

**CITY OF WOBURN  
OCTOBER 17, 2017 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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

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**MAYOR'S COMMUNICATIONS:**

A communication dated September 28, 2017 was received from His Honor the Mayor Scott D. Galvin as follows:

Re: 40<sup>th</sup> Annual Mayor's Senior Appreciation Day Dinner

Dear President Haggerty and Members of the Woburn City Council:

On Sunday, November 5, 2017, the 40<sup>th</sup> Annual Mayor's Senior Appreciation Day Dinner will be held at Woburn Memorial High School, starting at 11 a.m. Dinner will be served at noon. It is my pleasure to continue this tradition, which attracts more than 500 Woburn Seniors each year.

In keeping with this Mayoral tradition, I am extending an invitation to all to participate in the dinner by serving our seniors.

Sincerely, s/Scott D. Galvin, Mayor

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**PUBLIC HEARINGS:**

On the petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the 1989 Woburn Zoning Ordinances, as amended by adding a Section 31 Federal Street Smart Growth Overlay District (FS/SGOD) in accordance with the purposes of G. L. Chapter 40R as set forth in the Journal of the City Council Regular Meeting of August 15, 2017. PUBLIC HEARING OPENED. A communication dated October 11, 2017 was received from Attorney Joseph R. Tarby, III, Murtha Cullina, LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed zoning map and amendments public hearing: Petition to Amend the 1989 Woburn Zoning Ordinances by adding a new Section 31 (Federal Street Smart Growth Overlay District [FS/SGOD] and overlaying the FS/SGOD District on 14 and 14R Federal Street

Dear Mr. Campbell:

On behalf of my client Jamieson Properties LLC, I respectfully request that the public hearing scheduled for October 17, 2017 be continued to November 21, 2017. On October 10, 2017 the Planning Board at our request continued its public hearing to November 14, 2017 due to my unavailability for its meeting on October 24, 2017. In addition, I will be meeting with Tina Cassidy, Planning Director, to review the text of the proposed new Section 31 prior to the Planning Board public hearing on November 14, 2017. If you have any questions, please do not hesitate to contact me. Thank you.

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

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On the petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 14 Federal Street and 14R Federal Street containing approximately 11,325.6 square feet of land from the B-D zoning district to the FS/SGOD zoning district. PUBLIC HEARING OPENED. A communication dated October 11, 2017 was received from Attorney Joseph R. Tarby, III, Murtha Cullina, LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

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

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On the petition by 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. PUBLIC HEARING OPENED.

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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 report was received from the Committee on Special Permits as follows: “ought to pass, as amended, with the conditions as follows: 1. Storage trailers must be removed after one (1) year; 2. Petitioner must complete the installation of a five (5) foot black aluminum fence approximately twenty-five (25) feet from Lowell Street and repair existing fencing; 3. Fence must be maintained in perpetuity; and 4. The plan dated 8/18/2010 shall be the plan of record.”

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On the petition by C&C Realty Trust, Fred J. Cotreau and John J. Canney, Jr., Trustees, 64 Chestnut Street, Wakefield, Massachusetts 01880 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.5 and 5.1.43 to allow for 2800 cubic yards of fill and for outside storage of building materials and equipment at 6 Draper Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “back for action”.

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On the petition by Ronchetti Masonry, 6 Draper Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.5 and 5.1.43 to allow: 1. Outside storage of building materials and equipment, 2. Accessory storage trailers, and 3. Accessory parking of commercial vehicle, at 6 Draper Street . PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “back for action”.

