

**CITY OF WOBURN
OCTOBER 3, 2017 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$125,000.00 be and is hereby appropriated as so stated from Fire/BLS Ambulance Acct #31359-595000 \$125,000.00 to Fire Ambulance Salary Acct #0122051-511500 \$125,000.00

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

I hereby approve the above: s/Stephen W. Adgate, Chief Fire Department

I have reviewed the above: s/Charles E. Doherty, City Auditor

s/Alderman _____

ORDERED That the City of Woburn appropriates the sum of One Million Dollars (\$1,000,000) to pay costs of constructing a playground on the site of the former Clapp School, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority. The amount authorized to be borrowed by this order shall be reduced to the extent of any grants or gifts received by the City on account of this project. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

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

s/Alderman _____

A communication dated September 28, 2017 with attachments was received from Mayor Scott Galvin as follows:

Re: Proposed zoning amendment relative to research and testing laboratories

Dear Council:

First, let me thank President Richard Haggerty and Alderman Ed Tedesco for working in collaboration with myself, Planning Board Director Tina Cassidy, City Solicitor Ellen Callahan Doucette and Inspectional Services Director Tom Quinn on this issue and for agreeing to sponsor this proposal for consideration.

The attached is intended as a business-friendly zoning amendment designed to correct permitting inequities between similar uses in the same or similar zoning districts. Recent discussions with several commercial/industrial landlords in the Commerce Way area have highlighted the fact that attracting research and testing labs to Woburn would be enhanced with an expedited siting process.

Currently, biomedical facilities are allowed by right in five zoning districts but research and testing labs in those same districts are required to obtain a special permit and site plan review regardless of the size of the proposed project. The attached proposal would allow research and testing laboratories by right in five of the six districts in which they are permitted. Projects creating 25,000 sq. ft. or more of new gross floor area would still require City Council special permits and mitigation requirements.

Combined with expedited permitting, the city of Woburn is ideally located at the intersection of two major highway corridors - 128 & 93, has convenient access to public transportation, a very competitive commercial real estate tax rate, well maintained utilities and infrastructure, and an overall high quality of life. These are important attributes Research and Testing firms look for when evaluating communities to locate in outside of Cambridge and Boston. Research and Testing firms provide high paying jobs and strengthen the city tax base.

I look forward to the deliberations and to swift adoption. Please feel free to contact me if you have any questions on this proposal.

Respectfully, s/Scott D. Galvin, Mayor

Attached thereto was the following:

POTENTIAL ZONING CHANGE RELATIVE TO RESEARCH AND TESTING
LABORATORY USES
IN THE IP-2 ZONING DISTRICT

Sept. 28, 2017

1. Amend Section 5.1, Table of Uses by replacing lines 41 and 41(a) with those shown on attachment #1 appended hereto and renumbering subsequent subsections accordingly.

2. Amend the first paragraph of Section 18.3 (Criteria for Development Impact Mitigation) by replacing “41” with “41a”

		R-1	R-2	R-3	R-4	B-N	B-H	B-D	B-I	I-P	IP-2	I-G	S-1	S-2	O-P	OP-93	O-S	Notes; other sections	Special Permit Requirements in addition to	Site Plan Requirements
41	Research and Testing laboratory	-	-	-	-	-	-	-	-	X	X	X	-	P	X	X	-			
41a	Research and Testing laboratory uses – for new construction only - that create 25,000 sq. ft. or more of new gross floor area	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P		Section 18		

ORDERED 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:

1. By amending Table of Uses Section 5.1.41 entitled “Research and testing laboratory” by striking the “P” under I-P, IP-2, I-G, O-P and OP-93 and replacing same with an “X”; and by deleting “Section 12, Note 3” under “Site Plan Requirements”;
2. By adding a new Table of Uses Section 5.1.41a entitled “41a Research and Testing laboratory uses – for new construction only – that create 25,000 sq. ft. or more of new gross floor area”; inserting a “-“ under R-1, R-2, R-3, R-4, B-N, B-H, B-D, B-I, S-1 and O-S; inserting a “P” under I-P, IP-2, I-G, S-2, O-P and OP-93; and inserting under “Notes; other sections” the following “Section 18”;
3. By renumbering the present Table of Uses Section 5.1.41a entitled “Biomedical Facility” as Section 5.1.41b; and

4. By amending the first paragraph of Section 18.3 (Criteria for Development Impact Mitigation) by replacing “41” with “41a”.

s/President Haggerty and Alderman Tedesco

PUBLIC HEARINGS:

On the proposed Woburn Complete Streets Policy. PUBLIC HEARING OPENED.

