CITY OF WOBURN
APRIL 7, 2015 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

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MAYOR'S COMMUNICATIONS:

ORDERED That the amount of $439,000.00 be and is hereby appropriated from BLS/Ambulance Receipts Acct #31359-595000 $439,000.00 to Fire Regular Salary Acct #0122051-511000 $200,000.00, Fire/Ambulance Salary Acct #0122051-511500 $150,000.00, Fire/Overtime Acct #0122051-513100 $18,000.00, Fire 16th Man Overtime Acct #0122051-513101 $64,000.00, Ambulance Maintenance Acct #0122054-544300 $7,000.00, $439,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/Timothy J. Ring, Chief, Fire Department
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Haggerty

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

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ORDERED That the amount of $5,400.00 be and is hereby appropriated from Fire Maint/Telephone Acct #0122052-534100 $5,400.00 to Fire Maint/Natural Gas Acct #0122052-521300 $2,400.00, Fire Maint/Fuel Oil #0122052-521301 $3,000.00, Total $5,400.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/Timothy J. Ring, Chief, Fire Department
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Haggerty

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

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ORDERED That the sum of $81,000.00 be and is hereby transferred as so stated from Traffic Safety & Infrastructure Acct #360048-488206 $81,000.00 to U-Haul/Olympia Ave Acct #360058-588206 $81,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/John E. Corey, P.E., City Engineer
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Haggerty

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

PUBLIC HEARINGS:

On the petition by Oclen Realty LLC, an individual owning land to be affected by change or adoption, and Seaver Properties LLC to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 98 and 100 Baldwin Avenue, Dexter Avenue and Warren Avenue; referenced on the Assessors Maps at Map 09, Block 13, Lot 01; Map 09, Block 12, Lot 02; Map 09, Block 12, Lot 01; Map 09, Block 11, Lot 02 and Map 09, Block 11, Lot 01; and further described as the entire parcel of land known as 98 and 100 Baldwin Avenue, to the centerlines of Chester Avenue, Dexter Avenue and Monks Street containing approximately 253,214 square feet of land as shown on a plan by Keenan Survey entitled "Proposed Rezoning Plan in Woburn, Massachusetts" dated October 17, 2014 from R-2/OP zoning district to R-3 zoning district. PUBLIC HEARING OPENED. A communication dated March 18, 2015 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Petition of Amend Zoning Map/Oclen Realty LLC/Seaver Properties LLC/Baldwin Avenue/Dexter Avenue/Warren Avenue, Woburn, MA

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for April 7, 2015 be continued to the City Council meeting on April 21, 2015. My client is continuing to work with the City Engineer on the connection of Baldwin Avenue to an appropriate street in the area. If you need any further information, please contact me. Thank you.

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 21, 2015, all in favor 9-0.

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On the petition by Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1, Note 14 to allow a carnival from May 12, 2015 through May 17, 2015 at 25 Middlesex Canal Park. PUBLIC HEARING OPENED. A communication dated April 3, 2015 was received from Tina Cassidy, Director, Planning Department as follows:

Re: Boys and Girls Club of Woburn, Inc. – To conduct a six-day fundraising carnival from May 12th – May 17th, 2015 at the National Amusement Showcase Cinemas site at 25 Middlesex Canal Park

Dear Members of the City Council:

The Planning Department has reviewed the above-referenced application that requires a Special Permit from the City Council in accordance with Section 5.1.75 of the Woburn Zoning Ordinance.

The Planning Department recommends the Special Permit be granted SUBJECT TO the condition that the applicant comply with the requirements of Note 14 to Section 5.1.75, Table of Use Regulations of the 1985 Zoning Ordinance as amended. Note 14 limits the hours of operation on Sundays and other days and sets certain applicable insurance and minimum notification requirements.

Please feel free to contact me if you have any questions or concerns regarding this recommendation.

Respectfully, s/Tina P. Cassidy, Director

Appearing for the petitioner was James Haggerty, Carnival Chairman and he stated that Dean & Flynn Fiesta Show of Salisbury will operate the carnival and has done so for decades, and that members of the club work at the carnival. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, all in favor, 9-0.

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On the petition by NSTAR Electric Company dba Eversource for a grant of right in a way to install about 113 feet of conduit in Mishawum Road easterly from pole 30/29 approximately 776 west of School Street. PUBLIC HEARING OPENED. A communication dated April 2, 2014 with attachments was received from Superintendent of Public Works John Duran, P.E. as follows:

Subject: Eversource Petition for conduit installation of Mishawum Road

My recommendation on this matter is to allow the installation of the conduit from pole 30/29 easterly in the grassed area shown on the sketch and thence turning perpendicular to the point of pickup on the plan provided. The plan depicts the proposed conduits crossing the roadway on a diagonal which is unacceptable. The proposed direction of travel would be coincidental with the proposed Electrical Plan that was approved for the project. I have attached a "Conceptual Sketch of the Preferred Route" as well as the approved Electrical Plan.

In addition, any sidewalks, handicap ramps and/or curbing that have been damaged during construction must be replaced to DPW specifications. Any concrete sidewalks that are disturbed must be replaced in full panel sections. Prior to any work, Eversource personnel should schedule a site visit with the DPW to review this work on the ground after proper mark out of all utilities.

Please feel free to call with any questions or concerns.

Appearing for the petitioner was Jacqueline Duffy, Right of Way Agent, NSTAR Electric Company and she stated that this project will supply service to the Dave and Buster's restaurant. Ms. Duffy offered a revised plan that had been marked by the Superintendent of Public Works as the plan of record. Motion made and 2nd that the communication dated April 2, 2012 with plan attached from Superintendent of Public Works John Duran to the City Council be accepted and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the conditions as follows: 1. That the recommendations of the Superintendent of Public Works be adopted as conditions of the Grant, and 2. That the plan attached to the communication dated April 2, 2015 from the Superintendent of Public Works and received at the City Council Regular Meeting of April 7, 2015 be adopted as the plan of record, all in favor, 9-0.
Presented to the Mayor: April 9, 2015 s/Scott D. Galvin April 9, 2015

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Motion made and 2nd that the public hearing on the following two petitions by held collectively, all in favor, 9-0.

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

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On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit to modify a special permit dated December 5, 2002 which Decision allowed for the alteration of an existing non-conforming structure by the construction of a covered service drive at 394 Washington Street and Special Permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) (69) and 7.3 to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. That the new site plan of record be the plan entitled "Site Plans for Woburn Foreign Motors Proposed Redevelopment, 394 Washington Street, Woburn, MA 01801" dated August 7, 2014, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (the Plan); and 3. In addition, the Petitioner seeks approval of the following modifications to the existing Site Plan of record: to allow for a stand-alone car wash within the interior of the building, additional parking spaces, transformer; dumpsters and fuel pump, all as shown on the Plan, at 394 Washington Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner seeks several special permits, that this is the Woburn Toyota property, that the property is located in the B-I zoning district, that the uses are allowed by special permit, that the petitioner obtained a variance in July 2014 to allow an increase in the floor area ratio, that the petitioner has met with MassDOT, the City Council and the Committee on Special Permits, that the petitioner and its predecessor have been operating at the location since 1963, that the parcel is 2.7 acres in area, that a special permit would be required for office space at the location, and that he will prepare a chart as to what other uses would be permitted at the locus. Timothy Williams, P.E., Allen and Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that 394 Washington Street is the former Jaguar dealership, that 394R Washington Street is the Woburn Foreign Motors dealership, that there will be a 45,000 square foot building footprint and associated parked, that the municipal sewer and water, gas and electrical will be underground, that roof water will be infiltrated and discharged into the I-95 drainage swale, that a detention pond in the swale was installed at the on/off ramp, that 8,000 square feet of land was obtained by the petitioner from Hogan Tire to put the site in conformance with the zoning requirements for the 394 Washington Street parcel, that 394R Washington Street has frontage on I-95, that with the additional property the parcel will have a thirty foot setback, that there will be 500 parking spaces with 369 parking spaces inside the building at 394R Washington Street, that there will be 190 parking spaces with 56 parking spaces inside the building at 394 Washington Street, that the remainder of the property is for vehicle display, that vehicles will enter and exit the property at the curb cut, that vehicles will be driven into the building for service, that there will be a three-story building with one bay below, that cars will be stored in the basement, that there will be elevators and a ramp to the basement, that the first floor will have repair bays, that the repair bay will be open for ceiling height, that there will be offices on the third floor and additional car storage on the fourth floor, that from Washington Street the building will be visible but not imposing, that there will be landscaping and new lighting on site, that there is more landscaping proposed than current conditions, that there will be a tiered wall to the rear of the property, that there

