

**CITY OF WOBURN
MAY 16, 2017 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

| | |
|-----------|--------------|
| Anderson | Gately |
| Campbell | Higgins |
| Concannon | Mercer-Bruen |
| Gaffney | Tedesco |
| Haggerty | |

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

MAYOR'S COMMUNICATIONS:

Motion made and 2nd to suspend the rules to hear from His Honor the Mayor Scott D. Galvin relative to presentation of the Fiscal Year 2017 Municipal Budget, 8 in favor, 0 opposed, 1 absent (Tedesco absent). Appearing was Mayor Galvin and he read the following communication dated May 17, 2016 into the record:

Re: FY 2018 City of Woburn Budget

Dear President Haggerty and Honorable Members of the City Council:

I am pleased to present the FY 2018 budget in the amount of \$144,822,974.95 to the Woburn City Council for its review and approval. Overall spending is projected to increase by 4.5% above last year's totals. The General Fund budget will increase 4.7%, and the water and sewer budget will increase 3.06%.

I have prepared a lean budget funded primarily by the tax levy and water and sewer fees. The budget is partially funded by locally generated receipts, state aide and Chapter 70 school funding. This year, we anticipate Local Aide and Chapter 70 funding from the State to slightly exceed last year's numbers. We continue to use conservative estimates for locally generated receipts. We are forecasting modest new tax growth in our residential and commercial tax base, which reflects completed construction as of January 1, 2017. The City side of the budget represents a level services budget. As always, our City employees continue to provide a high level of service to residents and taxpayers.

The FY 2018 General Fund budget will increase by approximately \$5.6 million. The budget is being driven by increases in pensions, health insurance, planned debt payments, and salary increases. In particular, pension funding requirements for employees will increase by a staggering \$1.2 million. This figure is nearly \$1 million more than was originally forecasted

for FY18. Unfortunately, based on the most recent actuarial valuation report, we can expect to see a similar increase next year.

Although our Health Insurance premiums increased by a modest 5.5% over the prior year, the total change still represents an \$800,000.00 increase to the budget. Changes in employee contribution rates, and allowing employees to opt out of city health insurance have alleviated further upward pressure on the overall budget.

Contractual obligations and ordinance changes for employee salary increases are also included in the budget and account for a significant portion of the increase in the FY18 budget. We have also included initial increases for debt payments in the budget for planned capital projects, including the Hurd Wyman Elementary School and the Woburn Public Library renovation and addition.

The budget appropriation for Woburn Public Schools will increase by 3.4%, to \$60,214,431.00. In addition, the budget provides for \$1,673,149.00 to the Northeast Metropolitan Regional Vocational High School and \$166,504.00 to the Essex Agricultural and Technical School.

The FY 2018 budget submitted provides for a School appropriation that increases by \$1,995,369.00 over the \$58,219,062.00 budget approved last year by the City Council. We have also provided an additional \$100,000 in funding for educational needs via solar credits from the municipal land fill. The School budget provides funding for a level-service budget. There will be no loss of any positions or programs from the three most recent fiscal year budgets, which were advocated for by the School Committee and strongly supported by my office and the City Council. These positions and programs include:

Elementary School Level: Assistant Principal at the Reeves, Math coordinator, ELL staff member, Math and Reading interventionists; Middle School Level: Guidance Counselor; High School Level: Assistant Principal, Guidance Counselor, ELL Teacher; Special Education: Nurse, Social Worker, Para-professionals.

I will distribute the updated five-year capital budget plan to the City Council during the first week of June for review and I will be requesting your approval of the spending plan prior to the end of the fiscal year. I have attached a preliminary tax recap sheet along with the budget for your review

I look forward to discussing this budget during your committee meetings.

Sincerely, s/Scott D. Galvin, Mayor

Mayor Galvin addressing why there was an increase in funding to the retirement system stated that the retirement system is reevaluated every two years, that there is an unfunded liability of \$70,000,000.00, that the retirement system will be fully funded by 2036, that there have been changes to the mortality rate due to people living longer, that the retirement system had a couple of difficult years in the market, that the funding rate has been reduced to 7%, and that this

created a budget hole that the city was not planning on facing. The budget was presented as follows:

CITY OF WOBURN

FISCAL 2018 BUDGET

ORDERED: That for the purpose of defraying expenses for the fiscal year July 1,2017 / June 30, 2018 the following sums of money be and they are respectfully appropriated to the accounts and for objects and purpose herein after stated and explained:

| Page | Department | Dept Code # | | Summary | FY18 Total |
|------|-----------------------|-------------|-------------|----------------|----------------|
| 1 | City Council | 0111 | Salary | \$107,745.24 | |
| | | | Maintenance | \$11,000.00 | \$118,745.24 |
| 2 | Mayor | 0121 | Salary | \$1,681,072.85 | |
| | | | Maintenance | \$93,700.00 | \$1,774,772.85 |
| 3 | Community Services | 0122 | Maintenance | \$67,450.35 | \$67,450.35 |
| 4 | Auditor | 0134 | Salary | \$287,718.27 | |
| | | | Maintenance | \$125,500.00 | \$413,218.27 |
| 5 | Purchasing | 0136 | Salary | \$139,748.70 | |
| | | | Maintenance | \$4,200.00 | \$143,948.70 |
| 6 | Assessor | 0137 | Salary | \$529,654.74 | |
| | | | Maintenance | \$77,500.00 | \$607,154.74 |
| 7 | Treasurer / Collector | 0138 | Salary | \$396,577.82 | |
| | | | Maintenance | \$126,200.00 | \$522,777.82 |
| 8 | Law | 0151 | Salary | \$162,455.46 | |
| | | | Maintenance | \$118,000.00 | \$280,455.46 |
| 9 | Data Processing | 0154 | Salary | \$105,869.27 | |
| | | | Maintenance | \$394,800.00 | \$500,669.27 |
| 10 | City Clerk | 0161 | Salary | \$324,883.51 | |
| | | | Maintenance | \$7,350.00 | |
| | | | Outlays | \$0.00 | \$332,233.51 |

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|-------|----------------------------|------|-------------|----------------|----------------|
| 11 | Election & Reg | 0162 | Salary | \$82,245.24 | |
| | | | Maintenance | \$38,900.00 | |
| | | | Outlays | \$0.00 | \$121,145.24 |
| 12 | License Commission | 0164 | Salary | \$13,500.00 | |
| | | | Maintenance | \$0.00 | \$13,500.00 |
| 13 | Human Resources | 0170 | Salary | \$163,176.36 | |
| | | | Maintenance | \$8,600.00 | \$171,776.36 |
| 14 | Conservation | 0171 | Salary | \$118,084.78 | |
| | | | Maintenance | \$7,150.00 | |
| | | | Outlays | \$7,250.00 | \$132,484.78 |
| 15 | Planning Bd/ Comm Devel | 0172 | Salary | \$253,662.17 | |
| | | | Maintenance | \$68,000.00 | \$321,662.17 |
| 16 | Board of Appeals | 0173 | Salary | \$24,300.00 | |
| | | | Maintenance | \$0.00 | \$24,300.00 |
| 17 | Sundry Boards | 0174 | Maintenance | \$38,700.00 | \$38,700.00 |
| 18-21 | Police | 0210 | Salary | \$7,872,531.74 | |
| 22 | | | Maintenance | \$660,484.00 | |
| 23 | | | Outlays | \$30,600.00 | \$8,563,615.74 |
| 24-25 | Fire | 0220 | Salary | \$6,520,693.70 | |
| 26 | | | Maintenance | \$451,244.00 | |
| 27 | | | Outlays | \$5,000.00 | \$6,976,937.70 |
| 28 | Inspection Services | 0251 | Salary | \$524,474.30 | |
| | | | Maintenance | \$10,550.00 | |
| | | | Outlays | \$0.00 | \$535,024.30 |
| 29 | Sealer of Weights | 0254 | Salary | \$16,265.85 | |
| | | | Maintenance | \$500.00 | \$16,765.85 |
| 30 | Civil Defense | 0291 | Salary | \$47,813.44 | |
| | | | Maintenance | \$0.00 | \$47,813.44 |

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|-------|---|------|--------------------------------|-----------------|-----------------|
| 31 | Woburn School | 0300 | Budget | \$60,214,181.52 | |
| 31 | Northeast Regional Essex North Shore Agricultural & Technical School District | 0301 | Budget | \$1,673,149.00 | |
| 31 | | 0302 | Budget | \$166,504.00 | |
| | | | | | \$62,053,834.52 |
| 32 | Engineering | 0410 | Salary | \$302,232.29 | |
| | | | Maintenance | \$22,500.00 | |
| | | | Outlays | \$2,400.00 | \$327,132.29 |
| 33-36 | Public Works | 0411 | Salary | \$2,337,108.73 | |
| 37 | Public Works | 0412 | Administration | \$12,500.00 | |
| 37 | Public Works | 0414 | Tree Moth | \$26,500.00 | |
| 38 | Public Works | 0417 | Street Maint | \$404,000.00 | |
| 39 | Public Works | 0418 | Snow Remove | \$279,000.00 | |
| 39 | Public Works | 0419 | Traffic Control | \$82,900.00 | |
| 39 | Public Works | 0420 | Street Lighting | \$205,000.00 | |
| 40 | Public Works | 0421 | Repair & resur | \$0.00 | |
| 40 | Public Works | 0422 | Sidewalk Rep | \$0.00 | |
| 40 | Public Works | 0424 | Comm. Events | \$14,000.00 | |
| 40 | Public Works | 0425 | Bridge Repair | \$0.00 | |
| 40 | Public Works | 0426 | Fence Repair | \$0.00 | |
| 41 | Public Works | 0428 | City Garage | \$0.00 | |
| 41 | Public Works | 0429 | Telephone | \$2,000.00 | |
| 41 | Public Works | 0430 | Gas & Oil Trucks & equip | \$252,000.00 | |
| 42 | Public Works | 0432 | Public building | \$220,000.00 | |
| 42 | Public Works | 0435 | | \$415,000.00 | |
| 44 | Total Public Works | | Budget | | \$4,250,008.73 |
| 45 | Cemetery | 0490 | Salary | \$441,491.60 | |
| 46 | | | Maintenance | \$0.00 | |
| 46 | | | Outlays | \$0.00 | \$441,491.60 |
| 47 | Board of Health | 0512 | Salary | \$403,246.07 | |
| 48 | | | Maintenance | \$43,550.00 | |
| 49 | Rubbish Removal | 0495 | Maintenance | \$3,119,000.00 | \$3,565,796.07 |
| 50 | Council on Aging | 0541 | Salary | \$235,289.31 | |
| | | | Maintenance | \$67,421.00 | \$302,710.31 |

