

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

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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The City Council recognized the members of Boy Scout Troop 446 who were attending and observing the City Council meeting.

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

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**MAYOR'S COMMUNICATIONS:** None.

**PUBLIC HEARINGS:**

On the petition by NSTAR Electric Company dba Eversource Energy and Verizon New England, Inc. for a grant of right in a way on Main Street southwesterly side at and northeast of Charles Gardner Lane to remove two joint occupancy poles Pole 1/92 and Pole 1/91A, on Charles Gardner Lane northwesterly side at and southwest of Main Street to install one joint occupancy pole Pole 1/92, and on Charles Gardner Lane southeasterly side at and southwest of Main Street to install one joint occupancy pole Pole 1/91A. PUBLIC HEARING OPENED. A communication dated March 13, 2017 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Electric Company d/b/a Eversource Energy and Verizon New England,  
Charles Gardner Lane/Main Street

Pursuant to the request from Eversource and Verizon for the relocation of poles 1/92 and 1/91A respectively, I have reviewed the existing poles in the field and the proposed locations of the new poles to be installed approximately six feet apart. The contractor should clearly re-mark all utilities on the ground prior to the work being performed and restore the damaged concrete sidewalk panels on Main Street to City of Woburn DPW specifications and ADA compliance. I recommend that the City Council grant approval for this request as shown on the plan(s) submitted with the petition with the conditions noted above.

Please feel free to call with any questions or concerns.

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Jacqueline Duffy, Right of Way Agent and she stated that these poles are needed to accommodate the Boys and Girls Club project. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the amendment as follows: 1. That the recommendations of the Superintendent of Public Works be adopted as conditions of the grant, all in favor, 9-0.

**Presented to the Mayor: March 23, 2017**

**s/Scott D. Galvin March 23, 2017**

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On the petition by NSTAR Electric Company d/b/a Eversource Energy and Verizon New England Inc. for a grant of right in a way on Wade Place as follows: 1. Southeasterly side relocate one (1) Eversource pole 221/1 to northwesterly side at North Warren Street; 2. Southeasterly side relocate one (1) Eversource pole 221/3 approximately 56 feet northeast; 3. Northwesterly side install one (1) Eversource pole 221/5-1 and two (2) hip guys; 4. Northwesterly side relocate one (1) joint occupancy pole 221/5 approximately 25 feet southwest and rename pole 221/4; and 5. Northeasterly side relocate one (1) joint occupancy pole 221/6 approximately 14 feet east, rename pole 221/5, and install two hip guys. PUBLIC HEARING OPENED. A communication dated March 13, 2017 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Electric Company d/b/a Eversource Energy and Verizon New England – Wade Place

Pursuant to the request from Eversource and Verizon for the relocation of poles, I have reviewed the existing poles in the field and the proposed locations of the new poles and the associated hip guys. The contractor should clearly re-mark all utilities on the ground prior to the work being performed and restore the sidewalk on North Warren Street. I recommend that the City Council grant approval for this request as shown on the plan(s) submitted with the petition with the conditions noted above.

Please feel free to call with any questions or concerns.

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Jacqueline Duffy, Right of Way Agent and she stated that proposal will supply power to the Woburn Public Library project. Alderman Gately stated that the petitioner must try to keep Wade Place open or give sufficient notice to the residents when he work will require the street to be closed, and that the petitioner should not be cutting through private property to get to and from Pleasant Street. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the

amendment as follows: 1. That the recommendations of the Superintendent of Public Works be adopted as conditions of the grant, all in favor, 9-0.

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

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On the petition by NSTAR Electric Company d/b/a Eversource Energy for a grant of right in a way to install conduit on East Dexter Avenue as follows: 1. Northerly from pole 60/17 approximately 65 feet northwest of Baldwin Avenue, a distance of about 6 feet; and 2. Northerly from pole 60/18 approximately 35 feet north of Baldwin Avenue, a distance of about 7 feet. PUBLIC HEARING OPENED. A communication dated March 14, 2017 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Electric Company d/b/a Eversource Energy– East Dexter Avenue

Pursuant to the request from Eversource for the installation of six feet of conduit from pole 60/17 and six feet of conduit from pole 60/18 to the development, I recommend that the City Council approve this petition. The conduit should be installed prior to and coordinated with the rest of the proposed sidewalk construction approved under the Special Permit.

Please feel free to call with any questions or concerns.

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Jacqueline Duffy, Right of Way Agent and she stated that proposal will supply power to a new development on Baldwin Avenue. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the amendment as follows: 1. That the recommendations of the Superintendent of Public Works be adopted as conditions of the grant, all in favor, 9-0.

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

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On the petition by NSTAR Electric Company d/b/a Eversource Energy and Verizon New England Inc. for a grant of right in a way on East Dexter Avenue northerly side at pole 60/18, approximately 35 feet north of Baldwin Avenue, to relocate one (1) hip guy approximately 12 feet west. PUBLIC HEARING OPENED. A communication dated March 14, 2017 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Electric Company d/b/a Eversource Energy and Verizon New England Inc. – East Dexter Avenue

Pursuant to the request from Eversource and Verizon.to relocate one hip guy approximately 7.6 feet away from pole 60/18, I recommend that the City Council approve this petition under the condition that the sidewalk gets extended further away from the hip guy to allow for ADA compliance. The approved Special Permit Plan

depicts the sidewalk widened by pole 60/18. The sidewalk should be further widened to accommodate the new hip guy to be ADA compliant and allow safe passage to pedestrian traffic. This installation should be coordinated with the rest of the proposed sidewalk construction approved under the Special Permit.

Please feel free to call with any questions or concerns.

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Jacqueline Duffy, Right of Way Agent and she stated that proposal will comply with Americans with Disabilities requirements. Alderman Gately stated that the petitioner has to make certain that the work is in compliance with the Americans with Disabilities Act. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the amendment as follows: 1. That the recommendations of the Superintendent of Public Works be adopted as conditions of the grant, all in favor, 9-0.

**Presented to the Mayor: March 23, 2017**

**s/Scott D. Galvin March 23, 2017**

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On the petition by Sports Management Services, Inc., an individual owning land to be affected by change or adoption, to amend the Zoning Map of the City of Woburn by changing the zoning district for two parcels of land known as Lot 69-08-07 on Garfield Avenue and Lot 69-08-08 on Garfield Avenue together containing approximately 2.92 acres of land as shown on a plan by Allen & Major Associates, Inc. entitled "Parcel Rezoning Plan" dated November 10, 2016 from R-2/I-G to R-3. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "back for action." A communication dated March 9, 2017 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition to Amend Zoning Map, Sports Management Services, Inc., Garfield Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Sports Management Services, Inc. in connection with the above-referenced Petition. On behalf of my client I respectfully request that the above-referenced matter be given leave to withdraw without prejudice. If you have any questions please feel free to contact me. Thank you.