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On the petition by 36 Cabot Road LLC, 36 Cabot Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.30b, 5.1.42, 9 and 12 to allow construction of new building containing approximately 49,600 square feet of gross floor area more or less for 1. Wholesale establishment, warehouse and distribution use (approximately 17,360 square feet of gross floor area, more or less), 2. Office use (approximately 24,800 square feet of gross floor area, more or less), and 3. Light manufacturing use (approximately 7,440 square feet of gross floor area, more or less), at 32 Cabot Road. PUBLIC HEARING OPENED. A communication dated October 12, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

Re: Special permit application of 36 Cabot Road LLC for Mixed-Use Development at 32 Cabot Road

Dear Council:

The Planning Department has reviewed the application and plan which seeks special permits (a) to operate office space with more than 15,000 sq. ft. of gross floor area (Section 5.1[30b]); (b) for a wholesale establishment-associated warehouse and distribution center (Section 5.1[42]) and (c) Section 9 (Floodway and Flood Plain District). The applicant is also requesting Site Plan Review in accordance with Section 12.

Planning staff offers the following comments and questions for consideration:

1. The property is zoned Industrial Park (I-P), which allows the aforementioned uses by City Council special permit. The applicant's *Exhibit A* indicates the developer's intention to construct a new 49,600 sq. ft. building on the parcel; 24,800 sq. ft. of the building would be used for office space, 17,360 sq. ft. would be used for a "wholesale establishment, warehouse and distribution use", and approximately 7,440 sq. ft. of the new building would be used for light manufacturing.

However, page four of the *Development Impact Statement* (DIS) indicates the project involves the construction of a building about half that size (24,800 sq. ft.), and for different uses (office and warehouse building with no mention of manufacturing). The plan contains references to both measurements – a notation on Sheet C-2 indicates the building's size will be 24,800 sq. ft., but the "Off-Street Parking Summary" on the same sheet says the building will contain a total of 49,600 sq. ft.

Planning staff obviously recommends the discrepancies be corrected and the DIS and plan revised if/as needed to reflect the corrections.

2. Exhibit A filed with the Petition states that uses will include a "wholesale establishment, warehouse and distribution use". In connection with similar applications filed in the recent past, it has been determined that warehouse and distribution uses must be associated with a wholesale operation. Warehouses/distribution centers for retailers like Target and Lowes, or a UPS/FedEx distribution facility, would not be permitted by Section 5.1(42). There is no information in the application identifying or describing the proposed warehouse/distribution tenant. Has the Building Commissioner been consulted to determine if the proposed "warehouse/distribution" use/tenant will in fact meet the definition of "Wholesale Establishment, Warehouse and Distribution Center"?
3. Based on the review of the applicant's off-street parking summary found in the plan set, 190 standard (9' x 18') parking spaces, as well as 6 handicapped-accessible (8' x 18' as per plan) parking spaces are proposed, whereas the number of parking spaces required by the Zoning Ordinance is 112. The number of proposed parking spaces appears to exceed the minimum number required by the zoning ordinance and the dimensions of the standard parking spaces conform to the requirements. However,

the proposed accessible parking spaces do not meet the dimensional requirements of Section 8.4.1.2(b).

4. It appears that three loading bays will be required in accordance with Section 8.7.1 (one for the wholesale and storage use, one for the manufacturing use and one for the office use). The plan depicts only one double-bay loading dock. Although Section 8.7.6 allows for a reduction in the total number of required bays by City Council Special Permit, Planning staff saw no reference to a special permit request of this kind in the application.
5. The application is devoid of information relative to the operation of the proposed uses and the expected traffic resulting from them. If this project is in fact larger than 25,000 sq. ft. it will meet the threshold for submission of a traffic study under Section 19. The DIS is supposed to contain a Traffic Impact Assessment but does not (the two sentences about traffic on page 7 of the DIS are non-responsive to the requirement). There are many questions to ask with respect to traffic: How many employees will work on the site on a typical day and what tasks will they be performing (i.e. office support staff, mechanics, drivers, etc.)? Will delivery vehicles be stored on site or overnight, and if so, how many are anticipated and what are their dimensions? How much truck traffic is expected during the week, on weekends, and at what hours? If any deliveries will be made by employees, has sufficient parking been included on the site plan to accommodate their personal vehicles while they make deliveries off-site in company vehicles? Has the Fire Department been consulted with respect to the proposed fire truck turning plan, specifically on the issue of access into, around and out of the property?

