

**CITY OF WOBURN
JULY 18, 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.

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$222,341.00 be and is hereby appropriated as so stated from Fire/BLS Ambulance Acct #31359-595000 \$222,341.00 to Fire Ambulance Acct #31358-586020 \$222,341.00 – Purpose: Purchase of new ambulance.

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/Stephen Adgate, Chief, Fire Department
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/Alderman _____

PUBLIC HEARINGS:

On the petition to amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new Section 30 entitled Anderson/Woburn Smart Growth Overlay District as set forth in the Journal of the City Council Regular Meeting of June 6, 2017. PUBLIC HEARING OPENED.

On the petition to amend 1985 Woburn Zoning Ordinances, as amended, Section 8.3 as follows: 8.3 Off Street Parking Facilities Required - Off street parking facilities shall be provided on the same lot with the principal use, except that: 1. Within any R3, R4, Business, Mixed Use, Industrial, or Office Park district, the City Council, by Special Permit, may allow the parking facility requirements to be met on a lot separate from the use to be served, if such facilities are located within five hundred (500) feet of the use to be served, and if the City Council finds that suitable arrangements, such as ownership,

long term lease or easement, have been made to assure the permanent provision of the parking facilities; 2. Within the B-D District, municipal parking facilities may be substituted for the required off street parking for non-residential uses, if such facilities are located within five hundred (500) ft. of the use to be served; 3. Within the B-D District, the City Council, by Special Permit, may allow municipal parking facilities to substitute for the required off street parking for residential uses under this Section if it imposes, as a condition of approval, the non-waivable fee required by Section 8.3.4 below and makes the following findings: 1. That the municipal parking facilities are located within five hundred (500) feet of the use to be served; 2. That the proposed combination of on-site, off-street parking spaces and municipal parking spaces is available and adequate to serve the proposed development; and 3. That reliance on municipal parking facilities will not create an undue burden on the municipal parking facilities. 4. If a Special Permit is granted to allow municipal parking facilities to substitute for required off-street parking for residential uses in the B-D District, it shall be conditioned on the payment of a fee equal to Seventy Five Hundred Dollars (\$7,500) for each space in a municipal parking facility that substitutes for a required off-street parking space. The City Council shall not have the authority to vary or waive the fee, either in whole or in part, for any project. The payment of a fee shall not act as a guarantee that future tenants of the residential development shall be entitled to the reservation or designation of a parking space or spaces. All such fees shall be deposited in a separate "Downtown Parking Enhancement Fund" to be established in the City Treasury and administered by the Treasurer/Collector. Funds deposited in this account shall only be used for costs incurred by the City in acquiring, designing, constructing and/or reconstructing land and facilities that increase the supply of parking within the B-D District. Expenditure of funds from this account shall only be authorized by a 2/3 vote of the City Council.

PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "Back for action with the following suggested amendments: 8.3 Off Street Parking Facilities Required - Off street parking facilities shall be provided on the same lot with the principal use, except that: 1. Within any R3, R4, Business, Mixed Use, Industrial, or Office Park district, the City Council, by Special Permit, may allow the parking facility requirements to be met on a lot separate from the use to be served, if such facilities are located within five hundred (500) feet of the use to be served, and if the City Council finds that suitable arrangements, such as ownership, long term lease or easement, have been made to assure the permanent provision of the parking facilities; 2. Within the B-D District, municipal parking facilities may be substituted for the required off street parking for non-residential uses, if such facilities are located within five hundred (500) ft. of the use to be served; 3. Within the B-D District, the City Council, by Special Permit, may allow municipal parking facilities to substitute for the required off street parking for residential uses under this Section if it imposes, as a condition of approval, the non-waivable fee required by Section 8.3.4 below and makes the following findings: a. That the municipal parking facilities are located within five hundred (500) feet of the use to be served; b. That the proposed combination of on-site, off-street parking spaces and municipal parking spaces is available and adequate to serve the proposed development; and c. That reliance on municipal parking facilities will not create an undue burden on the municipal parking facilities. 4. If a Special Permit is granted to allow municipal parking facilities to substitute for required off-street parking for residential uses in the B-D

