CITY OF WOBURN
DECEMBER 6, 2016 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen - absent
Gaffney	Tedesco
Haggerty	

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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Motion made and 2nd to suspend the rules for the purposes of taking the following matter out of order, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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On the petition by City of Woburn, 10 Common Street, Woburn, Massachusetts 01801 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended Section 15.6.C.i to allow construction of a 15,000 square foot addition to the existing public library and a 49,000 square foot municipal parking lot with the Groundwater Protection District, at 45 Pleasant Street. PUBLIC HEARING OPENED. Motion made and 2nd that the plan entitled "Proposed Parking Facility, Location 45 Pleasant Street, Woburn, Massachusetts 01801" dated November 2016 prepared by City of Woburn Engineering Department be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was City Engineer John Corey and he stated that the plan is a design of the facilities, that Sheet CE104 details the municipal parking lot, that he project must meet stormwater management requirements to meet predevelopment levels as well as groundwater protection requirements, that there are two systems, that one system with a stormceptor captures water from the pavement and removes particulates before getting into the drain system, that Sheet C400 details the infiltration system to capture roof runoff from the library building, that under the two systems the project will capture clean water, clean water from the pavement and return clean water to the drain system, that there will be less water than pre-project levels, that all roof drains from the new building will go into a separate filtration system, that boxed lighting is planned for the parking lot similar to the lights at the Walnut Hill parking lot, that all lighting is designed to stay within the parking lot and not leak onto neighboring properties, that the lighting on the building is also designed to stay on the site, and that a restriction on hours of construction to Monday through Friday between 7:00 a.m. and 7:00 p.m. with no work on Saturday and Sunday are planned. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED,

AS AMENDED with the condition as follows: 1. That the plan of record shall be the plan entitled "Proposed Parking Facility, Location 45 Pleasant Street, Woburn, Massachusetts 01801" dated November 2016 prepared by City of Woburn Engineering Department, 7 in favor, 1 opposed (Gately opposed), 1 absent (Mercer-Bruen absent).

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MAYOR'S COMMUNICATIONS:

ORDERED That the amount of $1,846,800.00 be and is hereby transferred as so stated from Debt Reserve Acct #648059-596100 $1,846.800.00 to Debt Principal Acct #01099049-497600 $1,320,000.00, Debt Interest Acct #01099049-497600 $526,800.00, Total $1,846,800.00 – Purpose: Debt Service for High School & White Elementary.

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

s/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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ORDERED Be it Ordained by the City Council of the City of Woburn that the Mayor be and is hereby authorized to execute a utility and access easement to Eversource for the siting of one or more poles upon a portion of the land identified as the "Woburn Landfill" and shown on the plan captioned "Plan of Land in Woburn, Massachusetts, Prepared for the City of Woburn", dated January 3, 2013, prepared by LeBlanc Survey Associates, Inc., on such terms and conditions as the Mayor may determine, and further, to authorize the Mayor to take all related actions necessary and to sign all required documents to effect such easement.

s/Alderman Tedesco

Motion made and 2nd that the ORDER be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Presented to the Mayor: December 8, 2016 s/Scott D. Galvin December 8, 2016

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PUBLIC HEARINGS:

On the petition by Verizon New England Inc. for a grant of right in a way to install approximately 70 feet of underground conduit in Presidential Way from Verizon underground conduit northerly to private property at 4 Presidential Way. PUBLIC

HEARING OPENED. A communication dated December 2, 2016 was received from Superintendent of Public Works John Duran as follows:

Subject: Verizon – Presidential Way

This memo is pursuant to a late request from Verizon to install conduits across Presidential Way for service to two buildings located at #4 and #11 Presidential Way. The sketch has been modified to my satisfaction and I recommend approval.

Update: *Emergency action was required and the road was paved on Friday, December 2, 2016. The conduit was installed and backfilled to DPW satisfaction. In addition, a stringent condition was put on Verizon and its contractor that any settlement will be re-milled and inlaid curb to curb for a width of 100 feet in the area of the trench. I would like this added to the final Grant by the City Council in the event there is an issue*.

