

**CITY OF WOBURN  
AUGUST 15, 2017 – 6:30 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

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**MAYOR'S COMMUNICATIONS:**

A communication dated August 9, 2017 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear Councilors:

I would like to take this opportunity to inform you of two planning efforts we are embarking on relative to the area near the Anderson Woburn Regional Transit Center (Anderson RTC).

As you know, the area in and around Commerce Way holds great promise for future economic development. The lots east of the rail line and north of Mishawum Road are zoned for a mix of office, retail and industrial uses and the provisions of the Commerce Way Corridor Overlay District (CWCOD) inject the possibility of residential dwellings as well.

This area has recently proven attractive for residential development. The prospective owners of 120 Commerce Way were the first to exercise the overlay district's residential component, and their special permit will add 293 rental apartments. A recent comprehensive permit decision on a so-called 40B application will add another 200 residential units at 200 Presidential Way.

Is this "enough" housing development in this mixed-use district, or is there capacity and/or desire for more? If there is capacity, should new residential projects be proposed and permitted under the State's Smart Growth legislation (M.G.L. Chapter 40R) or by using the CWCOD Overlay? Has enough thought been given as to how to facilitate use of public transit by the residents of the two new developments mentioned above - and any future residential projects - for their commuting needs?

The future of the Woburn Mall is far from certain. What types of other uses, if any, might be appropriate? Could this site be redeveloped in a significant way without negatively affecting traffic on local roads? Would a mixed-use, residential/retail/office project on the Woburn Mall site re-energize use of Mishawum Station?

During the public meetings associated with the master planning process, a number of shortcomings relative to the infrastructure of Commerce Way were mentioned. How important are those shortcomings to the future of the district? To what extent will they negatively affect or perhaps impede future development? What are the solutions to the problems and how can they be implemented at the lowest cost to the Woburn taxpayer?

To answer these questions, the City has embarked on an effort with the Metropolitan Area Planning Council (MAPC) to conduct a comprehensive study of this area and of the Woburn Mall site in particular over the next six months or so. A natural outgrowth of the earlier master plan study and the aforementioned recent private sector interest, the study will analyze and evaluate existing land uses and various data, gather input from the public and City policy leaders via meetings and a survey, and will assess various market demands. MAPC will then develop recommendations on the subjects of economic development, affordable housing, and transportation connectivity that are essential to achieving the City's vision for the Anderson RTC area generally. It will also draft specific ordinances such as a 40R District for the City's consideration and adoption, should the study's conclusions require them.

A second planning study will also soon begin relative to the industrial area along and near New Boston Street. As you know, the State is planning to construct a replacement bridge over the commuter rail tracks at the current terminus of New Boston Street in 2022 to replace the bridge destroyed in the 1970's. The new bridge will re-establish connections between the New Boston Street industrial area, the Commerce Way district and the industrial park in Wilmington. How will construction impact the businesses along New Boston Street? What benefits will the bridge bring in the mid- to long-term? Is the existing zoning reflective of what current and future property owners need to ensure the businesses continue to flourish? Are infrastructure improvements needed? Would a pedestrian walkway connecting the Anderson RTC to New Boston Street help those businesses attract and retain employees?

The New Boston Street analysis is expected to take four (4) months to complete. Although the Anderson RTC and New Boston Street studies are largely independent of each other, both will be undertaken at the same time and will involve substantial amounts of public input and public meetings.

Planning Board Director Tina Cassidy will be overseeing both projects on the City's behalf. Please feel free to contact either one of us for additional background and information on either study.

Respectfully, s/Scott D. Galvin, Mayor

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A communication dated August 10, 2017 was received from Mayor Scott D. Galvin as follows:

Re: City of Woburn Financial Policies and Objectives

Dear President Haggerty and City Council Members:

I am pleased to submit to you a series of financial policies and objectives for your consideration and approval. I have collaborated with our financial team, the Edward J. Collins, Jr. Center for Public Management at UMass Boston and the City's financial advisors to develop these policies.

This comprehensive set of policies incorporates many of the best practices in municipal financial management. In the course of developing the financial policies and objectives, the project team from the Collins Center indicated that the City was already implementing nearly all of these best practices, but we all concurred that it is to the benefit of the long term financial stability of the City to have them reviewed and formally approved by the City Council.

You will see that the financial policies and objectives cover an array of topics. These include, but are not limited to: Accounting, Auditing, and Financial Reporting; General Fund; Budgeting and Financial Forecasting; Creating and Maintaining Reserves; Capital Improvements; Debt Management; Enterprise Fund Management; Gifts and Grants; Risk Management; Procurement and Purchasing; and, Investment.

These financial policies align well with other financial best practices including our efforts to enhance and formalize our capital planning processes, to develop a five-year financial forecast for revenues and expenditures, and to create a cash flow model. I believe strongly that adoption of these policies will position us well when the City is next reviewed by bond rating agencies on September 7, 2017.

I am available to discuss these policies in committee and would respectfully request your final approval at the September 5, 2017 meeting of the City Council. Please feel free to contact my office if you have any questions.

Respectfully submitted, s/Scott D. Galvin, Mayor

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ORDERED That the sum of \$1,100,000.00 be and is hereby appropriated as so stated from Stabilization Fund Acct #704059-596100 \$1,100,000.00 to Montvale Ave Infrastructure Acct #0112158-588057 \$1,100,000.00 – Purpose: Montvale Ave Reconstruction Project

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

s/Alderman \_\_\_\_\_

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ORDERED That the sum of \$255,243.40 be and is hereby appropriated as so stated from Various Mitigation Accounts Attached to Montvale Ave Infrastructure Acct #0112158-588057 \$255,243.40 – Purpose: Montvale Ave Reconstruction Project

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

s/Alderman \_\_\_\_\_

**PUBLIC HEARINGS:**

On the petition by NStar Electric Company d/b/a Eversource Energy for a grant of right in a way on Wyman Street southwesterly from pole 242/20 approximately 37 feet north of Brae Circle a distance of about 40 feet to install conduit, Wyman Street easterly from pole 242/21 approximately 25 feet west of Brae Circle a distance of about 22 feet to install conduit, and Brae Circle at and southerly at intersection of Wyman Street a distance of about 2274 feet to install conduit. PUBLIC HEARING OPENED. A communication dated July 7, 2017 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Electric Company d/b/a Eversource Energy – Brae Circle

Pursuant to NSTAR d/b/a Eversource request to install underground conduits from Wyman Street through Brae Circle for approximately 2300 linear feet, I offer the following update and recommendations for approval.

I have met with Eversource Personnel as well as their subcontractor in the field to discuss my concerns. Eversource has provided a modified plan, last revised on June 28, 2017 with requested survey data including additional utility information. I am satisfied at this point that this installation can be performed without damage to the City of Woburn infrastructure. The contractor has agreed to perform test pits within the roadway to confirm elevations which would further support this. Any damages must be reported to the DPW and Eversource will be responsible for their repair or replacement to DPW specifications. The contractor must notify residents of the upcoming work and make proper arrangements with the residents to allow for access from their driveways on a daily basis.

However, I recommend that no field changes may be made with our written approval. In addition, I recommend that any field changes deemed to be extensive beyond what can normally be anticipated, be grounds for revocation of the permit and a start of a new public hearing process with the City Council.

Furthermore, I recommend that at least half of the roadway be milled and overlaid with 2 inches of bituminous concrete and that all cross trenches be restored in the same manner for a minimum width of 20 feet. Any work performed in the sidewalk areas shall be replaced entirely to DPW specifications and be ADA compliant. An As-Built plan should be submitted in electronic format suitable to both the DPW and Engineering Department.

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

A communication dated August 10, 2017 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Brae Circle

Please see attached memo dated July 7, 2017. I am good if we are proceeding with directional drilling per conditions of attached memo. If they are back to conventional installation, I do not have a plan and I am not in favor of issuing approval on this petition at this time.

A report was received from the Committee on Infrastructure and Public Lands as follows: “ought to pass with the recommendations of the Superintendent of Public Works adopted as conditions of the grant.”

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On the 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. PUBLIC HEARING OPENED.

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On the petition by C&C Realty Trust, Fred J. Cotreau and John J. Canney, Jr., Trustees, 64 Chestnut Street, Wakefield, Massachusetts 01880 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.5 and 5.1.43 to allow for 2800 cubic yards of fill and for outside storage of building materials and equipment at 6 Draper Street. PUBLIC HEARING OPENED. A communication dated August 3, 2017 was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 6 Draper Street

Dear President Haggerty and Aldermen:

Request is made to continue the above matter from August 15, 2017 to the September 19, 2017 in order to provide additional information to the Council.

Thank you for your attention to this matter.

Very truly yours, s/Mark J. Salvati

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On the 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. PUBLIC HEARING OPENED. A communication dated August 10, 2017 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit modification application for 4 Presidential Way/Apria Healthcare, LLC

Dear Council:

The Planning Department has reviewed the request to modify an existing Special Permit application pursuant to Section 11.3.12 of the Woburn Zoning Ordinance (WZO). Specifically, the Petitioner seeks permission to reduce by one the number of on-site parking spaces reserved for the overnight parking of commercial vehicles (from the currently authorized six [6] spaces to five [5] spaces). The intent is to use the “freed” space for the installation of a chiller unit servicing an onsite tenant.

Planning staff notes that the parking requirement calculation on the site plan submitted with the application indicates that a total of 82 parking spaces are required by zoning for all of the current uses/tenants of this facility (warehouse and office space), and that a total of 86 spaces are provided. If the Special Permit is granted, the Petitioner indicates it will utilize 27 of those 86 parking spaces in connection with its leased warehouse/office space and overnight vehicle parking previously authorized by the Council.

Planning staff recommends the Council consult with Building Commissioner Tom Quinn to confirm that the site will in fact have sufficient parking to meet zoning requirements for all current tenants of the building and for any overnight parking that may have been authorized in connection with them.

In addition, while the pending application clearly asks for permission to reduce the number of overnight commercial vehicle spaces from six (6) to five (5), it does not specifically request or reference a corresponding reduction in the number of commercial vehicles authorized to park on the site overnight. The Council granted a Special Permit in August of 2016 that authorized this applicant to park six (6) commercial vehicles on site overnight. Proposed condition #2 below would make it clear that the number of commercial vehicles so authorized previously is reduced by one as well.

Accordingly, if the City Council chooses to grant the Special Permit, the Planning Department recommends imposing the following as conditions:

1. The Plan of Record shall be revised to include the following: “Apria Overnight Parking, 4 Presidential Way Development, Assessors Map 02 Block 01 Lot 06 in Woburn, MA; Prepared for Minast, LLC, 11 Presidential Way, Woburn, MA; Prepared by Design & Development Solutions, LLC., 400 Trade Center, #5900, Woburn, MA 01801; Scale: 1” = 40’; Date: June 6, 2016; Revised July 13, 2017”;
2. That the number of previously-authorized commercial vehicles that may be parked on site overnight in connection with this applicant’s tenancy shall be reduced from six (6) to five (5), to reflect the reduction in the number of on-site parking spaces reserved for this purpose; and
3. That all other conditions from the Council’s previous Special Permit decisions, dated July 9, 2015 and August 11, 2016, remain in full force and effect to the extent still applicable or unless otherwise amended by the Council.

