

**CITY OF WOBURN  
JANUARY 3, 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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Pursuant to Title 2, Article III, Section 2-13 of the 1989 Woburn Municipal Code, as amended, His Honor the Mayor Scott D. Galvin delivered the State of the City Address. In addition to the Members of the City Council, the following School Committee Members were seated in the legislative area of the Council Chambers for that portion of the meeting in which His Honor the Mayor made his address: Chair Christopher Kisiel, Member Patricia Chisholm, Member Ellen Crowley, Member Joseph Demers, Member Frederick Metter, Member Michael Mulrenan and Member Dr. John Wells. State Representative James J. Dwyer was also in attendance. The Mayor's address was as follows:

State of the City of Woburn, Massachusetts

Good evening members of the Woburn City Council, School Committee, City Board Members, Department Heads, Staff and Guests. I am grateful for the opportunity to present the State of the City to the citizens of our great City. Thank you to my wife, Eileen and children for your love and support. Special thanks to my assistant Marie Lingblom for your continued daily excellence.

As we begin the year 2017, I am pleased to report, as I have every January since being elected Mayor, that we continue to strengthen our financial position.

Our successful work has been a collaborative effort between my office, City department heads, the City Council, and School Committee. We have—and will continue to—implement more efficient ways to operate, reduce inefficient and wasteful spending, and continue to deliver the highest level of affordable quality services to the residents of Woburn. Our commitment to conservative budgeting and spending practices has served to strengthen the City's balance sheet, and helped us retain our hard-earned Aa1 bond rating—the second highest municipal bond rating available.

To further solidify our financial position, we will be working on a new five-year financial forecasting tool and cash-flow model with the assistance of The Collins Center. The five-year financial forecasting tool will project increases and decreases in revenue and expenditures. This forecasting tool will help the City establish a framework and dynamic

model to be utilized in helping to analyze the financial implications of proposed policies, expenditures, new outlays, new positions, and potential capital projects.

The cash flow model will allow the city financial team to determine whether City funds should be placed in short-term or long-term investments, in order to maximize City investment returns. We will continue to face financial and economic challenges over the next year, including budget cuts at the State level that reduce funds for City programs, financial obligations related to funding post-employment health insurance benefits and costs, and new debt service payments. The City recently approved a conservative five-year capital plan, which includes projected free cash and debt service payments for numerous capital outlays including two major city projects. The debt service for the construction of the new Hurld/Wyman Elementary School, and the much-needed renovation and new addition of the Woburn Public Library will increase the city budget by more than \$2,500,000 when completed.

Other important budget considerations include the financial obligations related to funding post-employment health insurance benefits and costs, which are staggering. In the most recent actuarial study, the City had an unfunded liability for the cost of retiree health insurance totaling \$160,000,000. In addition, GASB 43 & 45 requires all cities to report the financial costs and obligations of employees' insurance as they are incurred—just like pensions—and *not* when employees retire. This requirement has an adverse effect on city balance sheets when the OPEB liability is not fully funded on an annual basis. We started addressing this issue with the creation of an OPEB Trust, which currently has a balance of just more than \$3,000,000. Most recently, the City Council approved appropriations of \$500,000 in FY15 and \$1,000,000 in FY16. I also plan to request an appropriation to the OPEB Trust for FY17. However, in order to fully fund the OPEB liability, our annual contribution would need to be significantly greater than our current budgetary restraints allow. As we move forward, additional funding sources must be identified or difficult decisions regarding which municipal services to cut must be made to fund retiree health insurance costs. The continued budget cuts and reduced revenue forecasts at the State level could also continue to impact city finances, as we already witnessed this fiscal year's elimination of a \$175,000 school kindergarten grant after our budget was approved.

**Growth:** The City has continued to show signs of solid growth, as evidenced by the strong volume of building permits issued by the building department (1,608), as well as the visible daily construction activity across the city. We expect this growth and construction activity to continue in 2017, with the permitting and build-out of the W.R. Grace site, three major mixed-use developments in Woburn Center, Kohl's Plaza, 100 Baldwin Avenue, and Shannon Farms. In addition, we continue to respond to inquiries on the 57-acre Atlantic Gelatin site, and will work pro-actively to ensure we get the best development possible for this ideally located, commercial site.

Residential values continued climbing in FY 2017, increasing by 6.4% over FY 2016, to \$409,762. This is the first time the average value of a single-family home has crossed the \$400,000 barrier. The average tax bill for the single-family home owner is \$4,072, which

is significantly lower than tax bills in most, if not all, communities in the immediate surrounding area, while providing superior services and unrivaled value for the dollar. Taxable new growth, as certified by the Massachusetts Department of Revenue was also strong in FY 2017, totaling \$2,108,747, and with a number of residential and commercial projects recently complete, we anticipate similar new growth for FY 2018.

In addition, we will continue to look for ways to grow responsibly, by promoting our strengths to attract quality business to the City. To help in this marketing process we will be participating in an economic development program managed by Northeastern University's Dukakis Center for Urban and Regional Policy. The program, known as EDSAT (Economic Development Self-Assessment Tool), helps cities and towns analyze their capacity for economic development. Municipalities start by identifying and promoting the "deal makers" in their communities that foster economic growth and opportunity, and by identifying and surmounting the "deal breakers" within their control that have been working against the community's economic development efforts. The City expects to start the EDSAT process in February, and to have the final report by May.

**Infrastructure Projects:** A number of public works infrastructure projects were recently either completed, are in progress, or in the planning stages. During the past year, using a combination of pavement preservation strategies and traditional paving methods, we resurfaced Commerce Way, Olympia Avenue, Main Street, and a number of additional residential streets. The 2017 paving program will deploy \$1.2 million in Chapter 90 funds to highly traveled roads, including Montvale Avenue.

The Engineering Department and DPW also continued our aggressive cleaning and re-lining of water mains. Under the Year 10 cleaning and re-lining program, we relined Montvale Avenue and Vernon Street. We also installed a new 12-inch main under Route 128 to alleviate water-looping issues north of Route 128. Funding for the relining program will continue in 2017.

Meanwhile, we recently completed year-one construction under the five-year CIP Inflow and Infiltration program, which addresses the removal of groundwater infiltration in our sewer system. We will prepare contract bid documents in early 2017 for year-two construction, which is funded through the generous MWRA grant/ loan program. This program has been essential to holding MWRA sewer cost increases in check.

We also have two major projects seeking funding through the State Transportation Improvement Program (TIP), which are picking up speed. The Montvale Avenue road widening is a \$4.7 million project, which has been approved for funding through the TIP. The widening project will serve to greatly alleviate traffic on both Montvale Avenue and Washington Street. The project has been scheduled for bid advertising during September 2017. Between now and September, the project will seek private landowner takings, various environmental permits, and final approval of 100-percent design drawings by the state Department of Transportation. Progress on the other TIP project, the New Boston Street Bridge, has also begun to accelerate. Funding for the \$17.5 million bridge project has been programmed as part of the long-range transportation plan. The project has

cleared an important milestone, and has been scheduled for a 25-percent design public hearing in Wednesday, February 1, at 7 p.m., here in City Hall. Strong community support will be vital in moving this important regional project to the next design phase.

We also have two significant infrastructure projects that will positively impact Horn Pond, and both are being funded by neighboring towns. The Horn Pond sanitary sewer interceptor rehabilitation project is a critical piece of sewer infrastructure serving both Burlington and Woburn sewer flow. The project involves the replacement and re-lining of sewer pipe and manholes, and will remove more than 60,000 gallons/day of extraneous groundwater from entering the sewer system—which has caused surcharge and overflow during extremely wet weather. This \$750,000 project will be entirely funded by the Town of Burlington. The project began last month and will be finished by the end of January. At the same time, the Scalley Dam spillway modification and rehabilitation project is scheduled to begin in April, and completed by the end of July. The work is critical to improving the Aberjona River flood mitigation program, and is being entirely funded by the town of Winchester.