On the petition by Rogers Radiator, 936 Main Street, Woburn, Massachusetts 01801 for a special permit to amend a special permit issued October 25, 2007 by deleting Condition 2 requiring a stockade fence, and to modify conditions of Second Class Motor Vehicle Sales License by deleting Condition 1 relative to a fence, Condition 2 relative to seal coating and striping parking lot and Condition 3 relative to removal of signs at 936 Main Street. PUBLIC HEARING OPENED. A communication dated September 28, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 936 Main Street/Rogers Radiator

Dear Council:

The Planning Department has reviewed the above-referenced special permit application which requests modifications to three conditions of its Second Class Motor Vehicle Sales License in relation to the activity of used car sales. By way of background, records of the City Council’s October 2, 2007 meeting on this Petition indicate that sale or rental of automobiles, etc. (Sec. 5.1 [45]) and an automobile and truck repair garage (Sec. 5.1 [44]) constituted pre-existing, non-conforming uses on the property (zoned as Highway Business [B-H]), which only allows such uses by City Council Special Permit. In its October 25, 2007 Decision, the Council granted a special permit for the expanded use of an automobile and truck repair garage pursuant to Section 5.1 (44) and 7.3 (for the extension or alteration of a non-conforming use).

Comments on the three modifications currently being requested are as follows:

- a. Modification of Condition #1. Condition #1 required the replacement of a chain link fence with color coating on it. Although the applicant notes that the fence no longer exists on the property, he provides no explanation as to how he would like this condition to be modified. Staff presumes, from reading the correspondence dated August 7, 2017 from the Managing Agent of the Chateaux Manor Condominiums, that the applicant is asking that no fencing be required. Staff can provide no recommendation on that point, given that it is unaware of the reason why it was required initially.

It is certainly worth noting that the applicant has not asked that Condition #5 be amended; condition #5 required the installation of "...a new fence in compliance with Woburn Zoning Ordinances Section 5.3...". Has this fence been installed? The 2018 license renewal depends upon its installation.

- b. Modification of Condition #2 which required seal coating and striping of the parking lot. The applicant notes that striping and seal-coating are periodically done, but the condition does not require it be done periodically – only that it be seal coated and striped. If the applicant has in fact seal coated and striped the parking lot once since January of 2017, the condition has been satisfied so its removal would seem harmless and would serve as an acknowledgment of satisfaction of this initial condition.
- c. Condition #3 required the removal of all signs related to Thrifty Rental and the application states that all signs related Thrifty Rental have in fact been removed from the site. Similar to the comment above, removal of this condition would seem harmless if in fact the signage has already been removed.

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

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

On the petition by Tocci Building Corporation, 660 Main Street, Woburn, Massachusetts 01801 pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57a for a special permit to allow three storage containers at 660 Main Street. PUBLIC HEARING OPENED. A communication dated September 28, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 660 Main Street/Tocci Building Corporation

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks a special permit pursuant to Section 5.1 (57a) of Woburn Zoning Ordinance (WZO) to authorize the placement of three (3) accessory storage trailers on site. Although there is a discrepancy in the city's GIS system relative to the property's zoning classification, historic records obtained from the City's Engineering Department, dated 1985 and 2005, do in fact confirm that the property is zoned as Mixed-Use and not R-3 as noted in the Assessors records. Accordingly, the requested use may be authorized by City Council special permit. Staff does recommend the plan be revised to correct incorrect zoning information noted on it (the plan indicates lot is zoned both S-1 and R-2 when it in fact is zoned exclusively S-1).

Planning staff considers the 8.5" x 11" black-and-white copy of a portion of a property survey plan that was submitted with the application to be unsuitable for the purpose of

this review. It provides the only detail relative to the location of the storage trailers but doesn't completely or clearly identify where on the parcel the trailers will be located. Although one can determine that the proposed trailer locations are in what seems to be an ancillary parking lot, it should be shown in context with the entire property and should incorporate measurements of all parking spaces and storage trailers. Planning staff therefore recommends that the applicant be required to submit an updated version of the engineer-certified Plan of Record for this property, dated August 18, 2010; the updated Plan should show both the location of the proposed storage trailers and the dimensions of all trailers and parking spaces.