will be an underground gasoline storage tank, that a specialty consultant and supplier will be engaged to install the gasoline storage tanks, that the intention is for one gasoline pump to service the petitioner's vehicles only, that there will be no gasoline service for off-site vehicles, that the car wash will be in back of the repurposed building, that the water will be recycled with a sand filter system, that the gasoline service and car wash will keep vehicles on site rather than going to an offsite facility, that the petitioner met with the Fire Department, and that the Fire Department requested additional hydrants on the site. Michael Pompili, E.I.T., Traffic Engineer, WorldTech Engineering, LLC, 300 TraceCenter, Suite 5580, Woburn, Massachusetts 01801 stated that VHB was hired as a peer consultant at this location and for the 369 Washington Street project, that there were two primary comments on the original report, that one comment was to revise the traffic counts to be consistent, that they adopted the larger VHB traffic counts as well as considered the Dave and Busters restaurant traffic counts, that the second request was for additional comparable site counts which was collected after the winter weather conditions improved, that they counted three peak periods, that they conducted site counts at the Toyota facility in Braintree, the Boch Toyota facility in Norwood and the Action Toyota facility in Acton, that they compared the trip generation counts of these locations to the locus, that the onsite increased vehicle storage, gasoline service and car wash reduced trips generated from the site, that any increases in delay would be minimal at three seconds, that the greatest impact would be a left turn leaving the site, that to reduce driveway entrance and exits the site driveway will be signalized, that the traffic control signal will be coordinated with the timing for the Tower Office Park exit, that 80% of the vehicle exit right from the parcel due to the difficult exiting left, that the service would be at Level D or better rather than the current Level F, that he does not have information as to whether the trips are from the facility or customers, that they will widen the second lane to two lanes by taking out some grass area, that the lane will not be free-flowing as traffic has to be able to exit the site, that the proposal is not to add a lane to but to shift the lanes overs, that the traffic control signal will work with or without the improvements proposed from the 369 Washington Street parcel, that they looked at moving the entrance to the property but there was not adequate line of sight for vehicles coming over the bridge, that a slip lane would force those vehicles exiting the site to get onto I-95 north, that MassDOT is reviewing the traffic control signal plans, and that they expect to meet with MassDOT in a week or two. Alderman Drapeau stated that he has no issue with the architecture of the proposal or the site improvements however the biggest stumbling block is all the vehicles will enter and exit the parcel at one curb cut on Washington Street, and that there are three large businesses operating from the site. President Haggerty stated that he supports the project conceptually but that his concern is if the petitioner leaves the site then the building with little outside parking remains, that he is interested in a stacking lane in front of the Sun & Ski property, that it is most challenging heading over the bridge in a southerly direction past the locus, that getting vehicles on to the I-95 on-ramp is critical to reducing the congestion, that a stacking lane will allow the vehicles to get onto the I-95 on-ramp, that the proposed improvements at the 369 Washington Street property will have benefits for this project, and that if the 369 Washington Street project does not go forward that will dramatically impact this project. Alderman Mercer-Bruen stated that the slip lane worked on Montvale Avenue and would work at this location, that there is constant traffic entering and exiting the locus, that she

has concerns about the traffic control signal, that she does not see how the traffic control signal will not impact traffic on Washington Street, that when the traffic control signal timing is off the traffic is at a standstill, that there is still a lot of work to do regarding this project, that she wants more information relative to the service bays, that the car wash will decrease vehicle trips however the service bays will have an impact on the number of vehicles as a number of the service bays are not currently operating, and that she wants the questions raised by the public at this meeting addressed in the Committee on Special Permits. Alderman Concannon stated that the aspect that is the most troubling is the standard seems to be the project will not be much worse but should be made better, that he believes that a slip lane to I-95 would help with congestion, and that the traffic control signal has to be better for Washington Street not just for those entering and exiting the locus. Matt Kealey, P.E., PTOE, Project Manager, VHB, 101 Walnut Street, Watertown, Massachusetts 02472 stated he presented a final memorandum on April 1, 2015, that mitigation would be required by the petitioner at the intersections if the 369 Washington Street project did not move forward, that some additional traffic generation is expected, that the rates are based on new uses onsite such as the gasoline service and the car wash, that this is a unique situation under the jurisdiction of MassDOT which requires a detailed review, that the Tower Office Park Drive and 394 Washington Street traffic control signals will operate as one signal, that adding a slip lane without signalization of the driveway would not be safe, that the slip lane would allow more traffic to get onto I-95, that if the improvements are built as proposed the delays at the intersection will be reduced compared to a no build situation, that an overall delay at the intersection will go down with the improvements, and that if the traffic control signal is installed the slip lane is more feasible but he is not certain about the grading. PUBLIC COMMENTS: Theron Rose, 5 Hobson Avenue stated that there is an intolerable traffic situation with two projects that will add to the problem, that he does not see how this can improve conditions, that MassDOT indicated that there will be no improvement to the bridge, that adding a traffic control signal is probably the worst thing that can be done in that area, and that he is opposed to both projects. Nelson Doherty, 11 Carlena Terrace stated that he is concerned that if there is one travel lane north on Washington Street then the traffic from the I-95 off-ramp will back up. Margaret Bose, 70 Pine Street stated that she is not certain how the “do not block” intersection will work in reality, and that if there is a left turn lane into the 394 Washington Street property this will block all other cars trying to go over the bridge. Michael Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that the petitioner has been operating at the location for over forty years, that conditions have changed around the petitioner, that if the petitioner cannot build this building then this Woburn business run by Woburn people will have to move from the city at the direction of corporate Toyota, and that the City Council has to keep the dialogue open. John Farino, 353 Salem Street stated that he supports the slip lane concept and the right in/right out restriction concept, that the project is good except for the driveway onto Washington Street, and that he wants to know how the mitigation funds are handled and whether by the city or the petitioner. Chris Owen, 3 Florence Terrace stated that he wants to know what will happen when the additional parcel across the street at 399 Washington Street is developed. Tim Swain, 29 Dragon Court stated that the must be concern about dealing with snow removal and snoe storage in the area as the snow piles can inhibit the line of sight, and that he is concerned

with the amount of traffic in the area. John Casey, 11 Garden Terrace stated that the focus should be on the bridge, that all the traffic in that area has to pass over the bridge, and that the city should get MassDOT to expedite improvements on the bridge. John Beauchamp, 224 School Street stated that the right in/right out restriction might be a favorable offering to allow the project to progress, and that the 394 Washington Street, 394R Washington Street and 369 Washington Street projects are all built out to the maximum extent possible and create tight sites. Steven Paris, 3 Fisher Terrace stated that the new building will be a nice addition to the site. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 5, 2015, all in favor 9-0.

