

**CITY OF WOBURN
JUNE 6, 2017 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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

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

Petition by Social Capital Inc., 165M New Boston Street for a Special Event Permit to allow a music concert series on June 10, 2017, June 23, 2017, July 14, 2017, July 28, 2017 and August 11, 2017 at Ice House Park at Horn Pond. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Presented to the Mayor: June 8, 2017 **s/Scott D. Galvin June 8, 2017**

Petition by Shamrock Running Club, P.O. Box 602, Woburn for a Special Event Permit to allow a road race starting at Gonsalves Park tennis court along area streets on July 4, 2017. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Presented to the Mayor: June 8, 2017 **s/Scott D. Galvin June 8, 2017**

Motion made and 2nd to suspend the rules for the purposes of taking the following matter out of order, all in favor, 9-0.

RESOLVED Whereas, The Tidd Home located at 74 Elm Street will be closing on June 30, 2017; and

Whereas, The Tidd Home has served the Woburn community with senior housing since 1886; and

Whereas, the City of Woburn is currently in need of providing affordable housing to our seniors and veterans; and

Whereas, the City of Woburn is in need of affordable housing to meet its obligation of 10% affordable housing under M.G.L Ch. 40B ; and

Whereas, the City of Woburn has \$3,309,813.71 in our Stabilization Affordable House fund which is designated for the creation of affordable housing in the City of Woburn;

Now, Therefore, Be it Resolved by the City Council of the City of Woburn that the City Solicitor provide a legal opinion on whether funds from the Stabilization Affordable House fund may be used for the purchase of said property if said property was going to be utilized for Veterans and/or Senior housing, and what, if any, restraints the city has in expending such funds for such a purpose;

Be It Further Resolved by the City Council of the City of Woburn that His Honor the Mayor take the appropriate action to evaluate and negotiate with the Board of Directors of the Tidd Home for a potential purchase by the City using monies from the Affordable House Stabilization fund for the creation of veteran or senior housing in the City of Woburn.

s/Alderman Tedesco and President Haggerty

Motion made and 2nd to suspend the rules to hear from the Veteran's Agent regarding the matter, all in favor, 9-0. Appearing was Veteran's Agent Larry Guisepppe and he stated that he wants to look into the possibility of purchasing the Tidd Home as a shelter for homeless veterans, that these would be single room occupancies, that if rooms were available for senior citizens as well there would be no objection, that the purchase price likely would be approximately \$2,700,000.00, that the operation of the facility would be an issue, that if the facility were operated by the Woburn Housing Authority or the Veterans Administration then residence could not be restricted to Woburn residents only, that if the residents were homeless veterans then there would be no income, that initial conversations with neighbors did not appear to generate any opposition to the concept but issues could arise, that there are approximately seven homeless veterans residing in the city including a woman veteran with children, that there are some homeless veterans who are homeless by choice, and that if the city purchases the building then the city should be able to control who resides in the building. Alderman Campbell stated that she was excited by the opportunity that the building could be used for veteran or senior housing, that this is a good location with many services and stores within walking distance, and that she is pleased that the Veteran's Agent supports the concept. Alderman Tedesco stated that the Tidd Home has served the Woburn community since 1886, that there is \$3,300,000.00 in a stabilization fund to create affordable housing, that the longer the money stays in the account the more it loses buying power, that the building underwent a major renovation in 2006, that the building is ADA compliant, that there is a new heating

and cooling system, newer roof and elevator, that a lot of expensive capital work has been completed, that parking, the interior layout of the rooms and the operating authority are all issues that must be addressed but the conversation is valuable, and that he toured the facility with President Haggerty last week. Alderman Mercer-Bruen stated that she supports the concept, and that this is a good use for the housing funds that have been set aside. President Haggerty stated that when the city purchases the building the city can limit the residents to being from Woburn. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor June 8, 2017 and ten days having elapsed without same being approved, said Resolve became effective without his signature on June 20, 2017.

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

MAYOR’S COMMUNICATIONS:

ORDERED That the city accept General Laws Chapter 44, Section 53F¾, which establishes a special revenue fund known as the PEG Access and Cable Related Fund, to reserve cable franchise fees and other cable-related revenues for appropriation to support PEG access services and oversight and renewal of the cable franchise agreement, the fund to begin operation for fiscal year 2018, which begins on July 1, 2017.

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

s/President Haggerty (per request)

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

A communication dated May 30, 2017 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Authority to Enter Ground Lease with Board of Library Trustees

Submitted with the memorandum is an Order authorizing the Mayor to enter into a Ground Lease with the WPL Board of Trustees. The purpose of the Ground Lease is to formalize the relationship between the City, as the owner of the proposed addition, and the Board of Trustees as owner of the existing Library structure. The area to be leased is the 11,632 s.f. upon which the addition is to be located, with associated rights to access and egress the addition while under construction.

The Ground Lease is required by bond counsel as part of the bonding process, and the draft attached has been approved. I am respectfully requesting that one of the Alderman sponsor the Order. As always, I am available to discuss at the Council's convenience.

Sincerely, s/Ellen Callahan Doucette

Attached thereto was the following:

ORDERED Be it ordained by the City Council of the City of Woburn that the Mayor be authorized to enter a Ground Lease with the Woburn Public Library Board of Trustees for the portion of the premises located at 45 Pleasant Street upon which the library addition will be constructed.

s/President Haggerty

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, SITTING AS A COMMITTEE OF THE WHOLE, all in favor, 9-0.

A communication dated June 1, 2017 with attachment was received from His Honor the Mayor Scott D. Galvin as follows:

Re: Proposed Smart Growth Overlay Zoning District

Dear Council:

I am pleased to submit the attached proposal that would create a so-called "Smart Growth" zoning overlay district in the vicinity of the Anderson Woburn Regional Transportation Center.

The proposal would designate a small portion of the Commerce Way Corridor Overlay District as a "Smart Growth" district in accordance with the provisions of M.G.L. Chapter 40R. Designed to take advantage of its proximity to the Anderson Woburn Regional Transit Center, the new district would encourage new residential and mixed-use development at densities appropriate to the area.

If approved by the City, the final version of this proposal would then be submitted to the State's Department of Housing and Community Development for review. Upon State approval of the proposal, the City would be eligible to receive significant State funding in connection with future development projects.

Specifically, I have attached the following in connection with this request:

- A proposed new Section 30 to the Woburn Zoning Ordinance to create the “smart growth” zoning overlay district;
- A map showing the four (4) parcels that would be included in the new district; and
- Design and development standards that would be employed by the City Council during the review of proposed so-called 40R projects.

I look forward to discussing the proposal with you and members of the Planning Board in detail during the public hearing and consideration process. I respectfully request timely consideration of this proposal over the next few months, despite the reduced Summer meeting schedules of the Council and Planning Board. Please feel free to contact with me or Planning Board Director Tina Cassidy for additional information in the interim.

Respectfully, s/Scott D. Galvin, Mayor

Attached thereto was the following:

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended by adding a new Section 30 as follows:

SECTION 30
ANDERSON/WOBURN SMART GROWTH OVERLAY DISTRICT

30.1 Purpose of District

The purpose of this Section 30 is to establish the Anderson/Woburn Smart Growth Overlay District (SGOD) to encourage smart growth development near the Anderson Woburn regional transit station, in accordance with M.G.L. Chapter 40R.

30.2 Definitions

1. The following definitions shall apply only to this Section 30. All terms shall be defined in accordance with the definitions established under the Enabling Laws or this Section, or as set forth in the City Council’s Regulations for the SGOD (“the SGOD Regulations”). To the extent there is any conflict between the definitions in this Section 30.2 or the SGOD regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

ACCESSORY USE: The use of a structure or lot for a purpose incidental to a permitted principal use (or, in the case of mixed use projects, uses[s]), permitted as-of-right, customarily found in connection therewith, located on the same lot as the principal use(s), and which does/do not in effect constitute conversion of the principal use(s) of the structure or lot to one not permitted.

ADMINISTERING AGENCY: The Woburn Housing Authority or other qualified housing entity designated by the City Council or DHCD, pursuant to Section 30.6.2, to review and implement the Affordability Requirements affecting Projects under Section 6.0.

AFFORDABLE HOMEOWNERSHIP UNIT: An Affordable Housing unit required to be sold to an Eligible Household.

AFFORDABLE HOUSING: Housing that is affordable to and occupied by Eligible Households.

AFFORDABLE HOUSING RESTRICTION: A deed restriction of Affordable Housing meeting statutory requirements in M.G.L. Chapter 184, Section 31 and the requirements of Section 30.6.6 of this Ordinance.

AFFORDABLE RENTAL UNIT: An Affordable Housing unit required to be rented to an Eligible Household.

APPLICANT: The individual or entity that submits a Project for Plan Approval.

AS-OF-RIGHT: A use allowed under Sections 30.5.1 and 30.5.2 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that receives approval from the Zoning Board of Appeals in accordance with M.G.L. Chapter 40B shall be considered an As-of-right Project; a Project that requires Plan Approval by the Woburn City Council pursuant to Sections 30.14 through 30.20 inclusive shall also be considered an As-of-right Project.

BASEMENT: A portion of a building, partly underground, which has more than one-half (1/2) of its height (measured from finished floor to finished ceiling) above the average grade of the adjoining ground. A basement is not deemed a story unless its ceiling is six feet six inches (6.5 feet) or more above the finished grade.

BILLBOARD: A sign or freestanding sign that advertises a business, service, product, commodity, entertainment or similar object or activity that is conducted, sold, or offered on a lot other than the lot on which the sign or freestanding sign is erected.

BUILDING: An independent structure resting on its foundations and designed for the shelter or housing of persons, animals, chattels, or property of any kind.

BUILDING GROUND COVERAGE: The percentage of total lot area covered by buildings.

CELLAR: A portion of a building, partly underground, which has less than one-half (1/2) of its height (measured from finished floor to finished ceiling) above the average grade of the adjoining ground. A cellar is not deemed a story.

CITY COUNCIL: City Council of the City of Woburn.

DEPARTMENT OR DHCD: The Massachusetts Department of Housing and Community Development.

DESIGN STANDARDS: The provisions of Section 30.18 which are the design provisions that are applicable to all Projects within the SGOD.

DEVELOPABLE LAND: Land excluding areas exceeding one-half (1/2) acre of contiguous land that are:

1. Protected wetland resources (including buffer zones) under federal, state, or local laws;
2. Rare species habitat designated under federal or state law, unless granted an exception consistent with requirements established by the Massachusetts Executive Office of Energy and Environmental Affairs and the Department of Fish and Game that all or part of such areas can accommodate development consistent with the proposed Smart Growth Zoning; or
3. Characterized by steep slopes with an average gradient of at least fifteen percent (15%).

DEVELOPMENT IMPACT TRAFFIC STANDARDS: Standards by which a project shall be evaluated relative to its impact upon the City's traffic infrastructure. The standards of Level of Service and Impacted Intersections shall be used to evaluate a project's impact on the City's traffic infrastructure.

DRIVE-UP CUSTOMER SERVICE FACILITY: A fast food restaurant, bank, retail, commercial, or service use which allows customers to access sales or services directly from a motor vehicle or where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle.

DRIVEWAY: An open space, located on a private lot, providing for access to a private garage or off-street parking space.

DWELLING: Any structure used in whole or in part for human habitation, exclusive of a trailer or mobile home, however mounted.

DWELLING, MULTI-FAMILY: A dwelling which contains three (3) or more dwelling units attached or located in a single structure.

DWELLING UNIT: One (1) or more rooms arranged, intended or designed to be occupied by one (1) family and to provide complete facilities for living, sleeping and eating.

ELEVATION: Height relative to mean sea level.

ELIGIBLE HOUSEHOLD: An individual or household whose annual income is less than eighty percent (80%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

ENABLING LAWS: M.G.L. Chapter 40R and 760 CMR 59.00.

ERECTED: The word erected shall include the word attached, built, constructed, reconstructed, altered, enlarged, moved, painted and posted.

ESSENTIAL SERVICES: The erection, construction, alteration, or maintenance, by public utilities or government agencies, of underground or overhead utilities and appurtenances including buildings necessary for the furnishing of adequate service for the benefit of public health, safety or general welfare by such public utilities or governmental agencies.

FLOOR AREA, GROSS: The sum of all areas of a building, as measured from the exterior faces of the walls. It includes all floors of a building, basements, cellars, attics, penthouses, unenclosed and closed-in porches, floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance, and any floor space intended and designated for the operation and maintenance of the building, such as but not limited to heating, air conditioning, ventilation, mechanical and electrical equipment, elevator machinery, elevator shafts and stairwells.

FLOOR AREA, NET: The sum of all the floors of a building used for human occupancy, including basements, cellars and attics, used for such purpose, and as measured from the interior faces of the walls. It does not include cellars, basements, attics and unenclosed porches not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this ordinance, or any floor space intended and designated for operation and maintenance of the building such as heating, ventilation, air conditioning, mechanical and electrical equipment, elevator machinery, elevator shafts and stairwells.

FLOOR AREA RATIO (FAR): The ratio of the net floor area of the structure to the lot area.

FRONTAGE: The length of continuous linear feet of a lot which runs along a street. See also "LOT LINE, FRONT".

GARAGE: A structure for the storage of motor vehicles.

GRADE: The rate or percent of change in elevation of the surface of the land as measured in feet of vertical change per one hundred (100) feet of horizontal distance.

HEIGHT OF A BUILDING: The vertical distance measured from the average ground elevation around the exterior walls of the building, determined without regard to any attached accessory building or attached parking structure, or the floor slab of any parking facilities contained within the structure, to the highest point of the roof surface in the case of a flat roof, and to the mean height between eaves and ridge in the case of a pitched roof except that the measurement of height shall not include appurtenant roof structures such as chimneys, service equipment and penthouses or spires, smokestacks, flag poles, aerials, roof-mounted energy systems, and the like.

HOME OCCUPATION OR OFFICE: The use of a portion of a dwelling as an office, studio, or workroom for occupation at home by a person residing on the premises and in connection with which there is kept no stock in trade nor commodity sold on the premises and which:

- Is clearly incidental to and secondary to the use as a residence; and
- Is a customary home occupation such as dressmaking, millinery, or preparing food for sale; or
- Is an office of a resident physician, dentist, attorney at law, architect, engineer, real estate broker, insurance broker, teacher of not more than three (3) students, or member of other recognized professions; and
- Shall have no exterior evidence of the home occupation or display or storage of materials other than permitted by this ordinance, including signs as permitted in Section 30.9; and
- The equipment, facilities or conduct associated with the home occupation do not create undue or harmful noise, smoke, dust, odor, vibration, electrical interference, customer traffic, or unsightliness discernable from adjacent properties or such other interferences with the peaceable enjoyment of neighboring residents.

IMPACTED INTERSECTION(S): Any intersection projected to receive (a) fifty (50) or more additional vehicles during peak hour traffic over the No-Build condition due to the contribution of traffic generated by the proposed development or (b) an increase of five percent (5%) in projected

daily or peak hour traffic over the No-Build condition due to the contribution of traffic generated by the proposed development.

INSPECTIONAL SERVICES DIRECTOR: The Commissioner of Buildings of the City of Woburn, also known as the Building Commissioner, charged with the enforcement of this Zoning Ordinance.

LANDSCAPED USABLE OPEN SPACE: Space in a yard that is unoccupied by buildings, and not devoted to service driveways, off-street loading or parking spaces and ways.

LANDSCAPING: The planting and maintenance of live plants including trees, shrubs, ground cover, flowers, or other low-growing plants that are native or adaptable to the climactic conditions of the area. In addition, the term landscape may include some natural or manufactured materials including, but not limited to, reflecting pools, works of art, walkways, screens, walls, fences, benches and other types of street furniture. Landscaping material may also include, but is not limited to, other non-living durable materials such as rocks, pebbles, sand, brick pavers, and earthen mounds, but excluding pavement for vehicular use.

LEGAL STREET FRONTAGE: The length of continuous linear feet of a lot which runs along a street or a way shown on a plan approved by the Planning Board under the Subdivision Control Law, or a private way in existence when the subdivision law became effective in the City which, in the opinion of the Planning Board, has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic and the installation of municipal services. On a corner lot, the shorter street frontage shall be considered the legal street frontage unless otherwise specified by deed restriction.

LEVEL OF SERVICE (LOS): A qualitative measure used to analyze the quality of traffic service by categorizing traffic flow and assigning quality levels of traffic based on performance measures such as speed. A project's Level of Service shall be determined according to criteria set forth by the Transportation Research Board of the National Research Council.

LOT: A single area of land in one ownership with definite boundaries, ascertainable by deed or recorded plan.