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

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On the 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 8 Presidential Way. PUBLIC HEARING OPENED. A communication dated August 10, 2017 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit for 8 Presidential Way/Presidential Ventures, LLC

Dear Council:

The Planning Department has reviewed the above-referenced application seeking permission to alter the permitted use of property at 8 Presidential Way, currently a combination of Business and Trade School (leased to Porter and Chester Institute) use and accessory storage space (leased to Reading Vending, LLC), to General Office space, with accessory storage space maintained for Reading Vending, LLC. The Petitioner has been filed pursuant to Sections 11.3.12 and 5.1 (30b) (Business, Professional and General Office: over 15,000 sq. ft. of gross floor area). The property is zoned Industrial Park Two (IP-2), which allows the requested use by City Council Special Permit.

According to the off-street parking summary reflected on the engineer-certified plot plan, the proposed uses and tenants of the site require a total of 298 parking spaces in order to conform to zoning and a total of 342 parking spaces are provided. In addition, as no new

construction is proposed with this Petition, no potential zoning non-conformities will be created.

If the City Council chooses to grant the Special Permit, the Planning Department recommends imposing the following as conditions of approval:

1. That the Plan of Record shall be: "Existing Site Plan, 8 Presidential Way, Woburn, MA 01801; Prepared by Allen & Major Associates, Inc., 100 Commerce Way, P.O. Box 2118, Woburn, MA 01888-0118; Scale: 1" = 50'; Date: July 7, 2017; Sheet C-1; Project No. 2371-01";
2. That a total of eleven (11) parking spaces are to be preserved on-site for the sole purpose of overnight parking of commercial vehicles, as authorized by the Special Permit issued to tenant Reading Vending, LLC dated January 12, 2017;
3. That the plan be revised to show the location of the eleven (11) overnight commercial vehicle parking spaces; and
4. That the special permit is issued only to Presidential Ventures, LLC and is not transferrable with the exception of a transfer to an entity of which Presidential Ventures, LLC is the primary or principal owner.

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

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

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On the 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. PUBLIC HEARING OPENED. A communication dated August 8, 2017 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit application for 5 Draper Street/5 Draper Realty LLC

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application submitted by 5 Draper Realty, LLC. The application is filed pursuant to Section 5.1 (43) of the Woburn Zoning Ordinance to allow for "open or outside storage of new or used building materials or equipment," a use permitted by special permit in the Industrial-General (I-G) zoning district. Specifically, the applicant seeks to store excess masonry supplies onsite (at the rear of the parking lot) to service an existing industrial building on the property in cases of breakage, maintenance and repair.



An engineer-certified plot plan has not been filed with the application depicting the size and location of the area that would be used for outdoor material storage. As a result, Planning Staff is unable to comment on impacts to sufficiency of parking or screening measures. In addition, Planning staff notes that the letter sent by Building Commissioner Tom C. Quinn to the Petitioner, included with the application, indicates that several trailers are stored onsite without an approved Special Permit (only one trailer is allowable, at most, for accessory storage [pursuant to 5.1 [57]). Building Commissioner Quinn advised us today that the trailers have since been removed from the property so there is no longer a zoning issue with respect to them.

According to the modified Plan of Record (dated December 1, 2015) approved along with the Special Permit modification for the operation of a light manufacturing facility at this location (decision dated December 16, 2015 by the Planning Board), a total of 82 spaces are required, whereas 91 spaces are provided. This would render only 9 spaces in excess of the zoning requirement to be utilized for the purpose of outside storage of materials and equipment. On this point, Commissioner Quinn indicates that the amount of materials stored outside has been substantially reduced since the Special Permit application was submitted. The applicant is working with the Inspectional Services Department to address the remaining on-site storage and may find a solution that negates the need for a special permit of any kind. The Planning Department recommends the Council consult with the applicant and Commissioner Quinn at the time of the public hearing to determine if in fact the requested Special Permit will still be needed. If it is, the Department further recommends you require the applicant to file for review a plan that shows the dimensions and location of the proposed outside storage area and all parking spaces and which demonstrates compliance with measures specified in Notes 6 and 9 to Table 5.1 of the WZO. We further recommend the Council refer that plan back to the Planning Department or to the Building Commissioner for zoning conformance review.

Should the Council decide to grant the requested Special Permit, Planning staff recommends the Council impose the following as a condition of approval:

1. That the special permit is issued only to 5 Draper Realty, LLC and is not transferrable, with the exception of a transfer to an entity of which 5 Draper Realty, 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

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On the 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. PUBLIC

HEARING OPENED. A communication dated August 10, 2017 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit modification for 857 Main Street/Intent Architects

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit modification application submitted by Intent Architects. The modification, pursuant to Section 11.3.12, proposes a renovation of the front façade of the building's exterior. The Petitioner has submitted a façade renovation plan as part of the filing.

Since the Special Permit modification request is considered to be minor in nature and does not result in any zoning non-conformities nor any modifications to the existing Plans of Record, Planning staff take no exception to this request and recommends the following as potential conditions of approval:

1. That condition #1 of the December 21, 2010 decision be revised to incorporate the façade renovation plan, entitled "Façade Renovation: Permit Drawings for the Renovations to Windrose Alzheimer's Care Facility; Prepared by Intent Architects, 33 High Street, Suite 3, Reading, MA 0186, (781) 439-4774; Drawing: A1; Dated: 6/26/2017;"
2. That the special permit is issued only to Intent Architects and is not transferrable with the exception of a transfer to an entity of which Intent Architects is the primary or principal owner; and
3. That all other conditions of the December 21, 2010 decision shall remain in full force and effect unless modified by this decision.

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

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On the petition by Alderman Darlene Mercer-Bruen concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 3 Frank Street, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts 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. PUBLIC HEARING OPENED.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to transfer the sum of \$222,341.00 from Fire/BLS Ambulance Acct to Fire Ambulance Acct, committee report was received "ought to pass".

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**ORDINANCES:**

On the Order to amend the 1989 Woburn Municipal Code, as amended, Title 13, Section 12.2.14, paragraph 3 relative to water and sewer rates for multi-family dwellings, committee report was received "back for action".

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On the Order to amend the 1989 Woburn Municipal Code, as amended, Title 2, Section 2-194(H) relative to Deputy Superintendent of Public Works, committee report was received "ought to pass, as amended with the amendments as follows:

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.
- Preferred familiarity with the installation, maintenance, and repair of underground utilities.
- 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 of Public Works.

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**PUBLIC SAFETY AND LICENSES:**

On the petition by E&C Auto Brokers LLC for transfer of a Second Class Motor Vehicle Sales License, committee report was received “ought to pass, as amended with the conditions as follows: 1. Limit of five (5) vehicles, 2. Vegetation in the area near the office must be maintained.”

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**SPECIAL PERMITS:**

On the petition by Seaver Properties LLC request to revise plan of record for Special Permit relative to parking areas at 100 Baldwin Avenue, committee report was received “ought to pass, as amended with the following conditions: 1. Acceptance of the revised plan of record date 6/6/17, and 2. No parked vehicles may block the sidewalks on the property.”

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On the petition by James L. McKeown Boys & Girls Club of Woburn, Inc. to revise site layout plan and revised landscape plan of record for special permit at Charles Gardner Lane, committee report was received “ought to pass, as amended with the conditions as follows: 1. Acceptance of the site layout plan dated 7/7/17, and 2. Acceptance of the landscaping plan dated 7/7/17.”

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**NEW PETITIONS:**

Petition by CARES Foundation, Katherine Dilly, 17 Sherwood Road, Stoneham, Massachusetts 02180 for a Special Event Permit to allow a fundraising walk at Horn Pond on October 22, 2017.

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Petition by NSTAR Electric Company d/b/a Eversource Energy for a grant of right in a way install conduit in Micro Drive southerly from pole 577/2, approximately 182 feet southwest of Holton Street, a distance of about eight (8) feet.

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Petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the 1989 Woburn Zoning Ordinances, as amended by adding a Section 31 Federal Street Smart Growth Overlay District (FS/SGOD) as follows:

**SECTION 31**

**FEDERAL STREET SMART GROWTH OVERLAY DISTRICT (FS/SGOD)**

**31.1 Purpose of District**

The purpose of this Section 31 is to establish a Federal Street Smart Growth Overlay District (FS/SGOD) on property at 14 and 14R Federal Street, Woburn, MA, to encourage smart growth in accordance with the purposes of G. L. Chapter 40R. Specifically, it is the purpose of the FS/SGOD;

- a. To promote the health, safety and general welfare of the community by encouraging the development of multi-family residential housing near public facilities and commercial areas.
- b. To encourage the development of projects of appropriate scale in an area that provides proximate access to major highway and public transportation.
- c. To promote creative, efficient and appropriate solutions to the development of smaller, size-challenged sites.

### 2.3 Applicability

An applicant may seek development of a Project located within the FS/SGOD in accordance with the provisions of the Enabling Laws and this Section 31, including a request for Plan Approval by the Woburn City Council, if necessary. In such case, notwithstanding anything to the contrary in the Zoning Ordinance, such application shall not be subject to any other provisions of the Zoning Ordinance, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

### 31.2 Definitions

The following definitions shall apply only to this Section 31. All terms shall be defined in accordance with the definitions established under the Enabling Laws or this Section, or as set forth in the City Council's Regulations for the FS/SGOD ("the FS/SGOD Regulations"). To the extent there is any conflict between the definitions in this Section 31.2 or the FS/SGOD regulations and the Enabling Laws, the terms of the Enabling Laws shall govern.

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

ADMINISTERING AGENCY: The Woburn Housing Authority or other qualified housing entity designated by the City Council or DHCD, pursuant to Sub-section 31.6.2, to review and implement the Affordability Requirements affecting Projects under Section 6.0.

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

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

AFFORDABLE HOUSING RESTRICTION: A deed restriction of Affordable Housing meeting statutory requirements in M.G.L. Chapter 184, Section 31 and the requirements of Section 31.6.6 of this Ordinance.

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

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

AS-OF-RIGHT: A use allowed under Sub-sections 31.5.1 and 31.5.2 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that receives approval from the Zoning Board of Appeals in accordance with M.G.L. Chapter 40B shall be considered an As-of-right Project; a Project that requires Plan Approval by the Woburn City Council pursuant to Sub-sections 31.14 through 31.20 inclusive shall also be considered an As-of-right Project.

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

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

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

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

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

CITY COUNCIL: City Council of the City of Woburn.

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

DESIGN STANDARDS: The provisions of Section 31.18 which are the design provisions that are applicable to all Projects within the FS/SGOD.

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

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

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

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

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

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

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

ELEVATION: Height relative to mean sea level.