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|-------|--------------------------------|------|--------------|----------------|----------------|
| 51 | Veterans Benefits | 0543 | Salary | \$100,586.47 | |
| | | | Maintenance | \$2,500.00 | |
| | | | Benefits | \$275,000.00 | \$378,086.47 |
| 52 | United Veterans | 0544 | Maintenance | \$11,200.00 | \$11,200.00 |
| 53 | Public Library | 0610 | Salary | \$953,178.14 | |
| 54 | | | Maintenance | \$231,938.50 | |
| | | | | | \$1,185,116.64 |
| 55 | Recreation | 0620 | Salary | \$138,912.70 | |
| 55 | | | Programs | \$89,320.00 | |
| 56-57 | | | Maintenance | \$80,140.00 | \$308,372.70 |
| 58 | Parks | 0630 | Salary | \$390,791.24 | |
| 59 | | | Maintenance | \$122,250.00 | |
| 59 | | | Outlays | \$0.00 | \$513,041.24 |
| 60 | Historical Comm. | 0650 | Maintenance | \$500.00 | \$500.00 |
| 61 | Handicap Commission | 0660 | Maintenance | \$500.00 | \$500.00 |
| 62 | Biotech Commission | 0670 | Maintenance | \$500.00 | \$500.00 |
| 63 | Agricultural Commission | 0675 | Maintenance | \$1,000.00 | \$500.00 |
| 64 | Traffic Commission | 0640 | Maintenance | \$750.00 | \$750.00 |
| 65 | Human Rights Commission | 0685 | Maintenance | \$1.00 | \$1.00 |
| 66 | Historical District Commission | 0690 | Maintenance | \$1.00 | \$1.00 |
| 67 | Maturing Debt | 0710 | Principal | \$1,815,000.00 | |
| | | | Interest | \$857,376.41 | \$2,672,376.41 |
| 68 | Interest Temp Loans | 0715 | Interest | \$350,000.00 | \$350,000.00 |
| 69 | Woburn Retirement | 0970 | Salary&Maint | \$7,340,576.00 | \$7,340,576.00 |
| 70 | Non Contributory Pensions | 0970 | Salary | \$3,906.31 | \$3,906.31 |

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|----------------------------------|---|---------------------------------------|--|------------------------|--------------------------------|
| 71 | Unemployment | 0980 | Maintenance | \$100,000.00 | \$100,000.00 |
| 72 | Insurance | 0980 | Maintenance | \$19,874,260.53 | \$19,874,260.53 |
| 73 | Medicare Tax | 0980 | Maintenance | \$800,000.00 | \$800,000.00 |
| TOTAL GENERAL FUND BUDGET | | | | | <u><u>\$126,205,813.60</u></u> |
| 74-75 | Water & Sewer Enterprise Fund Budget | | | | |
| 76-79 | | Water = 0450 | | \$8,713,120.46 | |
| 80-84 | | Sewer = 0440 | | \$9,904,040.89 | |
| | | | Direct Charges to Enterprise Fund | | \$18,617,161.35 |
| | | | Indirect Charges Reflected in General fund | \$1,551,132.32 | |
| | Total Enterprise Fund Budget | | | <u>\$20,168,293.67</u> | <u>\$18,617,161.35</u> |
| | | Grand Total Fiscal 2018 Budget | | | <u><u>\$144,822,974.95</u></u> |

s/President Haggerty

Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0.
 Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made
 and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

Motion made and 2nd to take the following matter out of order, all in favor, 9-0.

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

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

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application submitted by the Kiwanis of Woburn for its Annual Flag Day Celebration and Carnival on June

16 and June 17, 2017 at Library Park pursuant to Section 5.1.75 (Carnival and/or Traveling Enterprises). The property is zoned R-2 and therefore allow such use by City Council Special Permit.

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

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

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

Appearing for the petitioner was Kevin Maguire, Member of Board of Directors and he stated that this is the twentieth year the event has been held, that there were some issues during recent years, that extra staff from the Police Department has been assigned to the event which eliminated drug issue that occurred three years ago, that there were no negative incidents last year, that this is a family event, that 75% of the money raised by the Kiwanis Club during the course of the year goes back to Woburn including sponsoring the Walk for Life, that there are fifty members although only 38 active members and they raise \$38,000.00 a year from this event and from Christmas tree sales, and that 80% of the money raises each year comes from Woburn. 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 amendment as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, all in favor, 9-0.

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

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

s/Mayor Scott Galvin

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

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/John F. Duran, DPW Superintendent
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Haggerty

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

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

Re: Resubmittal of Loan Order – Ladder Truck

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

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

Sincerely, s/Ellen Callahan Doucette

Motion made and 2nd to accept the communication and make it part of the record, all in favor, 9-0. Attached thereto was the following Order:

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

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

s/President Haggerty

President Haggerty stated that this matter was previously before the City Council, that in an effort to move the matter along the Order had been tabled rather than referring to Committee and was approved at the following meeting, and that bond counsel indicated that the matter needs to be sent to Committee on Finance for review. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

PUBLIC HEARINGS:

Alderman Tedesco recused himself from participating in the following matter and left the Council Chamber.

On the petition by Cellco Partnership d/b/a Verizon Wireless for a grant of right in a way pursuant to M.G.L. Ch. 166, §§22 and 25A to install and maintain wireless equipment and all sustaining and protecting fixtures on an existing utility pole #120/3 located on a public way near 8 Dickie Road. PUBLIC HEARING OPENED. Appearing for the petitioner was Joshua Lanzetta, McLane Middleton, 900 Elm Street, Manchester, New Hampshire 03105 and he stated that the plans indicate the location of the telephone pole and show the pole in profile, that the canister antennas fill gaps in cell service coverage, that the canister has the appearance of an electrical transformer attachment to the pole, that this canister antenna is indistinguishable from canister antennas located on utility poles throughout the city, that canister antennas are mounted as a low elevation, that utility poles being 24 feet to 40 feet in height are perfect candidates for the location of the canister antennas, that cell phones pick up the network through the canister antennas as opposed to the larger macro network equipment, that this speeds up the process and the speeds on both the macro network in the area and in the area covered by the canister antenna, that the city has approved these canister locations in two other locations, that the petitioner has

sophisticated software that works in real time to determine how the network is operating, that the process leads to the identification of coverage gaps, that radio frequency engineers create search rings to evaluate the coverage, that the canister antennas are pinpointed antennas to resolve pinpointed issues at the center of the search ring, and that the petitioner can supplement the filing with the radio frequency report if needed. Alderman Gately stated that the applicable rules and regulations restrict the ability of the city to prohibit these canister antennas. President Haggerty stated that a legal opinion previously rendered regarding this issue indicates that the petitioner has to apply to the city for a grant of location and that the city must approve the grant of location. Alderman Concannon stated that federal law requires the city has to approve the grant so long as proposal does not discontinued use of the public way, and that he does not see that as an issue with this proposed location. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Tedesco absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the condition as follows: 1. That the petitioner shall submit certification of the coverage gap prior to issuance of the grant Order, 8 in favor, 0 opposed, 1 absent (Tedesco absent).

Presented to the Mayor: May 18, 2017

s/Scott D. Galvin May 18, 2017

Alderman Tedesco entered the Council Chamber.

On the petition by Seaver Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 for a special permit and site plan approval pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.3c, 5.1 Note 20, 11.3.2, 14, and Site Plan Approval pursuant to Sections 12.2.2 and 12.3.2 to allow for one hundred eighteen (118) residential townhouse units at 285, 287 and 299 Lexington Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits “back for action” with the following conditions attached:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: “Site Plan Shannon Farms, Woburn, Massachusetts” dated September 27, 2016 revised April 12, 2017 and revised May 3, 2017, prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties. The street lights shall be in substantial conformity with the lantern plan submitted to the Committee on Special Permits.

3. Except in the event of an emergency, exterior construction activities on the Site shall be from 7 a.m. to 5 p.m. Monday through Friday, and 8 a.m. to 4 p.m. on Saturdays. Exterior construction activities on Site shall not be permitted on Sundays or federal or state holidays.
4. The applicant must comply with the requirements of Section 11.11 of the Zoning Ordinance (Affordable Housing Requirement) relative to the creation of at least eleven (11) affordable housing units.
5. The plan should identify adequate snow storage areas and the applicant must file a copy of the snow storage plan with the Director of Inspectional Services. The Petitioner shall be responsible for snow removal until such time when all its legal rights in the development are transferred to the Townhouse Association or similar association. Once the Townhouse Association, or similar association, has been transferred and its legal rights vested in the development, the Townhouse Association, or similar association, will be responsible for snow removal.
6. The mitigation for this proposal shall be as indicated below and in accordance with the City Engineer's memo dated May 2, 2017, revised May 5, 2017:
 - a. Petitioner shall construct the Public Parking area as shown on the Plan in order to facilitate the public access to the Shaker Glen Conservation Area and additional open space which the Petitioner will deed to the City of Woburn's Conservation Commission as part of this Special Permit, as indicated on the Plan of Record. The open space parcel shall be in accordance with and meet the requirements of Section 14.5 of the City of Woburn Zoning Ordinances. Such open space parcel shall be deeded to the City of Woburn's Conservation Commission prior to the issuance of building permit. Petitioner shall coordinate with the City Solicitor as to the language and appropriate documentation for such transfer.
 - b. Petitioner shall provide and install signage in such Public Parking area clearly indicating that there is access to the Shaker Glen Conservation Area. Petitioner shall seek guidance and approval from the Conservation Administrator for such signage.
 - c. Petitioner shall create a new access/entry point into Shaker Glen Conservation area for easy access for the general public. To facilitate this access, Petitioner shall build a trail from the Public Parking area to the new access/entry point. No certificate of occupancy, permanent or temporary, may be granted until the trail as depicted in the Plan of Record is constructed.
 - d. Petitioner shall provide sidewalks along Lexington Street along the entire length of the development parcel. Such concrete sidewalks shall be five feet (5') in width, with six inch (6") granite curbing, shall be concrete and there shall be a twenty-four (24) inch grass strip between the curbing and sidewalk. Construction of the sidewalks shall be subject to MassDOT approval.
 - e. The Petitioner shall install plantings, signage and benches in the Open Space Parcel in coordination with the Conservation Commission.
 - f. The Petitioner shall clean up the Open Space Parcel in coordination with the Conservation Commission.
 - g. Subject to the approval from MassDOT, the Petitioner shall complete traffic signal improvements at the Four Corners. The Petitioner must seek MassDOT approval prior to site construction and issuance of building permit. Petitioner shall notify the City Council, Building Inspector, and City Engineer within ten (10) days of approval or denial by

MassDOT. Such improvements shall be completed within twelve (12) months of the date of approval from MassDOT.