Recreation/Open space: We continue to follow the goals and recommendations outlined in the City of Woburn Open Space and Recreation Plan, which are critical to ensuring our community continues to be a desirable place to live, raise a family, and work. These goals and recommendations include creating recreational opportunities, upgrading existing parks, protecting historical resources, and managing conservation land for maximum benefits. The Recreation Department and our design consultant have completed a series of public meetings on the design of the Fleming Field/Clapp Park. Based on community input, a definitive design for park construction, including proposed recreational features and site furnishings, has been developed. I will be presenting these plans to the City Council, along with a request for an appropriation. This park will create outstanding recreational opportunities for children living in the South End, and enhance the majesty of the entire Horn Pond area for our entire community. Additional landscape work will continue at Gonsalves Park, where the Parks Department recently finished work on an attractive retaining wall made of excess boulders from the new Hurld/Wyman Elementary School site. The City is also in the process of applying for grant funding to create a dog park. We recently acquired a new parcel of conservation land—which will be dedicated and renamed The Aberjona Nature Trail—at a ceremony in April 2017. The acquisition and development of this passive recreation trail was made possible by a partnership between the City, the EPA, the Commonwealth, and private landowners. The nature trail was created as part of a successful restoration project that included site cleanup, removal of construction debris, the creation of flood storage areas, and the restoration of wildlife habitat enriched with nature plantings. Special thanks to Joe LeMay from the EPA, for his dedication to this project. And finally, the Cemetery Commission has partnered with the Mayor's Office and the Woburn Historical Society—with funding approved by the Woburn City Council—to restore and refurbish the historic First and Second burial grounds. Planned upgrades will be made in time for the 375th anniversary celebration event planned for Memorial Day.

Smart City Technology: The City has and will continue to use information and communication technologies, and data compiled in our Wu-Stat meetings to operate more efficiently, save money, and enhance sustainability. Our continuing evolution to a “Smarter City” will be enhanced and championed by our Chief Innovation Officer.

The City will also continue technological advances in the following areas:

Neptune Water Meter System: Over the past two years, the City has installed new water meters in every business, household and other water consuming facilities within the water system. These meters incorporate the latest technology and transmit data through a fixed network. Continuous data readings are received by the Water Department on water consumption and usage; water leakage within a home or business; meter tampering; and backflow conditions. In addition to using consumption data for water billing purposes, the Water Department can monitor and inform users of leakages in their systems so that they may be repaired in a timely fashion.

Intelligent Traffic Signals: Over the past several years, the City has been upgrading existing traffic signals to incorporate new technology, including; adaptive controllers that vary the phase timing to optimize traffic flow; smart cameras that transmit real-time video as well as count traffic volumes and turning movements; audible pedestrian signals that provide safe, as well as efficient means of crossing the street and connection to the Internet so that public safety departments can monitor intersections. These improvements are being made with an eye towards enhancing public safety, reducing traffic congestion, saving on gasoline, and allowing people to be in transit for shorter periods of time. We recently completed network connections for two major intersections.

Water System Management Software: The City will be implementing the Sedaru real-time water management system during the first part of 2017. This will give us the ability to manage water work activities in real time; provide an efficient way to manage ongoing meter maintenance and customer service requests by issuing work orders to mobile devices so that employees can be dispatched with in a more efficient way. The mobile devices track work progress and completion and store all information in the data base. The Sedaru platform provides a visual database of the water system infrastructure; service connections; water meters; water system flushing; general maintenance and emergency repairs as well as operational data. The Sedaru data base provides a repository for all water department records so that trends can be tracked and asset management can be optimized.

Energy Upgrades: We continue to be a leader in the drive to create renewable energy on municipal facilities, and improve the energy efficiency of municipal buildings. We have set a goal to reduce municipal energy consumption by 20 percent, and have taken the following measures to reduce energy use and costs:

- the installation of LED street lights, replacing old lighting fixtures with LED fixtures, installing high efficiency heating and cooling systems, installing occupancy sensors to turn lights off automatically, installing variable frequency drives to decrease motor

speed in cooling units and building energy control systems. These projects have been funded through state Green Community grants, totaling more than \$950,000, along with City funds. We plan to submit a new Green Community grant application in March 2017 to further our work toward energy and cost savings projects.

- We have also committed to achieving LEED certification for the new Hurld/Wyman Elementary School and Woburn Public Library building projects as a way to continue to lead by example on energy efficiency.
- In addition, we are in the final stages of the construction of the Landfill and Kennedy Middle School solar projects, which will result in the creation of more than 3.5 megawatts of renewable energy and substantial cost savings for the city.
- The transformation of the landfill to both a substantial producer of renewable energy and revenue generating asset will be a remarkable achievement for the City. The sole remaining task is the actual interconnection of the panels to the electric grid performed by Eversource. For those who have not seen the transformation of our land fill to a giant solar field, I am providing this illustrative video of the landfill, which appears on the city website—taken by a Drone.

City Website: We are actively working on the City website redesign, with plans to go live by midyear. Our CIO and consultant are working with department heads, residents and business owners to create an easy-to-navigate website that provides an interactive, one-stop shopping for City information, documents, services, bill payment, permits, licensing, and other services and information.

As we move forward, we will continue to work on improving constituent services by fine-tuning and supplementing our resident complaint module, currently serviced by SeeClickFix, as well as increasing our accessibility and reaching more residents with important City information through social media and our expanded interactive website.

Master Plan: The recently completed master plan produced a well-drafted document, shaped by community participation and a steering committee of local officials. The participants prioritized strategies to address key elements of the master plan, including land use, housing, economic development, and transportation. Major goals were developed for each element of the master plan. In 2017, we will work with the City Council, Planning Board, and City Departments to accomplish the following master plan goals—establishing a 40R Smart Growth overlay district, increasing downtown parking, installing parking meters, and commencing a truck route exclusion study.

The City Council recently adopted a Housing Production Plan (HPP), which was approved by the State. The HPP allows the City to plan and decide where 40B affordable housing developments should be located, instead of having developer dictate the timing and location. When the City approves a definitive number of affordable housing units, we are granted “safe harbor” status from 40B projects. The creation of a 40R smart growth residential or mixed use overlay district, will allow the City to create affordable housing

and provide a safe harbor. The Planning Department will draft a 40R application for Council consideration that will include certain parcels of land within the Commerce Way Corridor Overlay District. Specifically, the proposed district will include two sites for pending development applications: 200 Presidential Way, where 200 apartments will be proposed as part of a Chapter 40B comprehensive permit application, and 120 Commerce Way, where 293 housing units and 9,200 square feet of mixed retail uses are planned. If a 40R District is created and at least 25 percent of the housing units built in it are classifiable as “affordable,” all 493 units will count toward the City’s 10-percent affordable housing production goal. Moreover, the two projects would generate at least \$1.5 million in funding for the City through 40R payments from the State, and may generate as much as \$2.1 million in state payments, depending on project specifics.

Another major goal of the master plan is to address the parking and traffic issues in Woburn Center. Steps toward achieving these goals include the development of a new 100-space parking lot during the construction of the Woburn Public Library addition. The right to develop and create this new downtown parking lot was made possible by a grant of easement from the Woburn Housing Authority. This parking lot will help alleviate some of the parking shortage in Woburn Center. Meanwhile, we are moving forward with recommendations from the City’s Engineering Department’s Roadway Improvements Study of the streets adjacent to Woburn City Hall. As part of this process, the City is reviewing a reconfiguration of the traffic flows through Woburn Center with the aim of greatly improving both the safety and convenience of vehicular traffic through the area. The review includes consideration of a new parking area adjacent to Woburn Common. The next step in the process of evaluating this project would involve completion of a functional design report by a traffic consultant. This report would provide detail of the design steps necessary to undertake the project, along with estimates of the costs associated with implementation/construction. I will submit an appropriation to the City Council in the first week of February for the funding required to begin this process. We also will devote much of 2017 to planning for the installation of parking meters and pay stations on downtown streets and municipal parking lots during 2018.

The Planning Department will work with Engineering and DPW to review the design of all off-street parking lots to ensure proper placement of the new metering systems, and to determine the actual costs of any construction/refurbishment work needed in the lots to accommodate the new equipment. The same evaluation of necessary site work and construction costs will be done for the streets as well. In addition, we will need to finalize policies related to the operation and use of parking meters downtown, and will have to draft a list of traffic code regulations that must be updated or changed in order to accommodate the use of metered parking in downtown Woburn. It will also be necessary to secure an approval from the City Council to cover the cost of the project and to solicit quotes from parking equipment vendors. And finally, an appropriation of \$75,000 is included in the City’s current Capital Expenditure Plan for a review of existing truck routes and truck traffic regulations in the City.