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby, III and he stated that the proposed zoning amendment would change the zoning district for the two

parcels from the R-2 zoning district and I-G zoning district to the R-3 zoning district, that a presentation was made to the Planning Board in which the petitioner showed that a 24 unit building was being proposed, that he was contacted by Alderman Gately who stated that he opposed the proposal and that his constituents opposed the proposal as was heard in the public hearings, and that petitioner requests that matter be given leave to withdraw. Alderman Gately stated that he knew within a week that his constituents did not support the proposal, that he did not believe that this was a good project for the area or that the zoning amendment should be approved, that he appeared at the Planning Board meeting which gave an unfavorable recommendation, that he concluded a long time ago that this proposal would not work, that the neighborhood worked together in regard to the proposal, that he wants the petition denied rather than withdrawn, that the zoning amendment should never have been presented in the first place, that the location is not an appropriate place for the proposal, and that a denial will prevent the matter from moving forward. Alderman Concannon stated that he cannot think of a time when a request to withdraw was denied, and that he wants to know if the information gained during the process is sufficient to deny the proposal. Alderman Haggerty stated that a petition cannot be refiled for two years for this zoning amendment if the petition is denied. PUBLIC COMMENTS: Lee Kiklis-Cappello, 4 Cliffside Terrace stated that she appreciates Alderman Gately working to address the concerns of the neighbors, and that the matter should be denied rather than being withdrawn. Jean Monahan-Doherty, 31 Arlington Street stated that she supports denial of this proposal, and that she hopes the next petition for the property will be more in line with the neighborhood. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the ORDER be DENIED, 8 in favor, 1 opposed (Campbell opposed).

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On the petition by Seaver Properties, LLC, 215 Lexington Street, Woburn, Massachusetts 01801 to amend the 1985 Woburn Zoning Ordinances, as amended, by amending Section 14 Townhouse Development in Residential Districts R-1 and R-2 to allow stacked townhouses, and Section 8.4.1.3 and Note 1 in Notes to Table 5.1 relative to driveway width or minimum driveway radii requirements for townhouses, multi-family dwellings and commercial projects, as set forth in the Journal of the City Council Regular Meeting of January 17, 2017. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "ought to pass, as amended, with the amendments as follows:

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

8.4 Design and Layout of Required Parking Facilities

1. Dimensions

1. Parking stall, standard: minimum of nine (9) feet in width, eighteen (18) feet in length

2. Parking stall, compact car: minimum of eight (8) feet in width, sixteen (16) feet in length
3. Parking stall, retail; minimum of ten (10) feet in width, eighteen (18) feet in length
4. Parking stall, handicapped: minimum of twelve (12) feet in width; eighteen (18) feet in length

2. Minimum and Maximum Entrance and Exit Driveway Widths:

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

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

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

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

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

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

Notwithstanding the provisions of this section, the maximum pavement width may be increased and/or the minimum required driveway radius may be reduced for multi-family dwellings and commercial developments only, if so authorized by Special Permit issued by the City Council pursuant to this Section 8.4.1.2 or if shown on a plan approved by either the City Council or the Planning Board. Neither the City Council nor the Planning Board shall have the authority to modify the dimensional requirements for entrance and exit driveways servicing one-family and two-family dwellings.

Note: All driveways shall be subject to the additional regulations set forth in Section 5.2.4 hereof.”

City Clerk and Clerk of the Council Campbell stated that there is one Order before the City Council, that there were two votes taken in Committee on Ordinances, that one vote was to deny the section relative to stacked units, that the second vote was to adopt the section relative to driveways but amended to conform to the Planning Board recommendation, that the two votes were in essence amendments of the original Order, and that the committee report is the original Order as amended by the two votes in committee. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that two votes were taken in Committee on Ordinances, that one vote was as to the driveways and one vote was as to the stacked units, that the recommendation was that the stacked units section not be adopted and that the driveways section be amended to conform to the Planning Board recommendation and be adopted, and that he asks the City Council to act on the committee report. Alderman Higgins stated that she will move to amend the committee report to restore the section regarding stacked townhouses with the provision that there shall be a maximum of 15% of stacked units and that the development shall not exceed 112 units, that this comes down to the amount of land that the city will receive and the access to the Shaker Glen, that Section 14 of the Woburn Zoning Ordinances was adopted in 1996 and is very broad, that she is concerned that if the number of units is not addressed in the zoning code it will be difficult to do so in the special permit process, that she is concerned that without the stacking provision there will be a bigger footprint, that she previously stated that 10% of stacked units would be reasonable but 25% stacked units would not be reasonable, and that 15% stacked units is a reasonable result. PUBLIC COMMENTS: Charles Viola, 2 Morningside Circle stated that he is not in favor of the project due to the scope and size of the proposal, that the neighbors do not support the project, and that allowing 15% of the project to be stacked housing opens up issues for future developments. John Burke, 45 Dix Road Ext. stated that he is not in favor of 112 units, that he understands the issues involved, that this is a difficult project for the area, and that he hopes safety is not compromised with this project. Joan Byington, 36 Dix Road Ext. stated that she wants to know what it takes for the City Council to understand the concerns of the neighbors who have to live in the shadow of these projects, that the project is too dense and has been from the beginning, that the project should be brought down to something more reasonable, that she would prefer the development to be single family homes, that single family homes would bring in families to use the cities amenities, and that she hopes the City Council is listening to the people. Mike Ventresca, 42 Dix Road Ext. stated that there is a lot going on with this parcel, that the proposal before the City Council is a zoning text amendment, that this proposal only concerns what can go in under Section 14 of the Woburn Zoning Code, that a lot of neighbors are concerned, that he wants to know if any other parcels will come under this proposal, that there are some size issues, and that he is not in favor of the project. Alderman Higgins stated that that only other land that would qualify under this section of the Zoning Code would be the former Shannon Farm parcel across the street which has already been permitted by the Planning Board. Tim Swain, 29 Dragon Court stated that he is not for or against the proposal, that stacking units is not a good practice, and that stacked units leads to a bad quality of life for the residents. Chris Owen, 3 Florence Terrace stated that stacked townhouses are not townhouses, that stacked units are apartments or flats, and that the Planning Board has indicated that smaller acreage requirements are going to be