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On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for special permits pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. Section 5.1 (69) and 7.3 to allow for the replacement of the existing non-conforming six (6) foot fence as shown on the plan with a six (6) foot wall; 3. Section 8.7 to allow for a reduction in the off street loading requirements; 4. Sections 5.1 (69), 7.3 and 13.5 to allow for the alteration of the existing non-conforming signage; 5. Footnote 8 to Section. 6.1 to allow for an increase in the building height from thirty-five (35) feet to forty-five (45) feet, more or less; 6. Section 8.6.3 to allow for an exception to the area and landscaping requirements to allow for alternate landscaping equal or superior in visual appearance; and 7. Sections 12.2.4 and 12.3.2 to allow for the replacement of the existing buildings on the property with a new building containing approximately 152,600 square feet in gross floor area, more or less, at 394R Washington Street. PUBLIC HEARING OPENED. See record notes from preceding matter. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 5, 2015, all in favor 9-0.

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On the petition by Madison Properties, 20 Park Place Plaza, Suite 433, Boston, Massachusetts 02116 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction at 369 Washington Street of a Mixed Use Hotel/Restaurant Use as follows: 1. Special Permit pursuant to Section 5.1.20a to allow for a Mixed Use Hotel/Restaurant Use; 2. Special Permit pursuant to Section 5.1.29 and Section 11.6.10 to allow for a fast food restaurant with a drive up customer service facility; 3. Special Permit pursuant to Section 5.1.28, Note 16 to allow for restaurant hours in excess of 11:00 p.m.; 4. Special Permit pursuant to Section 5.7.6 to allow alternative screening devices; 5. Special Permit pursuant to Section 6.1, Note 8 to allow for the height of the proposed hotel to be in excess of thirty-five (35) feet; 6. Special Permit pursuant to Section 8.7.6 to allow for a reduction in off street loading requirements; 7. Site Plan Approval pursuant to Section 12.2.1 and 12.3.2 to allow for a fast food restaurant; and 8. Site Plan Approval pursuant to Section 12.2.4 and 12.3.2 to allow for construction in excess of 15,000 square feet and more than 100 parking spaces, all at 369 Washington Street. PUBLIC HEARING OPENED. Appearing for the

petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that that traffic study was reviewed by the peer review consultant VHB, that the petitioner has a MEPA certificate, and that all VHB concerns have been addressed. Attorney Tarby offered a plan entitled "Conceptual Improvement Plan, Woburn Landing, Woburn, Massachusetts, Madison Woburn Holdings, LLC, Boston, Massachusetts" dated 02/20/15 to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Denis Dowdle, President, Madison Properties stated that they have had a number of meetings with representatives from Cummings Properties, that there is a grade differential between the two properties as well as underground infrastructure that W.R. Grace will maintain, and that there has been no discussion with Cummings Properties about closing curb cuts. Timothy Williams, P.E., Allen and Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that the site is comprises of twelve acres, that eight acres are developable due to wetlands at the rear of the property, that the project will have a co-branded hotel, two family-style restaurants and a fast food restaurant, that there is onsite parking and lighting, that there will be electric vehicle parking, that there will be full blown pedestrian access on the site, that the curb cut design brings people into the site without having to walk through the parking lot, that the site was reviewed by the Conservation Commission and an Order of Conditions was issued, that the site is services by municipal water and sewer, that that waste water treatment facility will remain in operation, that there will be a sidewalk along Washington Street, that there will be additional landscaping at the request of the Planning Department, that there is a separate piping system on the Cummings Park property which the petitioner is willing to discuss, that the proposed outside seating has been adjusted, and that the drive-thru component meets the zoning requirements. Giles Ham, P.E., Vanasse & Associates, Inc., 10 New England Business Center, Drive 314, Andover, Massachusetts 01810 stated that they prepared a detailed analysis, that significant improvements to traffic conditions have been proposed, that there will be improvements to signals in the area, that the proposed uses service the area, that the proposals will generate new users but also service people doing business in the area, that there is a twenty-one car queue for the fast food drive-thru, that there is 800 feet of space and there will be no queuing on the street, that wider shoulders and pedestrian crossings have been added, that widening the roadway will increase capacity and improve the traffic flow, that there will be new traffic signals which can adapt to traffic in real time, that the road widening will be as a result of the dedication of land from the petitioner's property, that there was a proposal to stripe one lane heading north and two lands heading south on the bridge but this is under MassDOT jurisdiction and likely will not be approved, that MassDOT made clear that the bridge will not be widened in the near term, that the project will generate 4,000 new trips per weekday and 5,200 new trips on Saturdays, that the revisions relative to vehicle trips changed based on the peer review data, that there is no need to adjust traffic signal timing down the road as that will be done by other parties, that the design provides a "do not block" intersection at the 394 Washington Street property and a traffic control signal could be added to the plan, that for every foot the driveway entrance to the 394 Washington Street property moves north there is a loss of sight distance, that the State wants a complete street as projects come on line, and that once the bridge improvements are constructed there will be a five foot buffer for a future

bicycle lane. Alderman Gately stated that the area floods in heavy rain, that a relief line may have to be installed which will cross Washington Street to the Aberjona River, that he is concerned about the drive-thru component of the project, that he is concerned about the ability of tractor-trailer trucks to move onto the parcel, and that three restaurants will generate a lot of deliveries to the property. President Haggerty stated that he is not concerned with the fast casual restaurant use but is concerned with the drive-thru component. Alderman Concannon stated that he wants there to be a discussion with Cummings Properties about an actual connection between the two properties with perhaps the elimination of a curb cut, and that there may be contradictory statements being made about what is beneficial and what is detrimental in the area. Alderman DiTucci stated that she is concerned about cars traveling through the parking lot and that suitable directional signs should be installed, and that she wants to know how much traffic the drive-thru component will add to the traffic. Alderman Raymond stated that he still has doubts that the traffic improvements will work. Alderman Mercer-Bruen stated that she disagrees with the estimate of the amount of traffic the project will generate, that there are no pedestrian crossing improvements near the Staples store, and that there are no improvements suggested for the neighborhood across the street from the parcel. Alderman Anderson stated that MassDOT was not responsive to the request for bridge improvements, and that the bridge is handcuffing the project. Matt Kealey, P.E., PTOE, Project Manager, VHB, 101 Walnut Street, Watertown, Massachusetts 02472 stated that they issued a memorandum on March 23, 2015 and an additional memorandum on April 6, 2015, that some vehicle crash rates exceed MassDOR estimates, that the petitioner indicated that a traffic control signal would control the vehicle crashes, that there will be a road safety audit process, that the crosswalk needs to be located where it would be logical for pedestrians at the right in/right out driveway, that the Mishawum Road/Commerce Way, Mishawum Road/Washington Street and Washington Street/I-95 ramp intersections will have to have adaptive traffic signals, that he does not know how much traffic is generated by the drive-thru component, that with 4,000 additional vehicle trips generated by the project the traffic will be improved with the proposed traffic improvements as opposed to a no build situation, and that peak hour traffic is the focus for traffic consultants as opposed to daily traffic. PUBLIC COMMENTS: Margaret Bose, 70 Pine Street stated that she is concerned about pedestrian crossing, that perhaps moving the right in/right out driveway a bit further north will improve pedestrian safety, and that bridge traffic is added with this project. Jerry Lohnes, 15 Garden Street stated that he wants to know if property values and quality of life is taken under consideration when deciding these petitions, that he is concerned about the right travel lane from the I-95 off-ramp, and that he in in favor of the petitioner developing the property but this proposal is not the right project at the right time with the current infrastructure. Nelson Doherty, 11 Carlena Terrace stated that the questions and suggestions of the neighbors have been ignored by the petitioner, that there are too many cars and not enough roadway, that signs on the bridge remind drivers that the bridge is one lane in each direction, that the bridge is forty feet wide and not sufficient to handle four lanes of traffic, that the drive-thru and fast food uses should be eliminated, and that there should be consideration about the future development of the 5.2 acre 399 Washington Street parcel. Kelly Hart, 386 Washington Street stated that her house is directly in line with Tower Office Park, that a left turn onto I-95 will be difficult with the widening and the Tower Park Drive traffic