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



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

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

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

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

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

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

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

FS/SGOD: The Federal Street Smart Growth Overlay District established in accordance with this Section 31.

GARAGE: A structure for the storage of motor vehicles.

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

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

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

- Is clearly incidental to and secondary to the use as a residence; and
- Is a customary home occupation such as dressmaking, millinery, or preparing food for sale; or
- Is an office of a resident physician, dentist, attorney at law, architect, engineer, real estate broker, insurance broker, teacher of not more than three (3) students, or member of other recognized professions; and
- Shall have no exterior evidence of the home occupation or display or storage of materials other than permitted by this ordinance, including signs as permitted in Section 31.9; and
- The equipment, facilities or conduct associated with the home occupation do not create undue or harmful noise, smoke, dust, odor, vibration, electrical interference, customer traffic, or unsightliness discernable from adjacent properties or such other interferences with the peaceable enjoyment of neighboring residents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MIXED-USE DEVELOPMENT PROJECT: A Project containing a mix of Multi-family Dwelling and non-residential uses.

PAA REGULATIONS: The rules and regulations of the Woburn City Council for the Federal Street Smart Growth Overlay District, adopted pursuant to Sub-section 31.14.3 ("FS/SGOD Regulations").

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

PLAN APPROVAL AUTHORITY (PAA): The Woburn City Council authorized under Sub-section 31.14 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the FS/SGOD.

PLANNING BOARD: Planning Board of the City of Woburn.

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

PRINCIPAL USE: The main or primary purpose(s) for which a structure or lot is designed, arranged, or intended, or for which they may be used, occupied, or maintained under this ordinance. The use of any other structure or land on the same lot and incidental or supplementary thereto and permitted under this ordinance shall be considered as accessory use.

**PROJECT:** A Residential Project or Mixed-Use Development Project undertaken within the FS/SGOD in accordance with the requirements of this Section 31.

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

**RESIDENTIAL PROJECT:** A Project that consists solely of residential, parking, and accessory uses, as further defined in Sub-section 31.5.1.

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

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

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

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

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

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

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

**SIGN:** Any permanent or temporary device, letter, word, billboard, placard, painting, drawing, poster, banner, pennant, insignia, trade flag, streamer,

display, emblem, helium balloon larger than one (1) foot in diameter which is attached to a building or structure, or representation used as or which is in the nature of an advertisement, announcement, or direction, or is designed to attract the eye.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. SOLAR ENERGY SYSTEM, ACTIVE: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
2. SOLAR ENERGY SYSTEM, CARPORT/CANOPY: An accessory structure designed and utilized principally for the support of a solar energy system. For purposes of this Ordinance, a Solar Carport/Canopy is considered to be ground-mounted.
3. SOLAR ENERGY SYSTEM, GRID-INTERTIE: A photovoltaic system that is connected to an electric circuit served by an electric utility.
4. SOLAR ENERGY SYSTEM, GROUND-MOUNTED: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).
5. SOLAR ENERGY SYSTEM, LARGE-SCALE: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).
6. SOLAR ENERGY SYSTEM, MEDIUM-SCALE: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).
7. SOLAR ENERGY SYSTEM, OFF-GRID: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.

8. SOLAR ENERGY SYSTEM, PASSIVE: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
9. SOLAR ENERGY SYSTEM, ROOF-MOUNTED: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).
10. SOLAR ENERGY SYSTEM, SMALL-SCALE: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

### 31.3 Establishment and Applicability

1. The FS/SGOD is established pursuant to the authority of Chapter 40R of the General Laws and 760 CMR 59.00. At the option of the Applicant, development of land within the FS/SGOD may be undertaken by means of a Plan Approval pursuant to the zoning controls set forth in this Section 31, or by complying with all applicable Underlying Zoning controls set forth in the Woburn Zoning Ordinance. Notwithstanding anything to the contrary in the zoning ordinance, Development Projects proceeding under this Section 31 shall be governed solely by the provisions of this Section 31 and the standards and/or procedures of the Underlying Zoning shall not apply unless referenced herein. Development Projects proposed pursuant to this Section 31 shall not be subject to any other provisions of the Zoning Ordinance, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or Dwelling Unit limitations.
2. The FS/SGOD, is an overlay district having a land area of approximately twenty-six one-hundredth (.26) acres that is superimposed over the underlying zoning district(s) and is shown on the Woburn Zoning Map as set forth on the map entitled "Proposed Federal Street 40R Smart Growth Overlay District" dated July 2017 and prepared by the City of Woburn Engineering Department. This map is hereby made a part of the Zoning Ordinance and is on file in the office of the City Clerk.
3. The FS/SGOD consists of two adjacent parcels: 14 Federal Street consisting of approximately .17 acres, identified on the City of Woburn Assessors' Maps as Map #51, Block #01, Lot #05; and 14R Federal Street consisting of approximately .09 acres, , identified on the City of Woburn Assessors' Maps as Map #51, Block #01, Lot #04.

### 31.4 Applicability of FS/SGOD

1. An applicant may seek development of a Project located within the FS/SGOD in accordance with the provisions of the Enabling Laws and this Section 31, including a request for Plan Approval by the PAA, if necessary. In such case, notwithstanding anything to the contrary in the Zoning Ordinance, such application shall not be subject to any other provisions of the Zoning Ordinance, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.
2. The FS/SGOD is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section 31. Within the boundaries of the FS/SGOD, a developer may elect either to develop a Project in accordance with the requirements of the Smart Growth Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s).
3. The provisions of this Section 31 shall be administered by the Inspectional Services Director, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sub-sections 9 through 13 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section 31 shall be governed by the applicable provisions of G. L. Chapter 40A.

### 31.5 Uses Permitted and Not Permitted

The following uses are permitted as-of-right for Projects within the FS/SGOD.

1. The following uses are permitted with Plan Approval from the City Council in the FS/ SGOD:
  1. Residential Project
  2. Parking Accessory to a Residential Project
  3. Essential Services
  4. Home Occupation or Office
  5. Photovoltaic System
  6. Sign(s) permitted by Sub-section 31.9, Signage Regulations
  7. Tenant Recreational Facilities
  8. Solar Collector
  9. Solar Energy System
  10. Solar Thermal System

11. Wireless Communication Link (Building Mounted, Free-Standing and Interior)

12. Accessory uses customarily incidental to the above-permitted uses

2. The following uses are not permitted uses in the FS/SGOD:

1. Drive-Up Customer Service Facility

2. Any use not listed in Sub-section 31.5.1 or Section 31.5.2 above

### 31.6 Housing and Housing Affordability

#### 1. Number of Affordable Housing Units

For all Projects, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a Project, any fractional unit of 0.5 or greater shall be deemed to constitute a whole unit.

#### 2. Administering Agency

An administering agency which may be the local housing authority or other qualified housing entity (the "Administering Agency") shall be designated by the Woburn City Council. The City Council has designated the Woburn Housing Authority as the designated Administering Agency. In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Administering Agency shall ensure the following, both prior to issuance of a Building Permit for a Project within the FS/SGOD, and on a continuing basis thereafter, as the case may be:

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

### 3. Submission Requirements

As part of any application for Plan Approval for a Project within the FS/SGOD submitted under Sub-sections 9.0 through 13.0 (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), the Applicant must submit the following documents to the PAA and the Administering Agency:

- 1) Evidence that the Project complies with the cost and eligibility requirements of Section 6.4:
- 2) Project plans that demonstrate compliance with the requirements of this Section 6.3 and Section 6.5; and
- 3) A form of Affordable Housing Restriction that satisfies the requirements of Section 6.6.

These documents in combination, to be submitted with an application for Plan Approval (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), shall include details about construction related to the provision, within the development, of units that are accessible to the disabled.

### 4. Cost and Eligibility Requirements.

Affordable Housing shall comply with the following requirements:

1. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 31 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
3. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 31 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

Prior to the granting of any Building Permit or Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the City of Woburn.

### 5. Design and Construction.

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

#### 6. Affordable Housing Restriction.

Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

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

Housing Restriction if required by then current practice of commercial mortgage lenders;

8. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Administering Agency;
9. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency;
10. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
11. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
12. Provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this Ordinance and containing such other information as may be reasonably requested in order to ensure affordability; and
13. A requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

#### 7. Costs of Housing Marketing and Selection Plan.

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

#### 8. Age Restrictions.

Nothing in this Section 31 shall permit the imposition of restrictions on age upon all Projects throughout the entire FS/SGOD. However, the Administering Agency may, in its review of a submission under Section 6.3, allow a specific Project within the FS/SGOD designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing

laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units. Any Project which includes age-restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

9. Phasing.

For any Project that is approved and developed in phases in accordance with Sub-section 14.4, the proportion of Affordable Housing Units (and the proportion of Existing Zoned Units to Bonus Units as defined in 760 CMR 59.04 1(h)) shall be consistent across all phases.

10. No Waiver.

Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 6.0 shall not be waived

31.7 Table of Dimensional Requirements

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

Dimensional Standard	Dimensional Requirement
Minimum Lot Size	10,000 SF
Minimum Lot Width	40'
Minimum Street Frontage	50'
Minimum Front Setback	None
Minimum Rear Setback	None
Minimum Side Setback	None
Minimum Landscaped Usable Open Space	31%
Maximum Height of a Building	50' and 4 stories
Maximum Floor Area Ratio	5
Minimum Number of Dwelling Units/Developable Acre	20
Maximum Number of Dwelling Units/Developable Acre	200
Maximum gross floor area (gfa) of non-residential uses	20% of total gfa

The PAA may, in order to encourage the development of infill housing units on undeveloped lots within a Substantially Developed Sub-district, grant a waiver to the dimensional standards of Section 31.7, in accordance with Section 31.11.3.

31.8 Parking Requirements



1. Unless otherwise approved by the PAA, the following minimum numbers of off-street parking spaces shall be provided by use, either in surface parking, within garages or other structures, and the parking for each use shall be calculated separately:

Use	Number of Off-Street Spaces Required For FS/SGOD Projects
Residential	1.25 per studio and one-bedroom unit
	1.75 per two-bedroom unit
	2.00 per three-bedroom unit
	1.00 per each bedroom exceeding three-bedrooms
Office (as accessory use)	One (1) per 350 sq. ft. of net floor area
Storage (as accessory use)	One (1) per 400 sq. ft. of net floor area
Tenant Recreational Facilities	One (1) per each employee assigned to staff the tenant recreational facilities

2. Off-Site Parking

For residential and mixed use projects off-site parking shall be permitted in an off-site lot if said lot is within 500 feet of the lot accommodating the primary use and provided that the lot of land where the off-site parking is to be provided is either controlled as a long term lease acceptable to the PAA, is a municipal lot, or is under the same ownership of the principal use(s) it is intended to serve.

The PAA may allow for a decrease in the required parking as provided in Sub-sections 31.8.3 and 31.8.4 below.