established for these developments, and that such action will result in stacked flats being in other areas of the city. Sue Ellen Holland, 2 Strawberry Lane stated that thirty single family houses will be built on the other Shannon property across the street for the locus, that with sixty single family houses being built on the locus as well will result in nearly one hundred new families in the area which will overwhelm the Reeves School, that the petitioner was going to have a cul-de-sac under the high tension wires which has been changed to a proposal that gives more land to the city, and that if this proposal does not move forward the parcel could be a large Massachusetts General Laws Chapter 40B project. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Alderman Gately stated that by allowing the stacked flats the door is open to allowing the owner of the parcel across the road from this locus to use his land for the same type of development instead of the 32 proposed single family units, and that he is not in favor of the proposal. Alderman Concannon stated that the door has been open to develop the other parcel of property across the road since 1996, that what is being proposed for this project is allowed under the Woburn Zoning Code, that since 1996 the city has said that open space is valued so much that townhouses will be allowed in the R-1 zoning district and the R-2 zoning district if half of the land is given to the city, that this proposed amendment describes what a townhouse is with more specificity, that there is not much difference with townhouses side by side or up and down, that a project in north Woburn has stacked units and they are not offensive, that the Building Commissioner was not sure how to define townhouses and concluded that they are side by side, that this changes allows two parcels to have townhouses up and down, that only 15% of the units can be stacked units and 112 units is less than what was originally requested, and that any changes in Section 14 including a reduction in the required acreage must be approved by the City Council. Alderman Higgins stated that to ensure that more buildings are not crammed into the area it is needed to allow stacked units to get a reduction in total units, and that the city will receive 24 acres of open space and access to Shaker Glen which has been easily accessible in the past. Alderman Tedesco stated that useable open space has been an issue with this proposal, that he will oppose buying Shannon Farm as open space, that the city spent \$6,700,000.00 for the Whispering Hill property and an additional \$900,000.00 to build the field on the site, that it would be fiscally irresponsible for the city to purchase the land, that the only space at the Shannon Farm parcel that is valuable to the city is the parcel that the city will receive under this proposal, that if the city purchased the parcel the buildings would have to be demolished and there would be no use for the front parcel which would likely be sold, that the it would cost the city \$9,000,000.00 to purchase and clean the property, and that it was mentioned in committee that the city could purchase the property. Alderman Mercer-Bruen stated that no one ever talked about purchasing the property, that she would not support purchasing the property, and that there has not been a serious discussion about purchasing the property. Alderman Haggerty stated that the city paid \$2,400,000.00 to purchase Spence Farm, that the city will be receiving 23 acres of land at no cost to the city, that he understands that having the farm is preferred but that is not an option and something will be built on the property, that there will be an expanded buffer for the neighbors and 23 acres of open space, and that the special permit process will allow time for a good project to be developed. Alderman Anderson stated that he does not believe that the choice is between allowing stacking or the project does not happen. Motion made and 2<sup>nd</sup> that the



Committee Report be amended by adding the following: “Amend Section 14 Townhouse Development in Residential Districts R-1 and R-2 as follows: 1. Amend Section 14.4 by adding a new subparagraph 8 as follows: “8. For purposes of Section 14 only, townhouse clusters as that term is used herein may include multifamily dwelling units containing up to four (4) stacked units per building. No more than fifteen (15%) percent of the total units in the development can be stacked. Stacked units will only be allowed in developments under Section 14 if the number of total units in the townhouse development does not exceed 112. The purpose of stacking is to minimize site disturbance, provide for additional open space, create more diversity and affordability in the unit types.”, 6 in favor, 3 opposed (Anderson, Gately, Mercer-Bruen opposed). Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, AS AMENDED, 6 in favor, 3 opposed (Anderson, Gately, Mercer-Bruen opposed).  
**Presented to the Mayor March 23, 2017 and ten days having elapsed without same being approved, said Order became effective without his signature on April 4, 2017.**

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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 communication dated March 15, 2017 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board/WRA Director as follows:

Re: Commerce Way Corridor Overlay District special permit application for mixed use project at 120 Commerce Way/Cabot, Cabot and Forbes LLC

Dear Council:

The Planning Department has reviewed the above-referenced application which seeks approval for a transit-oriented development project on property at 120 Commerce Way, which is located in both the IP-2 and Commerce Way Corridor Overlay zoning districts. The development would consist of 289 residential housing units, a 6,210 sq. ft. restaurant, 3,180 sq. ft. of retail space and a clubhouse to support the residential use. A total of 462 parking spaces would be provided by a combination of surface parking lot and structured parking.

The Department notes the following with respect to this application:

- The “existing conditions” layer of data should be deleted from sheets C-3 and C-4B. At present those sheets show landscaped islands, parking spaces and other site features that will be eliminated with the proposed construction. The “existing conditions” data should be deleted in order to eliminate conflicting information and to ensure clarity as to what is being proposed;

- The amount of proposed parking falls short of what is required by zoning. A total of 508 parking spaces are needed to meet the zoning requirements and only 462 are being proposed. Staff notes the parking requirements for studios (1.25 spaces per unit), one bedroom (1.25 spaces per unit) and two bedroom units (1.75 spaces per 2 bedroom unit) in the Commerce Way Overlay District are below the usual, standard parking requirements of two (2) spaces per unit.
- The proposed “6’ concrete sidewalk with accessible ramp” and crosswalk that lead from Commerce Way to the access aisle between two (2) handicapped parking spaces should be relocated. Pedestrians should not be encouraged to walk between two vehicles (via an aisle designated for other purposes) in order to reach the sidewalk. Planning staff recommends the walkway and crosswalk be relocated northward slightly by about 15’-20’, so that the walkway and crosswalk can instead be designed to lead directly to the sidewalk. See sketch attached.
- The plans exceed the maximum allowable lot coverage of 80% (83.6% proposed) and do not propose enough open space (20% is required and slightly more than 16% is proposed). Although the Council would have the authority to grant special permits to provide relief from these requirements, the applicant has not filed any such requests nor have they been advertised as required. Staff therefore recommends the applicant file a supplemental special permit request to address these two matters, or revise the plans to conform to zoning requirements.
- The plans and application state that signage will conform to Section 13, but the plans do not conform to Section 13 because they propose more wall signs than allowed. Although the Council would have the authority under Section 23-9 to authorize additional signage, the applicant has not filed any such request nor has it been advertised as required. Therefore, Planning staff recommends the applicant strike all references to conformance with Section 13, and file a supplemental special permit request to cover this item, or revise the plans to conform to Section 13.
- The applicant should confer with the Building Commissioner relative to the freestanding sign identified on plans as “development wall signage” relative to the maximum permitted size and placement given the location of the sidewalk and its proximity to the intersection.
- The compact car parking spaces on the top level of the garage should be equipped with signage identifying them as such.
- The vertical granite curbing proposed for use on site should be specified as 6” vertical granite curbing.
- How will use of the residential ‘move in’ loading zone be coordinated with use and servicing of the trash and recycling bay?