LOT AREA: Lot area shall be determined by an area within a lot including any area within said lot over which easements have been granted, provided that no area within a street shall be included in determining minimum lot area.

LOT, CORNER: A lot at the junction of and fronting on two (2) or more intersecting streets.

LOT, INTERIOR: A lot, other than a corner lot, with frontage on only one (1) street.

LOT LINE: A line which separates one (1) or more lots or a lot and a street.

LOT LINE, FRONT: The lines separating a lot from the right-of-way of a street. On a corner lot, the shorter street frontage shall be considered the front lot line unless otherwise specified by deed restriction.

LOT LINE, REAR: Any lot line which is not a front or side lot line.

LOT LINE, SIDE: Any line which separates a lot from another lot and which intersects a front lot line or which, if extended to a front lot line or its extension, would form an angle of greater than 45 degrees with the front lot line when measured on the side of the angle closest to the center of the lot.

LOT, THROUGH: A lot, other than a corner lot, the front and rear lot lines of which abut streets.

LOT WIDTH, MINIMUM: No lot shall be created which does not have an area in which a circle may be located tangent to the lot frontage and within all lot lines - the lot must also allow the passage of said circle from its frontage position to the developable portion of the lot while remaining within all lot lines.

MIXED-USE DEVELOPMENT PROJECT: A Project containing a mix of Multi-family Dwelling and non-residential uses, as allowed in Section 30.5.2, and subject to all applicable provisions of this Section 30.

PAA REGULATIONS: The rules and regulations of the Woburn City Council for the Anderson/Woburn SGOD, adopted pursuant to Section 30.14.3 (“SGOD Regulations”).

PHOTOVOLTAIC SYSTEM (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

PLAN APPROVAL AUTHORITY (PAA): The Woburn City Council authorized under Section 30.9.2 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.

PLANNING BOARD: Planning Board of the City of Woburn.

PREMISES: A lot, together with all buildings, structures, and uses thereon.

PRINCIPAL USE: The main or primary purpose(s) for which a structure or lot is designed, arranged, or intended, or for which they may be used, occupied, or

maintained under this ordinance. The use of any other structure or land on the same lot and incidental or supplementary thereto and permitted under this ordinance shall be considered as accessory use.

PROJECT: A Residential Project or Mixed-Use Development Project undertaken within the SGOD in accordance with the requirements of this Section 30.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

RESIDENTIAL PROJECT: A Project that consists solely of residential, parking, and accessory uses, as further defined in Section 30.5.1.

RESTAURANT, FULL-SERVICE: Any building, room, space or portion thereof where food is sold for consumption on premises, customers are provided an individual menu, a restaurant employee serves the customers at the same table or counter at which items are consumed. A restaurant, full-service may provide “accessory” delivery service, take out service (except drive-up customer service) and related retail sales items.

RESTAURANT, FAST FOOD: Any building, room, space or portion thereof where food or beverage is sold for consumption on-site or off-premises within a short period of time, orders are made at either a walk-up window or counter, payment for food or beverage is made prior to consumption, and the packaging of food is done in disposable containers, or is not a “Restaurant, full-service”. A fast food restaurant may provide “accessory” related retail sales items, take out service and delivery service.

RETAIL USE: The sale of goods to the public in relatively small quantities for use or consumption rather than for resale.

SCOPING MEETING: A meeting between the Applicant and City officials at which the boundaries and work tasks for a traffic study will be determined taking into consideration (a) traffic from other developments in the No Build conditions plus the traffic from the proposed development, and (b) a comparison of No Build versus Build conditions.

SETBACK, FRONT: The minimum horizontal distance between the front lot line and the building nearest the front lot line such distance measured at a right angle to the front lot line.

SETBACK, REAR: The minimum horizontal distance between the rear yard line and the building nearest the rear yard line.

SETBACK, SIDE: The minimum horizontal distance between the side yard line and the building nearest the side yard line.

SGOD: The Anderson/Woburn Smart Growth Overlay District established in accordance with this Section 30.

SIGN: Any permanent or temporary device, letter, word, billboard, placard, painting, drawing, poster, banner, pennant, insignia, trade flag, streamer, display, emblem, helium balloon larger than one (1) foot in diameter which is attached to a building or structure, or representation used as or which is in the nature of an advertisement, announcement, or direction, or is designed to attract the eye.

SIGN, ACCESSORY: Any sign that advertises or indicates the person occupying the premises on which the sign is erected or maintained, or the businesses transacted thereon, or advertises the property itself or any part thereof as for sale or rent.

SIGN, AREA OF: The entire area within a single continuous perimeter, and a single plane, which encloses the extreme limits of the advertising message, announcement or wording together with any frame, trim or other integral part of the display. The area of a freestanding or perpendicular wall sign is the entire area of one side of such sign.

SIGN, AWNING: A sign on a temporary retractable shelter which is supported entirely from the exterior wall of a building.

SIGN, DIRECTORY: A sign that, with respect to the premises on which it is erected and/or an adjacent premises for which the sign is a single common identifier, or with respect to a single integrated development consisting of two (2) or more lots, advertises or indicates one (1) or more of the following: The property address, the name of tenant and/or occupant of the premises, directional or parking instructions, or the sale or letting of the premises or any part thereof.

SIGN ERECTED: Attached, built, constructed, reconstructed, altered, enlarged, moved, painted and posted.

SIGN, FREESTANDING: A sign erected on or affixed to the land by post, pole, pylon, or framing device or stand not affixed to a building.

SIGN, MARQUEE: A sign on or attached to a permanent overhanging shelter which projects from the face of a building, is entirely supported by said building, and may have a changeable letter panel.

SIGN, PORTABLE: A free-standing sign not permanently secured to the ground or a structure on the lot it occupies, including trailored signs, and including signs on permanently parked vehicles.

SIGN, ROOF: Any sign which is erected, constructed, and maintained upon or over the roof of any building.

SIGN, TEMPORARY: Any exterior sign maintained for a limited period as specified in this ordinance.

SIGN, WALL: A sign affixed to the wall of a building either parallel or perpendicular to the wall of a building and not extending above the roof plate or parapet line.

SIGN, WINDOW: A sign painted or posted on or within six (6) inches of an interior transparent surface including windows and doors.

SOLAR ACCESS: The access of a solar energy system to direct sunlight.

SOLAR COLLECTOR: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

1. SOLAR ENERGY SYSTEM, ACTIVE: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
2. SOLAR ENERGY SYSTEM, CARPORT/CANOPY: An accessory structure designed and utilized principally for the support of a solar energy system. For purposes of this Ordinance, a Solar Carport/Canopy is considered to be ground-mounted.
3. SOLAR ENERGY SYSTEM, GRID-INTERTIE: A photovoltaic system that is connected to an electric circuit served by an electric utility.
4. SOLAR ENERGY SYSTEM, GROUND-MOUNTED: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).
5. SOLAR ENERGY SYSTEM, LARGE-SCALE: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).
6. SOLAR ENERGY SYSTEM, MEDIUM-SCALE: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square

feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).

7. SOLAR ENERGY SYSTEM, OFF-GRID: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.
8. SOLAR ENERGY SYSTEM, PASSIVE: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
9. SOLAR ENERGY SYSTEM, ROOF-MOUNTED: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).
10. SOLAR ENERGY SYSTEM, SMALL-SCALE: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

SOLAR THERMAL SYSTEM: An Active Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

STORY: A part of a building comprised between a floor and a floor or roof next above, including a basement, but not including a cellar.

STREET: A public way, or a way shown on a plan approved by the Woburn Planning Board under the subdivision control law, or a private way in existence when the subdivision law became effective in the City which, in the opinion of the Planning Board has sufficient width, suitable grades and adequate construction to provide for the needs of a vehicular traffic and the installation of municipal services.

STRUCTURE: Any combination of materials assembled, constructed, erected or maintained at a fixed location and place permanently or temporarily in or on the ground.

SUBSTANTIAL ALTERATION OR IMPROVEMENT: An alteration or improvement of a structure or group of structures totaling fifteen thousand (15,000) gross square feet or more in size which will either result in an increase in gross floor area of more than ten percent (10%) or which will require the addition of ten (10) or more parking spaces in order to comply with the Zoning Ordinance. An alteration or improvement shall be determined by the Inspectional Services Director to be a Substantial Alteration or Improvement based on the aggregate of all repairs, improvements, extensions or enlargements undertaken within a period of three (3) years prior to the submission of the SGOD Project application.

TENANT RECREATIONAL FACILITIES: On-site amenities designed and intended for use by tenants of the Project for their recreational enjoyment and which are not generally open for use by non-tenants or members of the public. Examples of tenant recreational facilities include swimming pools, rooftop patios, atria, media rooms, gymnasiums and meeting rooms.

TOTAL DEVELOPMENT COST: The total cost or value of all development-related improvements, which shall be determined on the basis of standard building or construction costs, such as those published in the Engineering News Record or other source acceptable to the City Engineer for the relevant type of structure and/or use being proposed.

USE: The manner in which land or a structure is to be occupied or utilized.

WIRELESS COMMUNICATION LINK: A facility consisting exclusively of fixtures and equipment used by a public utility or FCC licensed commercial entity for the wireless transmission and reception of radio signals including:

1. Antenna Elements: reception and transmission equipment and fixtures such as antennae, communication dishes and similar devices.
2. Antenna Support Structures: structures that are erected and used primarily to support such reception and transmission equipment including, without limitation, monopoles.
3. Equipment Shelters: any accessory mechanical, electronic, or telephonic equipment, fixtures, wiring and protective covering customary and necessary to operate such wireless communication equipment.

A wireless communications link is a transmission and reception substation, not a principal facility for conducting a communications business. Wireless communications link shall not include television and radio station transmission antennae.

WIRELESS COMMUNICATIONS LINK, FREE-STANDING EXTERIOR: Any out-of-door wireless communications link mounted on, erected, or supported by any free-standing monopole, excluding lattice style towers requiring three (3) or more legs or guywires.

WIRELESS COMMUNICATIONS LINK, BUILDING-MOUNTED: Any out-of-door wireless communication link mounted on, erected on, or supported in whole or in part by an existing building or structure (including without limitation, buildings, water towers, smoke stacks and the like) occupied and/or used primarily for other purposes.

WIRELESS COMMUNICATIONS LINK, INDOOR: Any indoor wireless communications link mounted inside, erected inside or supported within an existing building or structure including without limitation, buildings, cupolas, church spires, inactive smoke stacks and the like occupied and/or used primarily for other purposes.

YARD, FRONT: An open space extending for the full width of the lot between the front line of the structure wall and the front lot line. On corner lots having frontage on two (2) or more streets, each such street shall have a front yard

YARD, REAR: An open space extending the full width of the lot between the rear line of the structure wall and the rear lot line.

YARD, SIDE: An open space extending for the full length of a structure between the structure wall and the side lot line. On triangular-shaped lots, each side yard setback shall be paralleled and extended to a rear point of intersection within the lot.

ZONING ORDINANCE: The Zoning Ordinance of the City of Woburn MA.

30.3. Establishment of Overlay District and Subdistricts

1. The Anderson/Woburn Smart Growth Overlay District, hereinafter referred to as the SGOD, is an overlay district having a land area of approximately ten (10) acres that is superimposed over the underlying zoning district(s) and is shown on the Woburn Zoning Map as set forth on the map entitled "Proposed Presidential Way 40R Smart Growth Overlay District" dated June 2017 and prepared by the City of Woburn Engineering Department. This map is hereby made a part of the Zoning Ordinance and is on file in the office of the City Clerk.
2. The SGOD consists of four (4) parcels of land in two Subdistricts:
 1. The I-93 Subdistrict consists of one (1) parcel of land approximately 10.7 acres in size which is located at 200 Presidential Way which is identified on the City of Woburn Assessors' Maps as Map #5, Block #4, Lot #2.
 2. The Commerce Way Subdistrict consists of three (3) parcels of land; One parcel consists of approximately 4.5 acres and is located at 300 Presidential Way and which is identified on the City of Woburn Assessors' Maps as Map #5, Block #4, Lot #4. A second parcel in the Commerce Way Subdistrict consists of approximately 9.7 acres of land and is located at 400 Presidential Way and which is identified on the City of Woburn Assessors' Maps as Map #5, Block #4, Lot #5. A third parcel in the Commerce Way Subdistrict consists of approximately 3.8 acres which is identified as "Lot 5 Commerce Way" and which is identified on the City of Woburn Assessors' Maps as Map #10, Block #1, Lot #17.

30.4 Applicability of SGOD

1. An Applicant may seek development of a Project located within the SGOD in accordance with the provisions of the Enabling Laws and this Section 30.
2. The SGOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimensions, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section 30. Within the boundaries of the SGOD, a developer may elect either to develop a Project in accordance with the requirements of the SGOD, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s), or to develop a project in accordance with the provisions of the Commerce Way Corridor Overlay District.
3. The provisions of this Section 30 shall be administered by the Inspectional Services Director, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the City Council under Sections 14 through 20 shall be governed by the applicable provisions of M.G.L. Chapter 40R. Any other request for enforcement or appeal arising under this Section 30 shall be governed by the applicable provisions of M.G.L. Chapter 40A.

30.5 Uses Permitted and Not Permitted

1. The following uses are permitted as-of-right in the I-93 Subdistrict of the SGOD, if the same Project has been previously authorized by the Zoning Board of Appeals under the provisions of M.G.L. Chapter 40B and subject to the non-residential gross floor area restriction in Section 30.7:
 1. Residential Project
 2. Parking accessory to a Residential Project
 3. Essential Services
 4. Home Occupation or Office
 5. Photovoltaic System
 6. Sign(s) permitted by Section 30.9, Signage Regulations
 7. Tenant Recreational Facilities
 8. Solar Collector
 9. Solar Energy System
 10. Solar Thermal System
 11. Wireless Communication Link (Building Mounted, Free-Standing and Interior)
 12. Accessory uses customarily incidental to the above-permitted uses

2. The following uses are permitted with Plan Approval from the City Council in the I-93 Subdistrict of the SGOD if the same Project not been previously authorized by the Zoning Board of Appeals under the provisions of M.G.L. Chapter 40B and subject to the non-residential gross floor area restriction in Section 30.7
3. The following uses are permitted with Plan Approval from the City Council in the Commerce Way Subdistrict of the SGOD:
 1. Residential Project
 2. Parking accessory to a Residential Project
 3. Essential Services
 4. Home Occupation or Office
 5. Photovoltaic System
 6. Sign(s) permitted by Section 30.9, Signage Regulations
 7. Tenant Recreational Facilities
 8. Solar Collector
 9. Solar Energy System
 10. Solar Thermal System
 11. Wireless Communication Link (Building Mounted, Free-Standing and Interior)
 12. Accessory uses customarily incidental to the above-permitted uses
4. The following uses are not permitted uses in the SGOD:
 1. Drive-Up Customer Service Facility
 2. Any use not listed in Section 30.5.1 or Section 30.5.2 above

30.6 Housing and Housing Affordability

1. Affordable Housing Required

Not less than twenty-five percent (25%) of all housing units constructed shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit of one-half (1/2) or greater shall be deemed to constitute a whole unit. A Project shall not be segmented or phased to evade the Affordability threshold set forth in this paragraph.

2. Administering Agency

An administering agency which may be the local housing authority or other qualified housing entity (the "Administering Agency") shall be designated by the City Council. The City Council has designated the Woburn Housing Authority as the designated Administering Agency. In a case where the Housing Authority cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD such duties shall devolve to and thereafter

be administered by a qualified housing entity designed by the designating official or, in the absence of such timely designation, by an entity designated by DHCD. In any event, the Housing Authority or other Administering Agency shall ensure the following, both prior to the issuance of a building permit for a Project within the SGOD, and on a continuing basis thereafter, as the case may be:

1. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
2. Income eligibility of households applying for Affordable Housing is properly and reliably determined;
3. The housing marketing and resident selection plan conform to all requirements and are properly administered;
4. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
5. Affordable Housing Restrictions meeting the requirements of this section are recorded at the Middlesex Registry of Deeds.

3. Submission Requirements

1. As part of any building permit application for an as-of-right Project in the I-93 Subdistrict of the SGOD, the Applicant must submit the following documents to the Building Inspector and the Housing Authority:
 1. Evidence that the Project complies with the cost and eligibility requirements of Section 30.6.4;
 2. Project plans that demonstrate compliance with the requirements of this Section 30.6.3 and Section 30.6.5; and
 3. A form of Affordable Housing Restriction that satisfies the requirements of Section 30.6.6.