signal, that there will be added traffic until midnight every day to these uses, and that she is concerned about pedestrian safety in the area. John Farino, 353 Salem Street stated that he is not sure this is the right project for the parcel, that he opposes the fast food use and the drive-thru, and that there should be some connectivity between the Cummings Park property and the site for vehicles. Tim Swain, 29 Dragon Court stated that he is concerned about pedestrian safety in the area, that he is concerned about dumpsters at the locus and the hours that they will be emptied, and that he opposes the project. Michael Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that the area needs this project or something like it, and that the project will generate tax revenue. Sandra Wertz, 2 Olympia Avenue stated that she is concerned about pedestrian safety in the area. Kathy Bailey, 4 Utica Street stated that the projects including the Dave and Busters restaurant will generate considerable traffic in the area. John Beauchamp, 224 School Street stated that he wants the peer review to include Dewey Avenue, that the residents of the area are not getting any consideration, that this could be a beautiful site with more green space instead of a large asphalt parking lot, that he wants to know what mitigation the petitioner will be paying to meet the MassDOT demands for bicycle lanes, that he wants to know what the master plan for bicycles will be on Washington Street, and that there has to be vehicle pedestrian connectivity between the Cummings Park property and the parcel. Chris Owen, 3 Florence Terrace stated that the buffer zone from residential properties under the zoning ordinances must be considered including screening, that fill will be added to the parcel, and that there should be a cross connection for vehicles to the Cummings Park property. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 19, 2015, all in favor 9-0.

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

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

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President Haggerty called the meeting back to order.

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On the petition by Philip J. Malonson, Trustee, Step Two Realty Trust, 171 Cambridge Road, Woburn, Massachusetts 01801, Melanson Development Group, Inc., 5 Robertson Way, Woburn, Massachusetts 01801 and Eileen C. Marsan, 165 Cambridge Road, Woburn, Massachusetts 01801 to amend the Woburn Zoning Map as follows: 1. By changing the zoning district of the land located at Cambridge Road R found on Assessors Map 65-08-13 described as vacant land from B-H to R-3, and 2. By changing the zoning district of the land located at 165 Cambridge Road found on Assessors Map 65-08-18 and 65-08-19 described as single family home and vacant land from R-1 to R-3. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Shaun W. Briere, Mawn and Mawn, 275 Mishawum Road, Woburn, Massachusetts 01801 and he stated that the property at 165 Cambridge Road is 2.34 acres, that there is a single family residence on

one parcel and a vacant parcel, that the property at 165R Cambridge Road is 17,913 square feet and vacant, that access to the development will be through the existing driveway, that there is a resource area at the back of the property, that the petitioner met with the Woburn Historical Commission relative to the historic significance of the house and access to Old Lexington Road, that the intention is to construct 23 townhouses on the parcels, that preliminary sketches of the project have been prepared, that the petitioner will work with the City Solicitor relative to creating access to Battle Road, that the petitioner will provide public access to the Battle Road woodland including a parking area, that 23 two-bedroom townhouse units are proposed, that this area is more conducive to a townhouse development, and that these developments tend to have older residents with not impact on the schools. Alderman Drapeau stated that this is unique in that there will be a downgrade and an upgrade of zoning at the same time, that the project could help upgrade the area, that the Woburn Historical Commission has had to come onto Battle Road by way of Briscoe Road, that this project will give access to Battle Road and provide some parking for visitors to Battle Road, that there is a significant buffer zone between this parcel and the Revere Road residential uses due to the location of Battle Road, that access to the lot will be from Cambridge Road, that the project will prove nice housing for people who might be downsizing, and that the developer has done good work throughout the city. Alderman Gately stated that he has concerns with the existing building on the site, the elevation of the parcel over Cambridge Road, the existence of ledge, drainage from the site and a culvert in the area that needs to be repaired, that he does not think this is the best project, and that he is concerned that there may have to be blasting. Alderman DiTucci stated that she is interested in seeing the street elevations from Cambridge Road, and that she is interested in access to Battle Road. Alderman Mercer-Bruen stated that she understands the intention of the petition but would prefer an R-1 zoning district designation for the property rather than R-3, that Woburn is becoming the center of empty nesters, and that she would prefer single family residences at the property. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 19, 2015 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 9-0.

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On the petition by Nardone Electrical Corporation, 100 Winchester Street, Medford, Massachusetts for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57b and 7.3 to allow for the outside storage and parking of commercial motor vehicles and contractor's equipment at 160 Olympia Avenue. PUBLIC HEARING OPENED. A communication dated April 2, 2015 was received from Neil Cronin, City Planner, Planning Department as follows:

Re: Planning Department comments on special permit application for Nardone Electrical Corporation at 160 Olympia Avenue

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for the outside storage and parking of commercial motor vehicles, commercial trailers, trucks and contractor's equipment at 160 Olympia Avenue pursuant to Sections 5.1.(57b), and 7.3 of the Woburn Zoning Ordinance. The property is located in the I-P zoning district and the requested use is allowed by City Council special permit.

A discussion with the petitioner's attorney and review of the provided plan indicates the petitioner would park utility trucks, trailers, and mobile generators used in conjunction to the electrical business on a portion of the site. The parking area will be screened from the public by existing landscaping and a chain link fence.

The Planning Department finds three issues with respect to this application:

1. The chain link fence and gate which will enclose the outside storage area restricts outdoor access to a significant portion of the building. The applicant is consulting with the Fire Department on this particular aspect of the site plan and the Planning Department recommends the Council incorporate any recommendations on this issue that the Fire Department may suggest.

2. In the outside storage area, there are three parking spaces in tandem to each other, pinning one vehicle behind the other two. The Planning and Municipal Inspections Departments believe these three parking spaces should be reconfigured to meet the requirements of Section 8.4.2.4 of the Zoning Ordinance. On a related note, the Municipal Inspections Department may well require additional parking spaces on this site to compensate for those that will instead be used for storage and to address the parking demand created by the number of employee vehicles and company vehicles assigned to employees on site.

3. The application includes a request for a special permit under Section 7.3. of the zoning ordinance and the application is not clear why this special permit is necessary. The applicant's attorney represents that a special permit under Section 7.3 is needed for several reasons all related to existing conditions. The Planning Department recommends the applicant be required "for the record" to provide a written explanation of the specific relief needed in accordance with Section 7.3.

The Planning Department recommends the Council consider imposing the following as conditions of the Special Permit:

1. The Planning Department asked the petitioner's attorney for an updated site plan including snow storage areas. The updated plan has been attached and should serve as the plan of record:

   > "Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "Olympia Avenue Parking Plan; Prepared for Nardone Electrical Corp., 100 Winchester Street, Medford MA; Scale 1"=20'; Date: March 10, 2015; Project Number: 1411; Drawing Number: C.1. "

2. All vehicles that will be parked on site overnight must be registered in the City of Woburn.

3. The existing chain link fencing shall be augmented with plastic slats to ensure the fence is opaque and capable of screening the proposed outside storage from public view.

4. Wheel stops should be added to each parking space fronting on State Street to ensure vehicles do not overhang into the right-of-way.

5. All signage must comply in all respects with the provisions of Section 13 (Sign Regulations) of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Municipal Inspections.

6. Section 8.5.1. of the Zoning Ordinance requires security lighting for all parking facilities "which are used at night". If the Council determines that the overnight parking of vehicles equates to the lot being "…used at night", then the following condition of approval should be included:

   "The plans should be revised to incorporate details of security lighting."

7. The refuse area as shown on the plan will remain enclosed in sight-impervious fence six (6) feet in height and shall not be emptied between the hours of 9:00 p.m. and 7:00 a.m. Similarly, the refuse area shall not be filled after the close of business.