- Has the Fire Department reviewed and approved the access to/from and within the garage and site?

On a final note: If the City Council ultimately decides to grant the special permits needed for this project, the Planning Department strongly urges the Council to consider requiring, as a condition of approval, that at least 25% of the housing units in this project be “affordable”. The applicant has proposed to provide the minimum 10% required by Section 11.11 of the Zoning Ordinance. Given the status of the City’s current subsidized housing inventory and its relatively low percentage of affordable housing, and given the nature of the application and extent of zoning relief required (90 units per acre, less parking than required), it would seem the City has ample reason and justification for requiring the higher number.

I am happy to elaborate on this recommendation upon request.

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

Motion made and 2<sup>nd</sup> 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 this is the first petition under the Commerce Way Corridor Overlay District (CWCOD) zoning ordinance, that the project meets the intentions of the CWCOD zoning ordinance, and that he will provide the affordable unit information of comparative developments and sign information to the committee meeting. Jay Doherty, Cabot, Cabot & Forbes, Chief Executive Officer stated that the company has been in existence for 113 years, that there has been a change away from industrial and technology development along Route 128, that Route 128 is no longer America’s technology highway, that since the early 2000s technology clients have shown a preference for mixed use developments, that an example is the Needham Industrial Park which has been changed to multifamily and mixed uses, that since the recession the petitioner has been working on developments in communities such as Quincy and Cambridge, that being located near transit and mixed use is beneficial, that mixed use projects retain employees, that there has been an amazing infrastructure investment by the city over the years, that the project will capture a work force that will help sustain employment, that the residents tend to be younger professionals 18 to 34 years of age, that they are interested in a suburban setting where they can walk or bicycle to work, that they have an interest in amenities, and that the restaurant and retail components will be beneficial in this area. John Sullivan, Cabot, Cabot & Forbes reviewed a powerpoint presentation with the City Council and stated that the property is located between the ramps to I-93 and the MBTA railroad station, that there are retail uses nearby, that the structured parking will not be visible from outside the building, that the housing and retail uses will be built around the six story garage, that there will be a mix of uses on the ground floor, that there will be 289 units, that there will be some parking in the front for the retail uses and the remaining parking will be in the garage, that the first floor parking will be for the retail use and the levels above will be for the residences, that there is a restaurant planned for the most prominent corner of the building, that there will be an entrance to the ground floor parking, two retail spaces and a fitness clubhouse on the first

floor, that some exterior materials have changed since the CWCOD review meeting, that there is great retail in the area but more retail and a high class restaurant onsite can benefit the residents and the area, that high quality exterior materials will be used, and that pedestrian improvements are proposed. Giles Ham, PE, Vanasse & Associates, Inc., 35 New England Business Center Drive, Andover, Massachusetts 01810 stated that they have prepared a detailed traffic analysis, that this is a smart growth transit oriented project, that they conducted traffic counts and studied accident reports, that they met with city staff concerning the project, that they identified pedestrian deficiencies that can be improved, that they will upgrade the crosswalks, that this is a high capacity intersection, that there is no concern about further development because of the capacity of the intersection, and that this is a good project in terms of transportation and access with little impact. Tim Williams, PE, Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that the petitioner took advantage of shared parking analysis, and that the Building Commissioner agreed with the analysis. Alderman Mercer-Bruen stated that she wants to hear more detail regarding the exterior materials to be used, that at 4:30 p.m. or 5:00 p.m. there is as much traffic gridlock in this area as any other part of the city, that she wants detailed traffic information, that this is the type of project that was intended for this area, that she wants the petitioner to be prepared to negotiate the affordable housing component to a level greater than 10%, and that she wants more details regarding the signs. Alderman Anderson stated that he wants a breakdown of the affordable units in the petitioner's comparative projects including the percentage of affordable units. Alderman Gaffney stated that this is a good project which will serve as a catalyst for additional projects in the area. Alderman Gately stated that the project is the type wanted for the area, that he likes the proposal, that he will hold the Committee on Special Permits meeting as a committee of the whole for this project, and that the affordable housing component has to be negotiated. President Haggerty stated that he wants to know the beautification steps to be taken to set a positive tone for this area of the city. PUBLIC COMMENTS: David Marzocchi, 22 Caulfield Road stated that this is a dangerous area for pedestrians, and that there should be significant change to pedestrian access along Commerce Way not just at this location. Tim Swain, 29 Dragon Court stated that between this project and others proposed for the area there could be 1,000 new units of housing, that he wants to know the impact on the schools as well as parking and services such as grocery stores, and that a business at the location will only have people during the day whereas a residential use will have people coming and going 24 hours a day. Mike Ventresca, 42 Dix Road Ext. stated that this project is the type intended for that area, and that pedestrian access and safety should be a priority in the area. Motion made and 2<sup>nd</sup> that a communication be sent to the Building Commissioner for comment on Section 8.7 as it relates to the proposed project, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 2, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS MEETING AS A COMMITTEE AS A WHOLE, all in favor, 9-0.

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On the petition by Lawless, Inc., 196 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections

5.1.44, 5.1.71 and 7.3 to allow for 1. the reconditioning, adjusting, equipping and preparation of motor vehicles; 2. commercial parking lot; and 3. alteration of nonconforming use (loading dock fronts on street) and structure (loading dock fronts on street and interior landscaping), at 8 Draper Street. PUBLIC HEARING OPENED. A communication dated march 15, 2017 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Special Permit application of Lawless, Inc. for use of land at 8 Draper Street

Dear Council:

The Planning Department has reviewed the application and plan which seek special permits to operate an automobile and truck repair garage in accordance with Section 5.1(44) and a commercial parking lot in accordance with Section 5.1(71) at property at 8 Draper Street. In addition, the application seeks a special permit under Section 7.3 (extension or alteration of non-conforming uses) because the existing structure has loading docks that front on a street and because the lot currently does not and will not conform to interior landscaping requirements.