3. Shared Parking.

Notwithstanding anything to the contrary herein, the use of shared parking to fulfill parking demands noted above that occur at different times of day is strongly encouraged. Minimum parking requirements above may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission of any application for a Building Permit), if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (e.g. the Urban Land Institute Shared Parking Report, ITE Shared Parking Guidelines, or other approved studies).

4. Reduction in parking requirements.

Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission

of any application for a Building Permit), if the applicant can demonstrate that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

- a) the availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;
- b) the availability of public or commercial parking facilities in the vicinity of the use being served;
- c) shared use of off street parking spaces serving other uses having peak user demands at different times;
- d) age or other occupancy restrictions which are likely to result in a lower level of auto usage;
- e) impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and
- f) such other factors as may be considered by the PAA.

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

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

Feature	Required Dimension(s)
Parking space	9' wide by 18' long
Parking space, compact car	8' wide by 16' long
Parking space, handicapped	12' wide by 18' long
Site drive, parking lot/garage aisle, one-way	18' wide min.
Site drive, parking lot/garage aisle, two-way	24' wide min.
Entrance/exit driveway width at curb line	30' wide max.
Entrance/exit driveway radius	3'
Distance between driveways on single lot	50' min. for corner lots; 31' min. for all others
Distance between driveway & curb line of intersecting street	25' min.

#### 6. Off-Street Loading Requirements

Each building shall be required to have loading spaces in conformance with the requirements of the Woburn Zoning Ordinances, Section 8, Sub-section 8.7.

7. General Design Requirements for Surface Parking and Loading Facilities

1. Any surface parking area or loading facility shall, to the maximum extent feasible, be located to the side or rear of a building relative to any street, pedestrian walkway or public open space.
2. Surface parking spaces must be set back at least fifteen (15) feet from the front lot line and ten (10) feet from all side and rear lot lines.
3. Driveways shall be located so as to minimize conflict with traffic on adjacent streets and where good visibility and site distances are available to observe approaching pedestrian and vehicular traffic.
4. Parking facilities shall be designed so that a vehicle may proceed to and from each parking space provided for it without requiring the moving of any other vehicle, except for a parking facility providing valet parking.
5. All loading facilities shall be designed with appropriate means of vehicular access and adequate maneuvering area, which maneuvering area must be provided entirely on the lot with immediate and direct ingress to the building to be served.
6. All parking facilities and loading areas shall have security lighting which shall be arranged and shielded so as to prevent glare onto adjacent streets or properties.
7. All parking facilities shall be surfaced with asphalt, concrete or other durable material and marked with four inch (4") painted lines or some other permanent marking system to clearly denote all parking spaces and, where appropriate, travel direction and instruction.
8. All parking and loading areas shall be designed and constructed so as to provide proper drainage of the lot.
9. Curbing, wheel stops, guard rails or bollards shall be placed at the edges of surfaced parking areas in order to protect landscaped areas or otherwise control parking locations.
10. Parking facilities shall be kept clean, plowed and free from rubbish, debris and snow. All plant materials shall be maintained in a healthy condition and whenever necessary shall be replaced with new material

to ensure continued compliance with any approved plan or landscaping requirement. All surfaces, lighting, fences, walls, and barriers shall be maintained in good repair and whenever necessary shall be replaced.

11. Up to ten percent (31%) of required off-street parking spaces may be for compact cars. Such spaces shall be provided with signage identifying them as compact spaces.

## 7. Landscaping Requirements for Parking Areas

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

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

## 31.9 Signage Regulations

1. The following types of signs are permitted in the FS/SGOD:
  1. Signs erected by or on the order of a governmental agency when limited to governmental purposes and excluding any advertising.

2. Names of buildings, date of erection, monumental citations and commemorative tablets when made a permanent and integral part of a building, not to exceed ten (10) square feet.
3. Banners or flags emblematic of or issued by national, state or local governments.
4. Signs not to exceed two (2) square feet which indicate warnings, hazards or public conveniences such as "no trespass", "beware of dog" or rest room signs.
5. Up to two (2) signs identifying churches on each street frontage, one (1) of which may not exceed twenty (20) square feet in area and one (1) of which may not exceed ten (10) square feet in area. One (1) sign per each street frontage may be free-standing and may be used for notices and announcements of services and events.
6. Signs necessary to give clear directions to a parking lot or building entrance on the premises. Such signs shall not exceed four (4) square feet in area, nor shall they stand more than four (4) feet high. Such signs may be located within required yard areas but not closer than five (5) feet from streets or driveways.
7. Temporary Signs as follows:
  1. Temporary identification signs: One (1) temporary identification sign to identify a property or use during the period from the submission of a sign application to the Building Commissioner to the decision, provided that in the event of an unfavorable decision such temporary sign shall be removed forthwith, and provided that the temporary sign conforms with all applicable dimensional regulations of this section.
  2. Construction signs: One (1) or more signs on a site during the construction or alteration of a building identifying the building, owner, contractor, architects and/or engineers and the business to be conducted therein. Such signs shall not exceed in the aggregate thirty-two (32) square feet and shall be removed within forty-eight (48) hours after completion of the construction or alteration.
  3. Real estate signs: One (1) unlit sign, not exceeding thirty-two (32) square feet advertising the sale, rental or lease of the premises or part of the premises or the willingness to build on the premises on which the sign is displayed. Such signs shall be removed within forty-eight (48) hours after the sale, rental or lease. Any other signs used in connection with the sale, rental or lease of a particular

premises, including but not limited to "Open House" special events or directory-type signs, shall be of a carry-away design only, not affixed in any permanent manner and shall be in place for a duration of not greater than forty-eight (48) hours per week.

4. Signs to be used for charitable or public purposes but which do not comply with the requirements of this ordinance may be authorized by the Inspectional Services Director for a period not to exceed thirty (30) days.

2. The following types of signs are prohibited in the FS/SGOD:

1. All non-necessary signs including billboards.
2. Roof or window signs
3. Signs which extend more than four (4) feet above the main roof line of the buildings to which they are attached.
4. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decorations.
5. Signs or other advertising devices with visible moving or movable parts or with flashing animated or intermittent illumination.
6. Portable or movable signs such as those used in connection with gas filling stations, automobile dealers and garages including trailer signs and signs affixed to or painted on a vehicle permanently parked on the premises so as to serve as a sign.

3. General Requirements for Signs

1. Required setbacks for signs shall be the same as those specified for the principal building on the lot.
2. All signs and the immediate area surrounding free-standing and ground mounted signs must be maintained in good repair and free of rubbish and weeds.
3. The Inspectional Services Director is authorized to order the repair or removal of any sign and its supporting structure that in the judgment of the Inspectional Services Director is dangerous, or in disrepair or which is erected or maintained contrary to this by-law. Such repair or removal shall be the responsibility of the building owner and must be completed within thirty (30) days of notification by the Inspectional Services Director. Appeals from the Inspectional Services Director's order shall be held by the Woburn Board of Appeals.
4. No sign shall be placed in a manner that casts reflection upon any dwelling.
5. All sign illumination shall be interior, non-exposed or shielded exterior illumination directed solely at the sign. Illumination shall be steady and stationary.

6. No sign or its illuminator shall by reason of its location, shape, size or color create, in the opinion of the Chief of Police, a driving hazard to vehicles or obstruct the effectiveness of any official traffic sign, traffic signal or traffic marking.
7. No free-standing pole or pylon sign, nor any ground sign greater than three (3) feet in height but less than ten (10) feet in height shall be located within a triangular area formed in the following manner: By a front lot line or railroad track, a street intersecting such front lot line or track and a straight line which connects points along the aforesaid lines thirty-five (35) feet from their intersection.
8. No sign shall be maintained which advertises a product no longer sold or a commercial enterprise no longer in operation on the premises upon which the sign is located. Except for allowed real estate "For Sale" or "For Lease" signs, no sign shall remain in place in or on the vacated premises for more than thirty (30) days from the day of vacancy. No holiday signs or decorations shall be posted more than sixty (60) days prior to any holiday or remain posted more than sixty (60) days after any holiday.
9. No signs shall be affixed in a permanent manner to any utility pole or poles located along a way in the City of Woburn in connection with the private activity, business, enterprise or event such as, but not limited to, the sale, rental or lease of a premises directly to a private business operation or any other private activity.

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

Type of Sign Permitted	Number of Signs Permitted	Dimensional Requirements/Restrictions
Primary Wall Sign	One (1) for each building	Total area of all Primary Wall Signs shall not exceed ten percent (10%) of the façade area of the first two (2) stories of the building's façade which faces the front lot line.
Secondary Wall Sign	One (1) for each separate entrance to the structure or each façade that faces a public way, maximum of two (2)	Total area of all secondary wall sign(s) shall not exceed one-half (1/2) the total permissible area for a Primary Wall Sign. Secondary Wall Sign(s) may not be erected on the same wall as a Primary Wall Sign.
Window Sign	None allowed	None allowed
Awning Sign	One (1) per establishment	Lettering may not occupy more than twenty percent (20%) of the awning's area.
Freestanding	One (1) per lot	Maximum of forty (40) square feet per

Sign		side; both sides must have identical language. Sign may not exceed thirty (30) feet in height.
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### 31.10 Solar Photovoltaic Installations

#### 1. Purpose

The purpose of this ordinance is to promote the creation of new solar photovoltaic installations in accordance with M.G.L. c.40A, §9B and the Green Communities Act, M.G.L. c.25A, §10, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

#### 2. Applicability

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

#### 3. General Requirements for all Solar Photovoltaic Installations

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

1. Compliance with Laws, Ordinances and Regulations: The construction and operation of all solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code and each component of the solar energy system that is regulated by the building code shall be performed by those that are authorized to do such work in the Commonwealth of Massachusetts. Failure to use licensed personnel in all aspects of construction and installation of a solar photovoltaic installation shall be grounds for revocation of any approval granted under site plan review and/or any building permit issued.
2. Permits and Inspections: No solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining all required building, electrical and plumbing permits.



3. The total capacity of all existing and proposed ground-mounted solar photovoltaic installations on the lot shall be measured in determining whether an installation is large-scale or small-scale.
4. All solar carports/canopies and ground-mounted solar photovoltaic installations shall be screened from view of abutting properties and streets, to the extent practicable. Screening may consist of fences, vegetation, evergreen plantings, topography and earthen berms so long as they do not interfere with or encroach upon sight lines or violate other provisions of this Ordinance.
5. Security fencing shall be required around any medium-scale or large-scale ground mounted solar energy systems. Security fencing associated with ground mounted solar photovoltaic installations shall not be subject to the provisions of Section 0.11.2.2 of this Ordinance.

#### 4. Use Regulations

##### 1. Uses Permitted as of Right

###### 1. Roof-Mounted Solar Energy Systems

#### 5. Dimensional and Density Requirements

##### 1. Setbacks

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

Front Setback: 4 feet from building façade line;

Side Setback: 4 feet from building façade line;

Rear Setback: 4 feet from building façade line.