However, the road is scheduled to begin paving operations on Thursday, November 17, 2016. Therefore, it is critical that this work be scheduled immediately and be completed before Thursday. In the event that it can't be completed, I cannot support it. The paving work is the result of Grant of Rights in Ways to both Comcast and Eversource. With pending weather and falling temperatures it is critical for this work to be completed based upon the number of complaints received from the excavations for the other projects.

Update: *Service installed and inspected to DPW satisfaction with no complications or damage to City of Woburn infrastructure. Due to changes in the weather, the road was paved on December 2, 2016 as previously noted.*

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

Motion made and 2nd that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). No one appeared for the petitioner. Alderman Gately stated that the work was completed on an emergency basis because of scheduled road paving, and that any settlement of the area will be repaired by the petitioner. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). PUBLIC HEARING CLOSED. 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, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).
Presented to the Mayor: December 8, 2016 s/Scott D. Galvin December 8, 2016

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On the petition by Comcast of Massachusetts/New Hampshire/Ohio, Inc. for a grant of right in a way on Pleasant Street to install one four inch PVC communication conduit 225 feet+/- easterly from utility pole #NT/NT on Abbott Street to the Federal Street side of the building located at 19 Pleasant Street. PUBLIC HEARING OPENED. A

communication dated December 1, 2016 was received from Superintendent of Public Works John Duran as follows:

Subject: Comcast Petition – 19 Pleasant Street

Pursuant to the request from Comcast for the Grant of Way for the installation of underground conduit on Abbott Street and Federal Street to service the building at 19 Pleasant Street, I recommend that all utilities be painted out and the proposed conduit be accurately marked in the field for site review. If a location can be agreed upon, I will prepare an updated memo for the next City Council meeting with appropriate conditions of approval for restoration of the road and hours of operation.

I generally support this Grant of Way based upon the intent of the project. However, I have the following concerns:

- The plans submitted are not the result of an on-ground survey which is DPW requirement.

- The plan does not accurately show the location of all utilities and there is insufficient information shown for me to properly evaluate any impacts on the City of Woburn infrastructure.

Comcast has been notified about correcting the plans to accurately reflect existing utilities and providing an updated location for their conduit. My recommendation is for the City Council to hold their approval until the corrected information can be evaluated both in the office and field. This will reduce the possibility of impacts to the City of Woburn's infrastructure and potential disturbances to residents and property owners.

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

Motion made and 2nd that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Appearing for the petitioner was Bill Conway and he stated that the proposal is to install conduit for service to the Santander Bank building, and that the work is not planned to be completed within the next thirty days. Mr. Conway presented a plan entitled "Comcast Traffic Management Plan at 19 Pleasant St, Woburn, MA" dated November 10, 2016 prepared by Axis Engineering Group and a plan entitled "Comcast Proposed Cable Installation at 19 Pleasant St, Woburn, MA" dated November 10, 2016 and prepared by Axis Engineering Group to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Alderman Gately stated that this is a difficult location for the work, and that the plan should be revised to the specifications of the Superintendent of Public Works. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 17, 2017 AND THAT THE MATTER BE REFERRED TO THE

COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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On the petition by Alton Acquisition II, LLC and LR-Woburn 1, LLC, 327 W. Maple Avenue, Monrovia, California 91016 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42a, 7.3, 9 and 12.2.4 to modify a special permit dated November 10, 2016 allowing for self-storage warehouse facility within the Flood Plain District as follows: 1. Condition 3 be modified to allow hours of operation Monday through Thursday 7:00 a.m. to 7:00 p.m., Friday 7:00 a.m. to 8:00 p.m., Saturday 7:00 a.m. to 7:00 p.m., Sunday 8:00 a.m. to 5:00 p.m.; 2. Condition 12 be modified by deleting the language on line three beginning with "and" through "area" on line 5; and 4. Condition 3 be modified to read "The Special Permit shall issue to Alton Acquisition II, LLC and LR-Woburn I LLC and shall not be transferable except for the same or similar use.", at 39 Olympia Avenue. PUBLIC HEARING OPENED. A communication dated December 1, 2016 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Special permit application for 39 Olympia/Alton Acquisition II, LLC and LR-Woburn 1, LLC