The Planning Department has a number of questions and concerns relative to this filing:

#### PROPOSED USES

1. The off-street parking summary on the plan states that uses will include “storage warehouse” and office space on this I-G zoned lot. However, the zoning ordinance appears to only authorize two types of warehouses; a warehouse and distribution center as part of a wholesale establishment, and a self-storage warehouse which does not include the storage of motor vehicles or any outside storage. The application cannot propose the latter type, since outdoor motor vehicle storage is in fact contemplated. Has the Building Commissioner been consulted to determine if this proposed “storage warehouse” use will in fact constitute “a warehouse and distribution center as part of a wholesale establishment”? See item #2 below for a related issue.
2. The plan, application, and attachment to the application all list different uses for the site, or perhaps use different terms to describe the same uses. The off-street *parking summary on the plan* states that on-site uses will include “**storage warehouse**” and **office space**. *Exhibit A* to the application indicates that other activities (including **auto reconditioning and auto preparation**) will take place on site, and requests a special permit for a **commercial parking lot**. *The application form* requests a special permit for an “**automobile and truck repair garage**” in accordance with Section 5.1.44 and a special permit for a non-conforming use. The applicant should be required to clarify which uses will be on site. The applicant should also be required to consult with Building Commissioner Tom Quinn to determine whether (a) the uses being proposed are in fact allowable by special permit and (b) the amount of parking required to meet zoning has been properly calculated and provided for (e.g., are the

parking requirements for auto repair/reconditioning/preparation activities and/or automobile and truck repair garages the same as the parking requirements for warehouse uses?).

### PARKING

3. Exhibit A to the application form indicates one of the uses on site will be “the reconditioning, adjusting, equipping and preparation of motor vehicles”. What is the parking requirement for this use, and has that parking been included on the plan?
4. The plan shows roughly 85% of the proposed parking spaces to be compact parking spaces. No special permit has been requested to allow compact parking spaces, but if it is requested, the maximum number of compact parking spaces that can be allowed by special permit is 30%. If the argument is advanced that these are not really parking spaces in a parking lot but rather constitute vehicle storage, how would that comport with the request for a commercial parking lot? Also, note that the 8’x22’ parallel parking space should be considered a compact space because although it exceeds the minimum required dimension in one respect, it falls short on the other.

### TRAFFIC AND ACCESS

5. Little information has been provided relative to the operation of the proposed uses and the expected traffic resulting from them. How many employees will work on the site on a typical day and what tasks will they be performing (i.e. office support staff, mechanics, drivers, etc.)? How many cars will be delivered to the site on a daily/weekly basis, either for storage or for detailing/prep? How many vehicles will be taken from the site on a daily/weekly basis? How long will the average vehicle be “stored” on site? How will the cars be brought to/removed from the site – individually by employees or by car carrier? If by carrier, will the vehicles be off-loaded from the carrier on site or while it is parked in the street and if on street, would that cause safety or congestion concerns? If delivery is to be made by employees, has sufficient parking been included on the site plan to accommodate their personal vehicles?
6. The combination of existing buildings, landscaping and proposed on-site parking will combine to require a fire truck to swing into the opposing lane of traffic on Draper Street when exiting the site.
7. Has the Fire Department been consulted with respect to site design, specifically on the issue of access into, around and out of the property?
8. The minimum safe width for travel aisles and driveways is 18’ for one-way traffic and 24’ for two-way traffic. Only one aisle meets the 24’ width.
9. No snow storage areas are shown on the plans. No provisions appear to have been made for snow storage or snow removal from the site.

## MISCELLANEOUS

10. Aerial photography shows two of the warehouse buildings to be connected, but the plan does not show that feature. Was some part of the building recently demolished, or will some part of the building be demolished in the future?
11. No fence may be taller than 6 feet per Section 5.3.4 of the Zoning Ordinance. The plan shows a proposed 8' tall fence and gate.
12. There is no site lighting shown on the plan.
13. No provisions appear to have been made for either general refuse/trash or hazardous materials storage/collection. Where will trash and hazardous materials be stored, and how often will these materials be removed from the site?

Should the City Council ultimately vote to approve the application, the Planning Department recommends considering imposing at least the following as conditions of approval:

1. The embankment at the rear of the property shall be cleaned of all trash prior to the issuance of a building permit.
2. Consider establishing a maximum number of vehicles to/from the site on a weekly or monthly basis, to ensure that once in operation, the intensity of the proposed use does not grow beyond what is described during the permitting process. To this end, consider requiring monthly reports to be submitted to the Building Commissioner indicating (a) the number of cars stored on site on the first day of the month; (b) the number of cars delivered to the site during the month; (c) the number of cars removed from the site during the month; and (d) the total number of cars stored on site on the last day of the month.
3. A 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 this recommendation, please do not hesitate to contact me.

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

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he offered a revised site plan entitled "8 Draper Street, Woburn, MA" prepared by Allen & Major Associates, Inc. dated 02-10-2017, rev. 3-7-2017, rev. 3-20-2017 which addresses comments of the Planning Department for the City Council to review. Motion made and 2<sup>nd</sup> that the matter be received and made part of the record, all in favor, 9-0. Attorney Tarby stated that the

property is nonconforming because the loading docks face the street and there is no interior landscaping, that the property is used as a wholesale establishment with overnight parking of commercial vehicles located on 2.6 acres of land, that there are three warehouse buildings on the locus, that Building A has 14,182 square feet of warehouse space and 1,960 square feet of office space, that Building B and Building C have 9,289 square feet of space, that Building D has 5,495 square feet of space, that there is a total of 28,966 square feet of warehouse use on the locus, that the petitioner has operated at 196 Lexington Street since 1988, that the petitioner supports local charities, that the petitioner has a purchase and sale agreement with ABC Building Supply to purchase the property subject to a special permit being obtained, that Building A which is closest to the street will be vacant, that parking is calculated on the current use of the building for warehouse use and office space, that 23 parking spaces will be available for Building A which will be marketed, that the use of the building will require a special permit, that there will be five to ten trailer truck deliveries to the locus each week, that four to five vehicles will be delivered from the locus to 196 Lexington Street each day, that there will be no mechanical work such as oil changes conducted on site, that the location will be a prep center for new vehicles before they are brought to the dealership on Lexington Street, that there will be three to five employees on site, that the hours of operation will be 7:00 a.m. to 6:00 p.m. Monday through Friday, 7:00 a.m. to 5:00 p.m. Saturday and 11:00 a.m. to 5:00 p.m. Sunday, that a building supply company has operated from the locus for many years, that the current business operates from 7:00 a.m. to 5:00 p.m. Monday through Friday, that the currently deliveries are brought to the site between 6:30 a.m. and 4:30 p.m., that the last delivery to currently leave the site is by 4:30 p.m., that currently between seven and twelve trucks leave the site to make deliveries each day between 7:30 a.m. and 4:30 p.m., that the petitioner will have less traffic than the current use, that the petitioner met with the Building Commissioner to review the proposed uses, that the parking requirement calculation is based on "other uses" which is sufficient space on site to accommodate all uses on the site as determined by the special permit granting authority, that there is sufficient space for Fire Department equipment to move through the locus, that the petitioner met with the Fire Department on site and at the office to review the plan, that the driveway widths and snow storage have been addressed on the revised plan, that there will be a six foot fence with a gate, that there is site lighting which is not shown on the plan, that trash will be handled inside the facility and will be limited to mainly plastic and cardboard from the new vehicles, that the current property owner has cleaned up trash from the site, that the information concerning the current operation was provided by the General Manager of the existing company, that the vehicles will be delivered to the site by tractor trailer trucks five to ten times each week, that the vehicles will be parked behind a security fence, that 207 total vehicles will be stored onsite, that some vehicles will be parked inside the buildings, and that the commercial parking component was reviewed by the Building Commissioner. Carlton Quinn, P.E., Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that the locus is 2.6 acres of land covered with buildings and pavement, that there are four buildings on site, that there is .6 acres of impervious surface including the sloped wooded area to the back and the landscaped area, that there will be minimal site changes, that one significant improvement will be the installation of a security fence, that access to the locus will be restricted to two driveways, that the security fence can be pulled back 28