**Woburn Public Library:** We continue to move closer to the 100-percent completion of construction documents for the much-needed renovation and addition of the Woburn

Public Library. We will continue with value engineering of the project to determine where additional savings can be made prior to finalizing construction documents and requesting bids. We also recently received the approval and blessing from the Massachusetts Historical Commission regarding the design plans for the addition and other features of the project, which was the last major hurdle to clear before seeking bids for the construction. We expect to know the final guaranteed maximum price for the project from our CM at Risk Contractor, Consigli, sometime before April 1, 2017. Construction is scheduled to begin in April and completed by the end of September 2018. In addition, we are finalizing a lease with Cummings Properties for temporary space on Washington Street, which will serve as the new headquarters for the library during construction period. Bids received from other landlords offering to lease space to the library came in at \$250,000 over the 18-month period. I am pleased to announce that Bill Cummings has offered to lease the space to the Library at no monthly cost, which will result in substantial overall budgetary savings. We are very grateful for Mr. Cummings' continued generosity to the Library and many other charitable causes throughout the City.

Woburn Public Schools: Last year at our Inauguration, we all agreed the Woburn School Department was providing our children with the opportunity to attain a great education. The revelation that our high school had been dropped to a Level 3 performer, however, was a major disappointment we all agreed was unacceptable. Fast-forward to this evening, and we can all proudly report Woburn Memorial High School has regained Level 2 status, and came within a mere 2 points of becoming a Level 1 school. This achievement is the result of commitment and hard work from across the board, including the School Committee, the Superintendent, students, teachers, and administrators at the high school, as well as School Department administrators. Overall, our students continue to improve on their SAT scores, participate in community service and extracurricular activities in record numbers, attend world-class colleges, and become strong leaders in the military. Well done! But there is still much more left to accomplish. As we move on to the FY 2018 budget, I will continue to meet and work with Superintendent Mark Donovan to ensure we continue to fund a responsible budget that fosters improvement at every grade level in the Woburn Public School System—while providing our children with the quality skills and great education necessary to excel in a competitive world. After a thorough and competitive procurement process, we recently awarded the contract to build the new Hurld/Wyman School to CTA Construction Co. at \$1 million under budget. Construction is scheduled to begin by the end of this month, and the new school will be ready for action on the first day of classes in September 2018. The \$34 million project will be subsidized by a generous grant from the MSBA, totaling 54 percent of all eligible costs.

Public Safety: The Woburn Fire Department continues to provide high levels of service to the community delivered with increased safety to the firefighters. The management team continues to evolve and strengthen, with the addition of a full-time training officer and deputy chief positions. The WFD also strives to provide valuable community service to Woburn residents including fire prevention, safe trailer demonstrations to elementary schools, and the installation of free smoke and carbon monoxide detectors to senior citizens. We continue to upgrade and improve WFD equipment, including:

|   |                              |             |
|---|------------------------------|-------------|
| • | 2 new pierce pumping engines | \$1,200,000 |
| • | 1 new aerial ladder          | \$1,200,000 |
| • | 1 Ford ambulance             | \$ 175,000  |
| • | 2 Tahoe command vehicles     | \$ 80,000   |
| • | 2 Ford Hybrids               | \$ 50,000   |
| • | 1 bucket truck               | \$ 60,000   |

We also plan to add a new ambulance toward the end of FY 2017, and begin discussions regarding the planning process and funding for a new fire station.

In an increasingly dangerous and unpredictable environment, our police officers continue to bravely protect our residents and neighborhoods. Chief, thank you, and your men and women, for your service. The Police Department has implemented a number of valuable community programs, including:

- School Active Shooter programs and workplace violence and active shooter programs and presentations have been developed and are conducted on an ongoing basis.
- A community-based prevention program called Youth and Police Initiative has been implemented, which has had a positive impact on relationships and interactions between local patrol officers and adolescents that are at risk.
- A cultural outreach program to the immigrant community has been developed, implemented and is active. This program works with immigrants to reduce fear of police and encourage victims of crime to report this victimization, and receive the support to which they are entitled.
- Community Policing efforts have been focused on keeping schools and children safe by controlling traffic with visible enforcement in the area of the schools and retail areas with easy highway access, which have been targeted for property crime and quality-of-life enforcement.

The biggest issue facing the City of Woburn and every community in the country continues to be the Heroin/Opioid epidemic, which tragically ruins lives and families and kills our children. We continue to battle this epidemic on all levels—sometimes taking one step forward and two steps backward. But we will keep fighting. The Woburn Police Department works collaboratively with, and leads, the Southern Middlesex Regional Drug Task Force, comprised of officers from 12 area cities and towns, and is supported by the Mass State Police, DEA, ATF and other federal agencies in this ongoing battle against drug dealers. On the educational side of the battle against the Heroin epidemic, The Mayor’s Coalition Against Substance Abuse has been extremely active in educating and informing the community about the dangers of drug use, and where to find support for addiction. The Coalition has partnered with the School Committee and held numerous educational and awareness forums at the High School and Middle Schools for students and parents. These forums will continue in 2017.

As many of you know, 2017 marks the 375th anniversary of the incorporation of the City of Woburn. The 375th Anniversary Committee members, with the support of the City, civic groups and a small army of volunteers, have been working hard over many months to organize a variety of fun and memorable events throughout the year to commemorate this historic milestone. Everyone is welcome and encouraged to participate. I cordially invite all residents to attend the first event—a special Interfaith and Historic Celebration in honor of the City of Woburn’s 375th Anniversary—at the First Congregational Church this Sunday, January 8, 2017, at 2 p.m. U.S. Senator Edward J. Markey, who has represented the people of Woburn in local, state and federal government throughout his legislative career, will be the keynote speaker. Special thanks for the outstanding generosity of leading sponsors, who as of this evening, include *Platinum Sponsors* John and Kathy Flaherty, Northern Bank, Cummings Properties, Liberty Bay Credit Union; *Gold Sponsors*, Woburn Municipal Federal Credit Union, Century Bank, NorthMark Bank and Santander; *Silver Sponsors*, Salem Five Bank, The Javaheri Group at Morgan Stanley, Stirling Technologies, and Winchester Cooperative Bank; *Bronze Sponsors*, J. Sallese & Sons, George’s Auto Body, and Woburn Glass Company. In addition, we continue to receive sponsorship inquiries from other local banks and businesses, and donations of all kinds from local businesses and individuals. Our sponsors’ generosity ensures these events are free and open to the public.

Tonight, I’m pleased to report the state of our City is great. Many thanks to all of the hard-working City employees and department heads for their consistent commitment and service to our residents. I’d like to also offer thanks to our state and federal legislative delegation for their strong representation on financial, legislative and constituent services. Thank you to members of the City Council, School Committee and our many boards and commissions for your continued hard work and dedication to the City. And, we are also grateful for the businesses, civic groups, volunteers and hard-working residents who consistently give the best of themselves to help make Woburn such a great place to live. As we move forward into 2017, I remain committed to working on behalf of the caring community in which we live—and working with all of you to achieve our goals, together.

Thank you again for this opportunity, and goodnight.

Motion made and 2<sup>nd</sup> that a copy of the address be received and made part of the record, all in favor, 9-0.

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Motion made and 2<sup>nd</sup> for a two minute recess, all in favor, 9-0.

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President Haggerty called the meeting back to order.

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VOTED to dispense with the reading of the previous meeting’s Journal and to APPROVE, all in favor, 9-0.

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**MAYOR'S COMMUNICATIONS:** None.

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**PUBLIC HEARINGS:**

On the petition by Alton Acquisition II, LLC and LR-Woburn 1, LLC, 327 W. Maple Avenue, Monrovia, California 91016 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42a, 7.3, 9 and 12.2.4 to modify a special permit dated November 10, 2016 allowing for self-storage warehouse facility within the Flood Plain District as follows: 1. Condition 3 be modified to allow hours of operation Monday through Thursday 7:00 a.m. to 7:00 p.m., Friday 7:00 a.m. to 8:00 p.m., Saturday 7:00 a.m. to 7:00 p.m., Sunday 8:00 a.m. to 5:00 p.m.; 2. Condition 12 be modified by deleting the language on line three beginning with "and" through "area" on line 5; and 4. Condition 3 be modified to read "The Special Permit shall issue to Alton Acquisition II, LLC and LR-Woburn I LLC and shall not be transferable except for the same or similar use.", at 39 Olympia Avenue. PUBLIC HEARING OPENED. A communication dated December 12, 2016 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Special Permit in Floodplain District – Modification of Condition – Liability

I received the City Council's December 8, 2016 requested for a legal opinion, copy attached, regarding a proposed modification of a condition that was imposed upon a special permit granted for a self-storage warehouse located in the Flood Plain District. The Council also requested that I comment on the existing language of the condition.