These documents in combination, to be submitted with an application for a building permit, shall include details about construction related to the provision, within the development, and details regarding units that are accessible to the disabled.

2. As part of any application for Plan Approval for a Project within either Subdistrict of the SGOD submitted under Sections 14 through 20 inclusive, the Applicant must submit the following documents to the City Council and the Housing Authority:
 1. Evidence that the Project complies with the cost and eligibility requirements of Section 30.6.4;
 2. Project plans that demonstrate compliance with the requirements of this Section 30.6.3 and Section 30.6.5; and

3. A form of Affordable Housing Restriction that satisfies the requirements of Section 30.6.6.

These documents in combination, to be submitted with an application for Plan Approval, shall include details about construction related to the provision, within the development, and details regarding units that are accessible to the disabled.

4. Cost and Eligibility Requirements

Affordable Housing shall comply with the following requirements:

1. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one (1), unless other affordable housing program rent limits approved by DHCD shall apply.
3. For an Affordable Homeownership Unit, the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one (1).

Prior to the issuance of any building permit by the Building Inspector for as-of-right projects, or prior to the granting of any Plan Approval for a Project by the City Council, the Applicant must demonstrate, to the satisfaction of the Woburn Housing Authority, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to Woburn.

5. Design and Construction

Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the Project of which they are part and be comparable in initial construction quality and exterior design to the other housing units in the Project. The total number of bedrooms in the Affordable Housing shall, insofar as practicable, be proportionate to the total number of bedrooms in all units in the Project of which the Affordable Housing is part.

6. Affordable Housing Restriction

Each Project shall be subject to an Affordable Housing Restriction which shall be recorded with the Middlesex Registry of Deeds or the Land Court, as appropriate, prior to the issuance of a building permit and which Affordable Housing Restriction contains the following:

1. Specification of the term of the affordable housing restriction, which shall be no less than thirty (30) years;
2. The name and address of the Administering Agency with a designation of its power to monitor and enforce the affordable housing restriction;
3. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification.
4. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;
5. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set;
7. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders;
8. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Woburn Housing Authority;
9. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Woburn Housing Authority;
10. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Woburn Housing Authority and/or the City of Woburn,

in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;

11. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Woburn Housing Authority and/or the City of Woburn, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
12. Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report with the Woburn Housing Authority, in a form specified by that agency, certifying compliance with the Affordability provisions of this Ordinance and containing such other information as may be reasonably requested in order to ensure affordability; and
13. A requirement that residents in Affordable Housing provide such information as the Woburn Housing Authority may reasonably request in order to ensure affordability.

7. Costs of Housing Marketing and Selection Plan

The housing marketing and selection plan may make provision for payment by the Project Applicant of reasonable costs to the Woburn Housing Authority to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half of one percent (1/2%) of the amount of rents of Affordable Rental Units (payable annually) or one percent (1%) of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

8. Age Restrictions

Nothing in this Section 30 shall permit the imposition of restrictions on age upon all Projects in the SGOD. However, the City Council may, in its review of a submission under Section 30.6.3, allow a specific Project within the SGOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units. Any Project which includes age-restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

9. Phasing

For any Project that is approved and developed in phases in accordance with Section 30.14.4, the proportion of Affordable Housing Units shall be consistent across all phases.

10. No Waivers

Notwithstanding anything to the contrary herein, the Affordability provisions in Section 30.6 shall not be waived.

30.7 Table of Dimensional Requirements

Notwithstanding anything to the contrary in this Zoning Ordinance, the dimensional requirements applicable to both SGOD Subdistricts are as follows:

Dimensional Standard	Dimensional Requirement
Minimum Lot Size	10 acres
Minimum Lot Width	40'
Minimum Street Frontage	125'
Minimum Front Setback	25'
Minimum Rear Setback	30'
Minimum Side Setback	25'
Minimum Landscaped Usable Open Space	30%
Maximum Height	80' and 7 stories
Maximum Floor Area Ratio	.5
Minimum Number of Dwelling Units/Developable Acre	20
Maximum Number of Dwelling Units/Developable Acre	20
Maximum gross floor area (gfa) of non-residential uses	20% of total gfa

30.8 Parking and Loading Requirements

1. Minimum Parking Requirements

Unless otherwise authorized by the City Council, the following minimum number of off-street parking spaces shall be provided by use, either in surface parking or within garages or other structures, and the parking required for each use shall be computed separately:

Use	Number of Off-Street Spaces Required For SGOD Projects
Residential	1.47 per unit
Retail (as accessory use)	One (1) per 250 sq. ft. of net floor area
Office (as accessory use)	One (1) per 350 sq. ft. of net floor area
Storage (as accessory use)	One (1) per 400 sq. ft. of net floor area
Tenant Recreational Facilities	One (1) per each employee assigned to staff the tenant recreational facilities

2. Dimensional Requirements for Site Access / Off-Street Parking Facilities

The following requirements shall apply to the design and layout of required parking facilities and site access:

Feature	Required Dimension(s)
Parking space	9' wide by 18' long
Parking space, compact car	8' wide by 16' long
Parking space, handicapped	12' wide by 18' long
Site drive, parking lot/garage aisle, one-way	18' wide min.
Site drive, parking lot/garage aisle, two-way	24' wide min.
Entrance/exit driveway width at curb line	28' wide max.
Entrance/exit driveway radius	30' min.
Distance between driveways on single lot	50' min. for corner lots; 30' min. for all others
Distance between driveway & curb line of intersecting street	25' min.
Setback from lot line	5' min.

3. Off-Street Loading Requirements

Each building shall be required to have at least one (1) loading bay, which shall be equipped as follows:

Feature	Required Dimension(s)
Loading bay	Min. 10' wide by 35' long by 12' high
Access driveway, one-way	18' wide min.
Access driveway, two-way	24' wide min.
Access driveway width at curb line	28' max.
Access driveway radius	30' min.
Distance between access driveways on single lot	50' min. for corner lots; 30' min. for all others
Distance between access driveway & curb line of intersecting street	25' min.

4. General Design Requirements for Parking Areas and Loading Facilities

1. Any surface parking area or loading facility shall, to the maximum extent feasible, be located to the side or rear of a building relative to any street, pedestrian walkway or public open space.
2. Parking spaces must be set back at least fifteen (15) feet from the front lot line and ten (10) feet from all side and rear lot lines.

3. Driveways shall be located so as to minimize conflict with traffic on adjacent streets and where good visibility and site distances are available to observe approaching pedestrian and vehicular traffic.
 4. Parking facilities shall be designed so that a vehicle may proceed to and from each parking space provided for it without requiring the moving of any other vehicle, except for a parking facility providing valet parking.
 5. All loading facilities shall be designed with appropriate means of vehicular access and adequate maneuvering area, which maneuvering area must be provided entirely on the lot with immediate and direct ingress to the building to be served.
 6. All parking facilities and loading areas shall have security lighting which shall be arranged and shielded so as to prevent glare onto adjacent streets or properties.
 7. All parking facilities shall be surfaced with asphalt, concrete or other durable material and marked with four inch (4") painted lines or some other permanent marking system to clearly denote all parking spaces and, where appropriate, travel direction and instruction.
 8. All parking and loading areas shall be designed and constructed so as to provide proper drainage of the lot.
 9. Curbing, wheel stops, guard rails or bollards shall be placed at the edges of surfaced parking areas in order to protect landscaped areas or otherwise control parking locations.
 10. Parking facilities shall be kept clean, plowed and free from rubbish, debris and snow. All plant materials shall be maintained in a healthy condition and whenever necessary shall be replaced with new material to ensure continued compliance with any approved plan or landscaping requirement. All surfaces, lighting, fences, walls, and barriers shall be maintained in good repair and whenever necessary shall be replaced.
 11. Up to ten percent (10%) of required off-street parking spaces may be for compact cars. Such spaces shall be grouped in one (1) location and provided with signage identifying them as compact spaces.
5. Landscaping Requirements for Parking Areas

Surface parking facilities containing twenty (20) or more parking spaces shall contain interior landscaping in accordance with the following requirements:

1. An area of interior planting equivalent to at least five percent (5%) of the area of the parking facility shall be distributed within the parking facility and landscaped and continuously maintained. This requirement shall be in addition to any requirements for open space and screening along the perimeter of a parking area.
2. An interior planting area shall consist of at least twenty (20) square feet. At least one (1) tree shall be planted in each such planting area and there shall be at least one (1) tree for every ten (10) parking stalls.
3. Trees required by the provisions of this section shall be at least three (3) inches in caliper at the time of planting and shall be species characterized by rapid growth and by suitability and hardiness for location in a parking lot.
4. Bumper overhang areas shall be landscaped with stone, woodchips, low plantings or other materials that will not be damaged as a result of bumpers and oil drippings.
5. The City Council may waive some of the landscaping requirements if it finds the amount, placement and type of landscaping proposed will be equal or superior in visual appearance than if the requirements were strictly adhered to.

30.9 Signage Regulations

1. The following types of signs are permitted in the SGOD:
 1. Signs erected by or on the order of a governmental agency when limited to governmental purposes and excluding any advertising.
 2. Names of buildings, date of erection, monumental citations and commemorative tablets when made a permanent and integral part of a building, not to exceed ten (10) square feet.
 3. Banners or flags emblematic of or issued by national, state or local governments.
 4. Signs not to exceed two (2) square feet which indicate warnings, hazards or public conveniences such as "no trespass", "beware of dog" or rest room signs.
 5. Up to two (2) signs identifying churches on each street frontage, one (1) of which may not exceed twenty (20) square feet in area and one (1) of which may not exceed ten (10) square feet in area. One (1) sign per each street

frontage may be free-standing and may be used for notices and announcements of services and events.

6. Signs necessary to give clear directions to a parking lot or building entrance on the premises. Such signs shall not exceed four (4) square feet in area, nor shall they stand more than four (4) feet high. Such signs may be located within required yard areas but not closer than five (5) feet from streets or driveways.
7. Temporary Signs as follows:
 1. Temporary identification signs: One (1) temporary identification sign to identify a property or use during the period from the submission of a sign application to the Building Commissioners to the decision, provided that in the event of an unfavorable decision such temporary sign shall be removed forthwith, and provided that the temporary sign conforms with all applicable dimensional regulations of this section.
 2. Construction signs: One (1) or more signs on a site during the construction or alteration of a building identifying the building, owner, contractor, architects and/or engineers and the business to be conducted therein. Such signs shall not exceed in the aggregate thirty-two (32) square feet and shall be removed within forty-eight (48) hours after completion of the construction or alteration.
 3. Real estate signs: One (1) unlit sign, not exceeding thirty-two (32) square feet advertising the sale, rental or lease of the premises or part of the premises or the willingness to build on the premises on which the sign is displayed. Such signs shall be removed within forty-eight (48) hours after the sale, rental or lease. Any other signs used in connection with the sale, rental or lease of a particular premises, including but not limited to "Open House" special events or directory-type signs, shall be of a carry-away design only, not affixed in any permanent manner and shall be in place for a duration of not greater than forty-eight (48) hours per week.
 4. Signs to be used for charitable or public purposes but which do not comply with the requirements of this ordinance may be authorized by the Inspectional Services Director for a period not to exceed thirty (30) days.
2. The following types of signs are prohibited in the SGOD:
 1. All non-necessary signs including billboards.

2. Roof signs
 3. Signs which extend more than four (4) feet above the main roof line of the buildings to which they are attached.
 4. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decorations.
 5. Signs or other advertising devices with visible moving or movable parts or with flashing animated or intermittent illumination.
 6. Portable or movable signs such as those used in connection with gas filling stations, automobile dealers and garages including trailer signs and signs affixed to or painted on a vehicle permanently parked on the premises so as to serve as a sign.
3. General Requirements for Signs
1. Required setbacks for signs shall be the same as those specified for the principal building on the lot.
 2. All signs and the immediate area surrounding free-standing and ground mounted signs must be maintained in good repair and free of rubbish and weeds.
 3. The Inspectional Services Director is authorized to order the repair or removal of any sign and its supporting structure that in the judgment of the Inspectional Services Director is dangerous, or in disrepair or which is erected or maintained contrary to this by-law. Such repair or removal shall be the responsibility of the building owner and must be completed within thirty (30) days of notification by the Inspectional Services Director. Appeals from the Inspectional Services Director's order shall be held by the Woburn Board of Appeals.
 4. No sign shall be placed in a manner that casts reflection upon any dwelling.
 5. All sign illumination shall be interior, non-exposed or shielded exterior illumination directed solely at the sign. Illumination shall be steady and stationary.
 6. No sign or its illuminator shall by reason of its location, shape, size or color create, in the opinion of the Chief of Police, a driving hazard to vehicles or obstruct the effectiveness of any official traffic sign, traffic signal or traffic marking.
 7. No free-standing pole or pylon sign, nor any ground sign greater than three (3) feet in height but less than ten (10) feet in height shall be located within a triangular area formed in the following manner: By a front lot line or railroad track, a street intersecting such front lot line or track and a

straight line which connects points along the aforesaid lines thirty-five (35) feet from their intersection.

8. No sign shall be maintained which advertises a product no longer sold or a commercial enterprise no longer in operation on the premises upon which the sign is located. Except for allowed real estate "For Sale" or "For Lease" signs, no sign shall remain in place in or on the vacated premises for more than thirty (30) days from the day of vacancy. No holiday signs or decorations shall be posted more than sixty (60) days prior to any holiday or remain posted more than sixty (60) days after any holiday.
9. No signs shall be affixed in a permanent manner to any utility pole or poles located along a way in the City of Woburn in connection with the private activity, business, enterprise or event such as, but not limited to, the sale, rental or lease of a premises directly to a private business operation or any other private activity.

4. Types, Number and Size of Sign(s) Permitted

Type of Sign Permitted	Number of Signs Permitted	Dimensional Requirements/Restrictions Applicable to both Subdistricts
Primary Wall Sign	One (1) for each tenant in the building	Total area of all Primary Wall Signs shall not exceed ten percent (10%) of the façade area of the first two (2) stories of the building's façade which faces the front lot line.
Secondary Wall Sign	One (1) for each separate entrance to the structure or each façade that faces a public way, maximum of two (2)	Total area of all secondary wall sign(s) shall not exceed one-half (1/2) the total permissible area for a Primary Wall Sign. Secondary Wall Sign(s) may not be erected on the same wall as a Primary Wall Sign.
Window Sign		Maximum of ten percent (10%) of the area of the window in which the sign is located.
Awning Sign	One (1) per establishment	Lettering may not occupy more than twenty percent (20%) of the awning's area.
Freestanding Sign	One (1) per lot	Maximum of forty (40) square feet per side; both sides must have identical language. Sign may not exceed thirty (30) feet in height.

30.10 Solar Photovoltaic Installations

1. Purpose

The purpose of this ordinance is to promote the creation of new solar photovoltaic installations in accordance with M.G.L. c.40A, §9B and the Green Communities Act, M.G.L. c.25A, §10, by providing standards for the placement, design,

construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

2. Applicability

This ordinance applies to all solar energy systems and to physical modifications that materially alter the type, configuration, or size of these systems or related equipment. Roof mounted solar installations in all zoning districts, including municipal and school properties shall be a by right use not requiring a special permit or site plan review.

3. General Requirements for all Solar Photovoltaic Installations

The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

1. Compliance with Laws, Ordinances and Regulations: The construction and operation of all solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code and each component of the solar energy system that is regulated by the building code shall be performed by those that are authorized to do such work in the Commonwealth of Massachusetts. Failure to use licensed personnel in all aspects of construction and installation of a solar photovoltaic installation shall be grounds for revocation of any approval granted under site plan review and/or any building permit issued.
2. Permits and Inspections: No solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining all required building, electrical and plumbing permits.
3. The total capacity of all existing and proposed ground-mounted solar photovoltaic installations on the lot shall be measured in determining whether an installation is large-scale or small-scale.
4. All solar carports/canopies and ground-mounted solar photovoltaic installations shall be screened from view of abutting properties and streets, to the extent practicable. Screening may consist of fences, vegetation, evergreen plantings, topography and earthen berms so long as they do not interfere with or encroach upon sight lines or violate other provisions of this Ordinance.