#### 6. Application and Plan Requirements

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

1. Plans: All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
2. Required Documents: the project proponent shall provide the following documents:
  1. A site plan showing:
    1. Property lines and physical features, including roads, for the project site;
    2. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
    3. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
    4. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
    5. Name, address, and contact information for proposed system installer;
    6. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; and
    7. The name, contact information and signature of any agents representing the project proponent.
  3. An operation and maintenance plan which shall include measures for maintaining safe access to the installation as well as general procedures for operational maintenance of the installation including provisions to prevent reflection of glare and/or concentrated energy onto adjacent structures and properties;
  4. The underlying Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
  5. Proof of liability insurance;
  6. Description of financial surety that satisfies Section 31.10.8.3;
  7. Proof that the utility company that operates the electrical grid where the installation is to be located has been informed of the installation owner or operator's intent to install an interconnected customer-owned

generator as well as documentation from said utility that it will connect the proposed customer-owned generator into its power grid. Off-grid systems shall be exempt from this requirement; and

8. The Applicant and owner shall execute a Right of Entry Form for the benefit of the City, in a form to be approved by the City Solicitor, to permit entry and removal in the event of Abandonment as provided in Section 31.10.8.

## 7. Safety and Environmental Standards

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

## 8. Monitoring and Maintenance

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

## 9. Abandonment or Decommissioning

1. **Removal Requirements:** Any solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 31.10.9.2 of this ordinance below shall be removed. The owner or operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations. The owner or operator shall notify the Building Commissioner and City Council by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

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

### 31.11 Additional Use Regulations

#### 1. General Requirements

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

noise, vibration, dust, smoke, radiation, waste, glare, fumes, or odors detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates unreasonable visual or audible interference in any radio or television receivers. No other noise, vibration, smoke, dust, odors, heat, glare, unsightliness, or other nuisance shall be produced which is discernable from other properties.

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

## 2. Requirements for Fences

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

### 31.12 Development Impact Mitigation

#### 1. Purpose

The purpose of these provisions is to protect the health, safety and general welfare of the inhabitants of the City of Woburn by

providing for the assessment of plans for proposed uses and structures which will have significant impacts on traffic and public utilities, and by requiring the reasonable mitigation of those impacts. This Ordinance will ensure that Woburn's infrastructure is upgraded and maintained in a responsible manner consistent with State and Municipal Laws. This ordinance will increase the safety and reliability of Woburn's roads for pedestrians, residents, employees and motorists alike and will ensure that major developments bear a proportionate share of the cost of capital facilities necessary to accommodate such development.

## 2. Applicability

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

## 3. Submission of Development Impact Statement

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

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

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

The Traffic Study shall contain the following:

1. Existing traffic conditions: Measurement and assessment of average and daily peak hour volumes, average and peak speeds, sight distances, accident data and levels of service (LOS) of all intersections and streets within the project impact area. Generally, such data shall be no more than twelve (12) months old at the date of the application, unless other data are specifically approved by the City Council with the recommendation(s) of the City Engineer.
  2. Projected traffic conditions: Projected traffic conditions for the design year of occupancy, including a statement of the design year of occupancy, estimated background traffic growth on an annual average basis, and impacts of other proposed developments that have been approved in whole or in part by the City of Woburn or an abutting town which will affect future traffic conditions.
  3. Projected impact of proposed development: Projected peak hour and daily traffic generated by the development on the roads and ways in the project impact area, sight lines at the intersections of the proposed driveways and streets, existing and proposed traffic controls in the vicinity of the proposed development, and projected post-development traffic volumes and levels of service of intersections and roads likely to be affected by the proposed development.
  4. Traffic mitigation measures: Specific measures to be undertaken by the Applicant in order to mitigate the impacts of the proposed development and to ensure that current traffic conditions and LOS are not adversely affected by the project. Also, the assessment shall consider both on site and off site mitigation measures, to include but not be limited to new traffic control signals, increase(s) in right of way capacity via widening roads, or other right of way or intersection improvements. The proposed mitigation measures, if approved, shall be required prior to the issuance of a building permit.
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2. Utility Impact Assessment: The Utility Impact Assessment shall document the capacity and condition of the existing public utility infrastructure in the vicinity of the proposed project, including but not limited to water and sewer services and storm water drainage systems. The assessment shall also accurately describe the additional demand upon said infrastructure items, generated by the proposed project, and identify measures necessary and sufficient to mitigate the impact caused by the additional demand.

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

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

### 3. Report by City Engineer

The City Engineer shall be responsible for preparing a written report to the City Council after consulting with the Superintendent of Public Works and all other relevant departments regarding the adequacy and accuracy of the scope, data, findings, and proposed mitigation measures



presented in the Development Impact Statement and the proposed mitigation measures proposed in the traffic mitigation and utility impact assessments.

#### 4. Performance of Mitigation Measures

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

#### 5. Traffic Safety and Infrastructure Fund

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

recommendations and cost estimates from the Superintendent of Public Works or other appropriate department heads.

3. Any moneys in the fund shall be expended only by a majority vote of the entire membership of the City Council, with the approval of the Mayor, and shall be appropriated only for the purpose of maintaining and improving the public rights-of-way, the water supply and distribution system, and the storm and sanitary sewer infrastructure of the city, which shall include traffic regulation and control, road improvements (including widening), traffic control signals, street lighting, sidewalks and other public improvements related to traffic safety, the installation or repair of wells for the supply of municipal water, water treatment facilities, water distribution lines, pump stations, reservoirs and other storage water facilities, metering facilities, and other water distribution facilities, and storm and sanitary sewer lines, treatment facilities, drainage and catch basins, or other sewerage facilities, and including new construction where needed. The cost of land takings necessary to accomplish any of the purposes listed herein shall be considered a proper purpose for the expenditure of moneys from this fund. No moneys in this fund shall be used for any purpose not included or directly related to the purposes listed above. Further, moneys contributed by a specific applicant for a special permit under this section shall be spent on mitigation measures related to said development, specified in the Project Mitigation Statement, and specified as conditions in the special permit.
4. All contributions must be paid into the "fund" before a permanent occupancy permit will be issued.
5. The Applicant will be required to post an irrevocable letter of credit with the City for the cost of all required mitigation measures imposed as conditions of approval. The amount of the letter of credit may be periodically reduced by the City Council as specific mitigation measures are completed.
6. If the Applicant has not completed the required mitigation work before the issuance of a temporary or final occupancy permit, the City shall complete the mitigation measures as much as is practical with funds obtained through the exercise of the letter of credit above.
7. If required by the City Council, the proponent shall agree to participate in the regional or local transportation management association (TMA) and implement a transportation demand management program that includes the assignment of an Employee/Resident Transportation

Coordinator to work with the TMA, residents and employees to encourage ridesharing and the use of public transportation.

## 6. Waivers

The City Council, by a majority vote, after receiving the Development Impact Statement and the report of the City Engineer, may waive all or part of the mitigation requirements of this Sub-section 31-12. The City Council, in approving a waiver, shall make a specific finding, in writing, that the granting of a waiver will not create conditions which are substantially more detrimental to the neighborhood in which the site is located, than if the waiver were not granted. As the basis for its decision, the City Council shall consider other positive impacts of the project upon the project impact area not measured by the Development Impact Statement, such as, but not limited to, the substantial remediation of an environmentally contaminated site and the creation of needed affordable housing.

### 31.14 Plan Approval of Projects: General Provisions

1. Any application for Plan Approval of a Residential Project shall be reviewed by the City Council for consistency with the purpose and intent of Sub-sections 7 through 14 inclusive. Such plan approval process shall be construed as an As-of-right review and approval process as required by and in accordance with the Enabling Laws.
2. The City Council, consistent with M.G.L. Chapter 40R and 760 CMR 59.00, shall be the Plan Approval Authority ("PAA") and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the FS/SGOD.
3. The City Council, as the PAA, has adopted administrative rules and regulations relative to Plan Approval for this FS/SGOD. Such rules and regulations (and any amendments thereto) must be approved by DHCD and filed with the City Clerk.
4. An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase, and subject to the approval of the Woburn City Council.

### 31.15 Plan Approval Procedures

1. Elective Pre-Application Process

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

## 2. Required Submittals for formal Application

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

## 3. Filing

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

## 4. Circulation to Municipal Agencies

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

## 5. Hearing

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

#### 6. Peer Review

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

#### 31.16 Plan Approval Decisions

1. Plan approval shall be granted where the City Council finds that:
  1. The Applicant has submitted the required fees and information as set forth in the Council's Regulations; and
  2. The Project as described in the application meets all of the requirements and standards set forth in this Section 31 and the Council's Regulations for the FS/SGOD, or that a waiver has been granted therefrom; and
  3. Any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the Affordability requirements of Sub-section 6.0, compliance with Sub-section 31.16.1.2 above shall include written confirmation by the Housing Authority that all requirements of that Section have been satisfied. The City Council may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section 31, or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

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

1. The Applicant has not submitted the required fees and information as set forth in the City Council's Regulations;
  2. The Project as described in the application does not meet all of the requirements and standards set forth in this Section 31 and the City Council's Regulations, or that a requested waiver therefrom has not been granted; or
  3. It is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.
3. Upon the request of the Applicant, the City Council may waive dimensional and other requirements of Section 31, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the FS/SGOD, or if it finds that such waiver will allow the Project to achieve the density, Affordability, mix of uses, and/or physical character allowable under this Section 31.
4. The City Council, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased for the purpose of coordinating its development with the construction of Planned Infrastructure Improvements (as that term is defined under 760 CMR 59.00), or to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the proportion of Affordable to market rate units shall be consistent across all phases.
5. The City Council shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the City Clerk and that all plans referred to in the decision are on file with the City Council. If twenty (20) days have elapsed after the decision has been filed in the office of the City Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the City Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the City Council to timely act, the City Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the Middlesex Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.
6. A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two (2) years after the decision is issued, which time shall be extended by the time required to

adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

### 31.17 Changes in Plans After Approval by City Council

1. After Plan Approval, an Applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the City Council on redlined prints of the approved plan, reflecting the proposed change(s), and on application forms provided by the City Council. The City Council may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The City Council shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the City Clerk.
2. Those changes deemed by the City Council to constitute major change(s) in a Project because of the nature of the amendment in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the City Council as a new application for Plan Approval pursuant to Sub-sections 7-16 inclusive.

### 31.18 Design Standards

1. Any As-of-Right Project or Project undergoing the Plan Approval process shall be subject to design standards as set forth below in this Sub-section 31.18 ("Design Standards").
2. The Woburn Federal Street Smart Growth Overlay District Design Standards are adopted to ensure that the physical character of Projects with the FS/SGOD:
  1. Will be complementary to nearby buildings and structures;
  2. Will be consistent with the City's Zoning Ordinance, Master Plan and Housing Production Plan;
  3. Will provide for high-density quality development consistent with the character of building types, streetscapes, and other community features traditionally found in densely settled areas of the City or in the region around Woburn.