ADA-accessible concrete sidewalks and curbing appear to surround the proposed office/warehouse structure, although further consideration may be warranted to better identify pedestrian movements within the parking lot area.

6. According to the City's GIS-mapping and the grading and drainage plan (sheet C-3 of the submitted plan set), the subject parcel lays entirely either within an area of a flood zone or an area of minimal flood hazard and within the State-jurisdictional 100-ft. buffer of a 100-year flood plain. As a consequence, the applicant must file a Notice of Intent with the Conservation Commission, which is noted as "pending review" in the DIS. In addition, a Notice of Intent is "to be filed" by the applicant with the US Environmental Protection Agency (EPA) relative to a National Pollution Discharge Elimination System.

We defer to the Engineering Department with respect to comments on the DIS and drainage report.

In compliance with Section 9, the Petitioner has submitted a FEMA Flood Insurance Rate Map (FIRM), of the property included in the drainage report. As this proposal constitutes new construction, the Petitioner must clearly demonstrate the ground level around the new facility, and extending 25-ft. outward "shall be raised as necessary so

that no part of the ground level area so defined, shall be below the elevation shown on the FIRM” (Section 9.6.2.2)

7. With respect to waste disposal, page 18 of the DIS says the tenant “...will use on-site screened dumpsters located at the rear of the building for management of waste materials.” Planning staff did not see on the plan reference to any exterior refuse areas or screening provisions that would be required around them. If the DIS is accurate, the locations and screening provisions of/for each waste storage area should be added to the plan. If instead the waste material will be stored inside, the building floor plans should be revised to show these locations.
8. Page 18 of the DIS references the future preparation and implementation of a Solid Waste Management and Recycling Plan. Should the City Council reserve itself the right to review and approve of that plan before it is implemented?
9. Section 18.7 (Traffic Safety and Infrastructure Fund) references the need for the applicant to provide the City with a current estimate of “total development costs” as defined in Section 18. Planning staff did not find that information in the submitted materials.

If you have any questions relative to this communication, please do not hesitate to contact me.

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

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On the petition by Lionano Inc., 1 Broadway, 14<sup>th</sup> Floor, Cambridge, Massachusetts 02142 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.41 to allow a research and testing laboratory at 195 Presidential Way. PUBLIC HEARING OPENED. A communication dated October 10, 2017 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit application for 195 Presidential Way/Lionano, Inc.

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application submitted by the Lionano Inc., which requests permission to operate a Research and Testing Laboratory facility (Section 5.1 [41]) at the above-referenced address. The property is zoned IP-2 and therefore such use is allowed by City Council Special Permit. The Petitioner intends to lease floor space in an existing building and as a result indicates no exterior construction activity is proposed.

Planning staff has several recommendations:

- The applicant should provide a floor plan of the building detailing the size and location of the space it intends to occupy as well as any other leased spaces in the building, in a general fashion. At present, the application merely describes the intended space as “small”, with no specifics as to the physical size or location of the area Lionano would occupy.
- The applicant should also provide parking calculations to demonstrate that the property will conform to the parking requirements of the Zoning Ordinance, taking into account all tenants on the site.
- The Building Inspector should confirm that the customary building permit review process will provide adequate review of all Code-related issues that may be specific to the type of materials that will be used in the research and testing process.

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

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

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On the petition by Alderman Edward Tedesco concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as West Street and identified on Assessors Map as parcel 23-05-37, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation .  
**PUBLIC HEARING OPENED.**

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**PERSONNEL:**

On the appointment of the Deputy Superintendent of Public Works. A report was received from the Committee on Personnel as follows: “That Leonard Burnham, Jr. of 12 Tedesco Drive, Woburn, Massachusetts be appointed Deputy Superintendent of Public Works.”

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**FINANCE:**

On the Order to transfer the sum of \$125,000.00 from Fire/BLS Ambulance Acct to Fire Ambulance Salary Acct, committee report was received "ought to pass".