The existing condition reads as follows:

12. The Petitioner shall file correspondence with the City Clerk acknowledging that the Premises are located within the flood plain area as shown on FIRM Flood Insurance Rate Map Parcel 294 of 656 Map Number 25017CO294E Effective June 4, 2010 and shall indemnify and hold the City of Woburn harmless from any liability as a result of damage due to flooding in the flood plain area.

First, there is no need for the Petitioner to acknowledge that the property is located within the Flood Plain District where application was made pursuant to Section 9, Floodway and Flood Plain Districts, of the Woburn Zoning Ordinance. If the property were not located in the Flood Plain District, the Petitioner would not have sought a special permit in accordance with the requirements of Section 9. Thus the requested acknowledgement is superfluous.

Second, except for federal claims or claims for damages arising from defects in ways, all claims against a municipality for negligence or wrongful acts or omissions must be

instituted pursuant to M.G.L. c.258, §1, et seq., the Massachusetts Tort Claims Act. However, M.G.L. c.258, §10(3) specifically provides that a municipality is exempt from liability for “any claim based upon the issuance, denial, suspension or revocation of failure or refusal to issue, deny, suspend or revoke any permit, license, certificate, approval, order or similar authorization;...” Therefore, requesting that this or any Petitioner indemnify the City as a condition for the issuance of a special permit is unnecessary.

Thank you for your attention to this matter. Please don't hesitate to contact me if there are any questions regarding this memorandum.

Sincerely, s/Ellen Callahan Doucette

A memorandum dated December 28, 2016 entitled “Special Permit Modification Petition of Alton Acquisition II, 39 Olympia Avenue, Woburn, Massachusetts” with attachments was received from Attorney Joseph Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801. Motion made and 2<sup>nd</sup> that the communications be received and made part of the record, all in favor, 9-0. Appearing was Attorney Joseph Tarby, III and he offered a document to the City Council entitled “Proposed Conditions to modify special permit Alton Acquisition II, LLC and LR-Woburn 1, LLC, 39 Olympia Avenue, Woburn, MA – December 28, 2016” for the City Council to review as follows:

1. Condition 3 shall be modified to allow for the following hours of operation: Monday – Thursday: 7:00 a.m. – 7:00 p.m.; Friday – 7:00 a.m.- 8:00 p.m.; Saturday – 7:00 a.m. – 7:00 p.m.; Sunday – 8:00 a.m. – 5:00 p.m.
2. Condition 12 shall be modified by deleting the language on line three beginning with “and” through “area” on line 5. The modified language in Condition 12 shall state: “The Petitioner shall file correspondence with the City Clerk acknowledging that the Premises are located within the flood plain area as shown on FIRM Flood Insurance Rate Map Parcel 294 of 656 Map Number 25017CO294E Effective June 4, 2010 and understands the potential impacts on its property as a result of being located within the flood plain area.”
3. Condition 13 shall be modified as follows: “The Special Permit shall be issued to Alton Acquisition II, LLC and/or LR Woburn 1, LLC (collectively, “Alton”) and shall not be transferrable except that the same may be transferred and/or assigned (including a collateral assignment) (i) as collateral for any mortgage encumbering the Premises, and (ii) to any successor and/or assign of Alton that uses the Premises for the same or similar use.”
4. All other conditions set forth in the Landowner's Decision and Notice of Special Permit dated November 10, 2016 shall remain in full force and effect except as modified herein.

Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. Attorney Tarby stated that the hours sought are consistent with those of competitors in the city, that there is zoning amendment proposal to eliminate further self-storage facilities in the city, hat the flood plain language impacts the petitioner's ability to

obtain financing for the project, that the petitioner requests the restriction on transferability be allowed for a same or similar use, that the hours of other self-storage facilities in the city are as follows: Public Storage on Washington Street Monday through Sunday 6:00 a.m. to 9:00 p.m., Extra Space Storage on Olympia Avenue Monday through Saturday 8:00 a.m. to 5:30 p.m., Sunday 10:00 a.m. to 2:00 p.m., U-Haul on Olympia Avenue Monday through Thursday 7:00 a.m. to 7:00 p.m., Friday 7:00 a.m. to 8:00 p.m., Saturday 7:00 a.m. to 7:00 p.m., Sunday 9:00 a.m. to 5:00 p.m., All Seasons Storage on Salem Street Monday through Friday 9:00 a.m. to 5:50 p.m., Saturday 9:00 a.m. to 4:50 p.m., Sunday 10:00 a.m. to 1:00 p.m., Stor-U-Self on Conn Street Monday through Friday 7:00 a.m. to 7:00 p.m., Saturday 8:00 a.m. to 5:00 p.m., Sunday 9:00 a.m. to 4:00 p.m., that the transferability of special permits is appropriate in some instances but not with the type of business, that a fast food special permit could apply to many businesses of different degrees of activity and a warehouse special permit could apply to a company with four trucks or twenty trucks, that the hours before the City Council are the same as those requested in the modification request, that the petitioner's representative who attended the first meeting on this matter was not fully versed in the operation of the petitioner, that any buyer of the facility would have to abide by the conditions of the special permit, and that the petitioner is willing to accept hours of business on Sunday between 9:00 a.m. and 5:00 p.m. Keith Greengrove stated that he is one of the principals of the petitioner, that the petitioner converts obsolete warehouses into self-storage facilities across the country, that the petitioner will install two elevators, a mezzanine and a full sprinkler system at a cost of approximately \$5,000,000.00 for buildout, that the petitioner has never had to go back to a city council to transfer property, that if the lender has to take possession of the property they lender would have to obtain permission from the City Council to take over the operation and sell the business, that the lender is not willing to do that, that the petitioner wants to satisfy the lender and the city, that the petitioner has no objection to the hours of operation being limited on Sunday to between 9:00 a.m. and 5:00 p.m., that it is not the intention of the petitioner to sell the property, that the petitioner is purchasing the property, that the petitioner will pay over \$7,000,000.00 to purchase the property and approximately \$6,000,000.00 to \$7,000,000.00 to renovate the property, that the petitioner wants to be able to operate the facility in a manner that will allow them to meet their financial obligations, and that there will be a company representative on site during hours of operation. Alderman Gately stated that he has no issue with the transferability restriction, that a successor owner should have an obligation to inform the city of the operation, who the new operators are and the contact information for the new owners, and that this should be made a condition of the special permit. Alderman Mercer-Bruen stated that the transferability restriction is to provide the city with knowledge of who is operating the business, that the ability of the petitioner to obtain financing for the project is not an issue for the city, that often petitions for special permits are promoted based on the reliability of the particular company petitioning for the special permit, that she is concerned that a representative of the petitioner had been sent originally who was not versed in the business, that there must be protection for what a new operation might be if the property is transferred, and that the transferability condition can be amended to protect the petitioner's lender but giving authority to the city to determine whether the new owner will operate a similar business. President Haggerty stated that a self-storage use under the zoning code is a clear use as