8. The Special Permit shall be issued to Nardone Electrical Corporation only and shall not be transferrable.

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

Sincerely, s/Neil Cronin, City Planner

A communication dated April 6, 2015 was received from Neil Cronin, City Planner, Planning Department as follows

Re: Planning Department comments on special permit application for Nardone Electrical Corporation at 160 Olympia Avenue

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for the outside storage and parking of commercial motor vehicles, commercial trailers, trucks and contractor's equipment at 160 Olympia Avenue pursuant to Sections 5.1.(57b), and 7.3 of the Woburn Zoning Ordinance. The property is located in the I-P zoning district and the requested use is allowed by City Council special permit.

A discussion with the petitioner's attorney and review of the provided plan indicates the petitioner would park utility trucks, trailers, and mobile generators used in conjunction to the electrical business on a portion of the site. The parking area will be screened from the public by existing landscaping and a chain link fence.

The Planning Department finds three issues with respect to this application:

1. The chain link fence and gate which will enclose the outside storage area restricts outdoor access to a significant portion of the building. The applicant is consulting with the Fire Department on this particular aspect of the site plan and the Planning Department recommends the Council incorporate any recommendations on this issue that the Fire Department may suggest.

2. In the outside storage area, there are three parking spaces in tandem to each other, pinning one vehicle behind the other two. The Planning and Municipal Inspections Departments believe these three parking spaces should be reconfigured to meet the requirements of Section 8.4.2.4 of the Zoning Ordinance. On a related note, the Municipal Inspections Department may well require additional parking spaces on this site to compensate for those that will instead be used for storage and to address the parking demand created by the number of employee vehicles and company vehicles assigned to employees on site.

3. The application includes a request for a special permit under Section 7.3. of the zoning ordinance and the application is not clear why this special permit is necessary. The applicant's attorney represents that a special permit under Section 7.3 is needed for several reasons all related to existing conditions. The Planning Department recommends the applicant be required "for the record" to provide a written explanation of the specific relief needed in accordance with Section 7.3.

The Planning Department recommends the Council consider imposing the following as conditions of the Special Permit:

1. The Planning Department asked the petitioner's attorney for an updated site plan including snow storage areas. The updated plan has been attached and should serve as the plan of record:

   > "Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "Olympia Avenue Parking Plan; Prepared for Nardone Electrical Corp., 100 Winchester Street, Medford MA; Scale 1"=20'; Date: March 10, 2015, Revised April 2, 2015; Project Number: 1411; Drawing Number: C.1."

2. All vehicles that will be parked on site overnight must be registered in the City of Woburn.

3. The existing chain link fencing shall be augmented with plastic slats to ensure the fence is opaque and capable of screening the proposed outside storage from public view.

4. Wheel stops should be added to each parking space fronting on State Street to ensure vehicles do not overhang into the right-of-way.

5. All signage must comply in all respects with the provisions of Section 13 (Sign Regulations) of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Municipal Inspections.

6. Section 8.5.1. of the Zoning Ordinance requires security lighting for all parking facilities "which are used at night". If the Council determines that the overnight parking of vehicles equates to the lot being "…used at night", then the following condition of approval should be included:

   "The plans should be revised to incorporate details of security lighting."

7. The refuse area as shown on the plan will remain enclosed in sight-impervious fence six (6) feet in height and shall not be emptied between the hours of 9:00 p.m. and 7:00 a.m. Similarly, the refuse area shall not be filled after the close of business.

8. The Special Permit shall be issued to Nardone Electrical Corporation only and shall not be transferrable.

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

Sincerely, s/Neil Cronin, City Planner

Motion made and 2nd to accept the communications and make them part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the special permit is required for the outside storage of motor vehicles, that the building was formerly the 99 Restaurant offices and commissary, that the petitioner founded the business in 1984, that the business currently operates in Medford, that the petitioner is an electrical contractor, that the petitioner executed a purchase and sale agreement for the property contingent on obtaining this special permit, that the petitioner will have twenty employees working in the office, that all of the vehicles are registered, that he have talked to the Fire Department, that the gate on the fence is acceptable to the Fire Department if a Knox-Box is installed for Fire Department access in an emergency, that the principal use of the business is a service use, that twenty parking spaces will be used by office employees, that the tandem parking spaces are for outside storage of vehicles and will not be needed for employee parking, that the structure is nonconforming because the loading dock faces a street and because of a setback, that the building was constructed in the 1960s, that the 99 Restaurant added a second story and then another addition to the building, that the petitioner will occupy the entire second floor of 8,000

square feet, that the petitioner will not use the loading docks but will seek to lease out the remainder of the building, that the hours of the business operation will be Monday through Saturday 7:00 a.m. to 6:00 p.m. but the petitioner's staff may be in the building at other hours. Attorney Tarby offered a revised plan entitled "Parking Plan" dated March 10, 2015, revised 4/2/15 and a list entitled "Commercial Vehicles and Equipment to be Stored Overnight on the Premises at 160 Olympia Avenue, Woburn, Massachusetts" for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Stephen Nardone, President, Nardone Electric stated that a digger is like a bucket truck but instead of a bucket it has an auger, that the equipment on site will only be used as needed, that the rack truck and shuttle van will be used for deliveries during the day, and that the remainder of the vehicles and equipment will be used when needed. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 21, 2015 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by John P. Flaherty and Kathryn A. Flaherty, 28 West Street, Woburn, Massachusetts 01801 for special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 27 to allow for the conversion of a house of worship (St. Joseph's Church) to allow for the following: 1. Six (6) dwelling units, 2. Landscape useable space of 30.5%, and 3. Front yard setback of 12.3 feet for the front steps, at 100 Washington Street. PUBLIC HEARING OPENED. A communication dated April 1, 2015 was received from Tina P. Cassidy, Director, Planning Department as follows:

Re: Special Permit Application development of six (6) housing units in a converted house of worship at 100 Washington Street/John P. Flaherty and Kathryn A. Flaherty

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition which seeks a special permit in accordance with Sections 27.4 and 27.5 of the Zoning Ordinance to allow for the conversion of a former house of worship into six (6) residential housing units. The property is located at 100 Washington Street and is in an R-2 zoning district. The special permit petition is filed under the provisions of Section 27 entitled "Conversion of Houses of Worship".

The Planning Department notes the following issues and recommends the Council require they be addressed before considering the Special Permit application:

- Evidence, as required by Section 27.2 of the Zoning Ordinance, indicating that the Woburn Historical Commission has deemed the structure to be a Significant Building or Structure using the criteria listed in Title 15, Article V, Section 15-16 of the Woburn Municipal Code;

- Documentation proving (a) that the structure on this property was used as a house of worship within five (5) years of March 12, 2015 and (b) that the lot has not been subdivided or reduced in size or otherwise developed for any other purpose since January 1, 2015; and

- A floor plan that includes the gross floor area of the structure's first floor, so that the maximum number of allowed housing units on the site can be ascertained/ confirmed.

The Planning Department further recommends that the following information should be required from the applicant at the outset of Council consideration:

- Drawings of the building's exterior elevations so that the following can be determined:

    - Conformance with the maximum building height and zoning setback requirements;

    - Whether or not the project will result in the property restoration and preservation required by Section 27.7.2. of the Zoning Ordinance;

    - Whether the project will facilitate or preserve the existing character of abutting properties and the district generally, as required by Section 27.7.3; and

    - Whether the exterior design of the building will be substantially altered in a way that changes the character and architecture of the original design, as required by Section 27.7.4.

- Additional information relative to trash storage and removal should be provided. A notation on the plan indicates that trash storage will be located below the upper deck on the front of the building near the sidewalk. How will it be accessed by tenants and the trash removal vendors (private trash collection will be required for this property due to the number of proposed housing units)? How will the trash area be screened from view and how will odors be controlled?