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On the Loan Order to authorize the appropriation of \$1,000,000.00 for the costs of constructing a playground on the site of the former Clapp School, committee report was received "ought to pass".

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**NEW PETITIONS:**

Petition for renewal of First Class Motor Vehicle Sales License by Northeast Tree, Inc.

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Petition for renewal of Second Class Motor Vehicle Sales License by Southside Associates, Inc. dba Burke's Garage; Robert McSheffrey dba Bob McSheffrey Auto Sales; Woburn Gas & Service, Inc.; Donald J. Socorelis dba Woburn Glass Co.; and Abdelaziz Ilaj dba Woburn Motor Sports.

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Petition for renewal of Third Class Motor Vehicle Sales License by Woburn Truck and Auto, Inc.

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A communication dated October 4, 2017 was received from Jim Amatucci, OL Fresh, LLC, 307 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Request for approval to update fast food concept

I am writing to request an update/clarification to OL Fresh, LLC's Special Permit to operate a fast food restaurant. The Special Permit granted to OL Fresh, LLC to operate a fast food restaurant at 307 Main St. in Woburn Center was used to operate a frozen yogurt store under the Orange Leaf Frozen Yogurt brand. The new concept we are looking to operate at the same location will be called ETHOS. We look to continue with soft serve and wish to add the following: Hard ice cream, hot soup, panini sandwiches, breakfast foods, coffee and salads.

We feel that the conversion from an Orange Leaf to ETHOS will create a better fit for the community by providing more food options to the Woburn Center area.

Thank you for your consideration.

Sincerely, s/Jim Amatucci

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A communication with attachment was received from Hugo Moraes, 1 Middlesex Canal Park, Woburn, Massachusetts 01801 as follows:

We seek a minor modification to change plan and the alternative to get a first reading.

When we applied for the interior application permit for 434 Main Street, Building Commissioner Thomas Quinn noted that the “as-built” plan differed from the original special permit plan. His suggestion to resolve the problem was to go back to the City Council for their approval. The changed is noted on the site plan dated September 13, 2017 with the original plan attached for comparison. The changed allowed for the enclosure of the second means of egress from the second and third floor and to add space for a future elevator if necessary.

In closing, we can assure you that the building, with the alterations, is within full compliance with the city’s zoning ordinances for the setbacks and lot coverage.

s/Hugo Moraes

Attached thereto was the following: Petition by Hugo Moraes, 1 Middlesex Canal Park, Woburn, Massachusetts 01801 pursuant to 1985 Woburn Zoning Ordinances, as amended, for a special permit to amend a special permit issued December 24, 2015 by amending Condition 11 to read as follows: “Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be “As-Built Plot Plan, Map 51, Block 5, Lot 9, 434 Main Street Woburn, Massachusetts; Prepared for 434 HM, LLC; Prepared By: Griffin Engineering Group, LLC 495 Cabot Street, 2<sup>nd</sup> Floor Beverly, MA 01915 (978) 927-5111; Dated September 13, 2017; Scale: 1”=20’”, at 434 Main Street.

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Petition by Madison Woburn Holdings LLC, 333 Newbury Street, Suite 201, Boston, Massachusetts 02116 pursuant to 1985 Woburn Zoning Ordinances, as amended, for special permits and site plan approval to amend special permit issued August 11, 2015, as amended by special permit issued July 14, 2016 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 8.7.6 to allow for a reduction in off street loading requirements; 3. Special Permit pursuant to section 5.1.29 to allow for fast food restaurant; 4. Site Plan Approval pursuant to Section 12.2.1 to allow for a fast food restaurant; 5. Special Permit pursuant to section 5.1, Note 16 to allow hours of operation for the fast food restaurant beyond 11:00 p.m.; and 6. Amended site plan which includes eight (8) Tesla charging stations and related equipment, at 369 Washington Street.