7. Petitioner shall maintain such Public Parking area and the new trail head until such time when all its legal rights in the development are transferred to the Townhouse Association. Once the Townhouse Association, or similar association, has been established, and its legal rights vested in the development, the Townhouse Association, or similar association, shall maintain such Public Parking area and the new trail head which remains on its property in perpetuity. The remainder of the trail will remain under the jurisdiction of the Conservation Commission.
8. Subject to obtaining the necessary approvals, the Petitioner shall provide signage at the townhouse development main entrance indicating access to Public Parking for Shaker Glen Conservation Area. Petitioner shall provide and install other signage to appropriately direct visitors to such Public Parking area. Petitioner will consult with the Conservation Administrator on all open space signage.
9. Petitioner shall seek approval for the Public Parking area, as well as trail and access to Shaker Glen Conservation Area, from Eversource, or whomever is the beneficiary of the easement of power lines shown in the Plan of Record. Such approval shall be obtained before any excavation, construction, or any work may begin on the site. If no such approval is obtained, the Petitioner shall not be permitted to build the development referenced in the Plan of Record, and such Special Permit is null and void. Petitioner shall notify the City Council within ten (10) days of approval or denial by Eversource or whomever is the beneficiary of the easement of power lines shown in the Plan of Record.
10. Before any construction may begin, Petitioner is required to remove all farming machinery, equipment, tools, and other implements of husbandry, as well as any debris, from areas that will be deeded to the City of Woburn for open space.
11. Petitioner's construction vehicles or other work related heavy equipment or heavy vehicles as well as any such vehicles which are owned or operated by its subcontractors or vendor deliveries, shall not traverse on Grace Road, Maura Drive, and/or Waltham Street.
12. Each townhouse unit that does not have a garage and/or driveway of its own shall be allocated at least two deeded spots, which must be clearly labeled.
13. All visitor parking spots must be clearly labeled and used as such. No visitor parking spots as indicated on the Plan of Record may be deeded out to property owners.
14. No occupancy permit, temporary or permanent, may be issued by the Building Commissioner for the remaining cluster of buildings to be constructed, unless all items required under Section 14 of the of the City of Woburn Zoning Ordinances and these Conditions have been complied with.
15. The existing stone wall located on Lexington Street will remain in place as indicated on Page 11 of 27 on the Plan of Record.
16. All blasting shall conform with all local, state, and federal statutes, regulations, and other administrative procedures. Petitioner shall obtain all required blasting permits. Dust control shall be coordinated with the Fire Department during blasting and demolition and at all other times during construction with the Building Department.
17. The landscaping plan shall be submitted and approved by the City Council prior to the issuance of occupancy permits for the last cluster. Further, if trees are going to be planted in the grass strips, the grass strips shall be at least six (6) feet wide. All other trees shall be planted five (5) feet to ten (10) feet behind the sidewalk or curb.

18. Petitioner shall consult with the Engineering Department and area developers for location of handicapped access ramps along Lexington Street.
19. Adequate rodent and pest control shall be put in place before demolition.

A communication dated May 16, 2017 was received from Superintendent of Public Works John Duran as follows:

Subject: Shannon Farms Subdivision – Seaver Construction, Inc.

The following is a summary of my evaluation of the Shannon Farms Development Plans based upon the plans submitted to this office on May 8, 2017. They are also based upon a meeting with the applicant and his engineer on May 9th and an additional meeting with the design engineer on May 15th. The plans submitted, last revised May 3, 2017, will have to be modified to address our discussions and properly memorialize our agreements. The following is a summary of the latest discussions.

WATER:

- Two hydrants will be added at the two westerly entrances at the request of the Woburn Fire Department and additional gate valves will be added to isolate various sections of the site.
- A notation will be added requiring a five foot separation between the gas and water mains.
- All buildings will have a 4-inch fire suppression service and a 2-inch domestic service. Each of those services will have gate valves installed within the paved roadway or sidewalk (not in grassed or landscaped areas).

I am tentatively satisfied with the Engineer's calculations on water pressure. However, some of the buildings located at the higher elevations may require additional booster pumps. This clearly should be the responsibility of either the developer or the individual unit owners.

As-Built Plans should be provided at the conclusion of the project to the satisfaction of the DPW, Water and Engineering Departments. I highly recommend that a pre-construction meeting be held with the utility contractor for proper permitting and understanding of the utilities prior to any further excavation if in fact the City Council issues an approval for this project.

SEWER:

- SMH 25 will be moved further to the north and will connect to ESMH 8 in Lexington Street so that the line does not run under Infiltration Basin 2. The grading over the sewer will be adjusted to ensure a minimum of four feet of cover.
- The sewer connection at the Grace Road intersection will be made with a new manhole (SMH
- 13) to be installed in the existing sewer line between ESMH 9 and ESMH 10.
- DPW will consult with Weston & Sampson to ensure the emergency peak flow from the Dix Road pump station is regulated so that it does not exceed the capacity of the existing gravity sewer mains in Lexington Street. This has not been addressed and will require documentation and input from the consultant which is not currently available. This is also a critical component for approval.

The location of the sewer force main that runs from the Dix Road Pump Station and discharges to the gravity line has not been shown on the plans. It is assumed to be located in the easement along the westerly property line. I would recommend that this force main be accurately located (by test pit, tracing or some other approved methodology) and depicted for record purposes. Should the location be confirmed and, is in fact located reasonably within the easement, no further documents would be required. However, if it falls outside of, or adjacent to, said easement, a new plan with an expanded easement should be prepared and recorded at the Registry of Deeds.

The force main is one of the most important components of the City of Woburn sewer infrastructure in this section of the city. I have concerns with blasting operations as well as the proximity of Detention System 1 being located so close and potentially compromising the integrity of the force main. I will review this with our sewer consultant to provide guidance. At a minimum, it should be clearly denoted that any and all damage and related must be the responsibility of the developer.

DRAINAGE:

Initially I had a concerns with the infiltration basins and systems topping over and/or breaking out onto Lexington Street which would cause safety issues such as icing in the winter. The following information was agreed to be added to the plans:

- Additional spot elevations and/or contours will be added at Infiltration Basin 2 to clearly define the top of berm elevation will be 179.0;
- All drain pipes connecting within Lexington Street are to be reinforced concrete pipe (RCP).

Based upon my experience and respect for the design engineer, this concern has been satisfied. However, Operation and Maintenance Manuals have not been submitted and should be carefully evaluated and incorporated in the Homeowners Association documents.

However, it should be a condition that if the basins and systems are not maintained or constructed properly, the developer or the Homeowner is responsible in perpetuity. I will defer to the City Council, City Solicitor and/or the Building Commissioner on the need for a fence being installed around the infiltration basins.

In addition, drainage is a major concern in the Four Corners area. This is not directed solely at this project. However, I believe that the City Council should at least consider that some of the mitigation for this project be directed to address this issue.

ROADWAY RESTORATION:

- Lexington Street will be restored with a curb-to-curb grind and inlay at each of the three driveway intersections for a length of 100 feet (50 feet each side of the centerline of the driveway). The length of the restoration may be increased based upon final construction of the utilities. I would recommend a minimum of 25 feet beyond the last penetration in each

direction. In addition, this is a Mass DOT-controlled road and they may add more stringent requirements.

- I have not had adequate time to review all proposed sidewalks from the development. However, I typically request that all sidewalks be concrete, ADA compliant and have adequate safely positioned crosswalks to the adjacent sidewalks on the opposite side of the street.

Please feel free to call me with any questions or concerns pursuant to this matter.

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 Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petition is for 112 townhouse units, that the property is located in the R-1 zoning district, that a special permit is required for the use under Section 14 of the Woburn Zoning Ordinances, that the Committee on Special Permits returned the matter for action, that the Superintendent of Public Works reviewed the revised plan, that the petitioner would agree that the report from the Superintendent of Public Works be added to the decision and become part of the special permit, that the petitioner has no issue in locating the force main and working with the city to resolve the issue, that the Superintendent of Public Works comment relative to sidewalks appear to refer to the Lexington Street sidewalks, and that the petitioner has no issue with the recommendations regarding the sidewalks received from the Superintendent of Public Works. Mark Sleger, Alan Engineering LLC, 47 Elm Street, Wakefield, Massachusetts 01880 stated that there will be a loop water main throughout the development, that fire hydrants were added at the request of the Fire Chief, that a note regarding the five foot separation will be added to the profile plan, that gate valves will be located in the paved areas, that there are no known water pressure problems, that a sewer manhole will be installed rather than tying into to the existing main, that there is capacity for peak flow, that the Department of Public Works can regulate flow so as not to exceed capacity in Lexington Street, that there will be reinforced concrete drain pipes, that the sewer flow will not go under the basin, and that Lexington Street will be ground and inlaid curb to curb a distance of 100 feet measured 50 feet in each direction from the centerline of the driveways. Alderman Gately stated that he is not comfortable with the water pressure issue, and that the pumps are not designed to run together for any length of time. Mr. Sleger stated that there is a primary pump and then a lag pump that will alternate, and that if there is a large flow both pumps may be operating. Alderman Gately stated that the city has an infiltration program that has substantially reduced the flow into the pump station, and that any additional flow could cause issues to the pump station. Alderman Concannon stated that if additional booster pumps are required it is on the homeowners association to deal with that issue. Mr. Sleger stated that this was correct. Alderman Concannon stated that if the force main is not where the petitioner thinks it is located and is on city property the city will have to file an easement. Mr. Sleger stated that the concern regarding the force main in the easement is whether damage could be caused by blasting. Alderman Concannon stated that plans were reviewed by the City Engineer and the Superintendent of Public Works and that it is his understanding that the proposal will not make conditions worse with respect to flooding. Mr. Sleger stated that the proposal will not make flooding conditions worse, and that according to the numbers the flooding could be made slightly better. Alderman Higgins stated that low shrubbery around the retention pond may be a better alternative to a fence, and that she wanted to know during a 100 year storm how high the water