- A suitable draft legal document ensuring that fifty percent (50%) of the units will be restricted in occupancy to persons fifty-five (55) years of age or older, in accordance with Section 27.7.7; and

- Rationale as to why the applicant has not also requested Council approval of (a) Site Plan Review, in accordance with Section 12.2.2; (b) the affordable housing requirements of Section 11.11 (since the proposed development creates more than two [2] units of townhouses, garden or elevator apartments); and (c) if the units meet the definition of "townhouse", then construction of townhouses in accordance with Section 14 (Townhouse development in residential districts R-1 and R-2).

At this preliminary stage, the Planning Department offers the following specific comments on the application:

- Space #2 on the southerly side of the building is too close to the property line (Section 8.4.2.1.), although relief may be granted by the City Council as part of the special permit process, in accordance with Section 27.5;

- The applicant should be encouraged to provide a site plan showing only five (5) dwelling units so that the proposed two-car parking area on the southerly side of the building is eliminated in favor of creating some outdoor recreational/open space for tenants of the building;

- Additional information regarding the proposed lighting is needed. Security lighting is required for the parking, and the plans show wall sconces on two of the building walls and one (1) pole light in the northeast corner of the site. Additional information should be provided so the Council can determine if it is arranged and shielded to prevent glare onto adjacent streets and properties (Sections 8.5.1 and 8.5.2.);

- Wheel stops should be provided for parking spaces #3, 5, 7, 9, and 11 in accordance with Section 8.5.7. of the Zoning Ordinance;

    - Additional information is needed relative to the proposed plantings. The species, number and height of the proposed arbor vitae and of the interior plantings should be provided and the type of mulching material identified. Although there is a note that says a continuous
      row of 5' arbor vitae will be "spaced close enough to provide a dense screen" along portions of the lot's perimeter, the exact locations should be determined now since the approved plan will become the Plan of Record to which the builder will be held.

      On a related note, the developer should be encouraged to consider an artificial grass material for the remaining landscaped areas versus the use of real grass. Maintenance of the grass areas will be difficult at best and as a result those areas are unlikely to remain attractive or even viable over time;

- The ADA-related certification required by Section 11.4.8. of the Zoning Ordinance has not yet been provided;

- Restrictions should be placed on the project that limit the times of day/week that trash removal services can be conducted on the site; and

- All signage must conform to Section 13 of the Zoning Ordinance and will be subject to separate permitting processes through the Inspectional Services Department.

On a last note, I defer to the Engineering Department with respect to evaluation and assessment of drainage impacts from the project and the submitted drainage analysis.

The Planning Department would be happy to review new information and/or revised plans when they are available and to provide further comments and recommendations to the Council at a later date.

Respectfully, s/Tina P. Cassidy, Director

Motion made and 2nd that the communication from the Planning Director be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the property is located in the R-2 zoning district, that the use is allowed by special permit, that the proposal was reviewed as part of the zoning amendment review, that the building was originally constructed in 1877, that the building was damaged by fire in 1905, that on November 1, 1906 the church was set apart as a separate parish, that on June 13, 2011 the parish was suppressed as a separate parish and joined with St. Charles Church, that the proposal is to convert the building to a six-unit residential building with wo units for residents 55 years of age and older, that there is a 4.5 foot front yard setback for the existing stairs which will increase to 12.3 feet, that the setback of the building does not change and remains at 21.3 feet, that site plan review is not required for the use, that the affordable housing requirement does not apply to the use, that Section 14 of the Woburn zoning ordinances applies to townhouses but not this use, that wheel stops will be added to the plan, that the use of artificial grass is unrealistic, and that a landscaping plan will be provided. Attorney Tarby offered a document entitled "Archdiocese of Boston Suppressed and Merged Parishes" to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Mark Sleger, Alan Engineering, LLC, 288 Littleton Road, Suite 21, Westford, Massachusetts 01886 stated that the existing conditions include the church and shed on a 12,327 square foot lot, that there is 106 feet of frontage on Washington Street, that there are two parking spaces on the southerly side of the building, that there are three large protruding steps that extend to 4.5 feet from the front lot line, that there is a 10.9 foot side setback, that the handicapped accessible ramp on the northerly side of the building will be removed, that stairways running parallel to the front of the building will be added, that nothing will be added to the main building which would make the building closer to the front setback, that the new steps will lead to a deck, that a trash area and landscaping will be added, that the two existing parking spaces will be resurfaced, that ten new parking spaces will be added to the northerly side of the lot, that there will be one additional curb cut on the northerly sider to access the property, that there will be additional landscaping added around the parking lot to provide an opaque screening, that the snow storage areas are delineated, that snow in excess of the storage area would be removed from the site, that a bicycle rack will be provided, that the utilities will be upgraded and placed underground, that the shed will be removed, that the catch basins will leach into the ground and will have a 100-year storm capacity, and that he believes that it would be more appropriate to have the two existing southerly parking spaces rather than moving all the parking to the northerly side as this would require some parking spaces to be designated as compact parking spaces. John Seger, Seger Architects, Inc. 10 Derby Square, Suite 4N, Salem, Massachusetts 01970 stated that he does historic

renovations, that the current exterior of the property is from the 1950s, that much of the interior work is from the 19th century, that the roof is covered with asphalt shingles, that the exterior is clad in vinyl siding, that the vinyl siding will be removed, that the three front stairs and late addition gables will be removed, that the building will be less monumental and more humble, that the stairs are switched to come up the sides with a porch, that there will be access to the elevator from a lower corridor, that the petitioner will use a durable wood composite exterior, cedar clapboards and asphalt shingles, and that the building is six units with a lower level and second floor for each with center stairs. Alderman Concannon stated that the Planning Department made recommendations that the City Council should consider, and that he would like to see a plan with five units and the elimination of the two southerly parking spaces in line with the Planning Board recommendation. Alderman Mercer-Bruen stated that she wants to see a five-unit plan, a list of materials to be used and a better rendering of the project, that is not impressed with the project at the moment, that the building looks like a boarding house, and that taking away the stairs and other features takes away the majesty of the building that everyone said needed to be preserved. PUBLIC COMMENTS: Theron Rose, 5 Hobson Avenue stated that he is in support of the project, that the petitioner does good work, and that there will not be impact on traffic in the area. Arthur Duffy, 38 Alfred Street stated that he supports the project, and that the petitioner has completed many good quality projects. Michael Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park, Woburn stated that there was a church at the locus with no parking lot, that there were 200 to 300 cars parked along the streets during church services, and that this project eliminates the parking issue. Susan Boyd, 1 Utica Street stated that there church parking lot was limited to an hour on Saturday and three hours on Sunday, that now there will be activity at the property every day, that she is concerned about the trash and he lights shining onto her property, that there is one foot between her property and the property at the rear of the building, and that it will be difficult for the petitioner to do construction without entering onto her neighboring property at the rear lot line. Kathy Bailey, 4 Utica Street stated that she is concerned about trash removal and odors from stored trash, that it should be assured that trash is required to be stored inside the building, that she is concerned about asbestos in the building, that she is concerned about the impact of removing the stairs on neighboring buildings, and that she is concerned about the handicapped parking space being in front of the building and not on the property. Laura Redick, 4 Central Street stated that she does not want to see the stairs removed, that she is concerned about the future maintenance of the building, and that she is concerned that the parking may not be sufficient. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 5, 2015, THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS and that a communication be forwarded to the Woburn Historical Commission requesting an opinion relative to the project, all in favor 9-0.