District, it shall be conditioned on the payment of a fee equal to Seventy Five Hundred Dollars (\$7,500) for each space in a municipal parking facility that substitutes for a required off-street parking space. The City Council shall not have the authority to vary or waive the fee, either in whole or in part, for any project. The payment of a fee shall not act as a guarantee that future tenants of the residential development shall be entitled to the reservation or designation of a parking space or spaces. All such fees shall be deposited in a separate "Downtown Parking Enhancement Fund" to be established in the City Treasury and administered by the Treasurer/Collector. Funds deposited in this account shall only be used for costs incurred by the City in acquiring, designing, constructing and/or reconstructing land and facilities that increase the supply of parking within the B-D District and shall not be used in any way for consideration of, assessment of, financing or construction of parking meters. Expenditure of funds from this account shall only be authorized by a 2/3 vote of the City Council." A communication dated July 13, 2017 was received from City Solicitor Ellen Callahan Doucette relative to the vote of the City Council on June 20, 2017 to change the date of the public hearing from September 5, 2017 to July 18, 2017 as follows: "The issue is notice. Individuals interested in a matter before the Council attend meetings/hearings and rely upon the Council's vote to continue matters to a date certain which is a requirement to ensure proper notice. Anyone interested in this ordinance would be prepared to attend the September 5, 2017 meeting, not the July 18 meeting. Filing the order to advance the matter might be permissible if followed by notice by publication which did not happen here. My advice is to not take the matter up at the July 18 meeting. Zoning ordinance amendments must adhere to the procedures of c.40A, sec. 5 or they can be challenged as invalid."

On the petition by City of Woburn, Woburn City Hall, 10 Common Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.71 and 5.1.79 to allow construction of a municipal parking lot at 455-467 Main Street. PUBLIC HEARING OPENED. A communication dated July 12, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

Re: Planning Department Comments on special permit applications for 45-467 Main Street/City of Woburn

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit applications which seek authorization to operate a Commercial Parking Lot (in accordance with Section 5.1[71] of the Woburn Zoning Ordinance) and a Municipal Use (in accordance with Section 5.1[79] of the Woburn Zoning Ordinance) at this location.

Both permits are being sought so that the City can establish and operate a municipal off-street parking lot at this location. The special permit for a Commercial Parking Lot will authorize the parking lot use as long as there is a fee/payment charged for the parking.

The special permit to operate the lot as a Municipal Use will authorize use of the lot without charging a fee.

Planning staff has reviewed the application and determined, with assistance from the Building Commissioner, that the proposed plan meets zoning requirements, including all of the following:

- Minimum parking space size(s)
- Maximum percentage of compact car parking spaces
- Minimum setbacks of parking spaces from property lines
- Maximum width of driveway openings
- Minimum distance between driveways on a single lot
- Minimum distance between driveways and nearby intersecting streets
- Interior planting requirement (at least five [5] percent of lot's area to be landscaped and at least one tree for every ten [10] parking spaces)
- Screening and landscaping requirements

Planning staff also met with Engineering staff to review the project plans and suggested several plan revisions to clarify certain aspects of the proposed construction and existing site conditions. The Engineering Department is currently modifying the plans to reflect that discussion and will be filing copies of revised plans with the City Clerk and City Council prior to the public hearing.

Please do not hesitate to contact me if you have any questions relative to this communication.

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

On the petition by C&C Realty Trust, Fred J. Cotreau and John J. Canney, Jr., Trustees, 64 Chestnut Street, Wakefield, Massachusetts 01880 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.5 and 5.1.43 to allow for 2800 cubic yards of fill and for outside storage of building materials and equipment at 6 Draper Street. PUBLIC HEARING OPENED.

On the petition by APT USA LLC, 210 Broadway, Suite 201, Cambridge, Massachusetts 02139 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.41 to allow research and testing laboratory at 195 Presidential Way. PUBLIC HEARING OPENED. A communication dated June 29, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 195 Presidential Way/APT USA LLC

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application submitted by the APT USA LLC, which requests permission to operate a Research and Testing Laboratory facility at the above-referenced address. The property is zoned IP-2 and therefore such use is permitted by City Council Special Permit. The Petitioner would “re-tenant” existing floor space in an existing building and no construction activity is proposed.

