of getting to 118 units by stacking, that the petitioner could get to 110 units without stacked flats, that the purchase price of the parcel was \$8,100,000.00, that this is a \$50,000,000.00 project with 100 units, and that a compromise number of units must be determined rather than changing the rules. Alderman Higgins offered a document from the 2009 International Residential Code with the definition of townhouse for information. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, Attorney Tarby offered a photograph of a stacked townhouse unit for the City Council to review. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Alderman Higgins stated that she has kept an open mind on the proposal, that she looked at the project because of the amount of open space that city would receive and the access to the Shaker Glen but she asks whether the city is giving up too much in return, that the zoning definition is not clear, that this may be a better plan with an additional six acres of open space but 25% of the units as stacked flats is too much, that stacked flats may not be in the spirit of Section 14, and that the stacked flats in the North Woburn project are in the intergenerational zoning district. Alderman Concannon stated that he does not like when the rules change, that as currently existing the rules allow this development, that in 1996 the city created this rule to allow townhouses in the R-1 zoning district if the petitioner gives up space to the city for open space, that the City Council is being asked to look at the zoning code for two minor adjustments to the current rules relative to the driveway width and stacking of units, that there are currently stacked units in Woburn that are not perceptible from outside the unit, that this is not a situation with the developer changing the zoning district, that the petitioner is working under Section 14 which was likely designed for a project just like this proposal, that the Woburn zoning ordinances provide a definition of a townhouse with all units separated by side or party walls, that the petitioner did not jump to the conclusion that the units cannot be stacked, that the Building Commissioner has a different opinion in that stacked flats are not included in the definition, that there is a unit on top of another unit in North Woburn that looks like the stacked flat proposal here and looks like a townhouse from the exterior, and that there must be a clarification as to whether stacked flat style townhouses are permitted. Alderman Tedesco stated that the proposal is not changing the rules, that the stacked townhouse in North Woburn appear from the outside as townhouses, and that Kimball Court has 27.5 acres with 525 units. President Haggerty stated that he is concerned that this property could become a Chapter 40B project, that this has happened in the past, and that the only comparable parcel would be the over 500 units proposed for the Whispering Hill parcel. PUBLIC COMMENTS: John Burke, 45 Dix Road Ext. stated that there will be an adverse impact on the community, that with 118 units there will be over 200 vehicles, that a handful of parking spaces will be used for the walking trail, that the proposal will not help the residents in the area, that mitigation is a method of getting more than should be allowed, that the petitioner will have less utility expense and roadway costs by staying south of the easement, that townhouses are a bad precedent, that