CITIZEN'S PARTICIPATION:

Request by John J. Devine, Woburn Cab Company, Inc. 100 Ashburton Avenue for citizens participation time before the Committee on Public Safety and Licenses to discuss

credit card machines in taxi cabs. Motion made and 2nd that MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

COMMITTEE REPORTS:

LIAISON:

On the Order to place a question to accept Section 3 to 7, inclusive of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, on the November 3, 2015 municipal election ballot, committee report was received "ought to pass". Motion made and 2nd to suspend the rules for the purposes of hearing from the public, 8 in favor, 1 opposed (Drapeau opposed). Ed Tedesco, 1 Tedesco Drive stated that in 2002 and 2014 the voters rejected the Community Preservation Act (CPA), that the will of the people should matter, that the group proposing the ballot question should be required to obtain signatures to have the matter place on the ballot, that the city established a meals tax to acquire open space and therefore a revenue stream exists to purchase open space, that 155 communities accepted the CPA but only ten communities received 100% from the State, that the average return from the State is 42% and for those communities with a 1% surcharge they receive 30% from the State, that CPA funds cannot be used for repair and maintenance, that if more facilities are acquired through CPA funds the city will have to repair and maintain the properties in the city budget, that the CPA will increase the size of government and bureaucracy, that an unelected committee will decide how the money is spent, that it should not be easy to place the matter back on the ballot after twice being rejected by the voters, and that the proponents should be required to go out to the community and gather signatures to place the matter on the ballot. Carolyn Youngclaus, 2 Park Drive stated that the CPA is not a tax but a surcharge, that when the CPA is accepted the city will be eligible to apply for federal, State and private grants to boost money available for vital projects, that the meals tax was for open space but a decision was made to use the open space for a school, that without the CPA the city is losing fees collected from Woburn residents to other communities, that a proponents are a small group without funding and it would be onerous for them to gather signatures, that the matte ought to pass, and that the proponents want another chance to educate the voters on the issue. Michael Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park Drive stated that the CPA is a tax and will be on the tax bills, that the City Council should exempt businesses from the tax, and that businesses pay personal property tax that residents do not pay. Linda LeBlanc, 9 Woburn Parkway stated that the voters were confused as this is a complex issue, that the money collected stays in Woburn, and that the State gives the city more money. June MacKenzie, 20 Mt. Pleasant Street stated that no city with the CPA has voted to repeal the CPA, and that Somerville has used the CPA to leverage grants to benefit businesses and residents. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the amendment as follows: 1. That the words "state election ballot" in the fifth paragraph be deleted and the words "municipal election ballot" be inserted in their place, ROLL CALL: Anderson – No, Concannon – No, DiTucci – Yes, Drapeau –

Yes, Gaffney – Yes, Gately – Yes, Mercer-Bruen – No, Raymond – Yes, Haggerty – No, MOTION PASSES.
Presented to the Mayor: April 9, 2015 s/Scott D. Galvin April 9, 2015

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ORDINANCES:

On the Order to amend 1989 Woburn Municipal Code, Title 5, Article XII, Sections 5-68(A)(6) and 5-68(B)(4) relative to taxi cab and livery communication devices, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor April 9, 2015 and ten days having elapsed without same being approved, said Order became effective without his signature on April 21, 2015.

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Relative to the review of the office of City Auditor, committee report was received that the following Order be adopted:

ORDERED Be it ordained by the City Council of the City of Woburn that a petition be filed with the General Court to the end that legislation be adopted precisely as follows. The General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court. The Mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

An Act exempting the position of auditor in the city of Woburn from the civil service laws.

SECTION 1. The position of auditor of the city of Woburn shall be exempt from the provisions of chapter 31 of the General Laws.

SECTION 2. This act shall take effect upon its passage.

s/Alderman Anderson
Chair, Committee on Ordinances

Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: April 9, 2015 s/Scott D. Galvin April 9, 2015

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FINANCE:

On the Order to transfer the sum of $37,452.00 from 7 State Street Acct to Aldis Camera's Traffic Detection Acct, committee report was received "ought to pass". Motion

made and 2nd that the COMMITTEE REPORT be ADOPTED, with the amendment as follows: 1. That a communication be sent to the City Auditor and City Engineer instructing them to notify the City Council when the work is completed, that they provide a detailed expense report to be filed with the City Council, and that any excess unused funds be returned to the mitigation account, all in favor, 9-0.
Presented to the Mayor: April 9, 2015 s/Scott D. Galvin April 9, 2015

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On the Order to transfer the sum of $85,000.00 from Rubbish Removal Acct to Landfill Acct, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: April 9, 2015 s/Scott D. Galvin April 9, 2015

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PUBLIC SAFETY AND LICENSES:

On the petition by Boston M4 Tech LLC for a new Livery License, committee report was received "ought not to pass." Alderman Concannon stated that the petitioner can reapply for the license in the future. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

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On the petition by Jeffrey Pollock dba Exclusive Automobiles for renewal of Second Class Motor Vehicle Sales License, committee report was received "ought to pass, as amended, with the amendment as follows: 1. That there shall be no unregistered vehicles associated with the operation of the business allowed on the premises." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the condition be changed as follows: 1. That there shall be no more than one unregistered vehicle associated with the operation of the business allowed on the premises and no sales of vehicles shall be allowed on the premises, all in favor, 9-0.
Presented to the Mayor April 9, 2015 and ten days having elapsed without same being approved, said License became effective without his signature on April 21, 2015.

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On the petition by M&L Transit Systems, Inc. for renewal of First Class Motor Vehicle Sales License, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: April 9, 2015 s/Scott D. Galvin April 9, 2015

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On the petition by Milano Jewelry LLC for renewal of a License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles, committee report was received "back for action". Motion made and 2nd that the LICENSE be GRANTED, all in favor, 9-0.

Presented to the Mayor April 9, 2015 and ten days having elapsed without same being approved, said License became effective without his signature on April 21, 2015.

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NEW PETITIONS:

A communication dated April 2, 2015 was received from Julie A. Gage, Executive Director, Boys & Girls Club of Woburn, Charles a Gardner Lane, Woburn, Massachusetts 01801 as follows:

Dear Mr. Haggerty and Members of the City Council:

The James L. McKeown Boys & Girls Club of Woburn respectfully requests an extension of their special permit that has been granted for Sunday, May 3, 2015. We are appreciative of the permit that was given in order for us to host our annual Kick in for Kids Road Race & Health Walk, an important fundraiser for use to continue our mission.

We're fortunate to receive donations from many organizations to help us successfully organize this event. The tents we utilize are given to us by the Middlesex Sherriff's Office. They have asked if possible that they set up the tents on Friday, May 1, 2015 in order to save on the cost of labor. Therefore, we respectfully request an extension of our special permit in order to allow them to do so.

For this purpose, we respectfully request that our Special Permit be extended to Friday, May 1, 2015 through Sunday, May 3, 2015.

Thank you for your consideration of this request for an extension of our Special Permit.

Sincerely, s/Julie A. Gage, Executive Director

Motion made and 2nd that the communication be accepted and that the Boys & Girls Club of Woburn be allowed to set up the tents to be used in conjunction with a special event permit beginning on May 1, 2015 through May 3, 2015, all in favor, 9-0.
Presented to the Mayor: April 9, 2015 s/Scott D. Galvin April 9, 2015

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A communication dated March 17, 2015 was received from Laura R. Post, PTA VP, St. Mary's School of Winchester, 162 Washington Street, Winchester, Massachusetts 01890 as follows:

To Whom It May Concern:

We have applied for and received a special permit for a walk-a-thon to be held at Horn Pond on 04/11/15. Unfortunately due to the severe winter and amount of snow still

remaining, it appears that the pond will not be cleared and dry enough by this date to have our planned Walk-A-Thon and Family Fun Day.

We are asking that you please allow us to reschedule our event to Saturday, May 30, 2015. All the other details and plans will remain the same. Please feel free to contact me anytime if you would like more information or an updated Certificate of Insurance; we would be happy to provide it. The families and friends of St. Mary's had such a wonderful time last year at this event we are looking forward to continuing the tradition this year. Thank you for your consideration.