3. Non-residential elements of any development project must be planned and designed in an integral manner to complement the residential use proposed therein and to help foster vibrant, workable, livable and attractive neighborhoods consistent with the smart growth goals of the Enabling Act and this Section 31.

#### 31.19 Administration and Enforcement

1. The Inspectional Services Director shall not issue a permit for construction, alteration, moving, or occupancy of any structure or building, or for any use of structures or land related to such permit, if the construction, alteration, moving, occupancy or use would be in violation of any of the provisions of this Ordinance. Nor shall the Building Commissioner issue any permit where plans, or other permits and approvals, submitted to the Commissioner, or lack thereof, would not comply with the provisions of this Ordinance, or with the General Laws incorporated into this Ordinance.
2. Any person violating any of the provisions of this ordinance shall be fined not more than three hundred dollars (\$300.00) for each offense. Each day that such violation continues shall constitute a separate offense.
3. Notwithstanding the foregoing, any alleged violation of any of the provisions of this Zoning Ordinance may, in the sole discretion of the Inspectional Services Director, , be made the subject matter of proceedings initiated by the Inspectional Services Director pursuant to the provisions of MGL Chapter 40, Section 21D, Non-Criminal Disposition. If the Inspectional Services Director so elects to proceed under Chapter 40, Section 21D, all the terms and provisions of such Chapter and Section shall thereafter govern said action.
4. If any person who violates this ordinance fails to pay the fine assessed by the Inspectional Services Director within twenty one (21) days or after a responsible finding at the district court hearing held in accordance with Massachusetts General Laws Chapter 40, Section 21D, the Inspectional Services Director may, in addition to pursuing further action under Massachusetts General Laws Chapter 40, Section 21D, forward notice of the violation assessment to the City Treasurer/Collector who shall collect the violation assessment in accordance with the provisions of Massachusetts General Laws Chapter 60, Section 23 and all other applicable provisions of the Massachusetts General Laws, as well as Title 2 and Title 3 of the 1989 Woburn Municipal Code, as amended.

#### 31-20. Severability



If any provision of this Section 31 is found to be invalid by a court or competent jurisdiction, the remainder of Section 31 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 31 shall not affect the validity of the remainder of the City's zoning ordinance.

s/Jamieson Properties LLC, as individual  
owning land to be affected by change or  
adoption pursuant to M.G.L. Ch. 40A, Sec. 5  
(by their attorney)

\*\*\*\*\*

Petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 14 Federal Street and 14R Federal Street containing approximately 11,325.6 square feet of land from the B-D zoning district to the FS/SGOD zoning district.

\*\*\*\*\*

Petition by Ronchetti Masonry, 6 Draper Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 2.5.5 and 5.1.43 to allow: 1. Outside storage of building materials and equipment, 2. Accessory storage trailers, and 3. Accessory parking of commercial vehicle, at 6 Draper Street.

\*\*\*\*\*

Petition by Barker Lumber Company Inc. for a special permit to amend a special permit issued February 10, 2005 by amending Condition 8 to read "8. That the use shall be limited to Barker Lumber Company or their successors provided the use remains a lumber company."

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Petition by Luis Cortorreal, 27 Salem Street, Apt. 1B, Woburn, Massachusetts for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.29 to allow a fast food restaurant at 446 Main Street.

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**COMMUNICATIONS AND REPORTS:**

A communication dated July 25, 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 June 2017: Number of violations issued 427, Numbers of violations paid 205, Number of violations outstanding 196, Amount collected and submitted to

Collectors Office \$39,792.69, Parking fines referred to the Handicap Commission \$8,900.00.

There is a backlog of 1,606 unpaid tickets dating from January 2004 to June 2017. 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 July 13, 2017 was received from City Solicitor Ellen Callahan Doucette relative to the property located at 52 High Street advising that a petition to enforce the State Sanitary Code and for the Appointment of a Receiver was filed with the Woburn District Court.

\*\*\*\*\*

A communication dated July 18, 2017 was received from City Solicitor Ellen Callahan Doucette relative to the property located at 52 High Street advising that a representative of the property owner has undertaken efforts to remediate the outstanding Sanitary Code issues.

\*\*\*\*\*

A communication dated July 28, 2017 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: H.3818 An Act to ensure safe access to marijuana

H.3818 is the compromise bill regarding recreational marijuana (M.G.L. c.94G or Question 4) which has been enacted by both the House and the Senate, and signed by the Governor on June 20, 2017. The legislation contains an emergency preamble and will be effective immediately, One of the key revisions to M.G.L. c.94G will be of particular interest to the Council.

Responding to requests for clarity regarding these actions which will suffice as a “vote of the voters”, H.3818 establishes the procedure for adopting an ordinance or by-law to limit or prohibit recreational marijuana facilities, including the requisite ballot question language, and the requirement for a summary drafted by municipal counsel. However, in those cities and towns where Question 4 was disapproved, only the vote of the local legislative body adopting an ordinance or by-law will be sufficient to limit or ban the sale or manufacture of recreational marijuana, as long as the ordinance or by-law is adopted prior to December 31, 2019. After December 31, 2019, the ballot question procedure will apply to limit or ban such facilities whether or not a city or town’s voters disapproved Question 4. [Question 4 did not pass in 91 communities.]

Assuming the Governor approves H.3818, the City Council could enact the ordinance amendments that I provided previously in the form of ballot questions. I've revised that document and have attached it hereto for the Council's consideration.

H.3818 included other key revisions for c.94G include an increase in the marijuana excise tax to 10.75% (including the 6.25% local tax rate) and an increase in the local option cap from 2% to 3% for a total tax rate of 20% [The new taxes do not apply to medical marijuana.]; eliminating the requirement that if a medical marijuana treatment center is permitted, that a recreational marijuana facility must also be permitted in the same area (only the conversion from medical facilities licensed prior to July 1, 2017 to recreational remains protected); and allowing host community agreements to include a community impact fee, so long as the fee is reasonably related to the costs imposed upon the community by the operation of the establishment.

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

Sincerely, s/Ellen Callahan Doucette

Attached thereto were the following Orders:

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended as follows:

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

Article XVIII - Marijuana Establishments

Section 5-89 Forbidden

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

s/Alderman \_\_\_\_\_

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

By amending Section 5, Use Regulations, of the Woburn Zoning Ordinances, by adding the following:

5.9 Marijuana Establishments Forbidden

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

s/Alderman \_\_\_\_\_

\*\*\*\*\*

A communication dated August 7, 2017 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Amendment of WMC – Council on Aging – Organization

The Council on Aging recently voted to amend their bylaws to reduce the number of voting members from 15 to 10. See attached. The amendment of the COA bylaws requires City Council approval (I believe the Mayor approved it already).

This reduction in membership also requires an amendment of Section 2-161 of the WMC. Please see attached.

Ellen Callahan Doucette, City Solcitor

Attached thereto was the following Order:

**ORDERED** Be it Ordained by the City Council of the City of Woburn that Title II, Article XXIII, Local Council on Aging, Section 2-161, Organization, be amended by deleting from the first sentence thereof “fifteen voting members” and replacing same with “ten voting members”.

s/Alderman \_\_\_\_\_

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A communication with attachment dated August 9, 2017 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Order of taking – Montvale Avenue Road Widening Project

Submitted herewith is the Order of Taking for the Montvale Avenue road widening project. The Mayor will be submitting an appropriation separately.

Please note that this process has been undertaken not only in accordance with M.G.L. c.79, but in compliance with Federal Highway requirements. All affected property owners have received multiple notices of this process and recently, all property owners were sent a Just Compensation letter based upon appraisals conducted by a firm retained by the City specifically for this purpose.

This Order of Taking must be voted on by the City Council at the September 5, 2017 at the very latest. Paper copies of the plan will be provided to me by the Project Engineer in advance of the August 15 meeting.

Presumably, the Council will send the Order, and the Appropriation to their respective Committees. I look forward to a more extensive discussion of this matter with the Council at that time.

Sincerely, s/Ellen Callahan Doucette

Attached thereto was the following Order:

THE CITY OF WOBURN  
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Order of Taking

WHEREAS, the City Council of the City of Woburn in the Commonwealth of Massachusetts, on behalf of the City of Woburn and in accordance with M.G.L. c.82, and acts in amendment thereof and in addition thereto, has determined that it is necessary and essential as a matter of public necessity and public welfare to acquire temporary and permanent easements in certain properties abutting Montvale Avenue and portions of Washington and Central Streets in said City of Woburn, for the purpose of widening and reconstructing Montvale Avenue and portions of Washington and Central Streets, and to relocate utilities, install sidewalks, driveways and traffic signals, with associated rights of access therein (the "Project"); and

WHEREAS all other conditions precedent have been complied with;

NOW, THEREFORE, it is Ordered that the City Council of the City of Woburn, duly elected and qualified, acting in compliance with M.G.L. c.79, does hereby take on behalf of the City of Woburn, and for public way purposes, for the benefit of the public to cross and recross, pass and repass, as appropriate, specifically for the widening and reconstruction of Montvale Avenue and portions of Washington Street and Central Street, the following interests in land, all as shown on a plan entitled "Plan of Road in the City of Woburn, Mass. showing location of Easements for the purpose of Reconstructing Montvale Avenue for the City of Woburn Scale 20 feet to the Inch" consisting of 5 sheets, to be recorded herewith and made a part of this taking, with a copy to be filed in the City of Woburn Engineering Department.

Temporary Easements are hereby taken in the parcels of land identified as Parcels TE-1 through TE-42 inclusive as identified on the Plan, consisting of the non-exclusive right to enter upon said land at any time during the effective period of said easements to accomplish the necessary work within said parcels including constructing or reconstructing roadways, sidewalks, driveways and walkways, sloping and grading, erosion control and tree protection, and to perform any incidental work necessary or convenient to the Project. Said easements are temporary in nature and shall terminate automatically five (5) years from the date of the recording of this instrument.

Permanent Easements are hereby taken in the parcels of land identified on the Plan as Parcels E-1 through E-22 inclusive, for the construction of roadways and sidewalks and the installation of traffic signals and the perpetual right to pass and repass over the Easement premises, by foot and by motor vehicle, including heavy equipment, from time to time and at all times, in order to repair and maintain such roadways, sidewalks and traffic signals, and for all uses incidental thereto; and PUE-1 through PUE-10 inclusive, for the relocation of utility poles and overhead wires; and in PUE-D-1 for drainage and overhead wire clearance. The interest taken in Parcel E-11 requires the removal of the existing canopy. The Permanent Easements are perpetual unless and until abandoned by the City. The Owners of the aforementioned parcels of land affected by the Permanent Easements shall retain the right to use the land for any and all purposes, provided that such use does not interfere with or impair the City's rights in said Permanent Easements.

Included in this taking are all trees and structures located upon the Permanent and Temporary Easement premises. Excepted from this Order of Taking are all easements for wires, pipes, conduits, poles and appurtenances for the conveyance of water, sewage, gas and electricity and for telephone communications and television transmission now lawfully in or upon the Permanent and Temporary Easement premises and the lawful rights of the public to use those parts of the public streets and ways which may be included in the foregoing description.