opposed to the various fast food uses where the business operations can be different in level of activity and where transferability may be an issue. Alderman Tedesco stated that he wants to amend the Sunday hours of operation to between 9:00 a.m. and 5:00 p.m., and that he has no issue with the hours of operation where there is another facility nearby with identical hours. Alderman Anderson stated that he understands the concerns of the lender in not being able to recover in the event of default on the loan, that he is not willing to alter the hours of operation, and that if there was a condition for approval by the City Council of a transfer of the property then any purchase and sale agreement would likely contain a condition that the contract was subject to City Council approval. Alderman Campbell stated that a lot of time was spent on the determining the original hours of operation, and that the hours now requested are much longer than originally discussed and agreed to by the petitioner. Alderman Higgins stated that she is willing to change the language relative to the transferability of the property but not the hours of operation. Alderman Concannon stated that he wanted the operation of this facility to be similar to competitors, that he was concerned about the facility being opened with no petitioner representative being on site, that he is willing to accept hours similar to those of competitors with the petitioner's representative on site, that if the property were sold the new owner would have to abide by the conditions, that he expects if the property is sold it would be run as a self-storage facility, that the City Council can always call a new owner into committee if the owner is not abiding by the conditions, and if notice of a proposed sale is given to the Building Commissioner then the Building Commissioner can determine whether the new use is a same or similar use to that of the former owner. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 1 opposed (Mercer-Bruen opposed), 0 absent. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that proposed Condition 13 be amended further to add after the words "same or similar use" the words "with notice of intent of successor with name of business, contact people and contact telephone numbers filed with Building Commissioner, City Clerk and Committee on Special Permits", 7 in favor, 2 opposed (Anderson, Mercer-Bruen opposed), 0 absent. Motion made and 2<sup>nd</sup> that proposed Condition 3 be amended by striking the words "Sunday – 8:00 a.m. – 5:00 p.m." and inserting in its place the words "Sunday – 9:00 a.m. – 5:00 p.m. and a representative of the petitioner shall be on site during all hours of operation", 7 in favor, 2 opposed (Anderson, Mercer-Bruen opposed), 0 absent. Motion made and 2<sup>nd</sup> to add a Condition 5 as follows: 5. Use limited to self-storage only in the building and no rental of trucks and trailers, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the four proposed conditions as further amended by the City Council herein, ROLL CALL: Anderson – No, Campbell - Yes, Concannon – Yes, Gaffney – Yes, Gately – No, Higgins – Yes, Mercer-Bruen – No, Tedesco – Yes, Haggerty – Yes, Motion Passes.

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On the petition by Commonwealth Investment Properties LLC, 12 Chandler Road, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 7.3 to alter and reconstruct a pre-existing nonconforming three family residential dwelling by razing the existing structure and replacing with a new three family dwelling house at 43-45 Church Street. PUBLIC

HEARING OPENED. A communication dated December 29, 2016 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 43-45 Church Street/Commonwealth Investment Properties LLC

Dear Council:

The Planning Department has reviewed the above-referenced petition submitted by Commonwealth Investment Properties LLC, which requests approval pursuant to Section 7.3 of the Woburn Zoning Ordinances (WZO) to allow for the alteration and expansion of a non-conforming use (a three-family residential dwelling) in a Residential-Two (R-2) zoning district. Specifically, the applicant intends to raze the existing three-family dwelling on the site and replace it with a new three-family dwelling.

The Petitioner's attorney has provided a copy of the "Atlas of Middlesex County, Vol. 2," dated 1906, from the Middle South District Registry of Deeds in lieu of a recorded survey plan as proof that the pre-existing, non-conforming structure was "validly and legally established" prior to the adoption of the current WZO. On this Atlas, the property and an existing building footprint roughly matching the current structure at 43-45 Church Street are reflected on a portion of Plate no. 20. This is in addition to a similar depiction found in an 1875 version of this Atlas but which was not able to be provided with the application. Based on this evidence, and information gathered from the Assessors' database, the Petitioner estimates that the current structure was built at least by 1900. If true, the structure would in fact pre-date adoption of the Woburn Zoning Ordinance in 1925.

The redeveloped lot would be "less non-conforming" in several respects as compared to the existing situation. The land surveyor-certified plot plan provided with the application indicates that maximum lot coverage, minimum open space and side and rear setbacks would all come closer to conforming to the requirements of the WZO. The lot area and the building's front setback would remain as they are currently. Parking would now conform to the requirements of the WZO with the provision of six (6) garage spaces under the building. (Staff did note an error in the zoning table on the Plot Plan drawn by Edward Farrell that should be corrected. The table indicates four [4] parking spaces are required to serve the three [3] units but in fact Section 8.2.5 of the WZO requires six [6] spaces.)

Conversely, the proposed new structure would apparently be taller than the one that exists and would in fact exceed the 2.5 story (35 ft.) height limit required for "Other Permitted Uses" in the R-2 zoning district. The application indicates the height of the existing structure is 34' and the height of the proposed structure would be 38'. If accurate, this poses two problems.

First, the creation of a new non-conformity (height) cannot be authorized by a special permit from the City Council. The Petitioner would instead need to obtain a variance

from the Board of Appeals. Second, a project that needs a variance cannot be considered by the City Council until the variance is obtained. Section 11.3.1 of the WZO states in part: *“No application shall be accepted or considered complete that does not have any necessary variances required from the Board of Appeals. All appeal periods associated with granted variances must be expired before an application is submitted.”*

Based on the above, this application would be both incomplete (lacks a required variance) and inappropriate for filing with the City Council (required variance has not yet been obtained and the associated appeal period has not yet expired). Planning staff therefore recommends the Petitioner be immediately directed to review the definition of HEIGHT OF A BUILDING in Section 2 of the WZO and provide written confirmation of the proposed building's height prior to any further consideration of the application. Planning staff also recommends the Council require the Petitioner to submit architectural plans that are stamped and signed by the architect (the plans provided with the application are not).

If it is determined that this application can in fact proceed at this time, Planning staff recommends the City Council consider imposing the following as conditions of any approval of this request:

- That the architectural plans be re-submitted as professionally-certified and include all building dimensions (as noted above);
- That the height of the garage doors shall not exceed eight (8) feet unless further zoning relief is granted; and
- That the Plans of Record be referenced in the Decision as, “Plot Plan, 43-45 Church Street, Woburn, MA; Scale: 1” = 20’; Prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA, (781) 933-9012; Dated: August 22, 2016” and “(Cite certified plans prepared by a Registered Architect showing the proposed construction, as referenced above).”

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

A communication dated January 3, 2017 was received from Attorney Malcolm H. Houck, 7 Winn Street, Woburn, Massachusetts 01801 as follows:

In re: 43-45 Church Street- Special Permit Petition – Commonwealth Investment Properties LLC

Dear Mr. Campbell:

Further to our discussion of this morning, and in order to resolve those issues illuminated by the December 29, 2016 letter of the Planning Director and to result in a more complete

Special Permit Petition, the Petitioner asks for the City Council to extend the time and date for public hearing until the City Council meeting of February 7, 2017.

At the extended time those matters raised by Planning Director Dan Orr, will be addressed by more completely dimensioned and final architectural plans for the proposed [replacement] multi-family residential dwelling; -- suitable for incorporation by reference into any favorable decision of the City Council, as Special Permit Granting Authority, if so inclined.

Special attention will be directed to resolution of, and compliance with, the "Height of Building" requirement as specified in WZO 1985 §2, and pointed out in Planning Director's letter of December 29, 2016.

Very truly yours, s/Malcolm H. Houck

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. No one appeared for the petitioner. PUBLIC COMMENTS: Jeff James, 24 Church Street stated that he is concerned about pests in the property being controlled prior to demolition, that the extermination of pests should be completed before the demolition, that he is concerned about the setbacks, that the building is a three apartment complex in poor condition, that he would prefer two dwelling units with the side setbacks, that the property is too small to meet front setback requirements, that he is concerned about the construction times and length of time for construction, that supplies for construction will have to be stored, that he wants hours of construction limited to Monday through Friday 9:00 a.m. to 5:00 p.m. and Saturday 8:00 a.m. to 2:00 p.m. with no construction on Sundays, that the sidewalks should be replaced, that the neighborhood has single and two-family dwellings, that the proposal is for a three-family dwelling, that there is not a lot of parking available in the neighborhood, that the two car garages will be tight, and that the third dwelling unit will add to more congestion to parking in the area. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 7, 2017, all in favor, 9-0.

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On the petition by David Jamieson, 3 Burlington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 7.3 to allow for the alteration and expansion of a non-conforming use (three family dwelling) and structure (side yard setback) to allow for a second floor addition within the existing building footprint at 3 Burlington Street. PUBLIC HEARING OPENED. A communication dated December 29, 2016 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit application for 3 Burlington Street/Mr. David Jamieson

Dear Council:

The Planning Department has reviewed the above-referenced petition submitted by Mr. David Jamieson, which requests approval pursuant to Section 7.3 of the Woburn Zoning Ordinances (WZO). The pending application seeks approval to allow for the alteration and expansion of a non-conforming use (a three-family residential dwelling) in a Residential-One (R-1) zoning district. Specifically, the applicant intends to construct a second-floor addition onto the existing residential structure. However, the application does not describe the intended use of the new floor space, and no plans have been provided to show the proposed addition/new floor area or conformance with the maximum height limitation of 2.5 stories (35') for the R-1 zoning district.