feet to allow access around the buildings to vehicles such as fire trucks, that the snow storage area is designated on the plan, that the Fire Department has no outstanding concerns after two meetings, that there will be no change to utilities, site lighting or building access, that there will be two way vehicle access to the secure area and then one way access within the secure area, and that a fire truck could make access within the locus without having to go into another lane. Motion made and 2<sup>nd</sup> that a communication be forwarded to the Fire Chief for comments on the radius reflected on the revised plan and for a determination if there is adequate access for fire equipment, all in favor, 9-0. Ralph Bavaro, Vice President, Lawless, Inc. stated that all new cars will be on site, that this will be a prep center where the employees will remove plastic from the vehicles and reprogram electrical components which are deactivated when coming from the factory, that there are a dozen onboard computers that have to be rebooted for delivery to the customer, that there will be onsite security cameras, that there have been no adverse issues at the handful of properties where the petitioner's vehicles are currently stored, that he does not see the need to light the back of the hill, that the current business will require thirty to ninety days to clean out their equipment from the buildings and site, that there will be a reduction on tractor trailer deliveries of vehicles to the Lexington Street location, that the vehicles will be transferred by individual drivers from the locus to the Lexington Street location, that the petitioner currently has vehicles spread over several locations including some in Billerica, that transporting the vehicles from the locations is costly in terms of employee time, that this location will reduce the number of vehicles going to or from Billerica, that the site is large enough to accommodate the truck trailer deliveries on site and off the street which is an issue at the Lexington Street location, that the petitioner sells only a few vehicles each day, and that the number of deliveries will depend on the need to replenish the inventory. Alderman Mercer-Bruen stated that the proposal seems to have less delivery impact than the current use, that the tractor trailer delivery of vehicles to the site may have to be restricted to certain hours of the day, and that there will have to be a lot of lighting which she does not want to impact area residents. Alderman Anderson stated that this seems like a large facility to service the needs of Lawless, that he is not certain that this is a commercial parking lot, and that a commercial parking lot will require a license. PUBLIC COMMENTS: Tim Swain, 29 Dragon Court stated that the petitioner is a good dealership, and that he does not object to the proposal. Joe Simas, 17 Day Circle stated that Lawless is a neighbor of the American Legion Hall, that the petitioner keeps the property well maintained and also maintains the nearby Frongillo Square, that the petitioner supports local organizations and is a good community business, that the petitioner is growing and wants to remain in the city, and that he supports the petition. Motion made and 2<sup>nd</sup> to accept the letter dated March 20, 2017 from Donald P. Queenin, 4 Markham Terrace in support of the petition. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 18, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

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On the petition by President Haggerty, Alderman Anderson and Alderman Higgins the 1985 Zoning Ordinance of the City of Woburn, as amended, as follows: 1. By amending Section 2 Definitions by adding between "Passenger Transportation Terminal" and

“Persons” the following the two new definitions: “Pawnbroker - Pawnbroker means a person engaged in the business of lending money upon the security of goods deposited with it or left in pawn, with or without a fixed period of redemption, whether or not a fixed place of business is maintained for such purposes. Pawnbroker shall not mean or include any bank, savings and loan, credit union or financial institution subject to financial regulations by the federal or state government, nor does it include lending of money on deposit or pledge of title to property.” “Pawn Shop - The location at which or premises in which a pawnbroker conducts business.”; 2. By amending Section 5.1 Table of Uses by adding a new line “25d Pawn Shop” and adding a “-“ under all zoning districts meaning and intending that the use is not allowed in any zoning district. PUBLIC HEARING OPENED. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 4, 2017, all in favor, 9-0.

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

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President Haggerty called the meeting back to order.

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On the petition by West Woburn Development Corporation, 27 Cambridge Road, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.3c to modify a special permit dated January 9, 2003 (the “Decision”) by: (1) allowing for the installation of a water pump station as shown on the plans filed with the Petition; (2) allow for a “Building Envelope Plan” as shown on the Pump Station Locus and Building Envelope Plan filed with the Petition; and (3) replacing the plan of record in Condition 1 at 498 Lexington Street. PUBLIC HEARING OPENED. A communication dated March 16, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on a request to modify a special permit decision for 498 Lexington Street/West Woburn Development Corp.

Dear Council:

The Planning Department has reviewed the above-referenced petition, which seeks to modify an existing special permit pursuant to Section 11.3.12 of the Woburn Zoning Ordinance (WZO). (Please note the application cites Section 5.1.3 (c) as the section under which a Special Permit is sought, which does not apply in this instance.) The petitioner requests: 1) authorization for the installation of a water pump station as shown on the plans filed with the Petition; 2) authorization for the allowance for a “Building Envelop Plan” as shown on the “Pump Station Locus and Building Envelop Plan” filed with the Petition; and 3) the replacement of the plan of record in Condition 1 of the Decision with the plan filed with this Petition entitled “The Village at Winning Farm Site Plan in Woburn, Mass.”, dated February 31, 2001, revised May 18, 2001, et al.

(However, Planning staff has inferred that that the applicant actually intends to request the replacement/incorporation of the newly-submitted plan sheets into the plan of record, as opposed to wholesale replacement of all sheets with those submitted).

Planning staff understands that the addition of the pump station to the previously-approved site plan was done at the request of the City's Engineering Department to provide adequate water pressure to the substantial number of residential units being constructed. In addition, the "Pump Station Landscape Plan," which entails the planting of 18 Mission Arborvitae, appears to provide a sufficient barrier and buffer for noise- and visual-related impacts. Therefore, as a matter of approved site plan improvements, the Planning Department takes no exception to this request.