Planning staff has several concerns and questions relative to this application:

- Has the applicant met with the various appropriate City officials to discuss State Building Code requirements that may apply to this use? Given that the nature of the business would include raw material storage and processing and the manufacture of potash fertilizer, it might be appropriate to require the applicant to demonstrate it has consulted with departments such as Building, Fire, and the Board of Health, and either met or will meet their requirements from a Code-related perspective.
- Similarly, the applicant should demonstrate that Building Commissioner Tom Quinn has been consulted with respect to both the Research and Testing Laboratory use classification as well as the sufficiency of the current number of onsite parking spaces and conformance with Section 8.

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

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

On the petition by Lei Song, 19 Wendell Street, Winchester, Massachusetts 01890 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.33b to allow muscular therapy at 446 Main Street. PUBLIC HEARING OPENED. A communication dated July 3, 2017 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit application for 446 Main Street/Lei Song

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application which requests permission to operate a muscular therapy business (5.1 [33b]) at the above-referenced location. The property is zoned Downtown Business (B-D) and therefore such use is permitted by City Council Special Permit. In fact, the space the Petitioner proposes to “re-tenant” appears to be currently occupied by a similar business, and no construction activity is proposed.

Planning staff reviewed the earlier Special Permit granted for the current muscular therapy business (dba Elements Therapeutic Massage) located at this address and found adopted conditions that appear applicable to the current Petitioner. As such, Planning staff offers the following recommendations:

- Although a floor plan was provided in the application, no site plan was provided. Planning staff recommends a site plan be required in order to demonstrate, for the record, compliance with the parking requirements of the Zoning Ordinance (i.e. that the location either has its own off-street parking or is within 500' of an existing municipal off-street parking lot, in accordance with Section 8.3). There is no information to confirm whether the property is within 500' of an existing municipal lot, which would satisfy off-street parking requirements (by right for non-residential uses per section 8.3);
- That the hours of operation shall be limited to between 9:00 am and 8:00 pm seven days per week;
- That all massage therapists shall be licensed massage therapists;
- That the special permit is only for Lei Song and is not transferrable with the exception of a transfer to an entity of which Lei Song is the primary or principal owner; and
- That any new business signage by subject to separate application(s) to the Building Department and compliance with Section 13 sign regulations.

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

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

On the petition by Jennifer Hardin and Scott Hardin, 35 Avalon Road, Reading, Massachusetts 01867 for a special permit to amend a special permit issued June 11, 2015 to allow an existing structure to be demolished and a new structure built using the same footprint in accordance with the plan of record dated January 20, 2015 at 19R Traverse Street. PUBLIC HEARING OPENED. A communication dated July 12, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Request to modify existing special permit to incorporate a new plan of record - Jennifer and Scott Hardin (Owners and Applicants)

Dear Council:

This office has reviewed the above-referenced petition which seeks authorization to modify an approved site plan. The applicants are seeking a special permit modification

in accordance with Section 11.3.12, because the existing garage structure, which was incorporated into the site plan, is structurally unsound. The applicants are seeking instead to demolish and re-build the existing garage structure within the same footprint indicated on the current Plan of Record, dated January 20, 2015.

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

1. That the Plans of Record shall be modified to reflect that an entirely new structure will be constructed within the building footprint noted on the current Plan of Record;
2. That the new Plan of Record shall be entitled, "Proposed Site Plan, 19 Traverse Street, Woburn, MA; Scale: 1"=20'; dated January 20, 2015; revised _____; Prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA; (781)-933-9012;"
3. No business activity or home occupation shall be conducted in/from the garage;
4. That all other conditions issued in connection with this special permit, to the extent that they are still applicable, remain in full force and effect.

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

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

On the petition by New Creek II LLC, 3333 New Hyde Park Road, New Hyde, New York 11042 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to amend a special permit issued April 28, 2016 by deleting Condition 5 and replacing same with the following "5. All signage shall comply with the plans entitled 'Partners/Urgent Care, Washington Street Shopping Center, Woburn, MA' dated August 17, 2016, revised September 2, 2016, revised September 16, 2016" at 425 Washington Street. PUBLIC HEARING OPENED. A communication dated July 6, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Joint Planning Department comments on special permit modification & new application for 425 Washington Street/New Creek II LLC

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit modification and new application submitted by New Creek II, LLC.