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition which seeks to modify an existing special permit to be granted under Section 11.3.12 of the Woburn Zoning Ordinance (WZO). Although the hearing notice numerically references four (4) requested modifications, there are in fact only three (3) amendments being sought for the previously-granted Special Permit:

1. The application requests an extension of the hours the facility can be open for office staff. The hours of operation are currently set at 9:30 a.m. to 6:00 p.m., Monday through Friday, 8:30 a.m. to 5:00 p.m. on Saturday, and 11:00 a.m. to 3:00 p.m. on Sunday. The application requests a three-hour and thirty-minute extension of the hours of operation on Monday through Thursday (7:00 a.m. to 7:00 p.m. proposed), a four-hour and thirty-minute extension on Friday (7:00 a.m. to 8:00 p.m. proposed), a three-hour and thirty-minute extension on Saturday (7:00 a.m. to 7:00 p.m. proposed), and a five-hour extension on Sunday (8:00 a.m. to 5:00 p.m. proposed). To clarify, although there are no requested modifications to the days of operation, the cumulative increase in the proposed hours of operation amounts to 27 additional hours per week.

2. The request also seeks to modify Condition 12 of the Special Permit Decision by deleting the language on line three beginning with "and" through "area" on line five. A modified condition would read (including language proposed to be removed): "The Petitioner shall file correspondence with the City Clerk acknowledging that the Premises are located within the flood plain area as shown on FIRM Flood Insurance Rate Map Parcel 294 of 656 Map Number 25017CO294E Effective June 4, 2010 ~~and~~

~~shall indemnify and hold the City of Woburn harmless from any liability as a result of damage due to flooding in the flood plain area~~." When translated, this modification would relinquish the City's protection from indemnification and liability in the event of flood damage occurring on the property. Planning staff strongly recommends the City Solicitor be consulted about the wisdom of granting this portion of the request. It could have significant legal implications to the City. (As a side note, planning staff also recommends the Council require future applicants to provide the full text of any modified language being requested. Asking to "[delete] the language on line three beginning with 'and' through 'area' on line five" strikes us as unnecessarily vague and unhelpful.)

3. The final requested modification pertains to Condition 13 (not Condition 3, as indicated in the public hearing notice) of the special permit decision. The applicant proposes the following addition (in bold): "The special permit shall issue to Alton Acquisition II LLC and LR-Woburn 1, LLC and shall not be transferrable **except for the same or similar use**." This request might fundamentally change the earlier special permit decision by allowing continued use of the property beyond Alton Acquisition II LLC and LR-Woburn 1, LLC. Was that its intent? At a minimum, staff recommends the following be added to the requested language: "…if determined as authorized by an additional special permit granted by the Woburn City Council."

Beyond these questions (and assuming the request is granted), Planning staff recommends that the conditions of approval imposed in connection with the original Special Permit, to the extent they are still applicable, remain in full force and effect.

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

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the hours of operation should be consistent with those of its competitors, that the proposed zoning amendment relative to self-storage facilities if adopted will eliminate further self-storage facilities in the city, that the hours of operation will not be detrimental in the industrial area and will be comparable to a nearby facility, that the petitioner understands the potential impact as a result of being located in the flood plain district, that the Tort Claims Act provides that a permit granting authority cannot be held negligent with respect to issuing a permit, that transfer of the business should be allowed to a same or similar use, that the restriction on transferring the business makes selling and mortgaging the property difficult, that the petitioner did not agree to indemnify the city but does acknowledge the property is located in the flood plan district, that the petitioner is making a large investment in the property, that the petitioner's lender requires these modified conditions, that the petitioner does not object to the City Solicitor reviewing the flood plain district language, that any new owner will have to abide by the conditions of the special permit, and the petitioner can submit a list of competitor's hours. Attorney Tarby offered proposed conditions as follows:

1. Condition 3 shall be modified to allow for the following hours of operation: Monday – Thursday: 7:00 a.m. – 7:00 p.m.; Friday – 7:00 a.m.- 8:00 p.m.; Saturday – 7:00 a.m. – 7:00 p.m.; Sunday – 8:00 a.m. – 5:00 p.m.
2. Condition 12 shall be modified by deleting the language on line three beginning with "and" through "area" on line 5. The modified language in Condition 12 shall state: "The Petitioner shall file correspondence with the City Clerk acknowledging that the Premises are located within the flood plain area as shown on FIRM Flood Insurance Rate Map Parcel 294 of 656 Map Number 25017CO294E Effective June 4, 2010 and understands the potential impacts on its property as a result of being located within the flood plain area."
3. Condition 13 shall be modified as follows: "The Special Permit shall be issued to Alton Acquisition II, LLC and/or LR Woburn 1, LLC (collectively, "Alton") and shall not be transferrable except that the same may be transferred and/or assigned (including a collateral assignment) (i) as collateral for any mortgage encumbering the Premises, and (ii) to any successor and/or assign of Alton that uses the Premises for the same or similar use."
4. All other conditions set forth in the Landowner's Decision and Notice of Special Permit dated November 10, 2016 shall remain in full force and effect except as modified herein.

Motion made and 2nd that the document be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Keith Greengrove, Principal of the petitioner stated that the company converts obsolete buildings all over the country, that after discussion with the lender concerning the locus they request that these conditions be modified, that the modifications will also make the petitioner more competitive, that if the petitioner cannot transfer the property then the petitioner cannot obtain financing, and that the intent is to have the petitioner's employee at the facility during the hours of operation and to have the same hours of operation as their competitor's to remain competitive. President Haggerty stated that he does no object to the modifications of Conditions 2 and 3 but has concerns modifying Condition 1. Alderman Gately stated that he is not happy with the special permit modification request being sought when the special permit issued such a short time ago, that the city should clearly be held harmless if there is damage due to flooding, that the city solicitor can review the matter to be certain the language in the special permit protects the city, and that the transferability restriction protects the city if the petitioner sells the property to know who the new owner will be and that they will abide by the special permit. Alderman Concannon stated that the three issues in these conditions generated a lot of discussion when the prior special permit issued, that the petitioner indicated that the hours proposed were acceptable and that the petitioner could operate with those hours, that there was confusion by the petitioner in indicating a staff member would be on-site when the facility was operating, that he is willing to hear from the city solicitor as to the affect of the flood plain language, and that language allowing transfer of the property to a like or similar use is acceptable. Alderman Tedesco stated that the hours of operation was not the issue but having an employee present during the hours of operation was an issue, that he wants the city solicitor to review the matter, and that he suggests the weekend hours be limited to Satruady between 7:00 a.m. and 5:00 p.m. and Sunday between the hours of 9:00 a.m.

and 5:00 p.m. Alderman Campbell stated that she wants to see the competitor's hours before a decision and having the review by the city solicitor. Alderman Anderson stated that other locations of self-storage facilities are not the same as this location when it comes to the hours of operation, that if the indemnification language does not harm the city then he does not understand why the language cannot remain in place, and that the special permit is being granted to the petitioner by a change to a same or similar use does not allow the city to know who the new owner would be. PUBLIC COMMENTS: None. Motion made and 2nd that a communication be forwarded to the city solicitor requesting a review of Condition 2, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 3, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 7 in favor, 1 opposed (Anderson opposed), 1 absent (Mercer-Bruen absent).