Thank you, Laura R. Post, PTA VP, St. Mary's School of Winchester

Motion made and 2nd that the date of the special event permit for St. Mary's School of Winchester be amended from April 11, 2015 to May 30, 2015, all in favor, 9-0.
Presented to the Mayor: April 9, 2015 s/Scott D. Galvin April 9, 2015

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Petition by Kristen Gonzalez Boot Camp, 7 Patricia Road, Billerica, Massachusetts 01821 for a Special Event Permit to allow an outdoor boot camp fitness class on Tuesdays and Thursdays from 6:00 p.m. to 7:00 p.m. from May 2015 through September 2015 at Horn Pond. Alderman DiTucci stated that the matter should be denied as it is a commercial enterprise. Alderman Concannon stated that the matter should be sent to committee to hear from the petitioner. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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

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Petition by ecoATM, Inc., 296 Mishawum Road, Woburn, Massachusetts 01801 for renewal of a License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by Coach Line Limousine & Motor Coach, 11 State Street, Woburn, Massachusetts 01801 for renewal of a Livery License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by Kiwanis of Woburn, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section

5.1.75 to allow for a Flag Day celebration and carnival on June 12, 2015 and June 13, 2015 at Library Park. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by NSTAR Electric Company dba Eversource Energy and Verizon New England Inc. for a granted of right in a way to relocate on joint occupancy pole (60/6) on the southerly side of West Dexter Avenue approximately 80 feet southwest of Milan Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Superior Contracting Services LLC, 201 Prospect Avenue, Revere, Massachusetts 02150 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to allow for overnight parking of petitioner's commercial vehicles at 31 Draper Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Draper Realty LLC, 1150 Main Street, Concord, Massachusetts 01742 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57a to allow for a storage container at 31 Draper Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by George W. Gately III, 1 Summit Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.5 to allow for the filling of a portion of the petitioner's property to allow for the contruction of a two (2) family dwelling at Lot 1B, Pine Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated March 20, 2015 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. The following figures represent year to date totals for 2015: Number of violations issued 204, Numbers of violations paid 89, Number of violations outstanding 105, Amount collected and submitted to Collectors Office $9,973.40, Parking fines referred to the Handicap Commission $3,100.00.

There is a backlog of 1,758 unpaid tickets dating from January 2004 to January 2015. 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

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated March 25, 2015 was received from Joanne Collins, Director, Woburn Council on Aging along with the Director's Report for February and March and the minutes of the Council on Aging meeting for March. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated March 25, 2015 was received from Joanne Collins, Director, Woburn Council on Aging along with the Woburn Council on Aging Fiscal Year 2014 Annual Report. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated March 25, 2015 was received from Joanne Collins, Director, Woburn Council on Aging along with the Woburn Council on Aging 2014 Calendar Year Annual Report. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated April 1, 2015 was received from Building Commissioner Thomas C. Quinn as follows:

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

Dear Members of the City Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of January 1, 2015 – March 31, 2015

142 Main Street (Matter is with City Council)

20 Garfield Avenue continued site visits have occurred with communications monthly with owner, interior mechanical work is ongoing, owner was advised to start spring clearing of exterior grounds. I will provide further details on next report.

45 Revere Road matter is with the Woburn District Court.

52-54 High Street matter is with the Woburn District Court.

118 Eastern Avenue Court Hearing January 14, 2015 owner paid fine of 300.00 dollars matter is continued to April 8, 2015, which would allow owner to clean exterior grounds weather conditions may have delayed this portion I have a site inspection scheduled for April 7, 2015 and if not completely resolved I will request the court to keep this matter open, further information on this location on next report.

124 Dragon Court owner is in process of cleaning exterior grounds

6 East Dexter Avenue Court hearing is scheduled for April 8, 2015, I will provide further details on next report.

As always if there are any questions or concerns do not hesitate to contact me.

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

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A copy communication dated March 17, 2015 to Secretary Stephanie Pollack, Massachusetts Department of Transportation was received from State Representative James J. Dwyer, State Representative Jay R. Kaufman and State Senator Kenneth J. Donnelly in support of the construction of the New Boston Street Bridge. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the City Council Regular Meetings under Rule 1 for July and August 2015 are hereby canceled and that the City Council shall meet instead on July 14, 2015 and August 11, 2015.

s/President Haggerty

Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED with the amendment as follows: That the meetings shall start at 6:30 p.m., all in favor, 9-0.

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ORDERED That the City Auditor provide the City Council with a financial status update of the snow and ice removal budget for Fiscal Year 2015.

s/President Haggerty

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: April 9, 2015 s/Scott D. Galvin April 9, 2015

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ORDERED That the pursuant to 1989 Woburn Municipal Code, as amended, Title 5, Article XII, Section 5-71(D) the Committee on Public Safety and License shall review the rate structure for taxi cab service in the City of Woburn and forward a recommendation of changes to the Committee on Ordinances by May 1, 2015.

s/President Haggerty

Motion made and 2nd that the ORDER be ACCEPTED AND REFERRED TO COMMITTEE ON ORDINANCES AND PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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ORDERED Be it ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, Title 6, Article I, be further amended by adding a new Section 6-12(B) as follows:

B. A license duly recorded shall be valid throughout the Commonwealth, except that in the case of the permanent moving of a dog into the City, the owner or keeper thereof shall, within thirty days after such moving, present the original license and tag issued by another city or town in the Commonwealth to the City Clerk and the said City Clerk shall take up the same and issue to such owner or keeper a transfer license and a tag for such dog upon payment of two dollars. The provisions of this Article relative to the form and furnishing of licenses and tags shall apply to licenses and tags issued under this paragraph.

s/Alderman Anderson

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

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ORDERED Be it ordained that Title 2, Article XXVII, Section 2-180 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That the following base salaries be amended effective July 1, 2014 as follows:

    a) That the base salary of the City Auditor be amended to $94,345.34.
    b) That the base salary of the City Clerk be amended to $77,437.44.
    c) That the base salary of the Clerk of the City Council be amended to $10,892.74.
    d) That the base salary of the Clerk of Board of Registrars of Voters be amended to $10,892.74.
    e) That the base salary of the Library Director be amended to $92,831.27.
    f) That the base salary of the City Solicitor be amended to $92,380.18.
    g) That this paragraph shall be effective July 1, 2014.

2. That the following base salaries be amended effective July 1, 2015 as follows:

    a) That the base salary of the City Auditor be amended to $96,232.25.
    b) That the base salary of the City Clerk be amended to $78,986.18.
    c) That the base salary of the Clerk of the City Council be amended to $11,110.60.
    d) That the base salary of the Clerk of Board of Registrars of Voters be amended to $11,110.60.
    e) That the base salary of the Library Director be amended to $94,687.90.
    f) That the base salary of the City Solicitor be amended to $94,227.78.
    g) That the base salary of the Human Resources Director be amended to $93,405.82.
    h) That this paragraph shall be effective July 1, 2015.

s/President Haggerty, Alderman Concannon
and Alderman Anderson

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

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ORDERED Be it ordained by the City Council of the City of Woburn that Title 5, Article XII of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That Section 5-75 be amended by deleting the date “May 1, 2015” and replacing same with the date “June 15, 2015”.

2. That Section 5-69(E)(1) be deleted in its entirety and replacing same with the following:

   (1) The date of expiration for all taxi cab and livery licenses set to expire April 30, 2015 shall be extended up to and including June 15, 2015. Each taxi cab and livery license issued on or after April 1, 2015 shall be effective for one year only, expiring each year on April 30th.

s/President Haggerty

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

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RESOLVED The City Council sends its heartiest congratulations to the Woburn Redevelopment Authority and the Woburn Sign Review Board for their hard work on implementing the very successful Storefront Sign Program; and

Be it further resolved that the City Council sends its full support to the Woburn Redevelopment Authority for their continued efforts in beautifying downtown Woburn

s/President Haggerty

Motion made and 2nd that the RESOLVE be ADOPTED with a copy sent to the Woburn Redevelopment Authority, all in favor, 9-0.

Presented to the Mayor: April 9, 2015 **s/Scott D. Galvin April 9, 2015**

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Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 12:20 a.m.

A TRUE RECORD ATTEST:

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