Said parcels of land are owned or supposed to be owned and/or formerly owned by the persons, corporations and limited liability corporations identified in Exhibit A attached hereto, and are collectively referred to as the Owners.

For damages sustained by the Owners in their property by reason of the aforesaid takings, and in accordance with the provisions of M.G.L. c.79, §6, as amended, awards are made.

In witness whereof, we have set our hands and seals this 5<sup>th</sup> day of September, 2017.

CITY OF WOBURN  
CITY COUNCIL

APPROVED BY THE MAYOR

EXHIBIT A

Record Owner: Schena Montvale Avenue Trust  
Property Address: 269 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 51885, Page 68  
Interests Taken: PUE-1 74 s.f.  
TE-3 648 s.f.  
Damages: \$3,420.00

Record Owner: Edith M. Cox  
Property Address: 10 Grape Street, Woburn, MA  
Title Reference: MSRD – Registered Land  
LC Book 741, 165 – Certificate No. 122315  
Interests Taken: TE-4 194 s.f.  
Damages: \$1,360.00

Record Owner: William F. Lentini & Marian Pizzi Lentini  
Property Address: 52 Central Street, Lots 3B, 2A & 1A  
Title Reference: MSRD Book 33420, Page 279  
Interests Taken: TE-6 1,644 s.f.  
Property Address: 277-279 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 27191, Page 383  
Interests Taken: TE-9 748 s.f.  
Damages: \$12,530.00

Record Owner: 52 Central Street Trust  
Property Address: 52 Central Street, Woburn, MA  
Title Reference: MSRD Book 24152, Page 450  
Interests Taken: E-1 217 s.f.  
TE-7 1,580 s.f.  
Damages: \$20,000.00

Record Owner: Boston Federal Savings Bank c/o TD Bank  
Property Address: 280-282 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 30797, Page 226  
Confirmatory Deed: 30836, Page 40  
Interests Taken: E-2 756 s.f.  
PUE-2 1,319 s.f.  
TE-8 2,473 s.f.  
Damages: \$89,720.00

Record Owner: Long H. Nguyen  
Property Address: 281 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 67647, Page 37  
Interests Taken: TE-10 250 s.f.  
Damages: \$980.00

Record Owner: 283A Montvale Avenue Realty Trust  
Property Address: 283A Montvale Avenue Realty Trust  
Title Reference: MSRD Book 50589, Page 184  
Interests Taken: TE-11 788 s.f.  
Damages: \$3,100.00

Record Owner: Anthony A. & Dorothy M. Roscillo  
Property Address: 283 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 69282, Page 304  
Interests Taken: TE-12 515 s.f.  
Damages: \$2,020.00

Record Owner: The 282 Montvale Avenue Realty Trust  
Property Address: 282 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 49533, Page 12  
Interests Taken: E-3 97 s.f.  
PUE-3 420 s.f.  
TE-13 208 s.f.  
Damages: \$12,420.00

Record Owner: G. Malden Realty Trust  
Property Address: 285 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 11241, Page 183  
Interests Taken: TE-14 640 s.f.  
Damages: \$2,510.00

Record Owner: CCWG Realty Trust  
Property Address: 284 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 49812, Page 180  
Interests Taken: E-4 109 s.f.  
PUE-4 421 s.f.  
TE-15 369 s.f.  
Damages: \$13,230.00

Record Owner: Montvale Avenue Realty Trust &  
William E. Scire (tenants in common)  
Property Address: 286-288 Montvale Avenue  
Title Reference: MSRD Book 28098, Page 12  
Interests Taken: E-5 131 s.f.  
PUE-8 449 s.f.  
TE-17 523 s.f.  
Damages: \$15,020.00

Record Owner: Connolly Realty Trust  
Property Address: 287-289 Montvale Avenue, Woburn, MA



Title Reference: MSRD Book 17682, Page 585  
Interests Taken: PUE-6 564 s.f.  
TE-16 1,542 s.f.  
Damages: \$25,520.00

Record Owner: Dale Eramo-McDonough Realty Trust  
Property Address: 290 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 66197, Page 80  
Interests Taken: E-7 48 s.f.  
PUE-7 152 s.f.  
TE-18 178 s.f.  
Damages: \$5,190.00

Record Owner: Antonio DaSilva  
Property Address: 292 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 46217, Page 307  
Interests Taken: E-8 119 s.f.  
PUE-8 360 s.f.  
TE-19 428 s.f.  
Damages: \$12,450.00

Record Owner: Crown Realty Trust  
Property Address: 78 Washington Street, Woburn, MA  
Title Reference: MSRD Book 12967, Page 350  
Interests Taken: TE-23 107 s.f.  
TE-24 124 s.f.  
Damages: \$1,100.00

Record Owner: Freedom Realty Trust  
Property Address: 291 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 63163, Page 257  
LCC Book 1447, Page 100 – Certificate No. 255827  
Interests Taken: PUE-9 261 s.f.  
TE-20 614s.f.  
Property Address: 293 Montvale Avenue  
Title Reference: MSRD Book 40486, Page 89  
Interests Taken: E-11 514 s.f.  
TE-22 2,391 s.f.  
Canopy Removal  
Damages: \$123,490.00

Record Owner: Press-It, LLC  
Property Address: 84 Washington Street  
298-302 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 36059, Page 380  
Interests Taken: E-10 1,021 s.f.

PUE-10 1,382 s.f.  
TE-21 1,666 s.f.  
Damages: \$118,200.00

Record Owner: Ashford Corp.  
Property Address: 303-305 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 11278, Page 302  
Interests Taken: E-12 2,220 s.f.  
TE-29 3,787 s.f.  
Damages: \$117,420.00

Record Owner: 306 Montvale Avenue Realty Trust  
Property Address: 306 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 48758, Page 381  
Interests Taken: E-14 695 s.f.  
TE-30 291 s.f.  
TE-32 412 s.f.  
Damages: \$40,490.00

Record Owner: Stedman 309, LLC.  
Property Address: 309 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 52079, Page 186  
Interests Taken: E-15 949 s.f.  
TE-34 1,047 s.f.  
Damages: \$40,930.00

Record Owner: 318 LLC  
Property Address: 314 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 68562, Page 523  
Confirmatory Deed – Book 68562, Page 518  
Interests Taken: E-16 841 s.f.  
TE-33 335 s.f.  
Property Address: 318 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 27366, Page 396  
Interests Taken: E-17 1,731 s.f.  
TE-35 1,053 s.f.  
Damages: \$130,682.00

Record Owner: 313 Montvale Avenue LLC  
Property Address: 313 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 66920, Page 431  
Interests Taken: E-18 630 s.f.  
PUE-D-1 151 s.f.  
TE-36 1,274 s.f.  
Damages: \$254,390.00

Record Owner: HT Properties LLC  
Property Address: 320 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 66407, Page 513  
Interests Taken: E-19 1,441 s.f.  
TE-37 216 s.f.  
Damages: \$66,550.00

Record Owner: Leemilt's Petroleum, Inc.  
Property Address: 317 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 17633, Page 327  
LCC Book 1023, Page 28 – Certificate No. 178578  
Interests Taken: E-20 89 s.f.  
TE-38 1,495 s.f.  
Damages: \$18,950.00

Record Owner: Mack Investors, LLC  
Property Address: 23 Rainin Road, Woburn, MA  
Title Reference: MSRD Book 51779, Page 476  
Interests Taken: E-23 41 s.f.  
TE-41 1,284 s.f.  
Damages: \$2,390.00

Record Owner: Blue Hills Fuels LLC  
Property Address: 322 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 66613, Page 187  
LCC Book 1483 Page 96 - Certificate 261268  
Interests Taken: E-21 2,579 s.f.  
TE-39 879 s.f.  
PUE-11 263 s.f.  
Damages: \$158,640.00

Record Owner: Tanner Associates Nominee Trust  
Property Address: 325 Montvale Avenue, Woburn, MA  
Title Reference: MSRD Book 13048, Page 736  
Interests Taken: E-22 104 s.f.  
TE-40 909 s.f.  
Damages: \$13,280.00

Record Owner: New Aberjona Realty Nominee Trust  
Property Address: 331 Montvale Avenue, Woburn, MA  
Title Reference: MSRD  
LCC Book 1449, Page 110 Certificate No. 256131  
Interests Taken: TE-42 362 s.f.  
Damages: \$2,280.00

Record Owner: City of Woburn

Property Address: Montvale Avenue, Woburn, MA

Title Reference: MSRD Book 4890, Page 301

Interests Taken: TE-1 647 s.f.

TE-2 1,588 s.f.

Property Address: Montvale Avenue, Woburn, MA

Title Reference: MSRD Book 45166, Page 470

Interests Taken: TE-5 600 s.f.

TE-25 245 s.f.

TE-28 82 s.f.

Property Address: Montvale Avenue, Woburn, MA

Title Reference: MSRD Book 56726, Page 65

Interests Taken: E-13 1,710 s.f.

Damages: \$0

s/Alderman \_\_\_\_\_

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A communication dated July 26, 2017 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of 36 Cabot Road LLC, 32 Cabot Road, Woburn, MA

Dear Bill:

On behalf of my client, 36 Cabot Road LLC, I would like to withdraw this Petition. Due to unexpected site conditions, the development needs to be redesigned. Please return the filing fee at your earliest convenience.

Thank you for your assistance in this matter.

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

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**UNFINISHED BUSINESS OF PRECEDING MEETING:**

On the Order to amend 1989 Woburn Municipal Code, as amended Section 2-180 relative to salary of Deputy Superintendent of Public Works.