Although the application describes the existing structure as non-conforming with respect to side setback requirements, the plan included in the application says differently; the zoning table in the upper right corner of the plan says the structure conforms to the side setback requirement. This discrepancy should be clarified and the erroneous statement corrected wherever it exists.

Also, applicants are required by Section 7.3 to provide “proof that the pre-existing non-conforming structure or use was validly and legally established”. No such proof has been included in the application.

The Planning Department recommends the City Council consider the following during its review of the application:

- (a) Require the applicant to provide additional information as to the use of the proposed additional floor space, architectural plans that are stamped and signed by a Registered Architect, and confirmation that the proposed construction will conform to the maximum height limit of 2.5 stories and 35’;
- (b) Require the applicant to reconcile the conflicting information about the structure’s conformance (or not) with zoning setback requirements and correct either the application or plan as needed; and
- (c) Require the applicant to provide proof that the pre-existing non-conforming structure or use was validly and legally established, as required by Section 7.3 of the zoning ordinance.

Following the review of the supplemental/corrective information and confirmation that the planned construction will conform to zoning height and other requirements, the Planning Department recommends the City Council consider imposing the following as conditions of any approval of this request:

- That the addition to the existing residential structure does not result in the creation of an additional dwelling unit on the property; and

- That the Plans of Record be referenced in the Decision as, “Plot Plan, 3 Burlington Street, Woburn, MA; Scale: 1” = 30’; Prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA, (781) 933-9012; Dated: November 28, 2016, revised \_\_\_\_\_ ” and “(Cite plans prepared by a Registered Architect showing the proposed construction, as referenced in (a) above”.

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 Wrier

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and offered a plan entitled “Plot Plan, 3 Burlington Street, Woburn, Mass.” dated November 28, 2016 prepared by Edward J. Farrell, Professional Land Surveyor and a set of plans entitled “3 Burlington St., Special Permit – 2<sup>nd</sup> Floor – Second Floor Addition Special Permit Plans - Jamieson Residence, 3 Burlington Street, Woburn, MA 01801” dated 1/1/17 for the City Council to review. Motion made and 2<sup>nd</sup> that the documents be received and made part of the record, all in favor, 9-0. Attorney Tarby stated that the revised plan meets the requests of the Planning Department regarding side yard setback, that the property is located in the R-1 zoning district, that the required lot area is 12,000 square feet and the lot is 21,620 square feet, that the required maximum lot coverage is 25% and the lot has 9%, that the required open space is 50% and the lot has 69%, that the required front yard setback is 25 feet and the lot will have 42.4 feet, that the required side yard setback is 12 feet and the side yard setback is and will be 12 feet, that the required rear yard setback is 30 feet and the lot has 117 feet, that the required parking is 6 spaces and the lot has 8 spaces, that the building was constructed in 1890, that the building is nonconforming due to the side yard setback required under the current zoning ordinances, that there were no zoning ordinances when the building was constructed in 1890, that the 1934 zoning ordinances allowed a multifamily dwelling by right across the city, that the 1934 zoning ordinances allowed multifamily use in Resident District A, that the petitioner purchased the property in 1969, that the 1970 zoning ordinances made the property nonconforming, that the petitioner will add a master bedroom, balcony and bathroom on the existing footprint, that there is a mix if multifamily homes in the area, that there will be no detrimental impact on the neighborhood, that there is a need for additional space for the petitioner’s family in the home, that the letter from the Planning Board was written without receiving input from the petitioner, that based on building permits on file this property was used as a three-family dwelling since at least the time that the petitioner has owned the property, that the building permit for the original addition indicated a three-family dwelling, that the petitioner has no objection to indicating not additional dwelling unit on the property, and that there are three dwelling units in the building although the tax bill indicates four units. Alderman Gately stated that he has no objection to the petition. Alderman Mercer-Bruen stated that the Planning Board recommended proof of the nonconforming status be obtained. Alderman Concannon stated that the presumption is that nonconforming properties not be enhanced or extended but be eliminated, that the burden is on the petitioner to demonstrate why in this case the petition should be allowed, that it could be

argued that the property will no longer be larger and may be visually more detrimental to the neighborhood, that he drove by the property and does not believe that the proposal will be more detrimental to the neighborhood, and that it needs to be on record that the proposal will not be more detrimental. Alderman Anderson stated that the proposal is not substantially more detrimental to the neighborhood, and that it should be put on the record that there are only three dwelling units in the building. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the plan of record shall be the plan dated 1/1/2017, and 2. That there shall be only three dwelling units allowed on the property and not four dwelling units, all in favor, 9-0.

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On the petition by John A. Buttaro, Trustee, Salvatore F. Buttaro and Marie J. Buttaro Irrevocable Trust, 2 Buttaro Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.56 Note 15 to construct a three bay garage with center door height of nine feet and height of other doors of eight feet at 16 Buttaro Road. PUBLIC HEARING OPENED. A communication dated December 29, 2016 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Special Permit application for 16 Buttaro Road/John A. Buttaro and Slavatore F. & Marie J. Buttaro (owners and applicants)

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks a special permit pursuant to Section 5.1 (56), Note 15 of the Table of Use Regulations of the Woburn Zoning Ordinances (WZO) to construct a 3-bay garage with a center door height in excess of 8-feet. Further, although not mentioned on the application form, the floor area of the proposed garage will exceed 900 sq. ft. (1,400 sq. ft.), which also requires a special permit under the same ordinance provision. The property in question is zoned Residential-One (R-1).

Planning staff note that the proposed garage will represent a new structure on the lot and that only the center garage door will exceed the 8-ft. height restriction. According to the application, the center door will measure 9-ft. in height and the two outer doors will conform to the zoning ordinance, measuring 8-ft. in height. However, there was no certified plan provided with the application to confirm these statements.

The Planning Department recommends that the City Council consider imposing the following as conditions of approval of this petition:

1. That the Plan of Record incorporate an updated engineer-certified plot plan noting the square footage of the new garage structure;

2. That the plans of the facades drawn by a Robert Connell, which were included in the application, be amended by adding the registration stamp of a registered architect; and
3. That the Plans of Record be cited in the Decision as “Plot Plan, 16 Buttaro Road, Woburn, Mass.; Scale: 1”= 30’; Dated: November 10, 2016, Revised: \_\_\_\_\_; Prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA. (781) 933-9012” and as “New Garage for Mr. John Buttaro, 16 Buttaro Road, Woburn, MA; Scale ¼” = 1’; Dated: September 2016, Revised: \_\_\_\_\_; Prepared by Residential Designs by Robert M. Connell, 22 North Street, Wilmington, MA; Sheets A, A1 and A2;”
4. No business activity or home occupation shall be conducted in/from the garage, nor shall it be used as a dwelling unit; and
5. The plan does not show any utility services to the building. If there are to be any utility connections, they must be meet applicable building and zoning codes and shall be subject to separate permit applications.

If you have any questions regarding this recommendation, please do not hesitate to contact me.