Should the Council elect to grant this Special Permit modification, Planning staff recommend the following as conditions of approval:

1. That Condition 1 of the original Special Permit decision be modified to reflect the adoption of a each new plan sheet (e.g., the "Pump Station Locus and Building Envelop Plan," the "Master Address Plan" and the "Pump Station Landscape Plan") into the previously-approved plan set as replacements and/or additions, as appropriate; and
2. That remaining conditions of approval imposed in connection with the original Special Permit, and its subsequent modification, to the extent they are still applicable, remain in full force and effect.

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 Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petition is for a minor modification to the 2003 special permit, that the petition allows for the installation of a water pump station, that the property is located in the R-1 zoning district, that the special permit in 2003 allowed for the construction of 147 townhouse units, that the petitioner completed remediation of contamination on the site at a cost of \$3,000,000.00, that on February 26, 2011 the Department of Environmental Protection released the property as have been remediated, that the petitioner has performed preconstruction projects such as installing the roadway and curbing, that the City Engineer reviewed and approved the plans, that the size of the units has not changed, that the petition will give the petitioner flexibility if conditions require the building to be moved, that there will be no changed in the building sizes, that no minor modification has been approved by the Building Commissioner for the site, that there was dumping on the site prior to the petitioner purchasing the property, that the petitioner took on the task of cleaning the property, that a number of mitigation activities have occurred on site, and that there are no affordable housing units associated with the project. Attorney Tarby offered the following proposed conditions for review by the City Council:

- 1 Condition 1 of the Decision shall be deleted and replaced with the following: “The Petitioner shall construct and improve the site in conformance with the plan filed with this Petition entitled “The Village at Winning Farm Site Plan in Woburn, Mass. dated February 1, 2001, revised May 18, 2001; June 1, 2001; November 5, 2001; December 31, 2001; December 9, 2002; March 21, 2003; May 12, 2003; September 10, 2004 and December 15, 2004, Scale 1” = 100 feet; prepared by Commonwealth Engineering Inc., Civil Engineers and Land Surveyors, 27 Cambridge Street, Suite 106, Burlington, MA 01803 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.”
- 2 Subject to Condition 1, the Water Pump Station shall be installed as set forth in the plan entitled “The Village at Winning Farm Water Pump Station, Woburn, Massachusetts dated January 2017 prepared by Weston & Sampson Engineering, Inc.
- 3 The Plan entitled Pump Station Locus and Building Envelope Plan dated January 11, 2017 prepared by Commonwealth Engineer Inc., 27 Cambridge Street, Suite 106, Burlington, Massachusetts shall be made a condition of this Special Permit.
- 4 That the remaining conditions of approval imposed in connection with the original Special Permit and its subsequent modification, to the extent they are still applicable, remain in full force and effect.

Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. Bruce Adams, Weston & Sampson, 5 Centennial Drive, Peabody, Massachusetts 01960 stated that the building will be 27 feet long by 17 feet wide with a gabled roof for the pump station, that the architecture style will be the same as the development, that the pump will operate automatically, that the pump will not be audible from outside of the building, that the pump station has been built in compliance with Massachusetts Department of Environmental Protection (DEP) standards and has been approved by the DEP, that there is a standby generator that will be powered by natural gas, that the power supply will be underground, that the pump will improve pressure for domestic use and fire suppression at the development, and that there will be 20 to 25 psi with 50 psi for the homes at the highest level and 80 psi for the homes at the lowest level. Bob Murray, West Woburn Development Corporation stated that it took fifteen years to clean up the contamination from the site, that Phase 1 of construction of forty units will start pending approval of the pump station, and that there will be four construction phases over two years depending upon the economy. Alderman Gately stated that this project is at the end of the Woburn water system which is the lowest pressure in the system, that the pump is necessary for fire suppression and water supply, that this is a good pump facility, that the city has installed similar units, that residents of the development will be paying

for the costs of the pump, that the development needs the improvement, and that the pump station will fir well in the development. Alderman Higgins asked for confirmation that the building sizes are not increasing over the 2003 plan, and that no minor modifications have been approved by the Building Commissioner at the development. PUBLIC COMMENTS: None. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the amendments as follows: 1. That the four proposed conditions shall be adopted as conditions of the special permit, and 2. That condition 5 shall read: 5. That the plan entitled “Pump Station Landscape Plan, Woburn, MA” prepared by Commonwealth Engineering Inc. and dated January 24, 2017 shall be made part of the special permit, all in favor, 9-0.

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**PUBLIC SAFETY AND LICENSES:**

On the petitions for renewal of Secondhand Dealers and Secondhand Collectors Licenses by Milano Jewelry; GameStop #3315; and Musto Jewelers, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

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

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On the petition by Robson L. Dias for renewal of Livery License, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

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

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**ORDINANCES:**

On the Order to amend the 1989 Woburn Municipal Code, as amended, Sections 3-19 and 5-84 relative to pawnbrokers, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

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

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**FINANCE:**

On the 2016 Annual Report for the Northeast Metropolitan Regional Vocational School District, committee report was received “refer to full City Council.” Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

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**NEW PETITIONS:**

Petition by St. Mary’s School, 162 Washington Street, Winchester, Massachusetts 01890 for a Special Event Permit to allow a walk-a-thon and family fun day at Horn Pond on April 29, 2017. Motion made and 2<sup>nd</sup> that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

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

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Petition by Woburn Bowladrome Inc., 32 Montvale Avenue for renewal of a Bowling Alley License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY, all in favor, 9-0.

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Petition by WMK, LLC dba Mobility Works, 299-C and 299-E Washington Street, Woburn, Massachusetts 01801 for a new First Class Motor Vehicle Sales License at 299-C and 299-E Washington Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 to allow transfer of Inflammable License at 120 Presidential Way to Woburn MCB I, LLC, c/o Eastport Real Estate Services, 107 Auburn Road 2-301, Wakefield, Massachusetts 01880. Motion made and 2<sup>nd</sup> that the TRANSFER OF THE INFLAMMABLE LICENSE be APPROVED, all in favor, 9-0.

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

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Petition by National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 to allow transfer of Inflammable License at 150 Presidential Way to Woburn MCB II, LLC, c/o Eastport Real Estate Services, 107 Auburn Road 2-301, Wakefield, Massachusetts 01880. Motion made and 2<sup>nd</sup> that the TRANSFER OF THE INFLAMMABLE LICENSE be APPROVED, all in favor, 9-0.