level will reach. Mr. Slegler stated that they petitioner will look at shrubbery around the retention pond as part of the landscaping plan, and that the highest water level will be three feet. Alderman Higgins stated that the homeowners association will have to maintain the landscaping. Mr. Slegler stated that the homeowners association would maintain the landscaping. Alderman Gately stated that the rechargeable chambers underground will be in solid ledge. Mr. Slegler stated that the chambers are not designed to recharge the water but to detain, that the water will go through pipes to Shaker Glen Brook at a controlled rate, that this water will end up at the Four Corners but not at as fast of a rate, that the project will not have an adverse impact on the Four Corners, that at the peak rate the flow will be controlled which will be less with the controlled flow as opposed to the rate at which peak flow currently reaches the Four Corners, and that he has run the calculations to ensure that the water does not exceed the top. Alderman Campbell stated that she wanted to amend Condition 17, that the trees planted at the Newbridge development were tiny, that she wants more mature trees planted such as those at the Benchmark property, that the trees at the Madison property are also tiny, that she visited a garden center and learned that the type of tree that she would want to see are a minimum 3.5 inch caliper, that she wants this type of tree with substance, that this may seem like a small matter but it adds to the aesthetics of the project, and that she wants to see landscaping along Lexington Street during construction to improve the visual impact. Scott Seaver, Seaver Properties LLC stated that he is willing to change the timing to have the landscaping earlier than the last cluster of buildings, that the landscaping can follow the phasing of the building, that landscaping is the last step taken in each phase, that the language can be changed to tie landscaping to the last building of each phase, and that he expects there to be four building phases. Alderman Campbell stated that a tree can take four to five years to grow one inch in diameter, and that she would like the minimum caliper of the trees to be stated in the decision. Mr. Seaver stated that he is willing to work with the appropriate party to develop the landscaping plan. Alderman Campbell stated that once the special permit is granted the project is defined, and that landscaping should be addressed now. Motion made and 2nd to accept and make part of the record the document entitled "Seaver Properties LLC Special Permit for 118 Residential Townhouse Units at 285, 287 and 299 Lexington Street Conditions as Proposed by City Council May 8, 2017, as Amended with Revisions Proposed by MCLLP May 18, 2017" offered by Attorney Tarby to the City Council for review, all in favor, 9-0. Motion made and 2nd to accept and make part of the record the document entitled "Seaver Properties LLC Special Permit for 118 Residential Townhouse Units at 285, 287 and 299 Lexington Street Conditions as Proposed by City Council May 16, 2017" offered by Alderman Higgins to the City Council for review, all in favor, 9-0. Alderman Higgins stated that she reviewed her proposed amendments to the Committee on Special Permit recommended conditions, that she revised the language of Condition 6(g), that she wants to amend Condition 11 to add Samoset Road and Seneca Road, that she added Condition 21 relative to the relocation of the driveway, that she added Condition 22 relative to the demolition of the existing farmhouse porch due to the setback issue, and that the recommendations of the Superintendent of Public Works have not been incorporated into the conditions. Alderman Mercer-Bruen stated that she is concerned about what will occur if MassDOT does not approve the plans referenced in Condition 6(g). Alderman Higgins stated that if there is no approval of the plan by MassDOT then the petitioner cannot move forward with the special permit without further action by the City Council. Alderman Mercer-Bruen stated that the decision should state that if MassDOT does not approve the plan then the petitioner has to come back to the City Council. Alderman Higgins stated that the reference to the 10 day notice is intended to bring the

matter back to the City Council, and that if the petitioner cannot move forward and the issue is minor then the matter can be reviewed by the Committee on Special Permits but if the issue is more substantial then the full City Council would be involved in further action. President Haggerty stated that if the petitioner cannot obtain MassDOT approval then they petitioner cannot obtain an occupancy permit. Alderman Anderson stated that it appears that the matter is moving forward towards closing the public hearing, and that the Superintendent of Public Works wanted amendments to be made to the plans. Alderman Gately stated that he will be offering several amendments including prohibiting the crushing of excavation material on site, prohibiting excavated ledge from being stored on site and instead being removed from the site, prohibiting stacking of concrete or demolition material on site and requiring its removal within 48 hours, keeping the streets and sidewalks open during construction, sweeping the State road of debris and dirt during construction days, requiring utilities to be cut and capped, allowing loan to be stored and screened on site, and requiring soil testing to be done after the greenhouse is demolished in search of oil, pesticides and other contaminants with a Board of Health report sent to the City Council. PUBLIC COMMENTS: Charles Viola, 2 Morningside Circle stated that he is not against suitable development or one which meets the conditions in the area, that this project does not match the area, that 24 acres of open space is beneficial but not all of the land is useable open space, and that the project does not improve the traffic in the Four Corners, that MassDOT is unlikely to approve the traffic control signal changes, that the project will not improve conditions in the Four Corners, that residents must be notified of blasting in ample time to take precautions due to silica dust, that Parker Street should be added to the list of streets where construction vehicles are prohibited, and that area must be cleaned of silica dust. Constance Otradovec stated that the landscaping is not a small issue, that there should be a condition requiring larger trees, that an retention pond in another nearby development has a poor appearance, and that there will be an impact on neighboring properties because of the amount of construction. Terry MkKeon, 5 Samoset Road stated that Shannon Farm is the last location of its kind in Woburn, that the location represents the former farm nature of the community, that she is not opposed to townhouses because housing is needed but she is opposed to stacking the units, that 293 parking spaces overall seems excessive but 18 public parking spaces near the open space is inadequate, that she is concerned about chemicals that may have been used in the farming activities on the land as well as the pesticides that will be used during the construction phase, that condominiums are generally located near business centers but this development is not near a business center, that she would prefer a development which will have families, that townhouses are not aesthetically pleasing, and that she does not see an aesthetically pleasing development being proposed. Joan Byington, 36 Dix Road Ext. stated that the retention pond will be standing water that will attract mosquitos, that she is concerned about blasting and crushing of stone on site, that she wants to know who will be responsible for damage caused to neighboring properties by blasting activities, and that she wants to know what will happen if Eversource does not approve use of the easement for a trail. Sue Ellen Holland, 2 Strawberry Lane stated that she is still in favor of the project, that it would be wonderful if the land could stay as a farm, that there are three choices for the use of this property which are this proposal, 63 large houses on small lots or a Chapter 40B project, that the fourth option of continued use as a farm is not realistic, and that the townhouse development will have less impact on the schools. Attorney Tarby stated that the open space has been said not to be good open space, that the City Solicitor said that open space for passive recreation or to preserve conditions is not contrary to the presence of the Everosurce transmission lines, that there are nine open space parcels in the

city including Horn Pond and Shaker Glen that are under transmission lines and used for recreational space, that 90% of the time there will be no water in the detention basin, that the blasting that will be required cannot be compared with the amount of blasting that would be required at the Ledges project in North Woburn, that Condition 3 has a 8:00 a.m. start time on Saturday and the petitioner asks that be amended to a 7:30 a.m. start time on Saturday as well as allowing construction on Martin Luther King Day, Washington's Birthday, Patriots Day, Columbus Day and Veteran's Day, that the petitioner has no issue with the revision of Condition 6(g) offered by Alderman Higgins, that Condition 9 will require Eversource approval before the building permit issues, and that there is some ledge on site that must be removed. Mr. Seaver stated that the intention is to keep as much material on site as possible to avoid having to truck material on and off the site, and that the crushed rock from the ledge will be used on site. Mr. Slegler stated that larger boulders can be used for slope stabilization and for onsite fill, that crushing of the ledge can be performed in an orderly way, that the stone can be crushed in an isolated area on site, in an expedited fashion and in a clean manner, and that he does not know how much stone crushing will be required. Mr. Seaver stated that it costs money to crush the stone, that larger pieces of stone can be used the slopes and smaller pieces can be used for fill and to improve grades with as little crushing as possible, that the hill behind the stone wall on Lexington Street will remain, and that the blasting on site will be typical as used for building a house when ledge is found and blasting is necessary to get down to the basement level. Alderman Gately stated that there will be piles of rock on the site that will not be used for some time, that the neighbors will hear noise from the crushing activity which will also cause dust, that he would rather see the ledge taken off the site, crushed and brought back when needed, that the site should be kept clean, and crushing the stone on site does more damage than good. Mr. Seaver stated that his excavator is concerned that there will not be enough material on site, and that they have tested for the location of ledge. Alderman Campbell stated that she is concerned about the stone crushing activity, that she was surprised by the noise of the crushing of material at the former Armory site on Main Street, that the alternative to a large number of trucks transporting material is also an issue, and that perhaps material crushing can be limited to Monday through Wednesday but prohibited the rest of the week. Mr. Slegler stated that crushing is an expensive option on a daily rate, that to have the crushing activities over four or five months as opposed to two months will be expensive and will prolong the activity twice as long, that sometimes a large amount of material can be crushed in one to two weeks, that larger material could be used on site rather than be crushed, and that they will not know how much ledge is present until construction begins. President Haggerty stated that there could be a limit on the days crushing will be permitted and the Committee on Special Permits can review the issue as needed. Alderman Gaffney stated that the crushed material could be stored to the back of the site. Mr. Seaver stated that an environmental company conducted Phase I looking at the site and in Phase II tested soil samples for contaminants and found none on site that needed to be mitigated, and that there is asbestos in the greenhouses that must be abated before demolition. Alderman Higgins stated that she wants the asbestos removed. Mr. Seaver stated that soil samples were taken inside and outside of the greenhouses, and that there was testing inside the boiler room building. Motion made and 2nd to use the conditions submitted by Alderman Higgins as the base document for further review and amendment, all in favor, 9-0. The conditions as offered by Alderman Higgins were as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "Site Plan Shannon Farms, Woburn, Massachusetts" dated September 27, 2016 revised April 12, 2017 and revised May 3, 2017, prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties. The street lights shall be in substantial conformity with the lantern plan submitted to the Committee on Special Permits.
3. Except in the event of an emergency, exterior construction activities on the Site shall be from 7 a.m. to 5 p.m. Monday through Friday, and 8 a.m. to 4 p.m. on Saturdays. Exterior construction activities on Site shall not be permitted on Sundays or federal or state holidays.
4. The applicant must comply with the requirements of Section 11.11 of the Zoning Ordinance (Affordable Housing Requirement) relative to the creation of at least eleven (11) affordable housing units.
5. The plan should identify adequate snow storage areas and the applicant must file a copy of the snow storage plan with the Director of Inspectional Services. The Petitioner shall be responsible for snow removal until such time when all its legal rights in the development are transferred to the Townhouse Association or similar association. Once the Townhouse Association, or similar association, has been transferred and its legal rights vested in the development, the Townhouse Association, or similar association, will be responsible for snow removal.
6. The mitigation for this proposal shall be as indicated below and in accordance with the City Engineer's memo dated May 2, 2017, revised May 5, 2017:
 - (a) Petitioner shall construct the Public Parking area as shown on the Plan in order to facilitate the public access to the Shaker Glen Conservation Area and additional open space which the Petitioner will deed to the City of Woburn's Conservation Commission as part of this Special Permit, as indicated on the Plan of Record. The open space parcel shall be in accordance with and meet the requirements of Section 14.5 of the City of Woburn Zoning Ordinances. Such open space parcel shall be deeded to the City of Woburn's Conservation Commission prior to the issuance of building permit. Petitioner shall coordinate with the City Solicitor as to the language and appropriate documentation for such transfer.
 - (b) Petitioner shall provide and install signage in such Public Parking area clearly indicating that there is access to the Shaker Glen Conservation Area. Petitioner shall seek guidance and approval from the Conservation Administrator for such signage.
 - (c) Petitioner shall create a new access/entry point into Shaker Glen Conservation area for easy access for the general public. To facilitate this access, Petitioner shall build a trail

from the Public Parking area to the new access/entry point. No certificate of occupancy, permanent or temporary, may be granted until the trail as depicted in the Plan of Record is constructed.