5. Security fencing shall be required around any medium-scale or large-scale ground mounted solar energy systems. Security fencing associated with ground mounted solar photovoltaic installations shall not be subject to the provisions of Section 30.11.2.2 of this Ordinance.
4. Use Regulations
 1. Non-Residential District Uses
 1. Uses Permitted as of Right
 1. Roof-Mounted Solar Energy Systems
 2. Small-Scale Ground-Mounted Solar Energy Systems
 2. Uses Allowed through Site Plan Review
 1. Medium-Scale Ground-Mounted Solar Energy Systems
 2. Large-Scale Ground-Mounted Solar Energy Systems
 3. Solar Carport/Canopy
5. Dimensional and Density Requirements
 1. Setbacks

For all ground-mounted solar photovoltaic installations the minimum front, side and rear setbacks shall be as follows:

Front Setback: 25 feet;
Side Setback: 25 feet;
Rear Setback: 25 feet.
 2. Maximum height - The height limit for all solar carports/canopies shall be twenty (20) feet and all other ground-mounted solar photovoltaic installations shall be fifteen (15) feet.
 3. All other yard, and space and height requirements of the underlying zoning district shall also apply, except that no ground-mounted solar photovoltaic installations shall be installed in front yards.
6. Appurtenant Structures

All appurtenant structures to a ground-mounted solar photovoltaic installation shall be subject to the requirements of this Zoning Ordinance concerning yard, space, height and setback requirements. All such appurtenant structures,

including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other.

7. Solar Photovoltaic Installation Site Plan Review and Special Permit.

For purposes of this Section, Site Plan Review shall be conducted by the City Council prior to the construction, installation or modification of certain Ground Mounted Solar Photovoltaic Installations as provided. In accordance with Section 22(c) of the Massachusetts Green Communities Act, Solar Photovoltaic Installation Site Plan Review shall be expedited and no decision shall be rendered more than six (6) months after the date of receipt of a complete application as determined by the City Council. For those projects that require a Special Permit, the City Council shall be the special permit granting authority and special permit procedures shall apply.

8. Application and Plan Requirements

A completed application for Solar Photovoltaic Installation Site Plan Review shall be filed with the City Council, along with the applicable fee. Upon receipt of an application, the City Council may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the City Council with its review of the application, in accordance with the requirements of M.G.L. c.44, §53G. The City Council may direct the applicant to deposit funds with the City Auditor for such review at the time the application is determined to be complete, and may direct the applicant to add additional funds as needed upon notice. Failure to comply with this section shall be grounds for denying the application. Upon approval of the application, any excess amount attributable to the application processing by the City Council shall be refunded to the applicant.

1. Plans: All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
2. Required Documents: the project proponent shall provide the following documents:
 1. A site plan showing:
 1. Property lines and physical features, including roads, for the project site;
 2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 3. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed

- layout of the system and any potential shading from nearby structures;
4. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 5. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 6. Name, address, and contact information for proposed system installer;
 7. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; and
 8. The name, contact information and signature of any agents representing the project proponent.
2. Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation;
 3. An operation and maintenance plan which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation including provisions to prevent reflection of glare and/or concentrated energy onto adjacent structures and properties;
 4. The underlying Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 5. Proof of liability insurance;
 6. Description of financial surety that satisfies Section 30.10.12.3;
 7. Proof that the utility company that operates the electrical grid where the installation is to be located has been informed of the installation owner or operator's intent to install an interconnected customer-owned generator as well as documentation from said utility that it will connect the proposed customer-owned generator into its power grid. Off-grid systems shall be exempt from this requirement; and
 8. The Applicant and owner shall execute a Right of Entry Form for the benefit of the City, in a form to be approved by the City

Solicitor, to permit entry and removal in the event of Abandonment as provided in Section 30.10.12.

8. Design Standards

In addition to the requirements of Section 30.10.5 (Dimensional and Density Requirements for Solar Photovoltaic Installations, all Ground Mounted Solar Photovoltaic Installations shall be constructed as follows:

1. Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and inward and shall incorporate full cut off fixtures to reduce light pollution.

2. Signage

Signs related to solar installations shall comply with Section 9 of this Ordinance. A sign consistent with Section 9 shall be required to identify the owner and provide a 24-hour emergency contact phone number shall be made visible from a right of way where the property has frontage. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

3. Utilities

Reasonable efforts, as determined by the City Council during site plan review, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

9. Safety and Environmental Standards

1. Emergency Services: The solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly

marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

2. Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large – scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.
3. The approval of an application shall neither constitute the granting of an easement to sunlight over neighboring property nor a right to solar access.

10. Monitoring and Maintenance

1. Solar Photovoltaic Installation Conditions: The solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.
2. Modifications: All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the City Council.

11. Abandonment or Decommissioning

1. Removal Requirements: Any solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 30.10.12.2 of this ordinance below shall be removed. The owner or operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations. The owner or operator shall notify the Building Commissioner and City Council by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:
 1. Physical removal of all solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site;
 2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations; and
 3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The City Council may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one (1) year without the written consent of the City Council. If the owner or operator of a solar photovoltaic installation fails to remove the installation in accordance with the requirements of this Section within one hundred and fifty (150) days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation.
3. Financial Surety: Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the City Council, but in no event to exceed more than one hundred and twenty five (125) percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, which shall be reviewed and verified by the City Engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

30.11 Additional Use Regulations

1. General Requirements

1. There shall be no use of a building, structure or land for a purpose that creates a nuisance by reason of the emission of odors, waste, fumes, dust, smoke, vibration, noise, light, radiation, or other causes.
2. The open display or open storage of junk shall be prohibited in all districts, including, but not limited to more than one (1) unregistered automobile, worn out, cast off, or discarded articles and materials which are ready for destruction or have been stored or collected for salvage or conversion into some other use. Any storage of such articles and materials shall be enclosed or screened so that they are not visible from adjacent streets or properties.
3. No equipment or process shall be utilized in any use of land, buildings or structures which creates a nuisance by virtue of unreasonable noise, vibration, dust, smoke, radiation, waste, glare, fumes, or odors detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates unreasonable visual or audible interference in any radio or television receivers. No other noise,

vibration, smoke, dust, odors, heat, glare, unsightliness, or other nuisance shall be produced which is discernable from other properties.

4. There shall be no nuisance created as a result of the emission of odors, fumes, dust, noise, smoke, vibration, radiation, waste or any other cause which would be or appear to be injurious, noxious, offensive, hazardous, or otherwise objectionable to the general neighborhood or to the City. Permits from the State Department of Environmental Protection (DEP).

2. Requirements for Fences

1. No fence, retaining wall, screen or other method of separation shall be erected without a permit; however, no permit shall be required for the erection of a fence in a location in which a previously existing legally erected fence was maintained provided that the new fence is erected within thirty (30) days of the removal of the former fence and is not prohibited by state law or regulated by the Massachusetts State Building Code. No permit shall be required for the repair of a previously existing legally erected fence which is in broken or damaged condition including the replacement of the fence, or a section thereof, with a new fence provided that the fence is not prohibited by state law or regulated by the Massachusetts State Building Code.
2. Any fence built or maintained within the front setback requirement shall not exceed three (3) feet in height. All other fencing shall not exceed six (6) feet in height.
3. The smoothest and best appearing side of a fence must face the abutting land unless otherwise approved in writing by the fence viewer.
4. A fence that has been painted or refinished or otherwise decorated that is not kept up and properly maintained shall not be allowed to stand.
5. No color combinations or other unnecessary configurations will be used to attract unnecessary attention or in the opinion of the fence viewer would lower the value or disrupt the harmony of adjacent property.

30.12 Development Impact Mitigation

1. Purpose

The purpose of these provisions is to protect the health, safety and general welfare of the inhabitants of the City of Woburn by providing for the assessment of plans for proposed uses and structures which will have significant impacts on traffic and public utilities, and by requiring the reasonable mitigation of those impacts. This Ordinance will ensure that

Woburn's infrastructure is upgraded and maintained in a responsible manner consistent with State and Municipal Laws. This ordinance will increase the safety and reliability of Woburn's roads for pedestrians, residents, employees and motorists alike and will ensure that major developments bear a proportionate share of the cost of capital facilities necessary to accommodate such development.

2. Applicability

The requirements of this section shall apply to any new construction or Substantial Alteration or Improvement within the SGOD, but shall not apply to any new construction or Substantial Alteration or Improvement that has been approved by the Woburn Zoning Board of Appeals under the provisions of M.G.L. Chapter 40B.

3. Submission of Development Impact Statement

An application for development within the SGOD shall include a Development Impact Statement which shall be prepared by a qualified Massachusetts Registered Professional Engineer. The Development Impact Statement shall include a Traffic Study and a Utility Impact Assessment:

1. Traffic Study: This assessment shall document existing traffic conditions in the vicinity of the proposed project, accurately describe the volume and effect of the projected traffic generated by the proposed project, and identify measures necessary and sufficient to mitigate any adverse impacts on existing traffic conditions.

Prior to preparing the Traffic Study, the Applicant's Registered Professional Engineer shall meet with the City Engineer to review the proposed scope of the Traffic Study including the identification of the project impact area to be studied, which shall include all Impacted Intersections. The City Engineer shall provide a written statement to the City Council regarding concurrence or disagreement with the proposed scope, and the reasons for his/her opinion, which shall be provided to the Applicant and included with the Traffic Study.

The Traffic Study shall contain the following:

1. Existing traffic conditions: Measurement and assessment of average and daily peak hour volumes, average and peak speeds, sight distances, accident data and levels of service (LOS) of all intersections and streets within the project

impact area. Generally, such data shall be no more than twelve (12) months old at the date of the application, unless other data are specifically approved by the City Council with the recommendation(s) of the City Engineer.

2. Projected traffic conditions: Projected traffic conditions for the design year of occupancy, including a statement of the design year of occupancy, estimated background traffic growth on an annual average basis, and impacts of other proposed developments that have been approved in whole or in part by the City of Woburn or an abutting town which will affect future traffic conditions.
 3. Projected impact of proposed development: Projected peak hour and daily traffic generated by the development on the roads and ways in the project impact area, sight lines at the intersections of the proposed driveways and streets, existing and proposed traffic controls in the vicinity of the proposed development, and projected post-development traffic volumes and levels of service of intersections and roads likely to be affected by the proposed development.
 4. Traffic mitigation measures: Specific measures to be undertaken by the Applicant in order to mitigate the impacts of the proposed development and to ensure that current traffic conditions and LOS are not adversely affected by the project. Also, the assessment shall consider both on site and off site mitigation measures, to include but not be limited to new traffic control signals, increase(s) in right of way capacity via widening roads, or other right of way or intersection improvements. The proposed mitigation measures, if approved, shall be required prior to the issuance of a building permit.
2. Utility Impact Assessment: The Utility Impact Assessment shall document the capacity and condition of the existing public utility infrastructure in the vicinity of the proposed project, including but not limited to water and sewer services and storm water drainage systems. The assessment shall also accurately describe the additional demand upon said infrastructure items, generated by the proposed project, and identify measures necessary and sufficient to mitigate the impact caused by the additional demand.

Prior to preparing the utility impact assessment, the Applicant's Professional Engineer shall meet with the City Engineer to review the proposed scope of the utility impact assessment, including the

identification of the project impact area to be studied, which shall include all water and sewer utilities likely to be affected by the proposed project. The City Engineer shall provide a written recommendation to the City Council regarding the proposed scope, and the reason(s) therefor, which shall be provided to the Applicant and included with the Utility Impact Assessment. The Utility Impact Assessment shall evaluate:

1. Existing condition and capacity: Identification of the size, type, condition and overall remaining capacity of the existing utility infrastructure. The assessment shall include examination of all City plans, completion of field inspections including hydrant pressure testing of water lines and, where necessary, video camera inspections of existing sewer lines. The assessment shall also include an up-to-date inventory of all utility infrastructure impacted by the project; estimates of the existing capacity and percentage of capacity presently utilized; excess capacity if any; the estimated system inflow and infiltration; as well as the projected longevity of the existing system.
2. Projected conditions: Projected usage for the design year of occupancy shall be provided, including estimated water usage, and sanitary and storm water outflows; estimated background growth of usage, together with the impacts of usage caused by other developments already approved in whole or in part by the City.
3. Utility mitigation measures: Specific measures to be implemented by the Applicant to mitigate the impacts of the proposed development on the public water and sewer infrastructure, including increasing the capacity by the replacing and/or enlarging existing lines; inflow and infiltration improvements; on-site retention or detention tanks; or other on-site or off-site measures. The proposed mitigation measures, if approved by the City Council, shall be completed prior to the issuance of a building permit.

3. Report by City Engineer

The City Engineer shall be responsible for preparing a written report to the City Council after consulting with the Superintendent of Public Works and all other relevant departments regarding the adequacy and accuracy of the scope, data, findings, and proposed mitigation measures presented in the Development Impact Statement and the proposed mitigation measures proposed in the traffic mitigation and utility impact assessments.

4. Performance of Mitigation Measures

No building permit shall be issued to a project until the work associated with the mitigation measures has been performed, or until surety has been established in a sum sufficient to ensure completion of said mitigation measures, in the form of a one hundred percent (100%) performance bond, irrevocable letter of credit, or escrow agreement. The sum of said surety shall be established by the City Council and the form and content shall be approved by the Woburn City Solicitor.

5. Traffic Safety and Infrastructure Fund

1. In lieu of the Applicant performing all or part of the mitigation measures which have been made condition(s) of approval, the City Council may, at its sole discretion, require the Applicant to make a contribution into the Traffic Safety and Infrastructure Fund (the "fund") equal to three per cent (3%) of the total development costs of the proposed project. In calculating the payment, the Applicant shall not be credited the amount of the contribution required under Title 13, Article 11 of the City of Woburn Municipal Code, or any contribution to roadway, water or sewer improvements required as a result of the environmental review process of the state or federal government.
2. The said Traffic Safety and Infrastructure Fund has been established in the City Treasury and is kept separate and apart from other moneys by the City Treasurer. Any moneys in said Traffic Safety and Infrastructure Fund shall be expended only at the direction of the City Council, with the approval of the Mayor, for the purposes mentioned below. All moneys which are collected as a result of any contribution to this fund shall be transferred to the principal of said fund, and the City Treasurer shall be the custodian of the fund and shall deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth of Massachusetts, or in federal savings and loan associates situated in the commonwealth. Any interest earned thereon shall be credited to and become a part of such fund. The fund shall be administered by the City Engineer of the City. In all matters, the City Engineer shall consult with and obtain recommendations and cost estimates from the Superintendent of Public Works or other appropriate department heads.
3. Any moneys in the fund shall be expended only by a majority vote of the entire membership of the City Council, with the approval of

the Mayor, and shall be appropriated only for the purpose of maintaining and improving the public rights-of-way, the water supply and distribution system, and the storm and sanitary sewer infrastructure of the city, which shall include traffic regulation and control, road improvements (including widening), traffic control signals, street lighting, sidewalks and other public improvements related to traffic safety, the installation or repair of wells for the supply of municipal water, water treatment facilities, water distribution lines, pump stations, reservoirs and other storage water facilities, metering facilities, and other water distribution facilities, and storm and sanitary sewer lines, treatment facilities, drainage and catch basins, or other sewerage facilities, and including new construction where needed. The cost of land takings necessary to accomplish any of the purposes listed herein shall be considered a proper purpose for the expenditure of moneys from this fund. No moneys in this fund shall be used for any purpose not included or directly related to the purposes listed above. Further, moneys contributed by a specific applicant for a special permit under this section shall be spent on mitigation measures related to said development, specified in the Project Mitigation Statement, and specified as conditions in the special permit.

4. All contributions must be paid into the “fund” before a permanent occupancy permit will be issued.
 5. The Applicant will be required to post an irrevocable letter of credit with the City for the cost of all required mitigation measures imposed as conditions of approval. The amount of the letter of credit may be periodically reduced by the City Council as specific mitigation measures are completed.
 6. If the Applicant has not completed the required mitigation work before the issuance of a temporary or final occupancy permit, the City shall complete the mitigation measures as much as is practical with funds obtained through the exercise of the letter of credit above.
 7. If required by the City Council, the proponent shall agree to participate in the regional or local transportation management association (TMA) and implement a transportation demand management program that includes the assignment of an Employee/Resident Transportation Coordinator to work with the TMA, residents and employees to encourage ridesharing and the use of public transportation.
6. Waivers

The City Council, by a majority vote, after receiving the Development Impact Statement and the report of the City Engineer, may waive all or part of the mitigation requirements of this Section 30-12. The City Council, in approving a waiver, shall make a specific finding, in writing, that the granting of a waiver will not create conditions which are substantially more detrimental to the neighborhood in which the site is located, than if the waiver were not granted. As the basis for its decision, the City Council shall consider other positive impacts of the project upon the project impact area not measured by the Development Impact Statement, such as, but not limited to, the substantial remediation of an environmentally contaminated site and the creation of needed affordable housing.