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Petition by Lord Hobo Brewing Company, 5 Draper Street, Woburn, Massachusetts 01801 pursuant to 1985 Woburn Zoning Ordinances, as amended, for special permits as follows: 1. Pursuant to Section 5.1.42 to allow for warehousing; 2. Pursuant to Section 5.1.57b to allow parking of commercial vehicles; and 3. Pursuant to Section 7.3 to allow

alteration of a pre-existing nonconforming structure to add a canopy over the loading dock and refrigeration equipment outside of building, at 8 Draper Street.

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**COMMUNICATIONS AND REPORTS:**

A communication dated September 29, 2017 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging meeting for the month of September 2017.

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A communication dated October 5, 2017 with attachments was received from City Solicitor Ellen Callahan Doucette relative to a mandatory pre-screening conference in the matter of NAI Entertainment Holdings LLC v. Michael Anderson, et al, Middlesex Superior Court No. 17-MISC-000162.

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A communication dated October 4, 2017 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

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

Dear Members of the Council:

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

There have been no properties that have required any action within the time frame specified above.

If you have any questions as always do not hesitate to contact me.

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

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A document entitled Strategic Plan 2017-2020 was received from the Woburn Public Library.

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A communication dated September 26, 2017 was received from Deborah Davis, School Committee Chair, Northeast Metropolitan Regional Vocational School District, 100 Hemlock Road, Wakefield, Massachusetts 01880-3597 as follows:

Dear Mr. Haggerty,

The Northeast Metropolitan Regional Vocational Technical School District Committee at its August 10, 2017 meeting, in accordance to Massachusetts General Law Chapter 71 Section 16G½, by a majority of all the members of the regional district school committee, voted unanimously to establish a Stabilization Fund.

Chapter 71 Section 16G½ of the Massachusetts General Laws also requires the approval of the establishment of a Regional School District Stabilization Fund by a majority of the local appropriating authorities (City Councils or Town Meetings) of the member municipalities. As a fiscally responsible regional school district, the primary purpose of a stabilization fund is to allow the Northeast Metropolitan Regional Vocational Technical School District a method to have money available for both expected and unexpected capital expenses, and to avoid the need for further borrowing by member municipalities.

Attached hereto is an Advisory from the Department of Elementary and Secondary Education detailing the rationale for establishment of said fund. Northeast seeks no funding at this time for the Stabilization Fund. Any funding will be requested through our normal annual budget process.

Therefore we seek inclusion of the following for consideration by either the City Council/Town Meeting at its upcoming meeting:

Warrant Article:

To determine whether the Town of (City/Town) of (Name of Municipality) will vote to approve the Northeast Metropolitan Regional Vocational Technical School District Committee's vote on August 10, 2017 to establish a Stabilization Fund, pursuant to Section 16G½ of Chapter 71 of the Massachusetts General Laws, said Stabilization Fund to be invested and to retain its own earnings as provided by law and further set up an operational line item to be created to transfer available monies into said Stabilization Fund or take any other action relative thereto.

We look forward to providing additional information at any hearing you may establish prior to taking action. Please contact Northeast Superintendent David DiBarri to coordinate any presentation your community may request.

Thank you in advance for your continued and valued support of the Northeast Metropolitan Regional Vocational School District.

Sincerely, s/Deborah Davis, School Committee Chair

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

RESOLVED That in order to improve public safety the Superintendent of Public Works be directed to resurface the existing sidewalk along the west side of Garfield Avenue from the intersection with Belmont Street to the intersection with Playstead Avenue and to install handicapped accessible crosswalk ramps where necessary.

s/Alderman Gately

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RESOLVED Whereas on June 7, 2016, the City Council adopted a resolution requesting that a street light be erected between 7 and 9 Abbott Court West at the end of the cul-de-sac to improve public safety in the area; and

Whereas, a utility pole is located in that area which would be sufficient for the placement of the street light; and

Whereas, no action has been taken to address the concerns raised in the resolution adopted by the City Council on June 7, 2016;

Now, therefore, Be It Resolved that the Superintendent of Public Works erect a street light on the utility pole between 7 and 9 Abbott Court West at the end of the cul-de-sac to improve public safety.

s/Alderman Gately

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