- (d) Petitioner shall provide sidewalks along Lexington Street along the entire length of the development parcel. Such concrete sidewalks shall be five feet (5') in width, with six inch (6") granite curbing, shall be concrete and there shall be a twenty-four (24) inch grass strip between the curbing and sidewalk. Construction of the sidewalks shall be subject to MassDOT approval.
 - (e) The Petitioner shall install plantings, signage and benches in the Open Space Parcel in coordination with the Conservation Commission.
 - (f) The Petitioner shall clean up the Open Space Parcel in coordination with the Conservation Commission.
 - (g) Subject to the approval from MassDOT, the Petitioner shall complete traffic signal improvements at the Four Corners. The Petitioner shall file an application with MassDOT for approval of work associated with that intersection and for approval of the driveway locations on Lexington Street prior to site construction or the issuance of demolition or building permits. Copies of the submitted application shall be filed with the City Council, City Engineer and Building Inspector at the same time, and the Petitioner shall notify the City Council, Building Inspector, and City Engineer within ten (10) days of approval or denial by MassDOT. Any such improvements approved or required by MassDOT shall be completed within twelve (12) months of the date of approval from MassDOT.
7. Petitioner shall maintain such Public Parking area and the new trail head until such time when all its legal rights in the development are transferred to the Townhouse Association. Once the Townhouse Association, or similar association, has been established, and its legal rights vested in the development, the Townhouse Association, or similar association, shall maintain such Public Parking area and the new trail head which remains on its property in perpetuity. The remainder of the trail will remain under the jurisdiction of the Conservation Commission.
 8. Subject to obtaining the necessary approvals, the Petitioner shall provide signage at the townhouse development main entrance indicating access to Public Parking for Shaker Glen Conservation Area. Petitioner shall provide and install other signage to appropriately direct visitors to such Public Parking area. Petitioner will consult with the Conservation Administrator on all open space signage.
 9. Petitioner shall seek approval for the Public Parking area, as well as trail and access to Shaker Glen Conservation Area, from Eversource, or whomever is the beneficiary of the easement of power lines shown in the Plan of Record. Such approval shall be obtained before any excavation, construction, or any work may begin on the site. If no such approval is obtained, the Petitioner shall not be permitted to build the development referenced in the Plan of Record, and such Special Permit is null and void. Petitioner shall notify the City Council within ten (10) days of approval or denial by Eversource or whomever is the beneficiary of the easement of power lines shown in the Plan of Record.
 10. Before any construction may begin, Petitioner is required to remove all farming machinery, equipment, tools, and other implements of husbandry, as well as any debris, from areas that will be deeded to the City of Woburn for open space.

11. Petitioner's construction vehicles or other work related heavy equipment or heavy vehicles as well as any such vehicles which are owned or operated by its subcontractors or vendor deliveries, shall not traverse on Grace Road, Maura Drive, Samoset Road, Seneca Road, and/or Waltham Street.
12. Each townhouse unit that does not have a garage and/or driveway of its own shall be allocated at least two deeded spots, which must be clearly labeled.
13. All visitor parking spots must be clearly labeled and used as such. No visitor parking spots as indicated on the Plan of Record may be deeded out to property owners.
14. No occupancy permit, temporary or permanent, may be issued by the Building Commissioner for the remaining cluster of buildings to be constructed, unless all items required under Section 14 of the of the City of Woburn Zoning Ordinances and these Conditions have been complied with.
15. The existing stone wall located on Lexington Street will remain in place as indicated on Page 11 of 27 on the Plan of Record.
16. All blasting shall conform with all local, state, and federal statutes, regulations, and other administrative procedures. Petitioner shall obtain all required blasting permits. Dust control shall be coordinated with the Fire Department during blasting and demolition and at all other times during construction with the Building Department.
17. The landscaping plan shall be submitted and approved by the City Council prior to the issuance of occupancy permits for the last cluster. Further, if trees are going to be planted in the grass strips, the grass strips shall be at least six (6) feet wide. All other trees shall be planted five (5) feet to ten (10) feet behind the sidewalk or curb.
18. Petitioner shall consult with the Engineering Department and area developers for location of handicapped access ramps along Lexington Street.
19. Adequate rodent and pest control shall be put in place before demolition.
20. No bituminous curbing will be used on the Site. In those areas shown on the Site Plan where bituminous curbing is proposed, said areas shall provide for five (5) inch vertical granite curbing.
21. Petitioner shall enter into an agreement with the owner of 340 Lexington Street for removal and relocation of private driveway located at said address before commencement of any work on the site, as indicated on the Plan of Record, prior to the issuance of building permits. A written certification signed by the Petitioner and the Abutter confirming the agreement shall be filed with the City Council and the Building Inspector together with a revised plan incorporating the new driveway.
22. In order to avoid any setback violations, Petitioner shall obtain a demolition permit for the existing farmhouse's porch prior to the issuance of building permits.

Alderman Campbell stated that there should be limited days for crushing activities. Alderman Higgins stated that she was concerned about crushing on site four days a week. Alderman Tedesco stated that the crushing activities could be reviewed quarterly by the Committee on Special Permits. Alderman Concannon stated that the hours of materials crushing could be limited to between 9:00 a.m. and 3:00 p.m., and that he balances crushing materials on site against trucking materials on and off the site. Alderman Mercer-Bruen stated that if the choice is constant grinding of stone noise or trucks that she would prefer trucks over the stone crushing. Motion made and 2nd to add Condition 23 as follows: "23. Crushing of excavated materials on site shall be limited to Monday through Thursday between 9:00 a.m. and 3:00 p.m. with

quarterly review by the Committee on Special Permits,” 6 in favor, 3 opposed (Gately, Higgins, Mercer-Bruen opposed). Motion made and 2nd to add Condition 24 as follows: “24. Stacking of concrete or demolition material on site shall be removed within forty-eight (48) hours,” all in favor, 9-0. Motion made and 2nd to add Condition 25 as follows: “25. Sidewalks and roadways shall be kept open and clear during construction,” all in favor, 9-0. Motion made and 2nd to add Condition 26 as follows: “26. State road to be cleared of debris and cleaned of dirt during construction days,” all in favor, 9-0. Motion made and 2nd to add Condition 27 as follows: “27. All utilities to the existing house, buildings and greenhouses not being used will be cut and capped in the street or in accordance with MassDOT regulations,” all in favor, 9-0. Motion made and 2nd to add Condition 28 as follows: “28. The grass and loam will be allowed to be stacked on site to be screened and used at a later date but shall not be stored in the open space or conservation area,” all in favor, 9-0. Motion made and 2nd to amend Condition 11 by adding the words “Parker Street,” after the words “Maura Drive,” all in favor, 9-0. Mr. Seaver stated that pre-blast surveys are required. Mr. Gately stated that there should be a larger radius. Mr. Sleger stated that the distance is currently 500 feet. Alderman Anderson stated that the distance at the Hurd-Wyman School site was increased to 1,000 feet. Alderman Gaffney stated that he thought the distance was 300 feet and that it has been extended to 500 feet. Mr. Seaver stated that he is willing to notify neighbors of blasting activities. Mr. Sleger stated that a sign could be placed on Lexington Street notifying about the blasting activities and hours. Alderman Concannon stated that the pre-blast surveys must be conducted in accordance with the regulations. Alderman Gately stated that horns must be sounded prior to blasting. President Haggerty stated that notification of blasting activities is required because the sound can carry. Alderman Higgins stated that she wants the ledge sprayed with water before blasting to minimize dust. Mr. Seaver stated that this would depend upon blasting conditions as they will drill down and there may be soil on the top. Alderman Concannon stated that dust control by spraying water may be appropriate during the crushing activities. Mr. Seaver stated that they will take precautions. Motion made and 2nd to add Condition 29 as follows: “29. Excavated ledge shall be stored at rear of property and shall not be stored on open space or conservation area,” all in favor, 9-0. Alderman Concannon stated that this may result in additional noise with material being moved around for storage and then moved again when needed. Mr. Seaver stated that all of the material could be kept 100 feet from Lexington Street. Attorney Tarby stated that the petitioner proposes amendments to Conditions 3, 9 and 14. Motion made and 2nd that Condition 3 as proposed by Alderman Higgins be adopted, 6 in favor, 3 opposed (Campbell, Concannon, Tedesco opposed). Alderman Concannon stated that in the construction industry there are certain holidays that work continues and tradespeople do not get paid unless they work, and that he prefers the language in Condition 3 proposed by the petitioner. Alderman Higgins stated that three are neighbors to the site that should be able to enjoy the quiet on the holidays. Alderman Campbell stated that she prefers the 8:00 a.m. start time on Saturdays. Alderman Campbell stated that she wants the landscaping to take place earlier in the process. Mr. Seaver stated that the first phase of landscaping could be after construction of the first seven buildings, and that the first phase of construction could take six months. Alderman Anderson stated that first phase has to be defined, that this is a large property and saying trees have to be 3.5 caliper across the entire parcel is not reasonable, and that the landscaping plan has to be submitted to the City Council for review. Alderman Campbell stated that the trees along Lexington Street should be at least 3.5 inch caliper. Alderman Anderson stated that the trees could be reviewed when the landscaping plan is submitted. Alderman Campbell stated that she wanted the condition relative to the size of the