30.14 Plan Approval of Projects: General Provisions

1. Any application for Plan Approval of a Mixed-Use Development Project or a Residential Project shall be reviewed by the City Council for consistency with the purpose and intent of Sections 10 through 14 inclusive. Such plan approval process shall be construed as an As-of-right review and approval process as required by and in accordance with the Enabling Laws.
2. The City Council, consistent with M.G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority (“PAA”) and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SGOD.
3. The City Council, as the PAA, has adopted administrative rules and regulations relative to Plan Approval for this SGOD. Such rules and regulations (and any amendments thereto) must be approved by DHCD and filed with the City Clerk.
4. An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the Woburn City Council. Any phased project shall comply with the provisions of Section 30.6.9.

30.15 Plan Approval Procedures

1. Elective Pre-Application Process

Prior to filing a formal Plan Approval application, an Applicant may voluntarily submit for review to the City Council a concept plan, in order to receive input and comments helpful to finalizing a design and formal application. Such concept plan should reflect overall building envelope areas, open space and natural resource areas and general site improvements, grouping of buildings, and proposed land uses. A concept plan is intended as a tool to ensure the design of

the proposed Project will be consistent with the Design Standards and other requirements of the SGOD.

2. Required Submittals for formal Application

An application for Plan Approval shall be submitted to the City Council on the form provided by it, along with an application fee which shall be as set forth in the SGOD Regulations. The application shall be accompanied by such plans and documents as may be required and set forth in the SGOD Regulations. The application shall be accompanied by all materials required under Section 6.3. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1" = 40'), or at a different scale as may be approved in advance by the City Council.

3. Filing

An Applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the Council's Regulations for the SGOD on file with the City Clerk.

4. Circulation to Municipal Agencies

Upon receipt of an Application, the City Council shall immediately provide a copy of the application materials to the Board of Appeals, Board of Health, Conservation Commission, Planning Board, Fire Department, Police Department, Building Commissioner, Department of Public Works, Engineering Department, Housing Authority and any other municipal officers, agencies or boards it deems advisable, for comment. Any such board, agency or officer to whom application materials have been forwarded shall provide any written comments within sixty (60) days of its receipt of a copy of the application materials.

5. Hearing

The City Council shall hold a public hearing for which notice has been given as provided in M.G.L. Chapter 40A Section 11. The decision of the City Council on the application shall be made, and a written notice of the decision filed with the City Clerk, within one hundred twenty (120) days of receipt of the application by the City Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the City Council, with a copy of such agreement being filed in the office of the City Clerk prior to the expiration of the one hundred twenty (120) day period. Failure of the City Council to take

action within said one hundred twenty (120) day period, as extended, shall be deemed to be an approval of the Plan Approval application.

6. Peer Review

The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to M.G.L. Chapter 40R Section 11(a). Such fees shall be held by the City of Woburn in a separate account and used only for expenses associated with the review of the application by outside consultants, including but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.

30-16 Plan Approval Decisions

1. Plan approval shall be granted where the City Council finds that:

1. The Applicant has submitted the required fees and information as set forth in the Council's Regulations; and
2. The Project as described in the application meets all of the requirements and standards set forth in this Section 30 and the Council's Regulations for the SGOD, or that a waiver has been granted therefrom; and
3. Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the Affordability requirements of Section 6.0, compliance with Section 30.16.1.2 above shall include written confirmation by the Housing Authority that all requirements of that Section have been satisfied. The City Council may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section 30, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

2. The City Council may disapprove a Plan where the City Council finds that:

1. The Applicant has not submitted the required fees and information as set forth in the City Council's Regulations;
2. The Project as described in the application does not meet all of the requirements and standards set forth in this Section 30 and the City Council's Regulations, or that a requested waiver therefrom has not been granted; or
3. It is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

3. Upon the request of the Applicant, the City Council may waive dimensional and other requirements of Section 30, including the Design Standards, in the interests

of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGOD, or if it finds that such waiver will allow the Project to achieve the density, Affordability, mix of uses, and/or physical character allowable under this Section 30.

4. The City Council, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased for the purpose of coordinating its development with the construction of Planned Infrastructure Improvements (as that term is defined under 760 CMR 59.00), or to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the proportion of Affordable to market rate units shall be consistent across all phases.
5. The City Council shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the City Clerk and that all plans referred to in the decision are on file with the City Council. If twenty (20) days have elapsed after the decision has been filed in the office of the City Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the City Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the City Council to timely act, the City Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the Middlesex Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.
6. A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two (2) years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

30.17 Changes in Plans After Approval by City Council

1. After Plan Approval, an Applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the City Council on redlined prints of the approved plan, reflecting the proposed change(s), and on application forms provided by the City Council. The City Council may authorize such changes at any regularly scheduled meeting, without

the need to hold a public hearing. The City Council shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the City Clerk.

2. Those changes deemed by the City Council to constitute major change(s) in a Project because of the nature of the amendment in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the City Council as a new application for Plan Approval pursuant to Sections 9-13 inclusive.

30.18 Design Standards

1. Any As-of-Right Project or Project undergoing the Plan Approval process shall be subject to design standards as set forth below in this Section 30.18 (“Design Standards”).
2. The Design Standards are adopted to ensure that the physical character of Projects with the SGOD:
 1. Will be complementary to nearby buildings and structures;
 2. Will be consistent with the City’s Zoning Ordinance, Master Plan and Housing Production Plan;
 3. Will provide for high-density quality development consistent with the character of building types, streetscapes, and other community features traditionally found in densely settled areas of the City or in the region around Woburn.
3. Non-residential elements of any Mixed-use Development Project must be planned and designed in an integral manner to complement the residential use proposed therein and to help foster vibrant, workable, livable and attractive neighborhoods consistent with the smart growth goals of the Enabling Act and this Section 30.

30.19 Administration and Enforcement

1. The Inspectional Services Director shall not issue a permit for construction, alteration, moving, or occupancy of any structure or building, or for any use of structures or land related to such permit, if the construction, alteration, moving, occupancy or use would be in violation of any of the provisions of this Ordinance. Nor shall the Building Commissioner issue any permit where plans, or other permits and approvals, submitted to the Commissioner, or lack thereof, would not comply with the provisions of this Ordinance, or with the General Laws incorporated into this Ordinance.
2. Any person violating any of the provisions of this ordinance shall be fined not more than three hundred dollars (\$300.00) for each offense. Each day that such violation continues shall constitute a separate offense.

3. Notwithstanding the foregoing, any alleged violation of any of the provisions of this Zoning Ordinance may, in the sole discretion of the Inspectional Services Director, be made the subject matter of proceedings initiated by the Inspectional Services Director pursuant to the provisions of MGL Chapter 40, Section 21D, Non-Criminal Disposition. If the Inspectional Services Director so elects to proceed under Chapter 40, Section 21D, all the terms and provisions of such Chapter and Section shall thereafter govern said action.

4. If any person who violates this ordinance fails to pay the fine assessed by the Inspectional Services Director within twenty one (21) days or after a responsible finding at the district court hearing held in accordance with Massachusetts General Laws Chapter 40, Section 21D, the Inspectional Services Director may, in addition to pursuing further action under Massachusetts General Laws Chapter 40, Section 21D, forward notice of the violation assessment to the City Treasurer/Collector who shall collect the violation assessment in accordance with the provisions of Massachusetts General Laws Chapter 60, Section 23 and all other applicable provisions of the Massachusetts General Laws, as well as Title 2 and Title 3 of the 1989 Woburn Municipal Code, as amended.

30-20. Severability

If any provision of this Section 30 is found to be invalid by a court or competent jurisdiction, the remainder of Section 30 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 30 shall not affect the validity of the remainder of the City's zoning ordinance.

s/President Haggerty

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

ORDERED That the sum of \$2,014.95 be and is hereby appropriated as so stated from Planning Salary Acct #0117251-511000\$2,014.95 to Planning/Advertising Acct #0117252-534600 \$2,014.95

I hereby recommend the above: s/Scott D. Galvin, Mayor
 I hereby approve the above: Tina Cassidy, Planning Director
 I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

ORDERED That the sum of \$31,884.00 be and is hereby appropriated as so stated from Essex North Shore Agr. School Acct #0130152-532700 \$31,884.00 to Short Term Interest Acct #0171559-592500 \$31,884.00 = (1) student declined, surplus in account.

I hereby recommend the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

PUBLIC HEARINGS:

On the petition by NStar Electric Company d/b/a Eversource Energy for a grant of right in a way on Wyman Street southwesterly from pole 242/20 approximately 37 feet north of Brae Circle a distance of about 40 feet to install conduit, Wyman Street easterly from pole 242/21 approximately 25 feet west of Brae Circle a distance of about 22 feet to install conduit, and Brae Circle at and southerly at intersection of Wyman Street a distance of about 2274 feet to install conduit. PUBLIC HEARING OPENED. A communication dated June 1, 2017 with attachments was received from Superintendent of Public Works John Duran as follows:

Subject: Eversource – Brae Circle

I have attached my previous memos to the City Council on this very matter. I notified Eversource that I would still require the information clearly described in the memo. I do not have a revised plan at this time so I cannot support this request as currently submitted. Please feel free to call with any questions. If additional information comes in, I will issue a new memo on this matter.

s/John F. Duran , Superintendent, Woburn Public Works

Attached thereto was a communication from Superintendent of Public Works John Duran as follows:

Subject: NSTAR Petition - Brae Circle

Pursuant to the request from NSTAR Electric for the Grant of Way for the installation of underground conduit and conduit in Brae Circle, I recommend the following based upon the my review of the submitted plan dated June 6, 2014, last revised October 15, 2014. I support this plan based upon the intent of the project. However, I have the following concerns:

- The plan states that it is not the result of an on-ground survey which is a requirement;
- The plan does not accurately show the location of all utilities and there is insufficient information shown for me to properly evaluate any impacts on the City of Woburn infrastructure.

My recommendation is for NSTAR to provide a surveyed plan with more accurate information including utility locations and elevations for proper evaluation of the impacts upon the City of Woburn infrastructure. This would also minimize the possibility of disturbance to residents.

I recommend that all utilities be painted out and the proposed conduit be accurately marked in the field for site review. The proposed trench as shown appears to be shown hugging the gutter line which will require the resetting to proper grade of the sloped granite curbing and possible restoration of the sidewalk. In addition, there are many utilities shown too close to the water and sewer mains. If a mutually agreed location is approved, the restoration of curbing and sidewalks, as well as roadway restoration to DPW specifications, should be minimum conditions of the permit. Upon final location, the proposed conduit should be added to the record plan and discussed at a preconstruction meeting prior to excavation. As-built plans should be submitted to the DPW for their records and to the Engineering Department in appropriate form for conversion to the GIS system.

There should be clarification for the commencement and completion date(s) of the proposed work. NSTAR should provide an evaluation and report of any double poles within a 100 foot radius of the project and a status report to the Superintendent of Public Works. Any poles that are NSTAR's responsibility should be removed within one year from the issuance of this permit. Please feel free to contact me with any questions, concerns or recommendations on this matter.

In addition, attached thereto was a communication dated March 16, 2015 from Superintendent of Public Works John Duran as follows:

Subject: NSTAR Petition - Brae Circle

This is an update of my previous memo dated December 5, 2014 on this matter which I have attached to this document. This is based upon my correspondence with NStar representatives and a revised plan dated February 26, 2015. The plan was submitted in electronic PDF format only, which does not allow for accurate identification of the proximity to utilities or other pertinent features. Based upon my research, I am not aware of any power outages etc., within this subdivision. However, in general, I am in support of this proposed plan based upon the intent of the project. However, I have the following concerns and recommendations.

The plan has been clarified and is in fact the result of an on-ground survey. However, the plan does not depict any vertical survey elevations on the plan for any of the structures

and associated utilities as previously requested. The plan still does not accurately show the location of all utilities and there is insufficient information shown for me to properly evaluate any impacts on said infrastructure. The work includes lifting approximately 12 manhole and/or catch basin rims. This is not a major request in my opinion. All developers that do work on a city street are required to do same. I don't see why NSTAR should not be held to the same requirement. This is critical for future improvements and maintenance of our infrastructure within our roadway.

My recommendation is for NSTAR to provide a modified survey plan with more accurate information including utility locations and elevations for proper evaluation of the impacts upon the City of Woburn infrastructure. This would also minimize the possibility of disturbance to residents.

I recommend that all utilities be painted out and the proposed conduit be accurately marked in the field for site review. The proposed trench has been adjusted in a few locations to not disturb curbing and cause for possible restoration of the sidewalk. However, there are still areas where the trench is immediately adjacent to the curb, sidewalk and driveway aprons. It is critical for these improvements be restored to provide safe vehicular and pedestrian access. In addition, there are many utilities shown too close to the water and sewer mains. If a mutually agreed location is approved, the restoration of curbing and sidewalks, as well as roadway restoration to DPW specifications, should be minimum conditions of the permit. Upon final location, the proposed conduit should be added to the record plan and discussed at a preconstruction meeting prior to excavation. Furthermore, the trench should be constructed uniform throughout as reasonably practical, and pavement restoration should also include a strip of either 8-10 feet to the curbing or half of the roadway, whichever the City Council feels is more appropriate.

As-Built plans should be submitted to the DPW for their records and to the Engineering Department in appropriate form for conversion to the GIS system.

There should be clarification for the commencement and completion date(s) of the proposed work. This is still a concern for the project that was permitted last year at the Woburn Parkway. There is still unfinished work for this project and there are on-going complaints from the residents regarding the roadway trench, as well as project completion. NSTAR's contractor also damaged a sewer main and did not report during this project, further validating my request for appropriate survey data.

Lastly, NSTAR should provide an evaluation and report of any double poles within a 1000 foot radius of the project and a status report to the Superintendent of Public Works. Any poles that are NSTAR's responsibility should be removed within one year from the issuance of this permit. Please feel free to contact me with any questions, concerns or recommendations on this matter.

A communication dated June 5, 2017 was received from Jacqueline Duffy, Right of Way Agent, NStar Electric Company, 101 Linwood Street, Somerville, Massachusetts 02143 as follows:

Re: Brae Circle, Woburn – W.O. #1989871

Gentlemen:

NSTAR Electric Company respectfully requests to continue its Utility Petition dated May 10, 2017 for the following location: Brae Circle, Woburn. We do not have the requirements that the DPW Superintendent is looking for, so we would like to continue it until the next hearing on June 20, 2017.

If I can be of any further assistance, please contact me at (617) 629-3204.

Very truly yours, s/Jacqueline A. Duffy, Right of Way Agent

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 20, 2017, all in favor, 9-0.

On the 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. PUBLIC HEARING OPENED. A communication dated May 30, 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 Minast LLC, 4 Presidential Way, Woburn, Massachusetts

Dear Bill:

On behalf of my client Minast LLC, I respectfully request that the public hearing scheduled for June 6, 2017 be continued to the City Council meeting scheduled for June 20, 2017. If you have any questions, please do not hesitate to contact me. Thank you.

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

PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 20, 2017, all in favor, 9-0.

On the 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. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “back for action” with the recommended conditions as follows:

1. All building construction, and site plan development shall be in substantial conformance with the Application Documents and shall conform with the additional Conditions of this Special Permit Decision, 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. After the initial establishment of a use within the Project, the subsequent reuse and/or re-tenanting of an area authorized by this Special Permit shall not require a new Special Permit for the same use or by another similar or by-right use; provided, however, that the new use does not cause any of the following changes:
 - a. An increase in the number of parking spaces than as provided in the Application Documents.
 - b. A substantial change to the external façade of the Project. A change in the façade glazing or materials at or around the commercial storefronts shall not constitute a substantial façade change. A change in signage shall not constitute a substantial façade change if the sign area remains the same, or remains otherwise in compliance with Section 13 of the Woburn Zoning Ordinance, or is otherwise approved by the Building Commissioner.
3. Applicant shall implement and install building code compliant fire protection within the Project subject to review by the Woburn Fire Department or its authorized representative.
4. The Project shall include a total of twenty-nine (29) affordable housing units. The affordable units shall be affordable to persons and households of Low or Moderate Income as defined by MGL Chapter 40B, Section 20. The affordable housing units to be provided shall remain affordable in perpetuity, be equivalent in size, quality and characteristics to the other units within the development.