the property should have been zoned for one-half acre lots, that new schools and public safety equipment will be needed, and by the city not purchasing the property when available the costs to the city will be tenfold. Joan Byington, 36 Dix Road Ext. stated that she submitted correspondence from residents opposed to the proposal for stacked units, that she is disappointed that the Planning Board gave a favorable recommendation for the proposal, that the neighborhood is entirely single family homes, that the development is totally out of place with the character of the area, that the proposal allows the project to be contracted because the original plan was not going to receive approval, that the advantage is to the petitioner alone, that the original ordinance was designed to protect the interests of the neighborhood, that the duty is to the citizens of Woburn and not to developers who are looking out for their financial advantage, and that the petitioner could have listened to the concerns of the neighbors who will be living in the shadow of the development. Constance Otradovec, 12 Maura Drive stated that 118 units are excessive, that she is not asking the petitioner not to develop the parcel just not to the extent proposed, that she does not know how the easement fits into the open space calculation, and that Kimball Court is not a good comparison as that is a different type of neighborhood. Carol Youngclaus, 2 Park Drive stated that house developed on Wyman Street are large, that there is a need for affordable housing and for open space, that neither young or older residents of the city can find affordable housing in the community, that further developments is inviting Chapter 40B projects, that every new project with a 10% affordable component does not help the city meet the requirements of Chapter 40B, and that she favors this zoning amendment to preserve open space, create affordable housing and to avoid a development of large houses. Charles Viola, 2 Morningside Circle stated that he is opposed to the project, that the development will encroach on the single family homes in the area, and that it is unlikely that MassDOT will allow changes to the traffic signals in the Four Corners. George Holland, 2 Strawberry Lane stated that she is in favor of the project, that there will be less impact on the schools, that there is a 70 to 100 foot setback from Lexington Street, that the development will be responsible for the street, snow and trash maintenance expenses, that there will be more open space, and that single family homes will result in more driveway curb cuts on Lexington Street. Sue Ellen Holland, 2 Strawberry Lane stated that she is in favor of the proposal, that there was enough room to build 300 single family homes at Winning Farm when this townhouse zoning was adopted, that the concern was the impact on the capacity of the Reeves School, that there are currently four classes in every grade with three classes in kindergarten at the Reeves School, that the Reeves School is already at capacity, that a development of 63 single family homes will result in children in the schools, that 32 houses have already been approved on the parcel across Lexington Street from this site which will have an impact on the schools, that the townhouse projects will have less impact on the schools, that a Chapter 40B project is a possibility for the parcel, and that the proposed development will be comparable to the Quail Run development. Gerry Kehoe, 61 Water Street stated that several years ago a 3.2 acre parcel was developed near her house, that six large houses were constructed on postage stamp size lots, that there are children residing in the houses, that the houses are very large, that single family homes will impact the schools, that the petitioner is a good developer of quality developments, that the existing houses in the neighborhood are half the size of the new houses developed in her neighborhood, that there needs to be affordable housing for the elderly

and the young in the city, that she is in favor of the proposal, that she wants open space, that residents of the city has been trying since 2001 to get access and parking for Shaker Glen, and that the proposal gives the city affordable housing and access to a Conservation area. Chris Owen, 3 Florence Terrace stated that he is neither in favor nor opposed to the proposal, that he is concerned about a developer driving a change of a zoning amendment, that a stacked townhouse is not a townhouse as it is a stacked flat, that the proposal changes the definition of a townhouse, and that the 18 acre minimum for these developments could be changed to a lower minimum acreage. 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. Motion made and 2<sup>nd</sup> that the communications be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 21, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Motion made by Alderman Tedesco and 2<sup>nd</sup> to reconsider his vote to continue the public hearing on the petition by Seaver Properties LLC for a special permit and site plan approval to allow for one hundred eighteen (118) residential townhouse units at 285, 287 and 299 Lexington Street, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 4, 2017, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Motion made and 2<sup>nd</sup> for a five minute recess, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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President Haggerty called the meeting back to order.

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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 24<sup>th</sup>, 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 14<sup>th</sup>, 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 21<sup>st</sup>.