The plan also lacks parking calculations that detail (a) the number of parking spaces required by the Zoning Ordinance for the uses in the existing building, (b) the number of parking spaces currently on site and (c) the number of parking spaces that will be obstructed/used by the proposed trailers. (Councilors should note that although the request is for three [3] storage trailers, they appear to use at least four [4] existing parking spaces and block a driveway to the parking lot.) This information is critical to ensuring that the site and its current uses remain compliant with the Zoning Ordinance from a parking perspective.

Finally, the Planning Department recommends that the submitted plan show areas for proposed snow storage. Although submission of snow storage plans is sometimes deferred until after the Special Permit decision, we recommend in this case that the plan include that information now for review, given the extent to which the parking area is proposed for a storage-related use.

Although the Planning Department's review is hampered by the lack of some information, staff recommends the Council consider imposing at least the following as conditions of approval should it ultimately vote to approve the application:

1. That the Plan of Record for this Petition shall be: "Permit Site Plan, 660 Main Street, Woburn, MA," Scale 1"=30'; Prepared by Hancock Associates; 185 Centre Street, Danvers, MA 01923; Dated August 18, 2010; Revised _____;" and
2. That, in compliance with Note 17 to the Section 5.1 Table of Use Regulations, this special permit is to be granted for a period not to exceed one (1) year.

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

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

On the petition by Alderman 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.

On the petition by Alderman Campbell to amend 1985 Woburn Zoning Ordinances, as amended, by amending Section 11.11.1 by deleting from the first sentence the word “and” after the words “Section 5.1.3(a) through 3(d)”, and inserting after the words “Section 5.1.4” the words “, and Section 5.1.5”. PUBLIC HEARING OPENED.

On the petition by Alderman Campbell to amend 1985 Woburn Zoning Ordinances, as amended, by amending Section 11.11.1 by deleting from the first sentence the words “the City Council shall require as a condition of any such special permit, the provision on site and within the development of affordable housing units equal to ten (10%) percent of the development's total number of dwelling units” and inserting in its place the words “a condition of any such special permit shall be at least twenty-five percent (25%) of the units on site and within the development are to be occupied by Income Eligible Households earning 80% or less than the Area Median Income as such terms are defined in 760 CMR 56.02, as may be amended from time to time.” PUBLIC HEARING OPENED.

On the petition by Alderman Campbell to amend 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By deleting Section 11.11.3 in its entirety; 2. By renumbering Section 11.11.4 as Section 11.11.3; and 3. By deleting Section 11.11.5 in its entirety and inserting in its place the following: “11.11.4 In determining the number of units to be provided pursuant to Section 11.11.1, fractional numbers shall be rounded up to the nearest whole number.” PUBLIC HEARING OPENED.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

On the following pending matters: Brazez Auto Appraisal for livery license; review of limousine business at 11 Lynn Street; review of taxi cab rate structure; Resolve regarding Woburn Auto Sales; petition by Woburn Auto Sales, LLC for second class motor vehicle sales license; petition by Boston Tours Inc. for renewal of common carrier license; communication from Bombay Taxi, Inc. regarding two-way radios; petition by Adria Transportation LLC for new livery license; and review of traffic safety improvements at Green Street and Nashua Street, committee report was received “receive and place on file”.

NEW PETITIONS:

Petition by Festival on the Common, P.O. Box 211, Woburn, Massachusetts for Special Event Permit to allow a holiday festival on Woburn Common on November 25, 2017.

Petitions for renewal of First Class Motor Vehicles Sales Licenses by WMK, LLC dba Mobility Works, 299F&H Washington Street; and Woburn Foreign Motors, Inc., 394 Washington Street.

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by ACT Leasing, Inc., 215 Salem Street; David Dellarocco dba Woburn Auto Sales, 5 Crescent Avenue #4; McSheffrey Auto Sales, Inc., 878 Main Street; and Ollie’s Service Center, 310 Main Street.