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On the petition by MetroNorth Business Center, c/o National Development of New England LLC, 2310 Washington Street, Newton Lower Falls, Massachusetts for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Sections 5.1 Note 1 and 8.4.1.3 to allow for increase in the maximum driveway width and radius at 74 Commerce Way. PUBLIC HEARING OPENED. A communication dated December 5, 2016 was received from Planning Director Tina Cassidy as follows:

Re: Planning Department comments on special permit application for 74 Commerce Way/MetroNorth Business Center

Dear Councilors:

The Planning Department has reviewed this petition to allow for increases in the maximum permitted driveway width and radii requirements at this location. The application requests approval under two zoning provisions; pursuant to Section 5.1 (Note 1) and Section 8.4.1.3 of the Woburn Zoning Ordinance (WZO). However, Planning staff is unsure how Note 1 to Section 5.1 would apply to this application/request.

The property is located in an I-P2 (Industrial Park Two) zoning district and the requested relief is allowed by City Council special permit.

The application seeks a waiver of the maximum allowed driveway width of 28' to permit the creation of 60' and 46' wide driveway openings onto Commerce Way. The existing driveway is a boulevard design consisting of two (2) 24' wide one-way driveways separated by a landscaped island. The pending application would widen the 24' driveways to 60' and 46' respectively. The application also seeks a waiver of the maximum 30' driveway radius to permit radii of 45' and 50'.

The Planning Department recommends, at a minimum, that the City Council seek the input of the City's Engineering Department relative to this proposal and consider whether a peer review of the driveway design may be necessary. Its construction might

negatively affect pedestrian safety along Commerce Way by leaving those on foot to cross the equivalent of 4-5 lanes of traffic before reaching the relative safety of the landscaped island, in the face of on-coming tractor trailers and auto traffic.

The need to accommodate pedestrian travel along Commerce Way must be addressed. The City has a clear plan to reshape the Commerce Way Corridor Overlay District into a vibrant, mixed use district by encouraging new residential uses. In fact, there are two pending applications in this regard which together would add nearly 500 residential units to the neighborhood in addition to new retail and restaurant space. As the Overlay District evolves into a mixed-use zone, the City must ensure that the needs of both commercial and residential users are met. One cannot be sacrificed for the sake of the other.

The Planning Department also recommends the Inspectional Services Department be consulted relative to the "Land Usage Table" included on Sheet CC-1. The table appears to erroneously indicate that the amount of landscaped usable open space on this site will increase from 305,460 sq. ft. to 305,836 sq. ft. when in fact the plan proposes to eliminate some landscaping to accommodate the wider driveways. The resulting reduction in the amount of landscaped usable open space would seem to violate Footnote 7 to Table 6.1, Table of Dimensional Regulations and perhaps trigger the need for a variance. The citation mentioned earlier relative to Note 1 to Section 5.1 would not address this issue.

The Planning Department also recommends the Council require the applicant to provide a snow storage plan for this site and, once approved, require that a copy of the snow storage plan be filed with the Director of Inspectional Services.

Please feel free to contact me if you have any questions regarding this letter.

Respectfully, s/Tina Cassidy, Planning Director

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petition will allow an increase in the driveway width and radius, that the parcel has 27.9 acres of land, that there are six commercial buildings totaling 514,000 square feet of commercial space on the parcel, that tractor trailers entering the site have to jump the curb, and that the driveway was constructed in the 1960s and is no longer adequate for vehicles. Tim Williams, Allen and Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated there is a right turn in and right turn out driveway, that vehicles get stuck on boulders that were put in place to prohibit vehicles from driving on the grass, that the radius will be increased from 15 feet to 50 feet, that there will be enhanced signage, sidewalks and crosswalk improvements, that there is no signage at this time, that the signage and widening of the curbcuts will improve traffic safety as trucks will no longer hesitate in traffic when making the turn, that there will be a decrease in open space of 375 square feet of .03% of the landscaped open space, that they will look for other areas of the parcel to replace the 375 square feet of lost open space, that the landscaping is being lost to the widened curb cut but is mostly damaged by trucks now,