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. Motion made and 2<sup>nd</sup> that the communications be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Appearing for the petitioners was Attorney James Mawn, Northern Bank and Trust Company, 275 Mishawum Road, Woburn, Massachusetts 01801 and he stated that there is a stigma against billboards and he agrees with this however this petition is reactive to a petition by the MBTA, that the plan for the MBTA billboard has changed from the north side to the south side of the railroad tracks which is directly across from his client's building, that the MBTA has wide powers to erect a billboard, that other communities have fought MBTA billboard proposals and lost, that without this ordinance the city has not authority over the billboard, that under State and Federal rules there can only be one billboard installed in this area, that if the MBTA billboard is installed then none can be installed in the Mishawum Transit Overlay District (MTOD), that the difference is that the city can regulate a billboard in the MTOD, that the first to install the billboard prohibits the other billboard from being constructed, that the proposal is for a billboard only in the MTOD, that this is a small area with unique attributes, that only one billboard would be constructed in the MTOD and the ordinance could not be relied on to install other billboards in the city unless the City Council approves further amendments, that there cannot be a digital billboard within a 1,000 foot radius from the location, that the safe harbor from further billboards would be upon approval by the outdoor advertising board, that there would be a special permit process then an application to the outdoor advertising board and if the petitioner was first in line with the outdoor advertising board this would prevent another billboard from being installed, that the MBTA can install a billboard along any point of its railroad tracks that the MBTA believes is economically viable, that he would rather have a billboard with local community events rather than national brand advertisements, that the city can control the hours of operation with a billboard in the MTOD but not the MBTA billboard, that the sign was moved from the northerly side to the southerly side of the railroad track because of an issue with proximity to the off ramp, that he is not aware of another community that may have prevailed by following the proposed amendment, and that ten years ago the city established the MTOD zoning district. Alderman Gaffney stated that this location on Route 128 would seem to be the only economically viable location along the railroad tracks. Alderman Gately stated that this is a difficult decision as the city does not want to give up the right to regulate billboards, and that the MBTA rights put the city in a difficult position. Alderman Concannon stated that the Planning Board unanimously recommended the petition not be adopted, that the City Council should give some weight to the Planning Board recommendation but may act contrary if the City Solicitor

depending upon the opinion of the City Solicitor relative to the defensive nature of this action, and that the City Council needs to know that the city could win the race at the outdoor advertising board with this proposal. President Haggerty stated that he does not support billboard but that it is better to control the city's future, and that he wants to have the matter go to the Committee on Ordinances and have the City Solicitor attend that meeting. PUBLIC COMMENTS: John Pelrine, 21 Arrowwood Street, Methuen, Massachusetts stated that he works for Logan Communications and formerly worked for Clear Channel, that most communities have ordinance prohibitions on billboards, that the State issues the permit, that there has to be 1,000 feet distance from billboard to billboard, that in Canton a billboard was installed 20 feet away from a proposed MBTA billboard, that the MBTA can go into any site as long as it meets State requirements, that the city can regulate the height and size of the sign, the hours of operation and content for a local board, and that there will be no flashing signs and a 10 second change rate. Tim Swain, 29 Dragon Court stated that he opposes the petition, that billboards are too much of a distraction, that this is a unique area, that the area is not a straightaway but a location of gridlock and highway access points, and that the city should fight the MBTA sign. Tom Skeffington, 9 Bamberg Drive stated that the city should act before the MBTA, and that this proposal will give the city control over the content and dimensions of the sign. Motion made and 2<sup>nd</sup> that a communication be sent to the City Solicitor asking for her to attend the Committee on Ordinance meeting regarding the petition and requesting her opinion as to whether the adoption of this ordinance would preclude the MBTA from installing a billboard on Salem Street at the MBTA railroad tracks or at any other place in the city, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 7, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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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

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the cinema has been downsized from over 2,000 seats to approximately 800 seats, that the same area is no longer required for parking, that the purpose of the petition is to market the property, that the use is currently limited to the cinema or a cinema-related use, that this condition would remain on the cinema lot, that the special permit was granted 28 years ago, that the business model of cinemas has changed over the years, that the city would have control over the parcel through the special permit process, and that his client is not present at the meeting and therefore he is unable to make the decision relative to withdrawing the

petition. Attorney Tarby offered a set of proposed conditions to the City Council for review as follows:

1. The Plan of Record shall be the plan entitled "Proposed Site Plan" dated June 10, 2016 revised August 8, 2016 prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts (the "Plan").
2. IV General Conditions shall be amended by deleting "Site" on the third line and the sixth line and replacing with "Parcel 11" as shown on the Site Plan.
3. Notwithstanding any language to the contrary contained in the 1985 City of Woburn Zoning Ordinance as amended, any use of Parcel 11 shall require a Special Permit.
4. Except as modified herein, the May 6, 1994 Special Permit Decision shall remain in full force and effect as to Parcel 11 as shown on the Plan.