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

Appearing for the petitioner was Attorney Robert W. Tedesco, Tedesco Law Office, P.C., 88 Main Street, Woburn, Massachusetts 01801 and he stated that the petitioner will construct a three-bay garage with a nine foot center door height, that the footprint of the garage will be 38 feet by 38 feet, that the area inside will be 23 feet by 37 feet for a total of 851 square feet, that the additional structure will not negatively impact the neighborhood, that the lot is 55,769 square feet, that the garage or working barn will be set behind the building 180 feet from the street and 30 feet at the closest point from the rear, that the petitioner will occupy the garage, that the petitioner is an active outdoor enthusiast, that the petitioner carries sports equipment on vehicle roof racks, that the 9 foot door will allow the vehicle to be parked in the garage without having to remove the roof rack, that the petitioner maintains honeybees at the structure and cultivates the land to promote honeybees, that the petitioner cultivates pesticide free flowers for the honeybees, that he allows other beekeepers to use his site, that he has some farm equipment, that the garage will be used for storage of the tractors, rototillers, equipment and tools, that there will also be a 500 foot shop behind the garage with storage above, that the garage will also be used for parking the petitioner’s personal vehicles, that the petitioner has not objections to the Planning Department recommended conditions 1 through 4, that as to Planning Department recommended condition 5 the building needs electric service and the petitioner wants to add water service, that the petitioner wants a spigot and slop sink in the garage, that the petitioner understands the concerns about someone living in the garage, that it is acceptable that there be no water closet in the garage but the petitioner would like a water spigot and sink, that the petitioner has no

objection to a condition stating there will be no bathroom in the building, that the nine foot door would be the middle door in the building, and that the petitioner can provide the dates of the plans for Planning Department recommended condition 3. John Buttarro stated that he has not decided on what type of heat unit may be installed but that it would be an electric unit. Alderman Gately stated that he has no issue with electricity in the garage but does have an issue with water service as a sewer connection would be necessary, that installing a sewer connection to the building would be difficult and expensive, that the garage would then be in a condition that it could be used as a home, that he needs to be provided if there is water service, that he would agree to an outside water service to the garage, and that there will have to be a meter for the water service. Alderman Tedesco stated that Planning Department recommended condition 4 states that no home occupation would be permitted in the garage and there the issue of a bathroom in the garage should not be a concern. Alderman Anderson stated that he wants there to be a condition that there be no bathroom and no toilet in the garage. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> to add the following conditions to the special permit: 1. That the conditions recommended by the Planning Department be adopted as amended by the City Council herein; and 2. That a condition 6 be added stating “That the center door shall be a specialty garage door 9 feet high by 9 feet wide and the two remaining garage doors on either side of the center garage door shall be standard garage doors 8 feet high and 9 feet wide”, all in favor, 9-0. Motion made and 2<sup>nd</sup> that Planning Department recommended condition 5 be amended by adding the following third sentence “No bathroom and/or toilet shall be added to the structure”, 8 in favor, 1 opposed (Tedesco opposed), 0 absent. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED herein, all in favor, 9-0.

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Motion made and 2<sup>nd</sup> to suspend the rules for the purposes of taking the following two matters out of order and collectively, all in favor, 9-0.

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A Conservation Restriction was received from Richard P. Murray, Trustee of the 57 Lexington Street Realty Trust pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws on land shown as Lot 1 on a plan entitled “Plan of Land located at 19 Third Road, Woburn, Massachusetts prepared for Colonial Builders prepared by Cyprus Design, Inc.” and recorded with the Middlesex South District Registry of Deeds as Plan 145 of 2016, with quitclaim covenants in perpetuity and exclusively for conservation purposes having the terms and conditions set forth therein on certain land located in Woburn, Massachusetts consisting of approximately 18,514 square feet of land, more or less, as being more particularly described in Plan No. 145 of 2016 in Book 02016 Plan No. 145 Exhibit A attached thereto (the “Premises”) and shown as “Conservation Restriction Area” on said plan of land in Massachusetts; being a portion of the property conveyed to Grantors, recorded with said Deeds in Book 67243, Page 538. A Conservation Restriction was received from Richard P. Murray, Trustee of the 57 Lexington Street Realty Trust pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws on land shown as Lot 2 on a plan entitled “Plan of Land

located at 19 Third Road, Woburn, Massachusetts prepared for Colonial Builders prepared by Cyprus Design, Inc.” and recorded with the Middlesex South District Registry of Deeds as Plan 145 of 2016, with quitclaim covenants in perpetuity and exclusively for conservation purposes having the terms and conditions set forth therein on certain land located in Woburn, Massachusetts consisting of approximately 51,397 square feet of land, more or less, as being more particularly described in Plan No. 145 of 2016 in Book 02016 Plan No. 145 Exhibit A attached thereto (the “Premises”) and shown as “Conservation Restriction Area” on said plan of land in Massachusetts; being a portion of the property conveyed to Grantors, recorded with said Deeds in Book 67243, Page 538. Appearing was Attorney Robert Tedesco, Tedesco Law Offices, 88 Main Street, Woburn, Massachusetts 01801 and he stated that this conservation restriction was approved by the Conservation Commission and the City Solicitor, that the review process started in April 2016, that the Building Commissioner reviewed the petition, that the homes have been built, and that the petitioner is seeking approval to accommodate a closing on a sale of the property Friday of this week. Alderman Gately stated that he had no issue, and that the City Council has approved similar conservation restrictions in the past. Motion made and 2<sup>nd</sup> that the CONSERVATION RESTRICTIONS be ACCEPTED, all in favor, 9-0.  
**Presented to the Mayor: January 4, 2017** **s/Scott D. Galvin**

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Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 9-0.

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On the petition by Alderman Anderson to amend Section 3 Administration, Enforcement and Appeals of the 1985 Zoning Ordinance of the City of Woburn, as amended, by inserting a new Subsection 3.4 as follows: “3.4 Administrative Correction of Scrivener’s Errors: Typographical or numbering errors which do not affect the intent or substance of this Ordinance or any of its articles or sections may be corrected by the City Clerk, without need of a public hearing or further legislative action, by filing a revised copy of same in the Offices of the City Clerk, City Solicitor and Building Commissioner, with a ‘Scrivener’s Note’ providing the date and substance of the correction.” Alderman Anderson stated that the ordinance allows amendments to the zoning code such as numbering and lettering changes when so-called scrivener’s errors occur. PUBLIC COMMENTS: Chris Owen, 3 Florence Terrace stated that he is concerned about unintended consequences, that this ordinance delegates the authority and responsibility of the City Council, that if the issue is a typographical error this is not a concern however the ordinance allows greater changes that may change the meaning of a paragraph, that these matters would never come back to the City Council, and that the responsibility for these issues should remain with the City Council. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 7, 2017, all in favor, 9-0.

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President Haggerty stepped down from the chair and Alderman Anderson assumed the chair.

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On the petition by President Haggerty to amend Section 5.1.42a Self-storage Warehouse facility of the 1985 City of Woburn Zoning Ordinance, as amended, by deleting the “P” under the B-I, I-P and I-G zoning districts and replacing same with a “-“ thereby making the use a prohibited use in those zoning districts. President Haggerty stated that the city is trying to encourage higher end uses, that the city does not want to see higher end facilities converted to storage facilities, that this matter should be continued to allow review by the Planning Board, that the use is banned in thirteen zoning districts in the city, and that the use should be banned in the remaining three zoning districts in the city. 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 FEBRUARY 7, 2017, all in favor, 9-0.

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Alderman Anderson stepped down from the chair and President Haggerty assumed the chair.

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:** None.

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**NEW PETITIONS:**

Petition by Minast, LLC, 11 Presidential Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to modify a special permit dated January 9, 2014, as modified by decisions dated October 29, 2015 and August 11, 2016 to allow for the deletion or modification of Condition 3 of the Decision relative to mitigation at Lot 1, Presidential Way. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by 600 MetroNorth Corporate Center LLC, an individual owning land to be affected by change or adoption to amend the 1985 Woburn Zoning Ordinances, as amended as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOBURN that the 1985 City of Woburn Zoning Ordinance as amended be further amended as follows:

1. Amend Section 13, Sign Regulations as follows:

Amend Section 13.3.1 by adding the following language after “billboards”: “except as allowed under Section 29 of this Ordinance.”

Amend Section 13.4.10 by adding the following language after “ordinance”: “and Section 29, Billboards.”

Amend Section 13, by adding the following new subsection: “13.13 Billboards – Billboards shall be allowed and regulated by Section 29 of this Ordinance. The Dimensional Regulations for billboards shall be regulated by Section 29 of this Ordinance.

2. Amend the 1985 City of Woburn Zoning Ordinance as amended by adding a new Section 29 entitled: “Billboards” as follows:

## SECTION 29 BILLBOARDS

### A. Purpose and Intent

The purpose of this section is to preserve and promote the public health, safety, and welfare and to provide sighting criteria standards, orderly, effective and reasonable control of billboards, thereby halting sign proliferation, reducing distractions to drivers, enhancing the visual environment, minimizing the adverse visual impact of billboards on nearby properties and residential neighborhoods. Furthermore, it is the intent and purpose to establish reasonable and uniform guidelines that will prevent any unreasonable concentration of billboards within the City of Woburn and that any billboard will provide a substantial benefit to the public good. The provisions of this section have neither the purpose nor the effect of imposing limitations or restrictions on content of any billboard.