that the plan indicated increased open space but his was a scrivener's error, that there will be no modifications to the island, that the petitioner is only widening the curb cut in and curb cut out, that increasing the radius flares out the driveways, that the crosswalks are not currently striped, that the sight lines will be improved, that pedestrian warning signs can be installed, that all vertical granite curb will be used where the radius is improved, and that they will extend the granite curb to the granite curb on Commerce Way. Alderman Concannon stated that he is concerned about pedestrian safety with the wider driveways. Alderman Gately stated that the fire hydrant will have to be moved a minimum of eleven feet off the curb, that the water main is deep in that area, that a no left turn sign should be installed, that this proposal will improve conditions in the area, that a number of guardrails and other features have been damaged by trucks trying to maneuver the area, and that the truck drivers do their best but the turning conditions are not adequate. Alderman Higgins stated that this proposal will improve the safety in the area. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the amendments as follows: 1. The petitioner shall provide a landscaping plan to the Committee on Special Permit for work done on the island and showing the designation of 375 feet of new useable open space created on the locus; 2. The curb shall be made of granite from the intersection with Commerce Way curbing a distance of fifty feet into the driveway on both sides; 3. The crosswalk shall be striped in perpetuity, appropriate signs installed to ensure pedestrian safety and no left turn sign installed at the driveway exit; and 4. The petitioner shall consult with the Superintendent of Public Works and Water Department to determine a new location of the fire hydrant if needed subject to approval of the Superintendent of Public Works, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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On the petition by Woburn Toyota, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.71 to allow for a commercial parking lot at 15 Commonwealth Avenue. PUBLIC HEARING OPENED. A communication dated December 5, 2016 was received from Planning Director Tina Cassidy as follows:

Re: Planning Department comments on special permit application for 15 Commonwealth Avenue/Albrecht Automotive Group

Dear City Councilors:

The Planning Department has reviewed this petition which requests permission under Section 5.1(71) to establish a commercial parking lot on a portion of this site. The property is located in an I-P (Industrial Park) zoning district and the requested use (commercial parking garage or parking lot) may be allowed by City Council special permit.

There are myriad issues and questions raised by this application:

1. It is unclear whether the net floor area noted in the off-street parking summary includes the floor area of both existing buildings on the site. Further, it is not clear whether both buildings are in fact used as office space.

2. The plan proposes to create parking within the front setback requirement which would violate Section 8.4.2.2.

3. Has the City Council previously authorized the overnight parking of vehicles on this site? If so, these spaces must be taken into account in order to confirm compliance with zoning requirements.

4. Does this site provide off-street parking for any other properties in the immediate vicinity (i.e. n/f Chromerics, etc.)? If so, the floor area/uses of buildings on those properties must be taken into account in order to confirm compliance with all zoning requirements.

5. The proposed plan will create a non-conformity with respect to the percentage of interior parking lot landscaping. The plan indicates the site currently conforms, with 5% of the interior parking area landscaped. The proposed plan will reduce the amount of parking lot landscaping to a non-conforming 4%. Although the Council has the authority to grant a special permit to reduce the amount of required parking lot landscaping in accordance with Section 8.6.3., the applicant has neither requested that special permit nor has he proposed additional landscaping in accordance with that section that the Council could determine is equal or superior.
6. The application contains no information as to the envisioned commercial parking lot operation, in terms of the number of daily/weekly estimated vehicle trips to/from the site, whether additional employees will be working on site as a result or whether additional lighting will be needed or added to the property to accommodate the new use.

7. There are no snow storage areas shown on the plan. The applicant should be required to show where snow will be stored and a copy of any approved snow storage plan should be filed with the Director of Inspectional Services.

8. The plan notes the site will have less than the required 30% landscaped usable open space required by the zoning ordinance. It is not clear from the application/plan whether the site already fails to conform to this requirement or whether the proposed commercial parking lot use will render it non-conforming for the first time. If the proposed project creates or exacerbates a non-conformity it would seemingly trigger the need for a variance. The Planning Department strongly recommends this plan be submitted to the Director of Inspectional Services for review in terms of conformance with zoning.