trees in the special permit decision. Mr. Seaver stated that the first phase could be at the time of the last occupancy permit for the seventh building being built. Motion made and 2nd that Condition 17 be amended to read as follows: "17. The landscaping plan shall be submitted and approved by the City Council contemporaneous with the issuance of the occupancy permits for the end of the first phase. End of the first phase shall be defined as completion of the first seven buildings being built and issuance of occupancy permits thereof. Any trees along Lexington Street shall be a minimum caliper of 3.5 inches. Further, if trees are going to be planted in the grass strips, the grass strips shall be at least six (6) feet wide. All other trees shall be planted five (5) feet to ten (10) feet behind the sidewalk or curb," 8 in favor, 1 opposed (Haggerty opposed). Attorney Tarby stated that the petitioner is concerned about the null and void language in Condition 9, that if Eversource denies the application pending the filing of additional material the special permit should not be null and void, and that if ultimately Eversource does not approve the plan then the petitioner cannot move forward with the special permit. Alderman Concannon stated that the petitioner cannot get a building permit if Eversource denies the application. Alderman Anderson stated that the petitioner can perform site work and he does not want there to be any site work if Eversource does not approve the application. Mr. Seaver stated that he would like to do site work, that the application has been submitted to Eversource, and that it can take up to six months to process the application. Alderman Mercer-Bruen stated that the two most important conditions are Condition 9 and Condition 6(g), that the open space and the improvements at the Four Corners are important factors in this matter, and that she will support Condition 9 as submitted by Alderman Higgins. Alderman Concannon stated that the language can be amended to change the words "null and void" to "until such approval is granted". Motion made and 2nd that Condition 9 be amended to by deleting the words "and such Special Permit is null and void" and inserting in its place the words "until such approval is granted," 4 in favor, 5 opposed (Anderson, Gately, Higgins, Mercer-Bruen, Haggerty opposed). Alderman Higgins stated that she wants to be certain that the situation does not stay pending for ten or fifteen years. Alderman Gately stated that the petition depends upon approval by Eversource which will allow the open space to be used. Motion made and 2nd that Condition 9 submitted by Alderman Higgins be adopted, 7 in favor, 2 opposed (Campbell, Concannon opposed). Motion made and 2nd that Condition 14 be amended by replacing the word "remaining" to the word "last", all in favor, 9-0. Alderman Campbell stated that she wants to know what rodent control would be used and whether there would be impact on Shaker Glen Brook. Mr. Seaver said that a licensed and regulated exterminator must be used and that the Board of Health would review the plan. Motion made and 2nd to amend Condition 19 by adding the words "and reviewed by Board of Health" after the word "demolition", all in favor, 9-0. Motion made and 2nd that Condition 6(g) be amended to read as follows: "6(g) Subject to the approval from MassDOT, the Petitioner shall complete traffic signal improvements at the Four Corners. The Petitioner shall file an application with MassDOT for approval of work associated with that intersection and for approval of the driveway locations on Lexington Street prior to site construction or the issuance of demolition or building permits. Copies of the submitted application shall be filed with the City Council, City Engineer and Building Inspector at the same time, and the Petitioner shall notify the City Council, Building Inspector, and City Engineer within ten (10) days of approval or denial by MassDOT. In the event that MassDOT does not approve the proposed mitigation as outlined in the special permit, no occupancy permit temporary or otherwise will be issued until such time as the Committee on Special Permits meets to review what has been approved by MassDOT and what deficiencies exist and makes appropriate amendments to the special permit

to address same. Any such improvements approved or required by MassDOT shall be completed within twelve (12) months of the date of approval from MassDOT,” all in favor, 9-0. Alderman Concannon stated that there was a similar situation on Washington Street and that expectation was that without MassDOT approval the special permit would be null and void but this was not the case. Alderman Anderson stated that the matter will likely come back to the City Council if the plan must be amended, and that if there is a flat out denial by MassDOT to the improvements the special permit may have to be revoked or amended. Attorney Tarby stated that the language seems to empower the Committee on Special Permits to accept the revised plan. Motion made and 2nd for a five minute recess, all in favor, 9-0. President Haggerty called the meeting back to order. Motion made and 2nd to add Condition 30 as follows: “30. This project shall not exceed one hundred twelve (112) units, all in favor, 9-0. Motion made and 2nd to add Condition 31 as follows: “31. Two hydrants will be added at the two westerly entrances at the request of the Woburn Fire Department and additional gate valves shall be added to isolate various sections of the site, all in favor, 9-0. Motion made and 2nd to add Condition 32 as follows: “32. A notation shall be added requiring a five foot separation between the gas and water mains, all in favor, 9-0. Motion made and 2nd to add Condition 33 as follows: “33. All buildings shall have a 4-inch fire suppression service and a 2-inch domestic service. Each of those services will have gate valves installed within the paved roadway or sidewalk (not in grassed or landscaped areas), all in favor, 9-0. Motion made and 2nd to add Condition 34 as follows: “34. If the Superintendent of Public Works determines the need for additional booster pumps, such pumps shall be installed in accordance with DPW specifications and the developer or homeowners association shall pay for the same including installation, all in favor, 9-0. Motion made and 2nd to add Condition 35 as follows: “35. As-Built Plans should be provided at the conclusion of the project to the satisfaction of the DPW, Water and Engineering Departments, all in favor, 9-0. Motion made and 2nd to add Condition 36 as follows: “36. A pre-construction meeting be held with the utility contractor for proper permitting and understanding of the utilities prior to any further excavation, all in favor, 9-0. Motion made and 2nd to add Condition 37 as follows: “37. SMH 25 shall be moved further to the north and will connect to ESMH 8 in Lexington Street so that the line does not run under Infiltration Basin 2. The grading over the sewer will be adjusted to ensure a minimum of four feet of cover, all in favor, 9-0. Motion made and 2nd to add Condition 38 as follows: “38. The sewer connection at the Grace Road intersection shall be made with a new manhole (SMH 13) to be installed in the existing sewer line between ESMH 9 and ESMH 10, all in favor, 9-0. Motion made and 2nd to add Condition 39 as follows: “39. The Petitioner shall comply with specifications and requirements of the Department of Public Works to address capacity issues raised by the Superintendent of Public Works in a memorandum dated May 16, 2017 from the Superintendent of Public Works to the City Council, all in favor, 9-0. Motion made and 2nd to add Condition 40 as follows: “40. The location of the sewer force main that runs from the Dix Road Pump Station and discharges to the gravity line shall be shown on the plans. It is assumed to be located in the easement along the westerly property line. Should the location be confirmed and, is in fact located reasonably within the easement, no further documents would be required. However, if it falls outside of, or adjacent to, said easement, a new plan with an expanded easement shall be prepared and recorded at the Registry of Deeds, all in favor, 9-0. Motion made and 2nd to add Condition 41 as follows: “41. There shall be no blasting near the force main. Blasting shall be conducted after consulting with the Superintendent of Public Works regarding the location and proximity, all in favor, 9-0. Motion made and 2nd to add Condition 42 as follows: “42. Additional spot elevations and/or contours shall be added at Infiltration Basin 2

to clearly define the top of berm elevation will be 179.0, all in favor, 9-0. Motion made and 2nd to add Condition 43 as follows: “43. All drain pipes connecting within Lexington Street shall be reinforced concrete pipe (RCP), all in favor, 9-0. Motion made and 2nd to add Condition 44 as follows: “44. The landscaping plans shall include shrubbery around the infiltration basins, all in favor, 9-0. Motion made and 2nd to add Condition 45 as follows: “45. Lexington Street shall be restored with a curb-to-curb grind and inlay at each of the three driveway intersections for a length of 100 feet (50 feet each side of the centerline of the driveway). The length of the restoration may be increased based upon final construction of the utilities, all in favor, 9-0. Motion made and 2nd to add Condition 46 as follows: “46. The infiltration basin and drainage system shall be maintained by the developer and thereafter by the homeowners association, all in favor, 9-0. Motion made and 2nd to add Condition 47 as follows: “47. All properties within 300 feet of the site shall be offered the opportunity for a pre-blast survey and all abutting properties within 500 feet shall be notified of blasting activities seven (7) days in advance, all in favor, 9-0. Alderman Gaffney stated that he believed at another site that had blasting the survey radius was 300 feet and the notification radius was 500 feet. Alderman Mercer-Bruen stated that there should be one last opportunity to review the conditions in committee. Motion made and 2nd to receive and make part of the record the Findings offered by Alderman Higgins, all in favor, 9-0. Motion made and 2nd to amend Finding 7 by deleting the numbers “14.1” and inserting in its place the numbers “14.4”, all in favor, 9-0. Motion made and 2nd that the public hearing be closed, 7 in favor, 2 opposed (Anderson, Gately opposed). Motion made and 2nd to adopt the following Findings of Fact:

1. The tract size shall exceed 18 acres and be comprised of clustered townhouse dwellings, which shall be separated from the dedicated open space parcel.
2. The total allowed number of units for the townhouse development shall be 4.85 units per acre thereby exceeding the minimum required 2.5 units per acre.
3. No dwelling unit exceeds two and one half stories, nor is greater than thirty feet in height.
4. Any part of the developed tract that abuts the open space tract shall have a minimum of a 20 foot setback.
5. Each unit shall have separate entries and off-street parking or garages. Two parking spaces per unit shall be provided.
6. Townhouse clusters shall consist of no more than 6 townhouses per cluster.
7. Townhouse clusters shall be separated from each other by a minimum distance of 30 ft. in all directions.
8. The open space parcel shall comprise 50% of the total tract, and this parcel shall comprise, at minimum 70% upland area.

9. In addition to the density provisions included in this section, the townhouse developments shall comply with all other applicable R-1 and R-2 density provisions, per Section 6.1, Table of Dimensional Regulations.
10. All land shown on the plan for which the Special Permit is granted, which is not included in the building footprints, roadways or easements shall comprise one contiguous tract. The open space parcel shall be conveyed to the City's Conservation Commission, for the exclusive purposes of conserving open space and promoting passive recreation/naturalist uses of the premises.
11. The open space parcel is in the public interest; It provides for the preservation of significant natural features; minimizes site disturbance, including soil removal and tree cutting; and accommodates the site's characteristics.
12. That necessary soil testing has been conducted and complies with the provisions of Massachusetts General Laws Chapter 21E.