### B. Definitions

1. Billboard- a freestanding sign structure that advertises, promotes or calls attention to any business, article, substance, idea or any other thing or concept that is on or off the premises on which it stands.
2. Development Agreement- an agreement between the City Council and the applicant that identifies mutually agreed upon terms and requirements, including but not limited to public benefit.
3. Highway- Limited access Interstate Highway such as I-93.
4. Sign face- The surface area of a sign on which advertising messages are displayed.
5. Public Benefit [benefit to the public good]: public benefit shall include but is not limited to, monetary [i.e. lease agreement, development agreement with the City of Woburn], informational, [public service announcements] and/ or to provide emergency communication information [i.e. Amber Alerts, Weather Information etc.]

### C. Applicability/ Eligibility Requirements

1. Billboards, as defined in section B, shall be allowed in the OP93 and I-P2 zoning districts abutting I-93.

2. All billboards shall require a special permit from the City Council pursuant to the requirements of Section 11 and this Section 29.
3. All billboards allowed by the City Council by Special Permit shall comply with all Federal and State Statutes.
4. Billboards shall be exempt from the requirements of Section 13.

D. Location Requirements

1. Billboards shall comply with any applicable rules and regulations of the Massachusetts Outdoor Advertising Board 711 CMR 3.00.
2.
  - a. Billboards shall not be located within 600 feet of another billboard on the same side of the road it is intended to face.
  - b. Billboards shall not be located on, or projected over, any public property or right of way, except with the written consent of owner or approvals of the municipality.
  - c. Shall not be located further than 200 feet of the edge of the highway it is intended to face.

E. Dimensional Standards

1. The maximum sign face area shall not be greater than 700 sq. ft. per permitted side.
2. Temporary extensions up to 5 feet on the top of the billboard and no greater than 2 feet on either side of the billboard may be allowed provided that such extensions are not the full length or height of the billboard.
3. The maximum height of a billboard shall be the maximum height allowed for a building in the corresponding zoning district.

F. Design Standards

1. Lighting: lighting shall be located at the bottom of the sign face and shined up towards the sign face so that no lighting glares into oncoming traffic or surrounding area below.
2. Types:
  - a. Bulletins and changeable message signs are permitted.
  - b. Single and two sided billboards are permitted.
  - c. Back to back and v-type billboards are permitted.
  - d. LED and/or internally lit type billboards are permitted.
3. Orientation:
  - a. Back to back shall be parallel and no more than 7 feet apart.
  - b. V-type billboards shall have an angle between faces of not more than 60 degrees. Billboards shall not have more than one sign face on each side of the sign structure.
  - c. Billboards may not be stacked on top of each other or placed side by side visible to the same direction of traffic.
4. Duration of Message

Duration of each display on a changeable message display or LED billboard shall be no less than ten (10) seconds. The entire message shall change at once and/or no scrolling of messages.

5. Appearance:

Exposed back of signs, poles and other support structures may be required to be painted in order to present an attractive and finished appearance which will reasonably blend with the natural surroundings.

6. Landscaping/Fencing:

a. Supporting structures shall have adequate landscaping or fencing around the base of the pole. Any fencing shall be not less than eight (8) feet in height with the exception of entrances and exits.

b. Existing vegetation should be properly preserved when trimmed.

G. Maintenance:

a. All billboards, including the sign faces, supporting structures, lights and landscaping shall be kept in good repair and free from rust.

b. Display material that is torn or faded shall be replaced in an expeditious manner.

H. Application:

The application for Special Permit shall be accompanied by structural drawings stamped by an engineer, a site plan and a letter from the property owner stating that he/she has consented to the installation of a billboard on the subject property. A filing fee of \$1,000.00 shall accompany the application for Special Permit.

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

A communication dated December 21, 2016 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. Figures cited below are for the Month of November 2016: Number of violations issued 700, Numbers of violations paid 410, Number of violations outstanding 257, Amount collected and submitted to Collectors Office \$46,813.00, Parking fines referred to the Handicap Commission \$20,900.00.

There is a backlog of 1,637 unpaid tickets dating from January 2004 to October 2016. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

Respectfully submitted, s/Charles O'Connor, Parking Clerk

Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated December 9, 2016 was received from Robert L. Quinlan, Jr., Assistant Attorney General, Opinions Coordinator, Office of the Attorney General, One Ashburton Place, Boston, Massachusetts 02108 relative to the request for an Attorney General Opinion on early voting. Alderman Tedesco stated that the letter is not acceptable, that the Attorney General gave an interview on October 3, 2016 saying that early voting is constitutional and that she would defend the law, that Attorney General "tweeted" on October 4, 2016 stating these same points, that the Attorney General should defend that position, that he does not accept this response, and that he will draft a further letter regarding this matter. Motion Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, 6 in favor, 3 opposed (Concannon, Gately, Tedesco opposed).

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A communication dated December 5, 2016 was received from Joanne Campo, Deputy General Counsel, Commonwealth of Massachusetts, Office of Consumer Affairs and Business Regulation, 10 Park Plaza, Suite 5170, Boston, Massachusetts 02116 relative to a lemon law sticker audit of Lannan Chevrolet, 40 Winn Street. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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

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**APPOINTMENTS AND ELECTIONS:**

A communication dated December 15, 2016 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint the following individuals, with 3-year terms to expire Dec. 13, 2019, to the Woburn Council on Aging; subject to approval by the City Council: Angela Amato, 289 Washington Street, Woburn, Mass.; Eleanor Camillieri, 200 Bedford Road, Apt. 26D, Woburn, Mass.; Dorothy Capone, 7 Maura Drive, Woburn, Mass.; Francis Hancock, 13 Pearl Street, Woburn, Mass.; Jack Kelly, 120 Barbara Circle, Woburn, Mass.; Barbara Ridley, 129 Place Lane, Woburn, Mass.; and Doris Stanton, 18 Nichols St. Ext., Woburn, Mass.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

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

1. By adding to Section 2 Definitions between “Massage Therapist” and “Medical Marijuana Treatment Center” the following:

**MARIJUANA ACCESSORIES:** equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

**MARIJUANA CULTIVATOR:** an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

**MARIJUANA ESTABLISHMENT:** a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

**MARIJUANA PRODUCT MANUFACTURER:** an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

**MARIJUANA PRODUCTS:** products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

**MARIJUANA RETAILER:** an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

MARIJUANA TESTING FACILITY: an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

2. By striking Section 5.1, line 33c and inserting in its place the following: “Medical Marijuana Treatment Center; Marijuana Establishment” and inserting a “P” under the IP-2 zoning district meaning and intending to allow the use in the zoning district by special permit granted by the City Council, a “-“ under all other zoning districts meaning and intending to prohibit the use in all other zoning districts, and “Note 19B” under “Notes; Other sections”.
3. By striking Note 19b of Section 5.1 Table of Use Regulations and inserting in its place a new Note 19b as follows:

19b. No Medical Marijuana Treatment Center shall be allowed: A. Within one thousand feet of a residential zoning district, public or private school, or church or other structure used in whole or in part all the time or part of the time for religious or spiritual services; B. Within one thousand feet of any facility where large numbers of minors regularly congregate; C. Within two thousand feet of a public park, public library, public playground, nursery school, licensed day care center or another Medical Marijuana Treatment Center or Marijuana Establishment. No other Marijuana Establishment shall be allowed on property where the proposed marijuana establishment is to be located within five hundred feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. The distance under this Note shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Medical Marijuana Treatment Center or Marijuana Establishment. The City Council by special permit may govern the time, place and manner of Medical Marijuana Treatment Center or Marijuana Establishment operations and of any business dealing in marijuana accessories. No Medical Marijuana Treatment Center or Marijuana Establishment shall be allowed to cultivate, process or manufacture marijuana that is, in a manner that is, causes or contributes to a public nuisance. Public signs related to marijuana establishments shall comply with Section 13 of the 1985 Woburn Zoning Code, as amended.

s/Alderman Campbell, President Haggerty,  
Alderman Anderson

Alderman Campbell stated that this ordinance will allow the City Council to be proactive in addressing the recreational marijuana law which goes into full effect in July 2018, that

the city already has a zoning amendment relative to medical marijuana, and that the intent of the ordinance is to have medical marijuana and recreational marijuana treated in the same manner. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:15 p.m.

A TRUE RECORD ATTEST:

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