The modification, pursuant to Section 11.3.12, is with respect to the deletion of Condition #5 of the original Special Permit Decision dated April 28, 2016, which states that "All

signage shall comply with zoning regulations.” The applicant is asking that the following language be substituted for the previous Condition #5: “All signage shall comply with the plans entitled Partners/Urgent Care, Washington Street Shopping Center, Woburn, MA, dated August 17, 2016, revised September 2, 2016 and September 16, 2016.”

The above special permit modification will incorporate into the Plan of Record the signage that was approved by the Woburn Planning Board on May 9, 2017 in response to the applicant’s appeal of the Sign Review Board’s decision to allow the excess signage. In fact, it was the Planning Board’s May 9, 2017 decision on the signage which compelled the applicant to seek this special permit modification.

In addition to the modification, the Petitioner is also seeking a Special Permit for the above-referenced property pursuant to Sections 5.1(69), 7.3, and 13.5 relative to the extension or alteration of the two (2) non-conforming free-standing signs (i.e., erection of new business signage). The application specifies that the two (2) existing pylon signs will maintain their current setbacks and square footage; however, the faces of both free-standing signs will be replaced and in doing so new business signs will be added.

Since the Special Permit modification request is in response to one of the Planning Board’s conditions of approval, Planning staff takes no exception to this request. Relative to the new Special Permit application to allow for the alteration of a non-conforming sign, Planning staff recommends the following as a potential condition of approval:

1. That the special permit is issued only to New Creek II LLC and is not transferrable with the exception of a transfer to an entity of which New Creek II LLC is the primary or principal owner.

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

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

On the petition by New Creek II LLC, 3333 New Hyde Park Road, New Hyde, New York 11042 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.69, 7.3 and 13.5 to allow for the alteration of the existing two (2) nonconforming pylon signs at 425 Washington Street. PUBLIC HEARING OPENED. A communication dated July 6, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Joint Planning Department comments on special permit modification & new application for 425 Washington Street/New Creek II LLC

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit modification and new application submitted by New Creek II, LLC.

The modification, pursuant to Section 11.3.12, is with respect to the deletion of Condition #5 of the original Special Permit Decision dated April 28, 2016, which states that “All signage shall comply with zoning regulations.” The applicant is asking that the following language be substituted for the previous Condition #5: “All signage shall comply with the plans entitled Partners/Urgent Care, Washington Street Shopping Center, Woburn, MA, dated August 17, 2016, revised September 2, 2016 and September 16, 2016.”

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In addition to the modification, the Petitioner is also seeking a Special Permit for the above-referenced property pursuant to Sections 5.1(69), 7.3, and 13.5 relative to the extension or alteration of the two (2) non-conforming free-standing signs (i.e., erection of new business signage). The application specifies that the two (2) existing pylon signs will maintain their current setbacks and square footage; however, the faces of both free-standing signs will be replaced and in doing so new business signs will be added.

Since the Special Permit modification request is in response to one of the Planning Board’s conditions of approval, Planning staff takes no exception to this request. Relative to the new Special Permit application to allow for the alteration of a non-conforming sign, Planning staff recommends the following as a potential condition of approval:

2. That the special permit is issued only to New Creek II LLC and is not transferrable with the exception of a transfer to an entity of which New Creek II LLC is the primary or principal owner.

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

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

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

INFRASTRUCTURE AND PUBLIC LANDS:

On the Order to authorize the Mayor to enter a Ground Lease with the Woburn Public Library Board of Trustees for a portion of the premises at 45 Pleasant Street, committee report was received “ought to pass”.

FINANCE:

On the Order to transfer the sum of \$23,000.00 from Cemetery Interest Fund to various Cemetery Accounts, committee report was received “ought to pass”.

ORDINANCES:

On the Order relative to review of the job description, qualifications and salary for the position of Deputy Superintendent of Public Works, committee report was received “Back for action and that the Chair of the Committee on Ordinances prepare a proposed amendment of Woburn Municipal Code Section 2-194 regarding the job description and qualifications of the Deputy Superintendent of Public Works in accordance with the recommendations set forth in the memorandum dated July 7, 2017 received from the Superintendent of Public Works and further the Chair of the Committee on Ordinances prepare a proposed amendment of Woburn Municipal Code Section 2-180 regarding the salary for the Deputy Superintendent of Public Works in conformity with the approved Fiscal Year 2018 budget line item for the position.” The following Orders were filed by the Chair of the Committee on Ordinances:

ORDERED WHEREAS, the Ordinance Committee recommended that the ordinance setting forth the Deputy Superintendent salary be amended to \$86,096.53; and

WHEREAS, the Ordinance Committee recommended that the ordinance as to the duties of the Deputy Superintendent be amended in accordance with the recommendations of the Superintendent of the Department of Public Works;

NOW THEREFORE, let it be ORDERED as follows:

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

1. That the base salary of the Deputy Superintendent of the Department of Public Works be amended to \$86,096.53; and
2. That this section shall be effective July 1, 2017.

s/Alderman Anderson

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-194(H) of the 1989 Woburn Municipal Code, as amended, be further amended by replacing the existing Section 2-194(H) with the following:

H. Deputy Superintendent of Public Works shall be appointed by the City Council with a recommendation of the Superintendent of Public Works and the Human Resources Director. This individual under direction of Superintendent of Public Works: Supervises on-going daily work activities of DPW including Water, Sewer, Highway, Public Buildings and Maintenance Divisions, assigning work and making on-site reviews. Organize, direct, control and monitor policies and priorities for the above referenced programs. Coordinate with other City departments and agencies, as necessary to ensure that the City's priorities are met and work is completed as required. Must be able to handle multiple projects, make quick and supportable decisions and supervise large groups to meet shifting priorities.

The position requires a valid motor vehicle operator's license. An advanced degree in civil engineering, environmental studies, construction management, public administration or similar field of study is preferred.

Licenses and/or certifications in Water Operations, and/or water distribution are preferred. Experience in construction supervision, preferably in a municipal environment, or combination of relevant education and experience are preferred.

Essential functions include:

- Ability to consult with State officials relative to Chapter 90 funding and obtaining grants.
- Ability to work with federal and state officials and agencies in the absence of the Superintendent and/or at the direction of the Superintendent.
- Ability to supervise the street light program, assess and anticipate the ongoing condition and needs of the public buildings in the City as it relates to general maintenance, including the maintenance of mechanical and electrical systems.
- Ability to communicate clearly and concisely verbally and in writing;
- Knowledge and familiarity with the use of computers and software including AutoCAD, GIS, Excel, and Word;
- Ability to evaluate, document and address issues that arise through the complaint tracker system. Respond to customer requests, complaints, investigate issues and develop solutions to resolve problems and prevent future issues. Communicate and coordinate

with other town departments, contractors, and the public to provide responsive and high quality service;

- Oversee the implementation of long-range maintenance and repair plans for the town's roads, sidewalks, drainage systems, water and sewer systems and fleets.
- Ability to assess and evaluate the department fleet and equipment as well as future regulatory requirements relating to emissions.
- Ability to work beyond normal business hours to attend meetings, make presentations, or other needs as determined by the Director of DPW.
- General knowledge of DPW, water and sewer operations and the applicable laws and regulations related to public works.
- Direct the implementation of construction projects, maintenance activities, and other work on public infrastructure including roads, storm water systems, parks and grounds, trees, cemetery, and fleet maintenance.
- Ensure all necessary materials, supplies, and equipment are available for projects and activities planned. Maintain and inventory of resources and proactively identify needs, shortages, and issues, on a timely basis.
- Perform project management duties for various special City Projects. Job responsibilities include supervision of public safety efforts, including snow removal, water control, etc.

Any other duties as delegated by the Superintendent.

s/Alderman Anderson

SPECIAL PERMIT:

On the Order relative to review of the special permit issued for the property located at 17R Maywood Terrace, committee report was received “That a communication be sent to the landowner of 17R Maywood Terrace advising that within sixty days the landowner bring the property in compliance with the Woburn Zoning Ordinances and that landowner communicate with the Building Commissioner relative to the action taken.”

NEW PETITIONS:

Petition by Blues for Veterans Association, P.O. Box 507, Woburn, Massachusetts 01801 for a Special Event Permit to allow a music concert at Library Field on September 16, 2017.

Petition by E&C Auto Brokers LLC, 505 Main Street, Woburn, Massachusetts 01801 for transfer of a Second Class Motor Vehicle Sales License at 505 Main Street.

Petition by Parker Chomerics, 77 Dragon Court, Woburn, Massachusetts 01888-4014 for change of name to Parker Hannifin Corporation, Chomerics Division on Inflammable Licenses issued at 84 Dragon Court, 70 Dragon Court and 8 Commonwealth Avenue.