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

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Petition by A.L. Prime Energy Consultant, Inc., 18 Lark Avenue, Saugus, Massachusetts 01906 for a new Inflammable License to allow 30,000 gallons of gasoline Class 1A (flammable) stored in UST at 1 Hill Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by A.L. Prime Energy, 319B Salem Street, Wakefield, Massachusetts 01880 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to amend a special permit dated August 2, 2012 as modified October 27, 2016 by approval of a

revised Site Plan showing a revised tank area and building distribution in phases at 1 Hill Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

A communication dated March 7, 2017 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging meeting for the month of February 2017. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated March 15, 2017 with attachment was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Referendum on the Prohibition of Marijuana Establishments

A number of communities are considering whether to prohibit recreational marijuana establishments, a topic which has generated much discussion among members of the Massachusetts Municipal Lawyers Association ("MMLA") as to the proper procedure to be followed. Pursuant to M.G.L. c.94G, §3(a) (2), efforts to limit the number of marijuana establishments, or prohibit them entirely, requires a "vote of the voters" though the form that such a "vote of the voters" should take was not defined. (The initial question for towns, was whether a town meeting vote satisfied the requirement for a "vote of the voters".)

As a result, members of the MMLA agree that obtaining a "vote of the voters" in cities or towns requires the submission of a referendum or ballot question to "opt-out" or prohibit recreational marijuana establishments at a general election. (To "opt in" or allow on-premises sale and consumption of marijuana, requires the submission of a ballot question at a biennial election. *See*, M.G.L. c.94G, §3(b).) However unlike other statutes which set out the specific form of the ballot question to be voted on, for instance, liquor licenses or Proposition 2 ½ overrides, c.94G is silent.

Absent an amendment by the state legislature, I agree with my peers in the MMLA that in the event that the City Council decides to consider the prohibition of marijuana establishments, it is best achieved by taking the "belt and suspenders" approach. To explain, because a prohibition requires not only a "vote of the voters", but the adoption of a bylaw or ordinance as well, I have attached hereto for the Council's consideration a proposed ballot question the approval of which, would authorize the enactment of amendments to both the Woburn Municipal Code and the Woburn Zoning Ordinance. (Some members of the City Council may have seen the ballot question recently passed in the Town of Westborough which simply required a yes or no answer to the question should marijuana establishments be prohibited, without the text of the general and/or zoning bylaw amendment. I do not believe that ballot question to be sufficient.)

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

Attached thereto was the following:

Referendum Question:

Shall the City of Woburn adopt, and shall the Woburn City Council be authorized to enact, the following ordinance amendments:

A. By amending Section 5, Use Regulations, of the Woburn Zoning Ordinance, by adding the following:

“5.9 Marijuana Establishments Forbidden

“The operation of any marijuana establishment, as defined in G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, is prohibited in all zoning districts of the City. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012”,

and

B. By amending Title 5, Business Licenses and Regulations of the Woburn Municipal Code by adding the following:

“Article XVIII - Marijuana Establishments

Section 5-89 Forbidden

“The operation of any marijuana establishment, as defined in G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, within the City is prohibited. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012.”

provided that the Woburn City Council may reasonably vary the form of the said ordinances within the scope of the general public objectives of this authorization?

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



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A communication dated March 10, 2017 was received from John R. Romano, Director, MassDOT – Office of Outdoor Advertising, Ten Park Plaza, Room 6141, Boston, Massachusetts 02116 relative to an application by Clear Channel Outdoor for the construction electronic billboards at 275-285 Mishawum Road facing Route 128 and I-95 north and south and public meeting on April 13, 2017 at 11:00 am. in the second floor conference room Ten Park Plaza Boston. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED on FILE, all in favor, 9-0.

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A communication dated March 9, 2017 with attachments was received from Joseph Connarton, Executive Director, Public Employee Retirement Administration Commission, 5 Middlesex Avenue, Suite 304, Somerville, Massachusetts 02145 advising that the amount to be appropriated for the retirement system in Fiscal Year 2018 is \$7,616,072. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated March 7, 2017 was received from State Representative Jay R. Kaufman relative to reimbursement to cities and towns for the cost of early voting. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated March 15, 2017 was received from Kristin M. Reynolds, Paralegal, Keegan Werlin LLP, 265 Franklin Street, Boston, Massachusetts 02110-3113 with a copy of the Final Decision of the Energy Facility Siting Board relative to the ne underground transmission line in Woburn, Winchester, Medford, Somerville, Everett and Boston. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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Copies of the Notice of Intent, Stormwater Report and Site Plans were received from National Development, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 relative to the Comprehensive Permit application for the property at 200 Presidential Way pursuant to the provisions of Massachusetts General Laws Chapter 40B. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED Pursuant to Chapter 53 of the Acts of 2007, the Preliminary Election for the Municipal Election shall be held on Tuesday, September 12, 2017.

s/President Haggerty

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

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

\*\*\*\*\*

ORDERED Whereas, the Committee on Ordinances recommended that the non-union department heads receive a 1.75% increase in their base salaries effective July 1, 2017;

Now Therefore, Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That the base salary of the City Auditor be amended to \$100,853.81;
2. That the base salary of the City Clerk be amended to \$82,779.50;
3. That the base salary of the Clerk of City Council be amended to \$11,644.19;
4. That the base salary of the Clerk of Board of Registrars of Voters be amended to \$11,644.19;
5. That the base salary of the Human Resources Director be amended to \$97,891.63;
6. That the base salary of the Library Director be amended to \$99,235.29;
7. That the base salary of the City Solicitor be amended to \$98,753.07;
8. That the base salary of the DPW Superintendent be amended to \$107,769.52; and
9. That this section shall be effective July 1, 2017.

Further, whereas, the Committee on Ordinances recommended that the non-union department heads receive a 1.75% increase to their base salaries effective January 1, 2018;

Now Therefore, Be it further Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That the base salary of the City Auditor be amended to \$102,618.75;
2. That the base salary of the City Clerk be amended to \$84,228.14;

3. That the base salary of the Clerk of City Council be amended to \$11,847.96;
4. That the base salary of the Clerk of Board of Registrars of Voters be amended to \$11,847.96;
5. That the base salary of the Human Resources Director be amended to \$99,604.73;
6. That the base salary of the Library Director be amended to \$100,971.91;
7. That the base salary of the City Solicitor be amended to \$100,481.24;
8. That the base salary of the DPW Superintendent be amended to \$109,655.49; and
9. That this section shall be effective January 1, 2018.

s/President Haggerty, Alderman Anderson  
and Alderman Concannon

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

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

A TRUE RECORD ATTEST:

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