5. Pursuant to Section 8.6.3 the Applicant is hereby granted relief from the following landscaping requirements of the Woburn Zoning Ordinance:
 - a. Section 8.6.2(1); An area of interior planting equivalent to at least five (5) percent of the area of the parking facility shall be distributed within the parking facility and landscaped and continuously maintained. This requirement shall be in addition to the requirements for open space and screening along the perimeter of a parking area.
 - i. Applicant shall not be required to provide interior planting areas within the surface parking facility of the Project. Project landscaping shall be in substantial conformance with *Landscape Plan (Sheets C-6A and C-6B, prepared by Allen & Major)*;
6. Pursuant to Section 23.8.8 the Applicant is hereby granted relief from the following loading requirements of the Woburn Zoning Ordinance:
 - a. Section 8.7.1(1); Numbers of Required Off Street Loading Spaces.
 - i. Applicant shall not be required to provide a separate loading bay(s) for the proposed retail and restaurant uses within the Project. No Standing and parking in the public ways to make deliveries.
7. Pursuant to Section 23.9 the Applicant is hereby granted relief from the following Sign requirements of the Woburn Zoning Ordinance:
 - a. Section 13.10.2(3); Directory signs: Area shall be no greater than one (1) square foot per occupant or tenant.
 - i. Applicant shall be permitted to provide Directory signs of approximately thirty (30) square feet indicating garage parking areas as shown in *Exterior Elevations – Southeast and Southwest (Sheet A06, prepared by Cube 3 Studio)*; at the discretion of the Building Inspector.
 - b. Section 13.10.2(11); No primary, secondary or cluster free-standing sign shall be located within two hundred (200) feet of any existing or proposed primary, secondary or cluster free-standing sign on the same lot or in the same park.
 - i. Applicant shall be permitted to provide two (2) free-standing signs that are approximately one-hundred (100) feet apart as shown in *Exterior Elevations – Southeast and Southwest (Sheet A06, prepared by Cube 3 Studio)*; Prior to the sign installation the applicate shall meet with the Police Chief whose approval shall not be withheld unless the sign’s locations creates a situation which the Chief of Police believes constitutes a traffic hazard. (per 13.10.1.6 WZO)
 - ii. No Building wrap around signs.
8. Applicant is responsible for the following mitigation requirements: subject to review, approval and coordination with the City Engineer and/or the Building Commissioner:
 - a. Atlantic Avenue:
 - i. Landscaping in substantial conformance with the *Offsite Landscape (Sheet C-6C, prepared by Allen & Major)*;
 - ii. Installation of street lighting from the Anderson RTC property until the intersection with Commerce Way, to be coordinated with the Superintendent of Public Works, as well as the Environmental Protection Agency (EPA).

- iii. Striping of bicycle lanes from the Anderson RTC property until the intersection with Commerce Way, subject to review of its feasibility and coordination with the City Engineer, and/or the Building Commissioner.
 - iv. Alteration of five (5) existing sidewalk ramps on southern side of Atlantic Avenue to be in conformance with all applicable MAAB and ADA laws and regulations.
 - v. Replace sidewalks along the frontage of 120 Commerce Way, including new sidewalk ramps in conformance with all applicable MAAB and ADA laws and regulations.
- b. Atlantic Avenue / Commerce Way Intersection
- i. Re-stripe existing pedestrian crosswalk opposite 120 Commerce Way that crosses Atlantic Avenue to Presidential Way.
 - ii. Alteration of two (2) existing sidewalk ramps on either end of the crosswalk referenced in Condition 8(b)(i) to be in conformance with all applicable MAAB and ADA laws and regulations.
 - iii. Install audible pedestrian signals onto existing pedestrian signalization equipment on either end of the crosswalk referenced in Condition 8(b)(i).
 - iv. Provide an Automatic Transportation Controller (ATC, Eagle Signal M-60 Series) and Ethernet drop to the traffic control cabinet.
- c. Commerce Way:
- i. Landscaping in substantial conformance with the *Offsite Landscape (Sheet C-6C, prepared by Allen & Major)*;
 - ii. Alteration of two (2) existing sidewalk ramps on western side of Commerce Way to be in conformance with all applicable MAAB and ADA laws and regulations.
 - iii. Replace sidewalks along the frontage of 120 Commerce Way, including new sidewalk ramps in conformance with all applicable MAAB and ADA laws and regulations.
 - iv. Installation of street lighting shall be installed at the island in front of 101 Commerce Way in coordination with the Superintendent of Public Works as to the exact location and type.
- d. Commerce Way / Target Driveway Intersection
- i. Re-stripe existing pedestrian crosswalk that crosses Commerce Way to the Target driveway.
 - ii. Replace existing sidewalk in median of Commerce Way.
 - iii. Alteration of four (4) existing sidewalk ramps on either end of the crosswalk referenced in Condition 8(d)(i) to be in conformance with all applicable MAAB and ADA laws and regulations.
 - iv. Install audible pedestrian signals onto existing pedestrian signalization equipment on either end of the crosswalk referenced in Condition 8(d)(i).
 - v. Provide an Automatic Transportation Controller (ATC, Eagle Signal M-60 Series) to the traffic control cabinet.
- e. Other:
- i. Applicant shall conduct a functional design report of Commerce Way. The Study shall not exceed \$100,000 in cost and shall be paid for by the applicant contributing \$50,000 and the City of Woburn contributing \$50,000 from city

mitigation funds. The study would explore the feasibility, including the permitting requirements, any necessary land takings, and all associated costs, in connection with the following: (a) widening Commerce Way to accommodate better truck turning movements; (b) covering the Aberjona River in a culvert; (c) MassDOT Complete Streets requirements; and (d) installation of a separate truck turning lane at Cabot Road. Final scope of the study would be subject to the review and approval by the City Engineer.

- ii. Perform excavation and repair of the existing twelve-inch (12") sewer on Presidential Way immediately north of Atlantic Avenue, at a cost not to exceed \$60,000, subject to review and approval by the City Engineer and the Environmental Protection Agency (EPA).
 - iii. Payment of \$75,000 for the Sewer Connection Fee, subject to review by the City Engineer.
 - iv. Payment of \$243,520 for the I/I Mitigation Fee (\$303,520 less the \$60,000 budgeted cost of the sewer repair referenced in Condition 8(e)(ii)), subject to review and approval by the City Engineer.
9. That no occupancy permit shall be issued temporary or permanent until all mitigation is complete, sidewalks, traffic improvement and landscaping. With the exception of any landscaping outstanding due to season and weather.
 10. All residential parking spaces shall be numbered and assigned to specific residential occupants by the property management staff. Unallocated parking spaces shall be available as visitor spaces.
 11. That the utility work on street will be coordinated with the City Engineer and Superintendent of Public Works that utility work can be done at night when at all possible.
 12. Dust control measures shall be applied to any on site activities.
 13. Rodent control implemented shall be applied to any on site activities.
 14. That the streets are keep clean of debris during construction, that the street sweeper will be use regularly.
 15. The applicant shall only use thermoplastic paint on all roadway markings.
 16. The applicant shall re-strip the intersection of Commerce Way, Presidential Way, and Atlantic Ave in its entirety - a distance 300 feet in all directions.
 17. All sidewalks constructed by the applicant in relation to this project shall be concrete.
 18. Any lane closer or interference with Commerce Way shall be coordinated with the Superintendent of Public Works.

19. All street lights installed shall be to the Superintendent of Public Works specifications.

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that he has worked on the final form of conditions, that he made some grammatical changes, that Condition 1 was amended by changing the word applicant to petitioner, and that there was a proposed change to Condition 9 but the petitioner now agrees with the committee recommendation as to Condition 9. Alderman Mercer-Bruen stated that the changes made were minor changes. Motion made for a two minute recess, all in favor, 9-0. President Haggerty called the meeting back to order. Attorney Salvati offered the following form of proposed conditions to the City Council for review:

1. All building construction, and site plan development shall be in substantial conformance with the Site Plan and shall conform with the additional Conditions of this Special Permit Decision, 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 Applicant 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 Applicant shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. After the initial establishment of a use within the Project, the subsequent reuse and/or re-tenanting of an area authorized by this Special Permit shall not require a new Special Permit for the same use or by another similar or by-right use; provided, however, that the new use does not cause any of the following changes:
 - a. An increase in the number of parking spaces than as provided in the Application Documents.
 - b. A substantial change to the external façade of the Project. A change in the façade glazing or materials at or around the commercial storefronts shall not constitute a substantial façade change. A change in signage shall not constitute a substantial façade change if the sign area remains the same, or remains otherwise in compliance with Section 13 of the Woburn Zoning Ordinance, or is otherwise approved by the Building Commissioner.
3. Applicant shall implement and install building code compliant fire protection within the Project subject to review by the Woburn Fire Department or its authorized representative, in coordination with the building department.
4. The Project shall include a total of twenty-nine (29) affordable housing units. The affordable units shall be affordable to persons and households of Low or Moderate

Income as defined by MGL Chapter 40B, Section 20. The affordable housing units to be provided shall remain affordable in perpetuity, be equivalent in size, quality and characteristics to the other units within the development.

5. Pursuant to Section 8.6.3 the Applicant is hereby granted relief from the following landscaping requirements of the Woburn Zoning Ordinance:
 - a. Section 8.6.2(1); An area of interior planting equivalent to at least five (5) percent of the area of the parking facility shall be distributed within the parking facility and landscaped and continuously maintained. This requirement shall be in addition to the requirements for open space and screening along the perimeter of a parking area.
 - i. Applicant shall not be required to provide interior planting areas within the surface parking facility of the Project. Project landscaping shall be in substantial conformance with *Landscape Plan (Sheets C-6A and C-6B, prepared by Allen & Major)*;
6. Pursuant to Section 23.8.8 the Applicant is hereby granted relief from the following loading requirements of the Woburn Zoning Ordinance:
 - a. Section 8.7.1(1); Numbers of Required Off Street Loading Spaces.
 - i. Applicant shall not be required to provide a separate loading bay(s) for the proposed retail and restaurant uses within the Project. No Standing and parking in the public ways to make deliveries.
7. Pursuant to Section 23.9 the Applicant is hereby granted relief from the following Sign requirements of the Woburn Zoning Ordinance:
 - a. Section 13.10.2(3); Directory signs: Area shall be no greater than one (1) square foot per occupant or tenant.
 - i. Applicant shall be permitted to provide Directory signs of approximately thirty (30) square feet indicating garage parking areas as shown in *Exterior Elevations – Southeast and Southwest (Sheet A06, prepared by Cube 3 Studio)*; at the discretion of the Building Commissioner.
 - b. Section 13.10.2(11); No primary, secondary or cluster free-standing sign shall be located within two hundred (200) feet of any existing or proposed primary, secondary or cluster free-standing sign on the same lot or in the same park.
 - i. Applicant shall be permitted to provide two (2) free-standing signs that are approximately one-hundred (100) feet apart as shown in *Exterior Elevations – Southeast and Southwest (Sheet A06, prepared by Cube 3 Studio)*; Prior to the sign installation the applicant shall meet with the Police Chief whose approval shall not be withheld unless the sign's locations creates a situation which the Chief of Police believes constitutes a traffic hazard (per Section 13.10.1.6 of the Woburn Zoning Ordinance).
 - ii. No Building wrap around signs shall be permitted, by this permit or by waiver.
8. Applicant is responsible for the following mitigation requirements and shall follow the guidelines in Condition 1 of this permit.

- a. Atlantic Avenue:
 - i. Landscaping in substantial conformance with the *Offsite Landscape (Sheet C-6C, prepared by Allen & Major)*;
 - ii. Installation of street lighting from the Anderson RTC property until the intersection with Commerce Way in substantial conformance with the *Offsite Lighting (Sheet C-7B, prepared by Allen & Major)*, to be coordinated with the Superintendent of Public Works, as well as the Environmental Protection Agency (EPA).
 - iii. Striping of bicycle lanes from the Anderson RTC property until the intersection with Commerce Way, subject to review of its feasibility and coordination with the City Engineer, and/or the Building Commissioner.
 - iv. Alteration of five (5) existing sidewalk ramps on southern side of Atlantic Avenue to be in conformance with all applicable MAAB and ADA laws and regulations.
 - v. Replace sidewalks along the frontage of 120 Commerce Way, including new sidewalk ramps in conformance with all applicable MAAB and ADA laws and regulations.
- b. Atlantic Avenue / Commerce Way Intersection
 - i. Re-stripe existing pedestrian crosswalk opposite 120 Commerce Way that crosses Atlantic Avenue to Presidential Way.
 - ii. Alteration of two (2) existing sidewalk ramps on either end of the crosswalk referenced in Condition 8(b)(i) to be in conformance with all applicable MAAB and ADA laws and regulations.
 - iii. Install audible pedestrian signals onto existing pedestrian signalization equipment on either end of the crosswalk referenced in Condition 8(b)(i).
 - iv. Provide an Automatic Transportation Controller (ATC, Eagle Signal M-60 Series) and Ethernet drop to the traffic control cabinet.
- c. Commerce Way:
 - i. Landscaping in substantial conformance with the *Offsite Landscape (Sheet C-6C, C-6D, and C-6E prepared by Allen & Major)*;
 - ii. Alteration of two (2) existing sidewalk ramps on western side of Commerce Way to be in conformance with all applicable MAAB and ADA laws and regulations.
 - iii. Replace sidewalks along the frontage of 120 Commerce Way, including new sidewalk ramps in conformance with all applicable MAAB and ADA laws and regulations.
 - iv. Installation of street lighting shall be installed at the island in front of 101 Commerce Way in substantial conformance with the *Offsite Lighting (Sheet C-7B, prepared by Allen & Major)* and in coordination with the Superintendent of Public Works as to the exact location and type.
- d. Commerce Way / 101 Commerce Way Driveway Intersection
 - i. Re-stripe existing pedestrian crosswalk that crosses Commerce Way to the 101 Commerce Way driveway.

- ii. Replace existing sidewalk in median of Commerce Way.
 - iii. Alteration of four (4) existing sidewalk ramps on either end of the crosswalk referenced in Condition 8(d)(i) to be in conformance with all applicable MAAB and ADA laws and regulations.
 - iv. Install audible pedestrian signals onto existing pedestrian signalization equipment on either end of the crosswalk referenced in Condition 8(d)(i).
 - v. Provide an Automatic Transportation Controller (ATC, Eagle Signal M-60 Series) to the traffic control cabinet.
- e. Other:
- i. Applicant shall conduct a functional design report of Commerce Way. The Study shall not exceed \$100,000 in cost and shall be paid for by the Applicant contributing \$50,000 and the City of Woburn contributing \$50,000 from city mitigation funds. If the City does not make its contribution to the cost of the study, upon request, by July 31, 2018, the Applicant shall have the option to deliver its \$50,000 of funds to the City and the Applicant shall be released of its obligation to conduct the study by the Special Permits Committee. The study would explore the feasibility, including the permitting requirements, any necessary land takings, and all associated costs, in connection with the following: (a) widening Commerce Way to accommodate better truck turning movements; (b) covering the Aberjona River in a culvert; (c) MassDOT Complete Streets requirements; and (d) installation of a separate truck turning lane at Cabot Road. Final scope of the study would be subject to the review and approval by the City Engineer.
 - ii. Perform excavation and repair of the existing twelve-inch (12”) sewer on Presidential Way immediately north of Atlantic Avenue, at a cost not to exceed \$60,000, subject to review and approval by the City Engineer and the Environmental Protection Agency (EPA). If the final scope of this repair results in a cost above \$60,000, or is the Applicant is unable to perform the work due to a lack of approvals from the EPA or others, then the Applicant shall only be obligated to deliver its \$60,000 of funds to the City and the Applicant shall be released of its obligation to perform the excavation and repair.
 - iii. Payment of \$75,000 for the Sewer Connection Fee, subject to review by the City Engineer.
 - iv. Payment of \$243,520 for the I/I Mitigation Fee (\$303,520 less the \$60,000 budgeted cost of the sewer repair referenced in Condition 8(e)(ii)), subject to review and approval by the City Engineer.
9. That no occupancy permit shall be issued temporary or permanent until all mitigation is complete, including sidewalks, traffic improvements and landscaping. With the exception of any landscaping outstanding due to season and weather.
10. All residential parking spaces shall be numbered and assigned to specific residential occupants by the property management staff. Unallocated parking spaces shall be available as visitor spaces.

11. That the utility work on street will be coordinated with the City Engineer and Superintendent of Public Works that utility work can be done at night when at all possible.
12. Dust control measures shall be applied to any on site activities.
13. Rodent control shall be implemented and applied to any on site activities.
14. That the streets are keep clean of debris during construction, that the street sweeper will be use regularly when necessary.
15. The Applicant shall only use thermoplastic paint on all roadway markings.
16. The applicant shall re-strip the intersection of Commerce Way, Presidential Way, and Atlantic Ave in its entirety - a distance 300 feet in all directions.
17. All sidewalks constructed by the applicant in relation to this project shall be concrete.
18. Any lane closer or interference with Commerce Way shall be coordinated with the Superintendent of Public Works.
19. Applicant shall review street light specifications on the Public Way and installation with the Superintendent of Public Works.