On the basis of all the submissions, testimony, and evidence submitted, the City Council makes the following findings as required under Section 11.5 of the Woburn Zoning Ordinance for the property located at 285, 287, and 299 Lexington Street (the "Property"):

1. Satisfactory ingress and egress to the Property will be provided from Lexington Street;
2. There is adequate capacity in the water, sewerage and drainage facilities to service the Property;
3. The Project contains sufficient off-street parking spaces. The proposed use will neither generate noise, glare, nor odor, nor have any discernable impact on adjoining properties;
4. The Project provides for satisfactory provisions for refuse collection, disposal and service areas with particular reference to impacts on adjacent lots;
5. The Project provides for exterior lighting that does not create glare, traffic safety and is compatible and in harmony with properties in the zoning district;
6. The Project provides sufficient screening and buffering of the proposed development from neighboring properties. In addition, the landscaping and fencing to be provided insure the privacy of adjacent existing uses;
7. The proposed use of property is allowed in the zoning district; and
8. The proposed use will not be adverse to the general purposes of this ordinance.

In addition, the City Council makes the following specific findings relative to the compliance of the proposed Project under Section 14 of the Woburn Zoning Ordinance as follows:

1. The Project provides for 24.5 acres of Open Space Preservation of the open space will be beneficial to the City and/or residents of the tract, by virtue of the creation of usable open space for passive recreation/naturalist purposes, preservation of scenic areas of views, preservation of natural resources and contributing to the network of open space, as envisioned in the City's Open Space Plan;
2. The proposed townhouse development will result in a development that is equal or greater than surrounding conventional subdivisions, which are allowed by right in R-1 and R-2 residential districts. Especially in regard to location of units, topography of the site, efficient provisions of public services and reduction in the amount of roadway and driveway constriction, therefore creating less storm water run-off and roadway maintenance costs;
3. The proposed townhouse development will have no adverse impact on the quality and supply of groundwater;
4. Proper arrangements have been made for public access to the open space parcel;
5. Suitable arrangements for management and maintenance of the open space parcel have been made;
6. The proposed townhouse development will have no more adverse impact on nearby developed neighborhoods, by virtue of increased traffic, impairment of privacy and views, than would a conventional subdivision of the property; and
7. The Project meets all the requirements of Section 14.4 General Requirements and Section 14.5 Requirements for Open Space of the Woburn Zoning.

, 6 in favor, 3 opposed (Anderson, Gately, Mercer-Bruen opposed). Alderman Concannon stated that what has been proposed by the petitioner is what was contemplated twenty years ago when this law was adopted, that the petitioner has done what is required to allow a townhouse development in the R-1 zoning district, and that this area of town and perhaps this very parcel was intended to benefit from this ordinance. Alderman Gately stated that he has opposed the proposal from the beginning, that this should be a single family development, that 29 buildings on the site is going to look like a project, that this is a terrible thing for the neighbors, that he is disappointed to hear that having children as residents of the city is a problem, that the city is a family community, that this will not be an over 55 years of age development, that this project will generate traffic, that the Shaker Glen area will be no easier to walk through, that there is wildlife in this area such as deer and turkeys which will be adversely impacted by the development, that these townhouse developments will take the soul out of the city, that overdevelopment and greed underlie this project, that he cannot support the project, and that no amount of conditions will make the project acceptable. Alderman Anderson stated that the project was contemplated by the ordinance but the city has the authority to allow, allow with conditions or deny the special permit, that there is at least two buildings too many, and that the project density has been a concern from the beginning. Alderman Higgins stated that Section 14 is in the Woburn Zoning Ordinances, that the project has been limited to 112 units, that there is no good access to the Shaker Glen area currently, that this proposal will allow the public to use

the Shaker Glen trails better, that condensing the units into one with a contiguous parcel is better than the original proposal that was submitted and which she opposed, that a single family development would require more blasting, that the Superintendent of Schools indicated that there would be an impact on the schools with a single family development and no one wants their children redistricted to another school, that the petitioner met the requirements of the law, and that she is comfortable with the mitigation required for the project. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "Site Plan Shannon Farms, Woburn, Massachusetts" dated September 27, 2016 revised April 12, 2017 and revised May 3, 2017, prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties. The street lights shall be in substantial conformity with the lantern plan submitted to the Committee on Special Permits.
3. Except in the event of an emergency, exterior construction activities on the Site shall be from 7:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 4:00 p.m. on Saturdays. Exterior construction activities on Site shall not be permitted on Sundays or federal or state holidays.
4. The applicant must comply with the requirements of Section 11.11 of the Zoning Ordinance (Affordable Housing Requirement) relative to the creation of at least eleven (11) affordable housing units.
5. The plan should identify adequate snow storage areas and the applicant must file a copy of the snow storage plan with the Director of Inspectional Services. The Petitioner shall be responsible for snow removal until such time when all its legal rights in the development are transferred to the Townhouse Association or similar association. Once the Townhouse Association, or similar association, has been transferred and its legal rights vested in the development, the Townhouse Association, or similar association, will be responsible for snow removal.
6. The mitigation for this proposal shall be as indicated below and in accordance with the City Engineer's memo dated May 2, 2017, revised May 5, 2017:

- a. Petitioner shall construct the Public Parking area as shown on the Plan in order to facilitate the public access to the Shaker Glen Conservation Area and additional open space which the Petitioner will deed to the City of Woburn's Conservation Commission as part of this Special Permit, as indicated on the Plan of Record. The open space parcel shall be in accordance with and meet the requirements of Section 14.5 of the City of Woburn Zoning Ordinances. Such open space parcel shall be deeded to the City of Woburn's Conservation Commission prior to the issuance of building permit. Petitioner shall coordinate with the City Solicitor as to the language and appropriate documentation for such transfer.
- b. Petitioner shall provide and install signage in such Public Parking area clearly indicating that there is access to the Shaker Glen Conservation Area. Petitioner shall seek guidance and approval from the Conservation Administrator for such signage.
- c. Petitioner shall create a new access/entry point into Shaker Glen Conservation area for easy access for the general public. To facilitate this access, Petitioner shall build a trail from the Public Parking area to the new access/entry point. No certificate of occupancy, permanent or temporary, may be granted until the trail as depicted in the Plan of Record is constructed.
- d. Petitioner shall provide sidewalks along Lexington Street along the entire length of the development parcel. Such concrete sidewalks shall be five feet (5') in width, ADA compliant, have adequate safely positioned crosswalks to the adjacent sidewalks on the opposite side of the street, with six inch (6") granite curbing, shall be concrete and there shall be a twenty-four (24) inch grass strip between the curbing and sidewalk. Construction of the sidewalks shall be subject to MassDOT approval.
- e. The Petitioner shall install plantings, signage and benches in the Open Space Parcel in coordination with the Conservation Commission.
- f. The Petitioner shall clean up the Open Space Parcel in coordination with the Conservation Commission.
- g. Subject to the approval from MassDOT, the Petitioner shall complete traffic signal improvements at the Four Corners. The Petitioner shall file an application with MassDOT for approval of work associated with that intersection and for approval of the driveway locations on Lexington Street prior to site construction or the issuance of demolition or building permits. Copies of the submitted application shall be filed with the City Council, City Engineer and Building Inspector at the same time, and the Petitioner shall notify the City Council, Building Inspector, and City Engineer within ten (10) days of approval or denial by MassDOT. In the event that MassDOT does not approve the proposed mitigation as outlined in the special permit, no occupancy permit temporary or otherwise will be issued until such time as the Committee on Special Permits meets to review what has been approved by MassDOT and what deficiencies exist and makes appropriate amendments to the special permit to address same. Any such

improvements approved or required by MassDOT shall be completed within twelve (12) months of the date of approval from MassDOT.

7. Petitioner shall maintain such Public Parking area and the new trail head until such time when all its legal rights in the development are transferred to the Townhouse Association. Once the Townhouse Association, or similar association, has been established, and its legal rights vested in the development, the Townhouse Association, or similar association, shall maintain such Public Parking area and the new trail head which remains on its property in perpetuity. The remainder of the trail will remain under the jurisdiction of the Conservation Commission.
8. Subject to obtaining the necessary approvals, the Petitioner shall provide signage at the townhouse development main entrance indicating access to Public Parking for Shaker Glen Conservation Area. Petitioner shall provide and install other signage to appropriately direct visitors to such Public Parking area. Petitioner will consult with the Conservation Administrator on all open space signage.
9. Petitioner shall seek approval for the Public Parking area, as well as trail and access to Shaker Glen Conservation Area, from Eversource, or whomever is the beneficiary of the easement of power lines shown in the Plan of Record. Such approval shall be obtained before any excavation, construction, or any work may begin on the site. If no such approval is obtained, the Petitioner shall not be permitted to build the development referenced in the Plan of Record, and such Special Permit is null and void. Petitioner shall notify the City Council within ten (10) days of approval or denial by Eversource or whomever is the beneficiary of the easement of power lines shown in the Plan of Record.
10. Before any construction may begin, Petitioner is required to remove all farming machinery, equipment, tools, and other implements of husbandry, as well as any debris, from areas that will be deeded to the City of Woburn for open space.
11. Petitioner's construction vehicles or other work related heavy equipment or heavy vehicles as well as any such vehicles which are owned or operated by its subcontractors or vendor deliveries, shall not traverse on Grace Road, Maura Drive, Parker Street, Samoset Road, Seneca Road, and/or Waltham Street.
12. Each townhouse unit that does not have a garage and/or driveway of its own shall be allocated at least two deeded spots, which must be clearly labeled.
13. All visitor parking spots must be clearly labeled and used as such. No visitor parking spots as indicated on the Plan of Record may be deeded out to property owners.
14. No occupancy permit, temporary or permanent, may be issued by the Building Commissioner for the last cluster of buildings to be constructed, unless all items required under Section 14 of the of the City of Woburn Zoning Ordinances and these Conditions have been complied with.

15. The existing stone wall located on Lexington Street will remain in place as indicated on Page 11 of 27 on the Plan of Record.
16. All blasting shall conform with all local, state, and federal statutes, regulations, and other administrative procedures. Petitioner shall obtain all required blasting permits. Dust control shall be coordinated with the Fire Department during blasting and demolition and at all other times during construction with the Building Department.
17. The landscaping plan shall be submitted and approved by the City Council contemporaneous with the issuance of the occupancy permits for the end of the first phase. End of the first phase shall be defined as completion of the first seven buildings being built and issuance of occupancy permits thereof. Any trees along Lexington Street shall be a minimum caliper of 3.5 inches. Further, if trees are going to be planted in the grass strips, the grass strips shall be at least six (6) feet wide. All other trees shall be planted five (5) feet to ten (10) feet behind the sidewalk or curb.
18. Petitioner shall consult with the Engineering Department and area developers for location of handicapped access ramps along Lexington Street.
19. Adequate rodent and pest control shall be put in place before demolition and reviewed by the Board of Health.
20. No bituminous curbing will be used on the Site. In those areas shown on the Site Plan where bituminous curbing is proposed, said areas shall provide for five (5) inch vertical granite curbing.
21. Petitioner shall enter into an agreement with the owner of 340 Lexington Street for removal and relocation of private driveway located at said address before commencement of any work on the site, as indicated on the Plan of Record, prior to the issuance of building permits. A written certification signed by the Petitioner and the Abutter confirming the agreement shall be filed with the City Council and the Building Inspector together with a revised plan incorporating the new driveway.
22. In order to avoid any setback violations, Petitioner shall obtain a demolition permit for the existing farmhouse's porch prior to the issuance of building permits.
23. Crushing of excavated materials on site shall be limited to Monday through Thursday between 9:00 a.m. and 3:00 p.m. with quarterly review by the Committee on Special Permits.
24. Stacking of concrete or demolition material on site shall be removed within forty-eight (48) hours.
25. Sidewalks and roadways shall be kept open and clear during construction.
26. State road to be cleared of debris and cleaned of dirt during construction days.