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**APPOINTMENTS AND ELECTIONS:**

A communication was received from Gordon L. Vincent accepting the appointment as Clerk of Committees.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED That the following list of Wardens, Clerks, Inspectors and Substitutes be approved for all Elections between September 1, 2017 and August 31, 2018:

Ward	Precinct	First Name	Last Name	Address	Office
1	1	Barbara	Fagan	33 Dix Rd. Ext.	Warden
1	1	Sharon	Flynn	6 Thornton St.	Clerk
1	1	Diane	Ahern	2 Keith Circle	Inspector
1	1	Roberta	Bengtson	6 Samoset Road	Inspector
1	1	Jean	Bergeron	8 Brooks Street	Inspector
1	1	Marie	Giangrande	6 Flint Circle	Inspector
1	1	Claire	Regan	8 Howard Court	Inspector
1	1	Loretta	Schuck	44 Leonard Street	Inspector
1	1	Florianna	Tobin	59 Campbell Street #309	Inspector
1	1	Catherine	Walsh	273 Cambridge Road #202	Inspector
1	2	Mary	Packard	101 Montvale Avenue	Warden
1	2	Philip	Hughes	855 Main Street - Unit 8	Clerk
1	2	Carmelita	Alessandrini	29 Grace Road	Inspector
1	2	Carol	Beckwith	27 Buttaro Road	Inspector
1	2	Hans	Christenson	256 Salem Street	Inspector
1	2	Anne	Decubellis	1 Library Place #507	Inspector
1	2	Dorothy	Geary	1 Belmont Street	Inspector
1	2	Betty	Parechianian	7 Hope Lane	Inspector
1	2	Robert	Hurkett	16 Linden Street	Inspector
1	2	Richard	Packard	101 Montvale Avenue	Inspector
2	1	Sandra	Luther	19 Cummings Ave	Warden
2	1	Roy	Luther	19 Cummings Avenue	Clerk
2	1	Carmella	Crowell	30 Dix Road Ext	Inspector
2	1	Arthur	Cumming	27 Anna Road	Inspector
2	1	Deborah Jean	Finn	1 Village Street	Inspector
2	1	Connie	Pandolph	9 Park Drive	Inspector
2	1	Theresa	Smith	25-0 Arlington Rd 4	Inspector
2	1	Frank	Starble	11 Page Place	Inspector
2	1	Calvin	McCall	32 Webster Avenue	Inspector
2	1	Diane	Burton	35 Union Street	Inspector
2	2	Paula	Nagle	8 Thomas Street	Warden
2	2	Judith	Nagle	8 Thomas Street	Clerk
2	2	Eleanor	Cunniff	93 Waltham Street	Inspector
2	2	Nancy Farrey	Forsyth	9 Sedgewick Pk	Inspector
2	2	Patricia	McCuish	14 Scott Street	Inspector
2	2	Jean	Mernin	2 Walnut Court	Inspector

2	2	Florence	Keefe	43 Leonard Street	Inspector
2	2	Loretta	Lentz	47 Conn Street	Inspector
2	2	Theresa	Nardone	2 Albert Drive #3	Inspector
2	2	Robert	Leonard, Jr.	176 Montvale Avenue	Inspector
3	1	Donald	MacGee	26 Cranston Circle	Warden
3	1	Marcia	Andrews	238 Winn Street	Clerk
3	1	Stella	DiGirolamo	9 Lee Road	Inspector
3	1	Marion	Dora	2 Kimball Court #406	Inspector
3	1	Donna	Donovan	5 Pilgrim Road	Inspector
3	1	Janet	Irwin	37 Waltham Street	Inspector
3	1	Marie	Landino	12 Minchin Drive	Inspector
3	1	Elizabeth A.	Simonds	3 Court Street	Inspector
3	1	Rosemary	Spencer	5 Caulifield Road	Inspector
3	1	Anthony	Zeoli	15 Independence Dr	Inspector
3	2	Elizabeth	Donovan	5 Crescent Road	Warden
3	2	Geraldine	Easler	7 Adams Circle	Clerk
3	2	Pauline	Barkalow	12 Wolcott Road	Inspector
3	2	Godfredo	Alaras	7 Bradford Road	Inspector
3	2	Marilyn	Crampton	35 So. Bedford Street	Inspector
3	2	Judith	Zeoli	15 Independence Dr	Inspector
3	2	Pamela B.	Doherty	1 Felton Street	Inspector
3	2	Helen	Sherburne	12 Ward Street	Inspector
3	2	Tom	Barkalow	12 Wolcott Road	Inspector
3	2	Lois	Surette	78 Kilby Street	Inspector
4	1	Sarkis	Chinian	8 Asbury Avenue	Warden
4	1	Vincent	Rivela	16 Jan Street	Clerk
4	1	Deanna	Lesser	1 Kimball Court #410	Inspector
4	1	Robert	Coffey	273 Cambridge Rd #307	Inspector
4	1	Mary Anne	Damico	20 Brentwood Road	Inspector
4	1	James	Doherty	45 Brentwood Road	Inspector
4	1	Edward	Grzyb	26 Carroll Road	Inspector
4	1	Mary Alice	Grzyb	26 Carroll Road	Inspector
4	1	Francis	Mooney	3 Oakwood Lane	Inspector
4	1	Gerald	Murray	6 Asbury Avenue	Inspector
4	2	Elaine	Haggerty	30 Thistle Road	Warden
4	2	Thomas	Fuller	178 Montvale Avenue	Clerk
4	2	Alfred	Autenzio	9 Arbor Lane	Inspector
4	2	Hazel	Lambert	3 Elmwood Terrace	Inspector
4	2	Jeanne	Lingblom	18 Day Circle	Inspector
4	2	Eleanor	Collins	19 Squanto Road	Inspector
4	2	Geraldine	Moscaritolo	200 Bedford Road #20E	Inspector

4	2	Jennie	Keough	16 Parliament Lane	Inspector
4	2	Cecelia	Rivela	16 Jan Street	Inspector
4	2	Margaret	Stack	7 Willow Street	Inspector
5	1	Joyce	Marshall	5 Elijah Street	Warden
5	1	Rodney	Flynn	6 Thornton St	Clerk
5	1	Peter	Benoit	35 Carroll Road	Inspector
5	1	Kevin	Kaufman	41 Montvale Road	Inspector
5	1	Nancy	Doyle	7 Flint Circle	Inspector
5	1	Mary Ellen	Jones	5 Hilltop Circle	Inspector
5	1	Rosemarie	Spinazola	1 Library Place #401	Inspector
5	1	Gloria	Platon	6 Fieldstone Drive	Inspector
5	1	Maria	Hennessey	6 Jan Street	Inspector
5	1	Robert	Hennessey	6 Jan Street	Inspector
5	2	Helen	Hatch	14 Marlboro Road	Warden
5	2	Melinda	Drapeau	6 Whispering Hill Road	Clerk
5	2	Shirley	Butler	28 Felton Street	Inspector
5	2	Theresa	Chotkowski	3 Pond Terrace	Inspector
5	2	William	Coady	35 Glenwood Avenue	Inspector
5	2	Myles	Collins	19 Squanto Road	Inspector
5	2	Anna	Cumming	27 Anna Road	Inspector
5	2	Mary	Dickie	1 Linden Circle	Inspector
5	2	Diane	Fogarty	117 Washington Street	Inspector
5	2	Elizabeth	Hatch	14 Marlboro Road	Inspector
6	1	Jean	O'Connor	9 Rock Street	Warden
6	1	Linda	McLaughlin	269 Cambridge Rd #103	Clerk
6	1	Carolyn	Agostino	295 Salem Street #71	Inspector
6	1	Kathleen	Bailey	4 Utica Street	Inspector
6	1	Judy	Elios	9 Thomas Street	Inspector
6	1	Anne	Grammer	1 Baldwin Ave	Inspector
6	1	Donna	Winitzer	18 Hart Place	Inspector
6	1	Caroline	Murphy	3 Akeson Road	Inspector
6	1	Theresa	Christerson	33 Sherman Place	Inspector
6	1	Barbara	Ridley	129 Place Lane	Inspector
6	2	Diane	Autenzio	23 Milan Avenue	Warden
6	2	Irene	Decata	57 Wood Street	Clerk
6	2	Christine	Bellekevicz	17 Jan Street	Inspector
6	2	Michelina	DeAngelis	255 Lexington Street	Inspector
6	2	Marilyn	Ebrecht	40 West Street	Inspector
6	2	Sheila	Marshall	26 Boyd Road	Inspector
6	2	Patricia	Ryan	99 Pearl Street	Inspector
6	2	Marilyn	Smith	16 Nichols Street Ext	Inspector

6	2	Patrice	McCall	32 Webster Avenue	Inspector
6	2	Lina	Cicchetto	22 Longwood Avenue	Inspector
7	1	Darlene	Daddario	3 McDevitt Drive	Warden
7	1	MaryAnn	Chorlton	312 Lexington Street	Clerk
7	1	Barbara	Callahan	32 Van Norden Road	Inspector
7	1	Dorothy	Curran	1 Dix Road	Inspector
7	1	Virginia	Evans	12 Barbara Circle	Inspector
7	1	Ruthann	Gridelli	25 Grape Street	Inspector
7	1	Camille	Maccini	3 Pheasant Lane	Inspector
7	1	Ellen	Magro	9 Rich Road	Inspector
7	1	James	Rooney	38 Carroll Road	Inspector
7	1	Florence	Tully	5 Hiawatha Road	Inspector
7	2	M. Joyce	O'Donnell	442 Russell Street	Warden
7	2	Patti	Doyle	6 Thomas Street	Clerk
7	2	Donna	Bullen	27 Robinson Road	Inspector
7	2	Gail	Burke	6 Janis Terrace	Inspector
7	2	Phyllis	Flight	99 Middle Street	Inspector
7	2	Mary	Harrison	48 Lake Ave #BC5	Inspector
7	2	Dorothy	Livolsi	57 Winter Street	Inspector
7	2	Nancy	Matthews	361 Place Lane	Inspector
7	2	Carol	Murphy	275 Russell Street	Inspector
7	2	Margaret	Reilly	7 Williams Lane	Inspector
		Carol	Stima	44 Elm Avenue	Substitute
		Mary	Willis	164 Place Lane	Substitute
		Julie	Triessl	482 Place Lane	Substitute
		Anthony	DiFrumolo	9 Quimby Avenue	Substitute
		Joan	DiSarcina	13 Ellen Road	Substitute
		Paul	Farrey	5 Sedgewick Park	Substitute
		Esther A.	Henehan	118 Main Street	Substitute
		Linda	Loreth	19 Rich Road	Substitute
		Jo-Ann	Lyons	10 Grant Street	Substitute
		Sheila	Newman	81 Willow Street	Substitute
		Mary	Regan	12 Lakeview Terrace	Substitute
		Mary	Sasso	39 Carroll Road	Substitute
		Janet	Sutton	11 Lawrence Street	Substitute
		Sandra	Strong	9 Arlington Street	Substitute
		Carolyn	Youngclaus	2 Park Drive	Substitute
		David	Youngclaus	2 Park Drive	Substitute
		Nancy	Kerrigan	328 Place Lane	Substitute
		Susan	Hicks	213 Cambridge Road	Substitute



I hereby approve the above. s/Scott D. Galvin

s/Alderman \_\_\_\_\_

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ORDERED That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the Ward Three of the City of Woburn as are qualified to vote in Municipal Elections to assemble at the polling places in their respective ward as designated herein, on TUESDAY, the TWELFTH DAY OF SEPTEMBER 2017 from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the MUNICIPAL PRELIMINARY ELECTION for the candidates for the following offices:

WARD THREE

WARD ALDERMAN

Ward-Precinct

Polling Place Location

3 - 1

Hurld Elementary School Gymnasium  
75 Bedford Road

3 - 2

Hurld Elementary School Gymnasium  
75 Bedford Road

s/Alderman \_\_\_\_\_

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ORDERED Whereas, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 135 Montvale Road; and

Whereas, at the said building or buildings the exterior grounds have excessive parking on the locus and adjoining streets;

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

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Motion made and 2<sup>nd</sup> to ADJOURN.