Motion made and 2nd to accept the conditions offered by Attorney Salvati with the three following amendments: 1. To add Condition 20 to read as follows: "20. The three manholes identified on Sheet 1 of the plan of record at Atlantic Avenue and at the intersection of Atlantic Avenue and Commerce way shall be opened and inspected and, if necessary, the manhole covers shall be replaced."; 2. To amend Condition 8(e)(i) by adding after the words "Special Permits Committee" the words "at the sole discretion of the Special Permits Committee."; and 3. To amend Condition 8(e)(ii) by adding after the words "excavation and repair" in the second sentence the words "at the sole discretion of the Special Permits Committee.", all in favor, 9-0. Alderman Higgins stated that when a committee report is received the City Council should be working from that document. PUBLIC COMMENTS: Jason Blackburn, 38 Union Street stated that he is concerned about the traffic and impact of the project on traffic congestion, that there will be 286 units, that additional traffic control signals will be needed, that he asks whether an independent traffic study was performed, and that the electric and sewer systems will need to be evaluated and upgraded. Kevin Cerqueira, 52 Elm Street stated that he is concerned about the ability of the Fire Department to provide services to this area, that he asks whether additional firefighters will be hired to meet the demand, and that he asks whether this project will impact the ability of the Police Department to provide service to the community. Joseph Arigo, 9 Freedom Road stated that consideration should be given to whether the work will be done honorably and with proper people doing the work. Lance Madden, 8 Hillside Avenue stated that he urges the City Council vote no on the

project. Kevin Buckless, 55 School Street stated that traffic is bad and that adding these units will not help the situation. Frank Dagostino, 32 Hiawatha Road stated that the City Council should vote no on the proposal. Phil McManus, 31 Fulton Street stated that the City Council should vote no on the proposal. Robert Morrissey, 4 Patriot Circle stated that the City Council should vote no on the proposal. Charles McCormick, 46 Marlboro Road stated that the City Council should vote no on the proposal. Dick Ryan, 16 Parkview Road stated that he is opposed to the project. Bob Flight, 6 Frank Street stated that the City Council should vote no on the proposal. John Dagesse, 34 Kilby Street stated that the City Council should vote no on the proposal. Dan Ryan, 139 School Street stated that the City Council should vote no on the proposal. Wayne Newcomb, 386 Washington Street stated that the City Council should vote no on the proposal for now. Mica Doty, 31 North Woods Circle stated that she moved to Woburn a few years ago, that the city has a community sense, that she works near Commerce Way, that it is integral to the city's future to consider the ramifications for projects like this, and she asks how will this project set precedent. Tim Swain, 29 Dragon Court stated that the City Council should vote no on the project. Phil Delcore, 1 Highland Avenue stated that the City Council should vote no on the proposal. James Stedman, 8 Gatta Circle stated that the City Council should vote no on the proposal. Chuck Reilly, 88 Harrison Avenue stated that the City Council should vote no on the proposal. A man whose name was inaudible, 1 Hudson Street stated that the City Council should vote no on the proposal. Attorney Salvati stated that the traffic and utility issues were addressed in committee. Alderman Concannon stated that some of the comments spoke to the quality of the labor to be used for the project. Attorney Salvati stated that no one has been hired to build the project, and that the petitioner will hire the right people to do the job. Alderman Gately stated that he would prefer that the people speaking in opposition to the proposal provided more information as to why they were opposed, that a lot of work has been done on this proposal and having clearer explanations as to what the basis of the opposition is would help the City Council in reviewing the matter, that there will be work in the area such as traffic signal improvements, and that the speakers should not make the public guess as to the reasons for the opposition. Alderman Concannon stated that he would like more information from the speakers as to the reason for their opposition. Mr. Arigo stated that he worked many years for the petitioner, that the petitioner is a great developer, that the petitioner should not come into the city unless they are held to the standards that the petitioner is held to in Boston and other communities, that the speakers want to defend their wages, that in Boston they are paid higher wages, that the petitioner should not be allowed to pay workers less money because they are working in Woburn, and that the petitioner should not come to Woburn and get away with paying workers less money. Mr. Reilly stated that he had to retire early from the Carpenters Union, that he had benefits because he worked for a responsible union, and that it is better to have a responsible employer willing to support people who work for them so that the employees can in turn contribute to the city. Alderman Concannon asked what decisions have been made that has caused this concern. Brian Richardson stated that he is an organizer for the Carpenters Union, that in a number of petitions the petitioner has partnered with Callahan Construction, that employees working for Callahan Construction were classified as independent contractors, that a majority of carpenters on their job sites were classified as independent contractors, that two of the subcontractors have had actions brought by the

Attorney General and the Department of Labor, that in Boston the employees are 100% union members and paid fair wages with benefits, that in the suburbs the employees are not handled responsibly, that there are not enough enforcement resources to deal with the issue, that the employees should be paid on the books and be covered by workers compensation, unemployment compensation and tax deductions, that not paying these gives companies a 30% benefit in employment costs to the detriment of the employees, that his concern is the underground economy and the use of Callahan Construction, that he is not opposed to the project, and that he does not live in Woburn. Alderman Anderson asked if the petitioner is using Callahan Construction currently. Mr. Richards stated that someone called and said that the petitioner would be using Callahan Construction for this project, and that the petitioner used the company for a project in Quincy which was completed eighteen months ago. Jay Doherty, Chief Executive Officer for the petitioner stated that the petitioner has responded to the city's requests, that the petitioner will begin design of the project and solicit contractors to bid on the job once the special permit is granted, that the petitioner asks contractors to seek union bids, that the petitioner requested union electrical subcontractor bids for the project in Quincy but none were available for the project, that the casino project has been drawing many contractors to that site, that the petitioner will favor reasonably competitive contractors, that in some case union workers were successful in their bids on the Quincy project, that they have met with the new Carpenters Union president about future projects, that a project in Brighton will likely be a full union project, and that the petitioner is willing to work with the Carpenters Union and other unions. Alderman Gately stated that he understands the services and quality of work that union workers provide as he has been a member of a union, that the speakers in opposition to the project have come late to this discussion, that if the animosity was known earlier they may have been able to work on this issue, that work has been done to improve traffic conditions and the like without any knowledge of these issues, that the City Council cannot get between the contractors and the union, that the City Council has to determine if the petition will work for the city and that he believes that this project will work for the city, that the district in which the locus is located is intended for this type of building, that this area of the city is ripe for further development, and that the City Council was unaware of the issues raised until this meeting. Mr. Swain stated that he has attended other meetings of boards, that he is concerned about meetings held in the Engineering Conference Room where there are no cameras, and that his concern does not involve the City Council. Alderman Mercer-Bruen stated that boards meeting on this matter have been held in the Council Chamber, that every meeting is open to the public whether it is recorded or not, and that the City Council has been working on this proposal for months. Mr. Swain stated that he is concerned about the streets and traffic, that he has been waiting fifteen years for improvements on his street, and that he is concerned about the impact on traffic, water service and other impacts from development. Mr. Richardson stated that the City of Quincy has an ordinance that states if there is misclassification of employees then the Building Department can revoke the permit. President Haggerty requested a copy of the Quincy ordinance. Mr. Richardson stated that he will provide a copy of the Quincy ordinance. Alderman Concannon stated that he expects that there would have to be an investigation before a permit could be revoked. Mr. Richardson stated that there would have to be an investigation before a permit could be revoked. Motion made and 2nd that

the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Alderman Mercer-Bruen stated that the City Council has been reviewing this petition for a long time, that he never recalls this type of situation, that she encourages the petitioner to hire workers from Woburn, that the City Council cannot get into these union issues, that she is willing to review the Quincy ordinance, that she believes the project is too dense at this location but a project of this size belongs in this location and not in the neighborhoods, and that this project will help the city meet the requirements of M.G.L. Chapter 40B. Alderman Anderson stated that this is the type of project the city was looking for in this area of the city, that much work has been done on this petition, that the review has pointed out flaws in the CWCOD, that the project is dense but if a dense project will work it is at this location, that with the location near I-95, I-93 and Anderson Station the area can support the project, that the Mayor has proposed a zoning ordinance which will allow twenty units per acre and this project as 86 units per acre, that he will support the petition due to the infrastructure improvements, and that this project may put pressure on emergency services. Alderman Gately stated that this area was once a dumping site, contaminated, the infrastructure was in shambles and there was no highway interchange, that the city was able to secure the interchange which led to redevelopment of the area, that there will be a little more traffic with this project, that the water and sewer service is more than adequate in that area, that he hopes the City Council understands the position of the union members, that he hopes the workers get fair treatment from the petitioner, that he is willing to review the Quincy ordinance on this issue, that this area of the city was zoned for this type of use, that he hopes the unions can get involved and can make a living for their families, and that he will back up union workers one hundred percent. Alderman Higgins stated that this is the type of project envisioned for the CWCOD, that additional projects will come to the area, that if the city wants more than an ordinance requires then the ordinance must be amended, that there should be more than ten percent affordable units in the project or the city does not make progress on complying with the M.G.L. Chapter 40B requirements, that she will work on amending the ordinance because if the ordinance states only ten percent affordable units are required then developers rely on that when preparing their plans and the City Council cannot demand more, that she would prefer to have been made aware of the issues raised at this meeting earlier in the process, and that she will support the proposal because of the mitigation improvements. Alderman Concannon stated that the premise is that if a contractor is found guilty of wage misclassification then a permit can be revoked, that a standard less than this could create issues, that if a petitioner comes forward with a petition that meets the requirements of the ordinance then with some conditions the petitioner should expect to have the petition approved, and that with the CWCOD ordinance in effect since 2009 then a developer can rely on the provisions in the ordinance. President Haggerty stated that there has been a lot of effort made to get the petition to this point, that this project is the beginning of transforming this area of the city to a residential and commercial mix, that the city has been working on this concept for more than a decade, that this project is a step in the right direction, that this was the first that a lot of the concerns raised were brought to the attention of the City Council, that he is willing to review the Quincy ordinance, and that workers need to be treated fairly and he will work to ensure that they are. Alderman Mercer-Bruen asked whether conditions could be added that meets the concerns of the union members that comply with the law. President Haggerty stated that

the City Council should not add conditions after the public hearing is closed and when the petitioner cannot comment. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the 20 conditions, as amended, accepted by the City Council be adopted as conditions of the special permit, all in favor, 9-0.

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

President Haggerty called the meeting back to order.

On the petition by C&C Realty Trust, Fred J. Cotreau and John J. Canney, Jr., Trustees, 64 Chestnut Street, Wakefield, Massachusetts 01880 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.5 and 5.1.43 to allow for 2800 cubic yards of fill and for outside storage of building materials and equipment at 6 Draper Street. PUBLIC HEARING OPENED. A communication dated June 1, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 6 Draper Street/C&C Realty Trust

Dear Council:

The Planning Department has reviewed the above-referenced petition, which seeks authorization of a previous activity via special permit, pursuant to Sections 5.5 (for the earth removal or filling) and 5.1 (43) (for the open or outside storage of new or used building materials or equipment) of the Woburn Zoning Ordinance (WZO). Although not noted on the engineer-certified plot plan provided, the property is located in the Industrial General (I-G) zoning district, which allows the aforementioned uses by City Council special permit.

The Petitioner is seeking authorization to maintain storage of 2,800 cubic yards of fill onsite, which is greater than the amount of fill already onsite according to the engineering estimate noted in the application (2,628 cubic yards). However, a description of the building materials and equipment to be stored onsite are not indicated in the application, nor is the proposed storage location of the equipment depicted on the plot plan. This raises three potential issues relative to parking requirements and storage. If the applicant intends to utilize the existing pavement for storage purposes, it may: 1) impact on the number available off-street parking spaces required for the current 2-story building use, 2) complicate access through the pre-existing, relatively narrow (as little as 15' wide) drive aisles, and 3) conflict with any onsite snow storage.

Planning staff have determined, via Geospatial Information System (GIS) review and plot plan measurements, that the Petitioner's building conforms to WZO setback

requirements, as noted in Section 5.7.2. An 8-ft. wall or solid fence does not appear to surround the area of material storage, as required by Note 6 to Section 5.1 (43), although a review of GIS does reveal that a natural tree buffer lays between this parcel and easterly residential properties. The presence of this buffer may help to allay screening concerns, depending where onsite materials and equipment will be stored.

A review of environmental mapping on the City's GIS system reveals that the parcel does not fall within a local floodplain, Groundwater Protection District, or an area of contaminated soils. However, the plot plan indicates, and the Conservation Commission Administrator has confirmed, that this parcel falls within 150' of a wetland boundary line, and is also within 200' of a riverfront area. As such, both would trigger jurisdictional review by the Commission. In addition, because Commission approval has not yet been sought, a final plan and attached permit conditions would have to be reconciled between the Council and the Commission.

Although the information necessary to completely review this application was not fully provided, Planning staff recommend consideration of the following as minimum conditions of approval should the Council ultimately approve the application:

1. That the Plan of Record be modified to indicate the proposed locations of equipment to be stored, the zoning designation of the property, and onsite snow storage (if applicable);
2. That the Plan of Record for this Petition shall be "Existing Parking Plan 6 Draper Street, Woburn, MA," Scale 1"=20'; Prepared by Alan Engineering, LLC, 288 Littleton Road, Suite 31, Westford, MA 01886; Dated May 9, 2017; Revised _____;"
3. That if snow is to be stored onsite, a plan for such storage shall be filed with the Building Commissioner.

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

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

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the current tenant in the building is Advanced Welding, that fill was brought onto the site without benefit of a special permit, that there has been an estimate of the amount of fill brought onto the site, that the petitioner will have to appear before the Conservation Commission for a notice of intent, that no fill went into the easement area, that the intent was to flatten the lot to create more parking, that the petitioner understands that improvements need to be made at the parcel, that the petitioner was unable to obtain an affidavit as to the source of the fill as the fill came from several sources, and that he appears on behalf of the petitioner but not the tenants. Alderman Mercer-Bruen stated that there is a lot going on at this location, that there had to be a review of the tenants in the building and the number of activities at the

location, and that the matter should go to committee. Alderman Gately stated that that there are storage trailers on site that must be approved by special permit on a yearly basis, that the matter should be referred to committee, and that there had to be a review as to the impact on the sewer and drainage. Alderman Anderson stated that the petitioner is responsible for the property and should be prepared to answer questions regarding the property even as to issues of the tenants. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 18, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

Alderman Mercer-Bruen recused herself from participating in the following matter and left the Council Chamber.

On the petition by The Salem Street Consortium LLC, Paul Scribner Manager, 16 Bacon Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 7.3 to allow for a 300 foot addition to a preexisting nonconforming use (auto re pair) at 111R Salem Street. PUBLIC HEARING OPENED. A communication dated June 1, 2017 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 111R Salem Street/The Salem Street Consortium, LLC

Dear Council:

The Planning Department has reviewed the application and surveyed plot plan, which seek a special permit pursuant to Section 7.3 (extension or alteration of non-conforming uses). Specifically, the Petitioner requests authorization to construct a 300-square foot addition to a pre-existing, non-conforming use (an automobile repair facility). The property is zoned as Single/Two Family (R-2).

The application lacks important information the Planning Department would need in order to provide the City Council with any meaningful comments or recommendations on the proposal. We offer instead a list of omissions/additional information that should be provided by the applicant for consideration by the Council:

- As with any application involving a pre-existing, non-conforming use, the Petitioner should be required to submit evidence that the use was in fact in existence prior to the adoption of the 1985 Woburn Zoning Ordinances, as amended.
- The application does not describe how the additional floor space will be used. Has the applicant discussed the project with the Building Commissioner to determine whether the proposal conforms to any applicable zoning requirements?

- Related to the above, the applicant should be required to provide a zoning analysis of the project that outlines current conformance (and non-conformance) with zoning requirements, as well as an analysis of conformance/non-conformance resulting from the project. Included in this analysis would be setbacks, percentage of landscaped usable open space, building/ground coverage, etc.
- Although there is a parking calculation included with the plot plan, it is not clear whether the calculation incorporates or accommodates any additional parking spaces that may be required as a result of the building addition. The Building Inspector should be consulted in this regard.
- Appropriate location(s) for snow storage are not included on the plot plan, if snow will in fact be stored on site.

Although the aforementioned questions and points are unaddressed at present, Planning staff recommends the City Council imposing at least the following as conditions of approval, if approval is ultimately granted:

1. That the Plan of Record shall be “Plot Plan, 111 Salem Street, Woburn, MA; Scale 1’=40’; Prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA; Dated April 18, 2017; Revised_____”;
2. That the applicant be required to file with the Building Inspector any plan submitted that shows areas of onsite snow storage relative to onsite snow storage or snow removal plan shall be required and filed with the Building Commissioner prior to the issuance of any building permits.