27. All utilities to the existing house, buildings and greenhouses not being used will be cut and capped in the street or in accordance with MassDOT regulations.
28. The grass and loam will be allowed to be stacked on site to be screened and used at a later date but shall not be stored in the open space or conservation area.
29. Excavated ledge shall be stored at rear of property and shall not be stored on open space or conservation area.
30. This project shall not exceed one hundred twelve (112) units.
31. Two hydrants will be added at the two westerly entrances at the request of the Woburn Fire Department and additional gate valves shall be added to isolate various sections of the site.
32. A notation shall be added requiring a five foot separation between the gas and water mains.
33. All buildings shall have a 4-inch fire suppression service and a 2-inch domestic service. Each of those services will have gate valves installed within the paved roadway or sidewalk (not in grassed or landscaped areas).
34. If the Superintendent of Public Works determines the need for additional booster pumps, such pumps shall be installed in accordance with DPW specifications and the developer or homeowners association shall pay for the same including installation.
35. As-Built Plans should be provided at the conclusion of the project to the satisfaction of the DPW, Water and Engineering Departments.
36. A pre-construction meeting be held with the utility contractor for proper permitting and understanding of the utilities prior to any further excavation.
37. SMH 25 shall be moved further to the north and will connect to ESMH 8 in Lexington Street so that the line does not run under Infiltration Basin 2. The grading over the sewer will be adjusted to ensure a minimum of four feet of cover.
38. The sewer connection at the Grace Road intersection shall be made with a new manhole (SMH 13) to be installed in the existing sewer line between ESMH 9 and ESMH 10.
39. The Petitioner shall comply with specifications and requirements of the Department of Public Works to address capacity issues raised by the Superintendent of Public Works in a memorandum dated May 16, 2017 from the Superintendent of Public Works to the City Council.
40. The location of the sewer force main that runs from the Dix Road Pump Station and discharges to the gravity line shall be shown on the plans. It is assumed to be located in the easement along the westerly property line. Should the location be confirmed and, is in fact located reasonably within the easement, no further documents would be required. However,

if it falls outside of, or adjacent to, said easement, a new plan with an expanded easement shall be prepared and recorded at the Registry of Deeds.

41. There shall be no blasting near the force main. Blasting shall be conducted after consulting with the Superintendent of Public Works regarding the location and proximity.
42. Additional spot elevations and/or contours shall be added at Infiltration Basin 2 to clearly define the top of berm elevation will be 179.0.
43. All drain pipes connecting within Lexington Street shall be reinforced concrete pipe (RCP).
44. The landscaping plans shall include shrubbery around the infiltration basins.
45. Lexington Street shall be restored with a curb-to-curb grind and inlay at each of the three driveway intersections for a length of 100 feet (50 feet each side of the centerline of the driveway). The length of the restoration may be increased based upon final construction of the utilities.
46. The infiltration basin and drainage system shall be maintained by the developer and thereafter by the homeowners association.
47. All properties within 300 feet of the site shall be offered the opportunity for a pre-blast survey and all abutting properties within 500 feet shall be notified of blasting activities seven (7) days in advance.

ROLL CALL: Anderson – No, Campbell – Yes, Concannon – Yes, Gaffney – Yes, Gately – No, Higgins – Yes, Mercer-Bruen – No, Tedesco – Yes, Haggerty – Yes, Motion Passes.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

SPECIAL PERMITS:

On the review of the special permit issue to New Creek II LLC for 425 Washington Street signage condition, committee report was received "that the signage plan submitted, which includes the removal of the south facing signage, be approved pending amendment of the special permit". Alderman Mercer-Bruen stated that this was intended to authorize a communication be sent to the Planning Board reading that matter, that the condition of the special permit stated that the petitioner had to abide by the sign ordinances as written, that the communication will inform the Planning Board that the signage plan as presented appear acceptable pending the amendment of the special permit following a public hearing, and that this is a Planning Board decision with

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

Sincerely, s/Ellen Callahan Doucette

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 ORDER be ADOPTED, all in favor, 9-0.

Presented to the Mayor: May 18, 2017 **s/Scott D. Galvin May 18, 2017**

PUBLIC SAFETY AND LICENSES:

On the petitions for renewal of Taxi Cab Licenses by SureRide, LLC; ABCE Taxi of Woburn; Woburn Cab Co. Inc.; and Checker Cab of Woburn, committee reports were received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORTS be ADOPTED, all in favor, 9-0.

Presented to the Mayor: May 18, 2017 **s/Scott D. Galvin May 18, 2017**

On the petition for renewal of Livery License by Checker Cab or Woburn, 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: May 18, 2017 **s/Scott D. Galvin May 18, 2017**

NEW PETITIONS:

Petitions for renewal of Livery Licenses by Kelley Towncar, Inc., 888 Main Street, #2; and Harmony Transportation, Inc., 8 Conn Street for renewal of a Livery License. Motion made and 2nd that the MATTERS be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by ecoATM, LLC, 296 Mishawum Road for renewal of Secondhand Dealers and Secondhand Collectors License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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

Petition by Crocker Sales Co. Inc., 9 High Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57a, 5.1.57b and 15 for allow for parking of storage container, parking of commercial vehicles, and a new use from auto sales to business to business in the groundwater protection district at 20 High Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by The Salem Street Consortium LLC, Paul Scribner Manager, 16 Bacon Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 7.2 to allow for a 300 foot addition to a preexisting nonconforming use (auto repair) at 11R Salem Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 abstained (Mercer-Bruen abstained).

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

Petition by Madison Woburn Holdings, LLC, 333 Newbury Street, Suite 201, Boston, Massachusetts 02115, as individual owning land to be affected by change or adoption pursuant to M.G.L. Ch. 40A, Sec. 5, to amend the 1985 Woburn Zoning Ordinances, as amended, Section 2 Definitions by amending the definition of Mixed Use Hotel/Restaurant as follows: "Mixed Use Hotel/Restaurant: A mix of hotel, restaurant or other permitted uses in one building or in separate building on one development lot." Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

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

A copy of a deed from Edward A. Hovsepian and Dean Kahr, Trustees of H&K Realty Trust to the City of Woburn relative to the property located at 455-465 Main Street and 467-471 Main Street. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated April 27, 2017 from Erik Scheier, P.E., MBTA Senior Project Manager, MassDOT, Ten Park Plaza, Suite 3910, Boston, Massachusetts 02116 requesting comments by May 19, 2017 relative to MBTA bus stop accessibility improvements on Cambridge Road. Motion made and 2nd that MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of the annual report of Communities United, Inc. which operates Head Start and Early Head Start programs in Woburn. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated May 11, 2017 was received from Juni Kobayashi, Artistic and Managing Director and Elaine Fong, President of the Board, Odaiko New England, 29 Montvale Avenuem #23, Woburn, Massachusetts 01801 requesting support of the City Council for the operation of the performing arts center. Motion made and 2nd that _____

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

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

s/President Haggerty

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

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

Multi-family dwelling units in excess of five (5) units, including condominiums and townhouses, shall be equipped with such meter and meter reading devices, in the manner as the Superintendent of Public Works shall direct. In addition, a separate water meter and meter reading device shall be installed on all services lines for non-residential use, irrigation lines, pool houses, etc. in the manner as the Superintendent shall direct. Multi-family dwelling units with six (6) or more units, including condominiums and townhouses, shall be billed at a commercial water and sewer rate for the non-residential use. Multi-family dwelling units with

five (5) or less units, including condominiums and townhouses, shall be billed at the residential water and sewer rate for the non-residential use. This does not apply to townhouse or condominium associations with 6 or more units.

s/Alderman Tedesco and Alderman Gaffney

Alderman Tedesco stated that they were contacted by constituents who live in four unit townhouses and have irrigation lines in the property but are being billed at the commercial rate, and that in one case the bill was for \$7,000.00 Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES AND COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS and a communication be sent to the Superintendent of Public Works for comments on the proposal, all in favor, 9-0.

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

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

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

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

s/President Haggerty

President Haggerty stated that anyone who visits the Central Square fire station knows that the building is failing, that there are health and safety issues in the building, that action must be taken, that having this discussion and beginning the process has value, and by way of example the Hurd-Wyman School planning began five years ago and the building is being constructed now. Alderman Concannon wants to know if this will be part of the revised capital plan to be submitted by the Mayor. President Haggerty stated that he did not know if this would be part of the revised capital plan to be filed by the Mayor. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor May 18, 2017 and ten days having elapsed without same being approved, said Resolve became effective without his signature on May 30, 2017.

Alderman Tedesco stepped down from the chair and Alderman Anderson assumed the chair.

Motion made and 2nd to suspend the rules for the purposes of adding the following matter to the Order of the Day as a late filed matter, all in favor, 9-0.

RESOLVED That the City Council send a communication to MassDOT requesting immediate action to address the deficiency of the timing of the traffic control signals along Washington Street at 394 Washington Street, at the intersection with the I-95/Route 128 northbound ramp, and with the intersection at Olympia Avenue; and

Further, that MassDOT provide the City Council with a letter indicating what action is taken to correct the issue.

s/Alderman Mercer-Bruen and President Haggerty

Alderman Mercer-Bruen stated that this has been an ongoing issue for the past couple of months, that the traffic control signal must be corrected, and that this is not a traffic volume issue but a light cycle timing issue. Motion made and 2nd that the RESOLVE be ADOPTED and a copy be sent to the Traffic Commission, all in favor, 9-0.

Presented to the Mayor: May 18, 2017

s/Scott D. Galvin May 18, 2017

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

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 10:43 p.m.

A TRUE RECORD ATTEST:

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