A communication dated July 12, 2017 with attachments was received from Sy Wrenn, Seaver Construction, Inc., 215 Lexington Street, Woburn, Massachusetts 01801 as follows:

Re: 100 Baldwin Avenue Landowner’s Decision and Notice of Special Permit dated December 24, 2015 – request review of site plans by the City Council Special Permits Committee

Dear Mr. Campbell:

On behalf of Seaver Properties LLC and 100 Baldwin Avenue LLC we request a review by the City Council Special Permits Committee per Condition 1 of the Landowner’s Decision and Notice of Special Permit dated December 24, 2015 on file in the Office of the City Clerk Volume 58, Page 616 of the site plan regarding changes to parking areas. We submit a revised plan; page 3 of 8, dated 6/6/17 by Alan Engineering, LLC for review. I have included ten copies (11” x 17”) of the revised site plan and 10 copies (11” x 17”) of the approved site plan dated 12/1/15.

Thank you for your attention to this matter and please advise when the review will be scheduled.

Regards, s/Sy Wrenn, Project Manager, Seaver Construction, Inc.

Petition by National Grid for a grant of right in a way to extend existing two (2) inch PL 60psig main approximately 25 feet in Burlington Street – Service fifty (50) feet of one (1) inch PL 60psig to 110 Burlington Street.

Petition by 5 Draper Realty, LLC, P.O. Box 281, Somerville, Massachusetts 02143 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.43 to allow outside storage of materials at 5 Draper Street.

Petition by Intent Architects, 3 High Street, Suite 3, Reading, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to amend a

special permit issued January 12, 2011, as modified by a decision issued October 13, 2011, to allow exterior façade renovations at 857 Main Street.

Petition by Presidential Ventures, LLC, c/o Mawn and Mawn, P.C., 275 Mishawum Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 11 and 5.1.30b to allow general office, accessory storage and continued use of wholesale establishment, warehouse and distribution center and overnight parking of commercial vehicles at 4 Presidential Way.

Petition by Apria Healthcare LLC, 4 Presidential Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to modify a special permit issued August 11, 2016 to allow reduction in overnight parking spaces for commercial vehicles from six (6) spaces to five (5) spaces at 4 Presidential Way.

Petition by 36 Cabot Road LLC, 36 Cabot Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.30b, 5.1.42, Section 9 and Section 12 to allow for construction of a new building containing approximately 51,200 square feet of gross floor area for (1) wholesale establishment, warehouse and distribution use (approximately 17,920 square feet of gross floor area, more or less); (2) office use (approximately 25,600 square feet of gross floor area, more or less; and (3) light manufacturing use (approximately 7,680 square feet of gross floor area, more or less), at 32 Cabot Road.

COMMUNICATIONS AND REPORTS:

A communication dated July 5, 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 June 2017.

A communication dated July 15, 2017 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. Figures cited below are for the Month of Jan. 2017 to May 2017: Number of violations issued 392, Numbers of violations paid 176, Number of violations outstanding 193, Amount collected and submitted to Collectors Office \$23,698.60, Parking fines referred to the Handicap Commission \$7,300.00.

There is a backlog of 1,612 unpaid tickets dating from January 2004 to December 2016. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

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

A communication dated June 30, 2017 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

Re: Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of the Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period April 1, 2017 to June 30, 2017.

1020R Main Street has been notified for failure to maintain the exterior grounds.

41 Lowell Street has been notified for failure to maintain the exterior grounds.

6 East Dexter Avenue there has been no response from the Middlesex District Attorneys Office.

If you have any questions on the above mater as always do not hesitate to contact me.

s/Thomas C. Quinn, Building Commissioner, City of Woburn

An Order with attachment entitled "Agreement for Payment in Lieu of Personal Property Taxes" was received from the Board of Assessors as follows:

ORDERED Be it Ordained by the City Council of the City of Woburn, that pursuant to M.G.L. c.59, §38H and c.164, §1, and any other relevant enabling authority, the Mayor, in consultation with the Board of Assessors, is hereby authorized to negotiate an agreement with Davidson Green partners One, LLC of Woburn, Massachusetts, and its successors and assigns, for a payment in lieu of taxes for the personal property associated with the privately owned and operated solar photovoltaic facility and ancillary equipment installed on the roof space at 1 Charles Gardner Lane, Woburn shown on the Woburn Assessors Maps as Parcel 36-9-26, for a term of ten (10) years, on such terms and conditions as the Mayor and the Board of Assessors deem in the best interest of the City, and to take all necessary action and to execute all necessary documents to implement,

administer and enforce such agreement, or to take any relevant action thereto.

s/Alderman _____

A communication dated June 22, 2017 was received from Paul Farrow, 10 Bruce Road asking for authorization to erect a flag pole on Bruce Road in memory of the late Woburn Police Officer John Maguire.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the petition by Minast, LLC, 11 Presidential Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to modify a special permit dated January 9, 2014, as modified by decisions dated October 29, 2015 and August 11, 2016 to allow for the deletion or modification of Condition 3 of the Decision relative to mitigation at Lot 1, Presidential Way. Motion made by Alderman Concannon and 2nd to allow reconsideration of his vote in favor of the motion to deny the special permit, all in favor, 9-0. Alderman Concannon stated that _____. A communication dated July 13, 2017 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Request for Modification of Special Permit-Minast LLC, 4 Presidential Way

This memorandum shall serve as a response to Alderman Concannon's inquiry regarding the manner in which Section 18, Development Impact Mitigation ("Section 18") should be applied generally, and more specifically, how or if it was applicable to the special permit petition issue pursuant to Section 5.1.42 of the WZO by Minast LLC ("Minast") for the property located at 4 Presidential Way (the "Property"). The Minast special permit was granted on June 2, 2015 and a petition was filed seeking to modify the special permit by removing the condition requiring a mitigation payment under Section 18. [It is not clear why Minast chose not to appeal the special permit in order to challenge the condition.] Though requests for legal opinions are usually requested by the full City Council, city Board or Commission, Alderman Concannon raised an issue which merits examination and a response. [Alderman Concannon has filed to reconsider his vote opposing Minast's modification request which was taken at the June 20, 2017 City Council meeting.]

As stated in Section 18.1, Mission Statement, of the WZO, the purpose of Section 18 is to "provid[e] for the assessment of plans for proposed uses and structures which will have significant impacts on traffic and public utilities, and [to] require[e] reasonable mitigation of those impacts." Thus the assessment of impacts under Section 18 is limited to traffic and public utilities and if [significant] impacts are identified, the assessment "shall propose specific [traffic and utility mitigation] measures to be

implemented by the Applicant." The "assessment" is set out in the applicant's Development Impact Statement which is submitted as part of the special permit application.

Section 18.5 provides in summary, that if the Development Impact Statement identifies significant mitigation impacts, mitigation measures are then imposed upon the issuance of the special permit. Section 18.6 provides that no building permit shall issue until a bond is posted; or no occupancy permit shall issue until all mitigations measures have been certified complete by the City Engineer.

However, "[i]n lieu of the Applicant performing all or part of the mitigation measures which have been made a condition of the Special Permit, the SPGA may at its sole discretion require the Applicant to make a contribution into the Traffic Safety and Infrastructure Fund (the "Fund") equal to three per cent (3%) of the total development costs of the proposed project." (emphasis supplied)

Based upon my reading of Section 18, the 3% contribution to the Fund in lieu of mitigation measures is available as an option to the Council only when significant traffic and/or utility mitigation impacts are identified by the Development Impact Statement, and mitigation measures are proposed to address those impacts.

In considering Alderman Concannon's request regarding application of Section 18 to the Minast special permit, I reviewed the memoranda submitted by Minast's legal counsel (asserting that Section 18 was not applicable to the special permit in the first instance), the Development Impact Statement prepared by WorldTech Engineers, and the minutes of the Council's June 2 and 16, 2015 meetings, and the July 7, 2017 meeting. [The May 22, 2017 memorandum from Minast's legal counsel states that the public hearing was opened on April 21, 2015 and the matter sent to Committee on Special Permits. However the April 21, 2015 City Council minutes state that the matter was tabled. There are no minutes for the Committee on Special Permits which contain a discussion of the initial Minast special permit petition.] In applying Section 18 to what I understand to be the facts associated with the June 2, 2015 Minast special permit, I agree with legal counsel that Section 18 was not applicable in the first instance.