If you have any questions relative to these comments, please do not hesitate to contact me.

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

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the property has been used for auto repair and auto painting, that he conferred with the Building Commissioner to confirm that the use is a preexisting nonconforming use at the locus, that the proposal is for a small addition, that the 30 foot by 10 foot addition will look identical to the rest of the building and will be used for auto repair and auto painting, that the lot is accessed from Salem Street, that there is sufficient parking, that the only use on the property now is auto repair, and that the remaining area will be for the office and customer waiting area. Alderman Anderson stated that he visited the site and the appearance of the property has been improved. Alderman Gately stated that the condition of the property has been improved, that the petitioner has been in business at the location for many years, that the petitioner has established defined parking areas, that the area is locate out of sight, that the drain structure in the middle of the parking lot should be vacuumed out to improve the drainage, and that the proposal will be a benefit. President Haggerty stated that he

visited the site, that he met the Building Commissioner on site, that there are less uses on the site than previously, and that the proposal is substantially less detrimental than what was located there. Alderman Concannon stated that the petitioner has upgraded the property, that the proposal is better than what was located at the locus, that he spoke to a neighbor who stated that this is an improvement, that this proposal is an extension of a nonconforming use but is not substantially more detrimental, and that he takes the word of the petitioner's attorney that the opinion of the Building Commissioner that the use is a preexisting nonconforming use. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the petitioner shall clear the catchbasin drain in the middle of the parking lot station #1; 2. That upon receiving the building permit the petitioner shall file a rendition of the building to be constructed with the Building Department; and 3. That the petitioner shall file a snow storage plan with the Building Department, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Alderman Mercer-Bruen entered the Council Chamber.

On the petition by Crocker Sales Co. Inc., 9 High Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57a, 5.1.57b and 15 to allow for parking of storage container, parking of commercial vehicles, and a new use from auto sales to business to business in the groundwater protection district at 20 High Street. PUBLIC HEARING OPENED. A communication dated Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit applications for 20 High Street/Crocker Sales Co., Inc.

RE: PLANNING DEPARTMENT COMMENTS ON SPECIAL PERMIT APPLICATIONS FOR 20 HIGH STREET / CROCKER SALES CO., INC.

Dear Council:

The Planning Department has reviewed the above-referenced applications which seek Special Permits pursuant to Sections 5.1 (57a), 5.1 (57b), and 15, for the allowance of accessory storage/parking of a storage container, the overnight storage or parking of accessory commercial vehicles, and the conversion of the building's use "a new use, from auto sales to business to business" in a Groundwater Protection District (GPD), respectively.

The application lacks important information the Planning Department would need in order to provide the City Council with any meaningful comments or recommendations on the proposal. We offer instead a list of omissions/additional information that should be provided by the applicant for consideration by the Council:

- There is no such land use as “business to business” listed in Section 5.1 of the Woburn Zoning Ordinance. A “business service and business sales establishment” may be permitted by right in this zoning district per 5.1(27), but the applicant has not provided any information about the intended business operation. As a result, it is impossible to determine if the operation would comply with the definition of that use.
- The lack of information regarding the applicant’s intended uses makes it impossible to determine whether the use will comply with the provisions and restrictions outlined in Section 15 of the Zoning Ordinance for properties in the Groundwater Protection District. Considerations must be given in that regard to Sections 15.6.B (Prohibited use regulations), 15.7.C. (baseline standards for granting a Special Permit under this ordinance) and 15.7.E. (if applicable, information on potential storage of hazardous materials or chemicals) in particular.
- There is no information provided to determine whether there is sufficient parking available on site to meet the requirements of zoning, nor is there any indication that the Building Inspector has made any determination in this regard in accordance with Section 8.2 of the WZO.
- The plan shows a total of seven (7) parking spaces, two (2) of which are labeled for use as overnight parking for undefined “commercial vehicles”. There is no information provided to prove to the Building Inspector that such vehicle storage and employees’ use of the two (2) intended commercial vehicles will not create a daily zoning violation with respect to parking needs on site. On a similar note, there is not enough information provided with respect to the vehicles to determine whether they would physically fit in the 9’x18’ parking spaces designated for their use.
- There is no security lighting included on the site plan, even though security lighting is required for overnight parking per Section 8.5.1 of the WZO;
- Although the locations of several existing trees are shown on the plot plan, it does not appear that current landscaping meets the intent of required screening measures called for by Section 8.6 of the WZO, if applicable, for sites that abut residential properties;
- No provision has been made for any exterior storage of trash, and no information has been provided relative to trash pickup. Will the business be enjoying municipal collection or will refuse removal be done by contractors at the business’s expense? Will all trash and business-related waste(s) be stored indoors until the day of collection? The City Council should ascertain the intended method of trash disposal (by City or by property owner) prior to any vote, given the relatively “tight” site and limited room for a Dumpster; and
- Storage containers may be allowed by special permit as accessory uses depending upon the principal use of a particular site. However, as noted above, the principal use

of this site as an undefined “business to business” does not clarify that point. Once that information is ascertained, the City Council will need to determine whether the storage container’s use will be accessory to the principal use.

- Will the principal business on the property own the commercial vehicles that will be stored on site if the special permit is granted under 5.1(57b)? If not, they may not be entitled to authorization since storage trailers or commercial vehicle storage is permitted only as uses accessory to the principal use. It should also be noted that storage trailers and storage containers require an annual license from the City Council.

If you have any questions relative to this communication, please do not hesitate to contact me.

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the petitioner has a building at the corner of High Street, that the petitioner sells spas, hot tubs and accessories, that the locus was previously used for auto repair and auto painting, that there is a two bay garage and a fenced parking area, that the petitioner has a storage trailer for the storage of spa covers, that the petitioner is seeking a permit to allow the storage container for one year to determine an alternate location for the spa covers, that vehicles will be parked in the fenced lot, that the petitioner will parking two trucks on site that are used for the delivery of the hot tubs, that trailers will be parked on site overnight, that there is some buffer between the storage trailer and the neighboring property, that this is a better use for the groundwater protection district, that there will be one office in the building and the rest of the space will be used for the storage of hot tubs, and that five parking spaces are required for the use on the site. Louis Clipper, 9 High Street stated that the site will be used for the storage of hot tubs, employees tools and the hot tub covers, that there will be no chemicals stored in the building, that the storage trailer was rented as a quick solution for storage of the hot tub covers, that they were no aware of the need for a special permit for the storage trailer, that there is no electricity in the storage trailer, that two trucks and one other vehicle will be parked overnight in the fenced area, that this is a limited parking lot that will be used for his business and not rented, that all the vehicles will be registered in Woburn, that the fence from the building to the corner is new, that the remaining fence is existing and is in good condition, that they took out rotted windows, that they painted the building, that the goal is to keep the property maintained, that they own the property to the stonewall, that the greenery is on the neighbor’s property, that the lot is paved to the wall, and that the whole building is heated. Alderman Gately stated that the parking lot cannot be rented, that the lot was in poor condition for many years, and that if there is excessive snow the petitioner will have to remove some snow. Alderman Anderson stated that the storage trailer can stay on site for one year and then must be removed from the locus. Alderman Mercer-Bruen stated that the petitioner should find a alternate way to store the product as the storage trailer is intended to be temporary. Alderman Concannon

stated that he would like to see the buffer next to the house improved. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the hours of operation shall be Monday through Saturday between 8:00 a.m. and 6:00 p.m.; 2. That the petitioner shall furnish the Department of Public Works with a snow plan; 3. That the petitioner shall update the façade; 4. That the petitioner shall finish the parking lot hot top where not previously completed; 5. That the premises shall be clean and maintained at all times; 6. That the exterior lights shall be directed downward and not upon any residential abutter; 7. That the storage trailer use is temporary and limited to one year; and 8. That the petitioner shall protect the water main, all in favor, 9-0.

On the petition by President Haggerty, Alderman Higgins, Alderman Anderson, Alderman Gately, Alderman Tedesco and Alderman Campbell to amend 1985 Woburn Zoning Ordinances, as amended, section 8.3 as follows: 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. PUBLIC HEARING OPENED. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 5, 2017, all in favor, 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$100,000.00 from DPW/Street Lights Acct and DPW/Gas Acct to DPW O/T Acct, DPW/Utilities Acct, DPW/Bldg Maintenance Acct, DPW Repairs Acct and DPW/Sand/Stone/Gravel Acct, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 8, 2017 **s/Scott D. Galvin June 8, 2017**

On the Order to approve deficit spending that is in excess of appropriation for removal of snow and ice, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 8, 2017 **s/Scott D. Galvin June 8, 2017**

On the Order to appropriate the sum of \$1,300,000.00 for costs of acquiring a ladder truck, Committee on Finance report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Anderson - Yes, Campbell - Yes, Concannon - Yes, Gaffney - Yes, Gately - Yes, Higgins - Yes, Mercer-Bruen - Yes, Tedesco - Yes, Haggerty - Yes.

Presented to the Mayor: June 8, 2017 **s/Scott D. Galvin June 8, 2017**

PUBLIC SAFETY AND LICENSES:

On the petition by ecoATM, LLC for a renewal of a Secondhand Dealers and Secondhand Collectors License, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 8, 2017 **s/Scott D. Galvin June 8, 2017**

On the petitions by Harmony Transportation Inc. and Kelley Towncar, Inc., committee reports were received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

NEW PETITIONS:

Petition by NStar Electric Company dba Eversource Energy and Verizon New England Inc. for a grant of right in a way in Lowell Street as follows: 1. Southwesterly side at Pilgrim Road and continuing southeast remove three (3) joint occupancy poles, pole 136/16, pole 136/15 and pole 136/14; 2. Northeasterly side at Pilgrim Road and continuing southeast install three (3) joint occupancy poles, pole 136/16, pole 136/15 and pole 136/14; 3. Southwesterly side at Pilgrim Road install one (1) anchor guy on pole 136/17, and 4. Southwesterly side at Hart Place install one (1) anchor guy on pole 136/11. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by NStar Electric Company dba Eversource Energy and Verizon New England Inc. for a grant of right in a way as follows: 1. In Salem Street on the northerly side beginning at Hancock Street to relocate one (1) joint occupancy pole 191/51, relocate six (6) joint occupancy poles pole 191/52, 191/53, 191/54 with anchor guy, 191/57 with anchor guy, 191/58, and 191/59, and install one (1) new pole pole 191/53½; 2. In Pine Street on the northerly side east of Salem Street, to relocate two (2) joint occupancy poles pole 175/3S and pole 175/4S; and 3. In Pine Street on southerly side east of Salem Street, to relocate two (2) joint occupancy poles pole 175/3 and pole 175/4. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Lei Song, 19 Wendell Street, Winchester, Massachusetts 01890 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.33b to allow muscular therapy at 446 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by APT USA LLC, 210 Broadway, Suite 201, Cambridge, Massachusetts 02139 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.41 to allow research and testing laboratory at 195 Presidential Way. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by New Creek II LLC, 3333 New Hyde Park Road, New Hyde, New York 11042 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to amend a special permit issued April 28, 2016 by deleting Condition 5 and replacing same with the following “5. All signage shall comply with the plans entitled ‘Partners/Urgent Care, Washington Street Shopping Center, Woburn, MA’ dated August 17, 2016, revised September 2, 2016, revised September 16, 2016” at 425 Washington Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by New Creek II LLC, 3333 New Hyde Park Road, New Hyde, New York 11042 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.69, 7.3 and 13.5 to allow for the alteration of the existing two (2) nonconforming pylon signs at 425 Washington Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by City of Woburn, Woburn City Hall, 10 Common Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.71 and 5.1.79 to allow construction of a municipal parking lot at 455-467 Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated May 31, 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 May 2017. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated May 18, 2017 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 Jan. 2017 to April 2017: Number of violations issued 327, Numbers of violations paid 148, Number of violations outstanding 166, Amount collected and submitted to Collectors Office \$19,767.00, Parking fines referred to the Handicap Commission \$6,300.00.

There is a backlog of 1,620 unpaid tickets dating from January 2004 to December 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 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated June 1, 2017 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Short Term Rentals a/k/a Airbnb; Home Away, et al

As some Council members are aware, some residents of the City have been offering their home or a room in their home, for short term rentals sometimes referred to as Airbnb or Home Away. These short term rentals have been referred to the Building Commissioner for zoning enforcement.

The purpose for this memorandum is two-fold. First, to inform the Council that just last month, the Land Court entered summary judgment in favor of the Hull Board of Appeals regarding its decision to affirm zoning enforcement against a property owner who was leasing his property on a short term basis. As described in that zoning violation, the single-family dwelling (one side of a nonconforming two-family structure) was being used for “transient/rental purposes or uses or business/commercial use” in violation of the zoning bylaw. (Interestingly, the custom and practice throughout Hull is to rent properties along Nantasket Beach for short terms during the summer months, though it’s unclear why this particular homeowner was singled out for enforcement.) The Hull zoning bylaw, like the Woburn Zoning Ordinance, does not define or permit “transient rentals”, and also provides that any use not specified or defined therein, is prohibited. On the motion, the judge agreed that such short term rentals were business or commercial uses in violation of the zoning bylaw.

The second purpose for this memorandum is to inform the Council that because these short term rental situations are occurring in Woburn and other communities, some consideration has been given to whether these short term rentals should be permitted and regulated. To this issue I have attached two zoning bylaws (one adopted and one being proposed) which address short term rentals. The zoning bylaw adopted is from Manchester-by-the-Sea which makes short term rentals subject to a license issued by the Selectmen subject to compliance with Board of Health, Fire Department and Building Code standards. The other zoning bylaw, proposed in Lynnfield, simply permits short term rentals by right for a period of 30 days, and declares the use to be an “accessory use”.

To be clear, I am neither promoting nor recommending that the City Council take any action regarding this use, only informing the City Council as how this emerging issue has been addressed in other communities.

Thank you for your attention to the above. Please do not hesitate to contact me if you have any additional questions regarding this matter.

Sincerely, s/ Ellen Callahan Doucette

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

A communication dated May 23, 2017 was received from Paul D. Stedman, District Highway Director, MassDOT, 519 Appleton Street, Arlington, Massachusetts 02476 in response to a communication concerning the traffic signal timing on Washington Street at 394 Washington Street, the I-95 northbound (NB) ramp and Olympia Avenue and requesting additional information about the timing deficiency. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Committee on Ordinances review 1989 Woburn Municipal Code, as amended, Title 2, Section 2-194H and Title 2, Section 2-180 relative to the job description, qualifications and salary for the position of Deputy Superintendent of Public Works.

s/President Haggerty, Alderman Anderson
and Alderman Gately

Alderman Concannon stated that the City Council can look at the appointing authority for this position. President Haggerty stated that the matter of the appointing authority is within the ordinance to be reviewed. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, AS AMENDED with the amendment as follows: That a communication be forwarded to the Superintendent of Public Works requesting his opinion relative to the job description and qualifications of the Deputy Superintendent of Public Works, all in favor, 9-0.

ORDERED That City Council Rule 22 be and is hereby amended by adding a new seventh paragraph as follows:

Notice of the meeting shall be made by electronic mail sent to each Alderman.

s/Alderman Tedesco

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

RESOLVED Whereas, The Massachusetts Aquatic Educators, also known as the Angler Education Program have provided wonderful opportunities to fisherman of all ages for more than twenty-five years and has made great efforts to advance fishing education in the City of Woburn; and

Whereas, in partnership with Massachusetts Fish and Game the Massachusetts Aquatic Educators have taught thousands of Woburn youth how to fish and have made a concerted effort to include people of all ages and abilities; and

Whereas, the Massachusetts Aquatic Educators provide all the necessary resources to young anglers including safety literature, fishing poles, tackle, bobbers, worms and good spirit; and

Whereas, the Massachusetts Aquatic Educators organize local Fishing Derbies, Family Fishing Festivals, Fishing Clinics, and Fishing Gear Loan Programs in many Massachusetts communities, including Woburn;

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the Woburn City Council congratulates the Massachusetts Aquatic Educators on their good work, recognizes the many achievements, accomplishments and contributions of the Massachusetts Aquatic Educators to the citizens of the City of Woburn, thanks them for their service to the community, and extends the best wishes of the City of Woburn in hopes they catch future success.

s/President Haggerty

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor June 8, 2017 and ten days having elapsed without same being approved, said Resolve became effective without his signature on June 20, 2017.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:19 p.m.

A TRUE RECORD ATTEST:

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