Motion made and 2<sup>nd</sup> that the document be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Tim Williams, PE, Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that the petitioner worked with the Land Court to subdivide the property into two parcels, that the cinema parcel is in conformance with zoning, that the cinema site meets parking, landscaping open space and setback requirements, that only 330 parking spaces are required and there are 621 parking spaces on the parcel, that Parcel 12 has approximately 1,200 parking spaces, and that utility and drainage easement will be needed. Alderman Anderson stated that in October 2016 a similar petition was before the City Council and it was made clear that no changes to the special permit would be considered, that the special permit applies to the whole parcel, that he would consider the petition if there was a package offered but that he is not willing to release the property from the restrictions without a specific development plan, and that the similar petition was previously given leave to withdraw and is back before the City Council again. Alderman Gately stated that the petitioner helps the city however a previous proposal was denied, that the city cannot open the parcel up to a big box type store that may take all the parking, and that the petitioner might consider withdrawing the petition in view of the comments at this meeting. Alderman Concannon stated that he remembers the concern of neighbors about the impact of the cinema on the abutting neighbors, and that with fewer seats in the cinema there is less need for parking which opens a portion of the parcel for development however this is contrary to the understanding of the neighbors that there would be no further development at the site. President Haggerty stated that he is not willing to support the petition until a specific plan is proposed. Alderman Higgins stated that little has changed since the prior petition, and that she is reluctant to support this petition. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 7, 2017, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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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

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the property is located in the B-I zoning district, that a hotel is allowed by special permit, that the hotel was originally developed in the 1970s, that a 7,200 square foot addition is proposed for additional function space along with minor renovations, and that in calculating parking there is no specific amount for a ballroom so “other uses” was relied on for calculations. Tim Williams, PE, Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that the proposal is for a ballroom addition, that the addition will be in the area which is currently an open courtyard, patio and sidewalk along an area of eighteen parking spaces, that there will be a 7,200 square foot addition, overhang and new sidewalks along with eighteen Americans with Disabilities Act accessible parking

spaces, that the addition will tie into the existing infrastructure, that there will be enhanced landscaping with substantial new landscaping near the ballroom, that the uses on the property require 423 parking spaces and there are 434 on site, that there are eleven extra parking spaces, that there is ample parking for the given uses, that the project is outside the jurisdiction of the Conservation Commission, that there will be an enclosed dumpster, that there are two loading areas at the rear of the building, that the ballroom will only be a portion of the addition, that there will be back of house areas and changes to some interior corridors, that patrons will still enter from the front of the building, that the addition will not be the main entrance, that this will be a one-story addition, that the hotel currently has four stories, that there is no closed drainage system on site because of the high water table and peat material, that at the front of the building there are light poles but not at the rear of the property, that there are pack lights on the building, the highway lights and the marquee which all provide lighting, that more lighting could be added to the landscaped area, that there are loading areas but these are not typical loading docks, that there is no definition for ballroom in the zoning ordinances relative to parking, that the remaining spaces over what is required will be applied to the ballroom use, and that the ballroom will be ancillary to the restaurant and hotel uses. Frank Vento, Operations Manager stated that there is function space on both sides of the corridor, that the ballroom will be extended through the current grand ballroom on the easterly side of the corridor and the remaining area on the westerly side of the corridor will be used for storage, a small boardroom and an employee café, that there may be an increased capacity of 100 people with the addition, that the new ballroom will be a continuance space that can be divided into four sections, and that no exterior rendering of the building has been prepared. Alderman Concannon stated that if the rear area of the property is to be used more than additional lighting in that area may be needed. President Haggerty stated that he had no objections to the proposal, and that a snow storage plan should be required. PUBLIC COMMENTS: Thomas Skeffington, 9 Bamberg Drive stated that he is in favor of the proposal, that the hours of operation for establishments with liquor licenses have been extended to allow competition with locations outside the city, that there have no issues at the location for many years, and that the petitioner is supportive of local causes. Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the site plan of record shall be the plan entitled "Site Plans for Building Addition, Crowne Plaza Boston-Woburn, Woburn, MA" sheets Cover, ABB-1, 1, C-1, C-2, C-3, C-4A, C-4B, D-1, D-2 dated January 11, 2017 (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. That a snow storage plan shall be filed with the Building Department,

and 3. That adequate lighting shall be installed to the rear of the building that is sufficient in the opinion of the Building Commissioner, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