To explain, at the June 2, 2015 public hearing on the special permit petition, Minast's legal counsel proffered a document containing eleven (11) conditions which the Council voted to receive and make part of the record. The relevant excerpt from the June 2, 2015 minutes is attached hereto. None of the proffered conditions identify traffic or utility impacts, and no specific traffic or utility impacts associated with Minast's petition were proposed or discussed. According to the minutes, one of the conditions proposed required payment of an III mitigation fee of \$17,808.00 and an \$11,000 sewer connection fee. Those fees are mandated by Sections 13.3.10 and 13.1.4 respectively, of the Woburn Municipal Code, not Section 18 of the WZO.

According to the minutes of the June 2, 2015 meeting, it appears that a remonstrant, as well as a former Alderman, misconstrued the \$17,808.00 III mitigation fee as representing 3% of the total project cost, and the inadequacy of that amount was discussed. After some additional discussion, the Council voted to adopt Minast's proposed conditions, and to impose an additional condition requiring Minast to contribute 3% of the total development costs of the proposed project to the Fund. A [Alderman Haggerty filed for reconsideration of his June 2, 2015 vote, and after reconsideration was approved, the special permit was amended on June 16, 2015 to require that the 3% contribution to the Fund be expended on specific city projects.] Again, there was no discussion identifying traffic or utility impacts or mitigation measures needed to address those impacts.

Absent the identification of the requisite impacts which require mitigation measures, the "in lieu of option" of Section 18, in my opinion, is not available as a special permit condition.

Should the City Council have any questions regarding this matter, please don't hesitate to contact me.

Sincerely, s/ Ellen Callahan Doucette

On the 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 by Alderman Gately and 2nd to allow reconsideration of his vote in favor of the motion to deny the special permit, all in favor, 9-0. Alderman Gately stated that _____. A communication dated June 21, 2017 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Zoning text amendments relative to Section 2 of the Woburn Zoning Ordinance (definition of Mixed-Use Hotel/Restaurant)

Dear Councilors:

At a meeting of the Woburn Planning Board held on Tuesday, June 20, 2017, members of the Planning Board voted 5-2-0 (Edmonds, Callahan, Donovan, Turner and Doherty in favor; Bolgen and Ventresca in opposition) to recommend denial of the above-referenced proposed zoning amendment.

Please feel free to contact me if you have any questions relative to the Planning Board's vote.

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

APPOINTMENTS AND ELECTIONS:

On the appointment of the Clerk of Committees. A report was received from the Committee on Personnel as follows: "That Gordon Vincent of 37 Cedar Street, Marblehead, Massachusetts be appointed Clerk of Committees."

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That the Woburn Traffic Commission adopt a regulation as follows:

MT. PLEASANT STREET – That a stop sign restriction be established on Mt. Pleasant Street at the intersection with Prospect Street.

s/Alderman Gately

ORDERED That the Committee on Personnel take the necessary steps to fill the vacancy in the position of Deputy Superintendent of Public Works based on the revised job description, qualifications and salary.

s/Alderman Gately

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 3 Frank Street; and

WHEREAS, at the said building or buildings and grounds are not being maintained properly;

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation.

s/Alderman Mercer-Bruen

RESOLVED That the Committee on Ordinances, in collaboration with the City Solicitor, Building Commissioner, Planning Director and City Clerk, shall meet to review the Special Permit Application criteria and form;

Further, the Committee on Ordinances shall review the minimum requirements that an applicant must comply with in order for the Special Permit Application to be accepted and for the matter to be scheduled for a public hearing.

s/Alderman Mercer-Bruen, Alderman Anderson, Alderman Campbell, President Haggerty, Alderman Higgins, Alderman Tedesco

RESOLVED Whereas, the Chapter 90 funds received from the State for street paving efforts are not adequate enough to address short and long term city wide needs regarding street paving, sidewalk repair and installation, and reconstruction of sidewalks including resetting granite curbing, that the City Council work in collaboration with the Mayor to establish a Capital Improvement plan for FY2018 and beyond to supplement Chapter 90 Funds for each Ward.

s/Alderman Mercer-Bruen, Alderman Anderson, Alderman Campbell, Alderman Richard Gately, President Haggerty, Alderman Higgins, Alderman Tedesco

Motion made and 2nd to ADJOURN.