NStar Electric Company d/b/a Eversource Energy for a grant of right in a way to install one joint occupancy pole 590/4-1x on Brandt Drive southerly side approximately 484 feet southwest of Willow Street.

COMMUNICATIONS AND REPORTS:

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

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. Figures cited below are for the Month of Jan. 2017 to August 2017: Number of violations issued 483, Numbers of violations paid 231, Number of violations outstanding 219, Amount collected and submitted to Collectors Office \$47,274.09, Parking fines referred to the Handicap Commission \$11,700.00.

There is a backlog of 1,590 unpaid tickets dating from January 2004 to August 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 September 27, 2017 with attachment was received from the Woburn Traffic Commission as follows:

Re: Traffic Calming on Beacon Street

The Woburn Traffic Commission has been studying traffic calming measures on Beacon Street, including but not limited to narrowing or other intersection improvements at the intersection of Beacon Street with Sturgis Street to improve pedestrian and vehicle safety. At its Regular Meeting on September 21, 2017, the Woburn Traffic Commission voted to approve a conceptual design plan entitled "Concept Plan, Geometric Improvements located on Beacon and Sturgis Streets, Woburn, Massachusetts" dated June 2017 prepared by City of Woburn Engineering Department, a copy of which is attached.

Thank you for your attention to this matter.

Very truly yours, s/William C. Campbell, City Clerk

A copy of a communication dated September 20, 2017 to Mike Donaghy, President, James L. McKeown Boys and Girls Club was received from State Senator Cindy F. Friedman congratulating the organization on the opening of the new facility.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the petition by Checker Cab of Woburn, Inc. for a new Livery License for two vehicles. Motion made and 2nd that to take the matter from the table, all in favor, 9-0.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

From the Traffic Commission:

ORDERED EAST DEXTER AVENUE – That a stop sign restriction be established on East Dexter Avenue westerly at the intersection with Chester Avenue.

From the Traffic Commission:

ORDERED Rule 13 of the Rules of the Woburn Traffic Commission are hereby amended by deleting Rule 13 in its entirety and replacing with the following:

Rule 13. Order of business at regular meeting

At every meeting of the Traffic Commission the order of business shall be as follows:

1. Roll Call of Members.
2. Minutes of the previous meeting.
3. Old Business.
4. New Business.
5. Public Hearings.
6. Adjournment.

And the above order shall not be departed from, except by vote of the majority of all the members present; and all questions relating thereto shall be decided without debate.

RESOLVED That the Mayor direct the Superintendent of Public Works to install sidewalks along Rumford Park Avenue to improve public safety.

s/Alderman Anderson

RESOLVED That the City Engineer prepare conceptual design plans for the installation of sidewalks along Rumford Park Avenue to improve public safety.

s/Alderman Anderson

RESOLVED That the Mayor direct the Superintendent of Public Works and the City Engineer to design and install crosswalks at or near the intersection of Clinton Street and Main Street for access to the Boys and Girls Club building located on Charles Gardner Lane.

s/Alderman Anderson

ORDERED Whereas, upon petition of the City of Woburn duly authorized by an Order adopted by the City Council and approved by the Mayor on April 6, 2016, the General Court approved Chapter 200 of the Acts of 2016 entitled "An Act for authorizing the temporary use of the Clapp elementary school property in city of Woburn for civic purposes"; and

Whereas, Section 1 of such act requires that the Clapp elementary school and the adjacent lower parking lot shall be vacated on or before July 15, 2017 and the Clapp elementary school has been vacated; and

Whereas, Section 1 of such act further requires in pertinent part as follows: "...any building thereon shall be demolished and the land shall be restored to its natural state and utilized solely for recreational and park uses not later than October 15, 2017..."; and

Whereas, the City Council appropriated the sum of \$550,000.00 for the purpose of demolition of the Clapp elementary school;

Now, Therefore, Be it Ordered that a copy of this Order be sent to State Senator Cindy Friedman, State Representative Jay Kaufman and State Representative James Dwyer seeking the assistance of their offices in ensuring the demolition of the Clapp elementary school building and restoring the land to its natural state by October 15, 2017, as set forth in Chapter 200 of the Acts of 2016.

s/Alderman Campbell

Motion made and 2nd to ADJOURN.