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". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: February 23, 2017      s/Scott D. Galvin February 23, 2017**

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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". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the amendment as follows: 1. That the funds shall be encumbered by June 30, 2017, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: February 23, 2017      s/Scott D. Galvin February 23, 2017**

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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". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor: February 23, 2017      s/Scott D. Galvin February 23, 2017**

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**NEW PETITIONS:**

Petition by M&L Transit Systems, Inc, 60 Olympia Avenue for renewal of Common Carrier License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Petition by TransAction Corporate Shuttles, Inc., 5 Wheeling Avenue for renewal of Common Carrier License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO

COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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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. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Petition by Woburn Toyota, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, 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. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

\*\*\*\*\*

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 at 1095R Main Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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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. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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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. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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**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. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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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. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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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. President Haggerty stated that he commends the work of the City Clerk in pursuing this matter, and that the statute is an example of the General Court overreaching. Motion made and 2<sup>nd</sup> that MATTER be RECEIVED AND PLACED ON FILE, all in favor, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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

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**APPOINTMENTS AND ELECTIONS:** None.

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**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

Alderman Tedesco stated that the State Auditor has found that the early voting statute was in contravention to the local mandate law, that the State Auditor found \$700,000.00

in mandated costs and \$1,200,000.00 in optional costs to the communities, that only \$400,000.00 was provided out of the \$1,900,000.00 in costs, that in addition \$1,200,000.00 was allocated for the Secretary of the Commonwealth's office for costs of early voting, that over \$3,000,000.00 was expended for early voting, that according to a Boston Herald editorial although the intention was to increase voter participation but that in 2016 turnout was 75% and in 2012 turnout was 73% and that this is an insignificant increase in view of the controversial presidential election and a number of high interest ballot questions, that \$3,200,000.00 plus a number of unquantifiable expenses were incurred to increase turnout by 2%, that this is not a good return on investment, that claims of early voting being wildly successful are ridiculous, that only 22% of voters chose to vote early and 78% of voters did not, and that he wants this resolve sent to the General Court so that the issue can be addressed. Alderman Anderson stated that the City Council does not generally wade into state issues but that this matter hit the city in the pocket. Alderman Campbell stated that this is an important issue, that allowing early voting without amending the Massachusetts Constitution is breaking the law, that the General Court may be in favor of early voting but it is up to the voters to decide this issue at the ballot box, that the General Court began the process to amend the Massachusetts Constitution in 2013 but did not finish the process, that the General Court passed the law creating early voting in 2014 with the input of the voters and that doing do harms democracy, and that the General Court should start the process over and follow the procedure correctly. Alderman Gately stated that the General Court again adopted a statute that passes onto the residents of the city, that this was wrong to do so, that there are statements that early voting was a success but it was not so in view of the costs passed onto the city, that there should be a funding mechanism, and that if early voting is a good idea then it should be funded by the General Court. President Haggerty stated that he supports early voting as it makes sense but it must be funded, that State Representative Dwyer has submitted a bill to prevent unfunded mandates from being sent on to cities and towns, and that we are a part of a team with the State delegation on these issues. Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

**Presented to the Mayor February 23, 2017 and ten days having elapsed without same being approved, said Resolve became effective without his signature on February 23, 2017.**

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Motion made and 2<sup>nd</sup> to ADJOURN, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Meeting adjourned at 9:58 p.m.

A TRUE RECORD ATTEST:

William C. Campbell  
City Clerk and Clerk of the City Council