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

Respectfully, s/Tina P. Cassidy, Director

Motion made and 2nd that the document be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the property is located in the I-P zoning district, that a special permit is required for a commercial parking lot, that the office building is the location of the Middlesex District Attorney's office as well as the State Police, that the Middlesex District Attorney has 53,000 square feet of office space, that the petitioner will park up to 150 certified pre-owned vehicles at this location, that there will be no impact on traffic, that all vehicles will be driven by the petitioner's employees, that there will be no sales conducted at the site, that the locus will be used strictly as a parking facility, that car carriers will not be used at the property, that all existing conditions will remain at the locus except for restriping the parking lot, creating handicapped parking and installing handicapped parking signs, that the proposed use is in conjunction with the redevelopment of the Washington Street facility, that the intention is for this to be a temporary use but the locus may be needed for a longer period of time as conditions change, that the petitioner used conservative parking counts, that the petitioner used gross floor area rather than net floor area which is the allowed standard, that the locus is not used for the parking requirements of other properties, that there will be no changes to the landscaping, that there will be no changes to the lighting, that Building Commissioner review of the petition is not necessary, that the petitioner proposes that this special permit be reviewed six months after the occupancy permit for 394R Washington Street is issued to see if the use is still needed and that the City Council approves of the continued use, that there is no intention to use Dragon Court as access to the property, that access will only be by way of Commerce Way, that there is no objection to a condition restricting access to the locus to be by way of Commerce Way, that the proposal does not impact the gates at Dragon Court, that the petitioner will be using the lower portion of the lot, that the vehicles will use Washington Street, Mishawum Road and Commerce Way to access the parcel, that he does not represent the property owner with respect to the gate, that he has no idea who have rights to use the gate, that the petitioner would not object to a restriction prohibiting the use of Dragon Court by the petitioner, that he does not know when the gates were installed or for what purpose, and that he has no authority to accept a condition that the gates be closed. Attorney Tarby offered proposed conditions as follows:

1. That the number of vehicles shall be limited to 150 in accordance with the Plan entitled "Site Parking Plan" 15 Commonwealth Avenue, Woburn, MA" Dated November 10, 2016 prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA.
2. That the hours of operation shall be Monday through Saturday between 9:00 a.m. – 8:00 p.m. and Sundays 11:00 a.m. – 5:00 p.m.
3. That the special permit shall be reviewed six (6) months after the occupancy permit issues for the building(s) to be constructed at 394 Washington Street and 394R Washington Street under special permits issued August 11, 2015.

4. That the petitioner shall file a snow storage plan with the City of Woburn Building Department.

Tim Williams, Allen and Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that the petitioner will restripe the existing parking lot, that there are 325 parking spaces, that the petitioner can create 380 parking spaces by incorporating compact car parking spaces, that the parking spaces currently are overall too large, that the petitioner created handicapped parking, that 178 parking spaces are required for the building use and 150 parking spaces are needed by the petitioner, that there will be approximately 50 excess parking spaces, that the parking spaces to be used by the petitioner will be away from the main parking area to be used by the building tenants, that there will be no improvements to the landscaping, that the petitioner will not be removing landscaping or creating parking where is does not currently exist, that the petitioner will restripe the parking lot, create handicapped parking and install handicapped parking signage, that the plan shows what parking is needed and what parking is provided as only striping of the parking spaces will change, and that there will be no change in nonconformities that may exist as there will be no changes other than striping. Reidar Davies, Chief Operating Officer stated that the petitioner will not operate car carriers to or from the property, that the petitioner's employees will move the vehicles, that the intention is for this to be a temporary use during construction however the intent is to grow the business and this use may be needed for a longer period of time, that typically 60% of the vehicles will be Toyota brand and 40% will be off brand vehicles, that there will be approximately five trips per day to pick up vehicles from the lot, that the vehicles will be driven to 394R Washington Street, that the customers will not go to the locus, that the Jaguar building will be used as the main showroom during construction, that the project is approximately one month away from demolition, and that the construction will take approximately two years to complete. Alderman Concannon stated that the special permit could be conditioned to expire in three years. President Haggerty stated that if there will be car dealerships in the city then there has to be the ability for the company to have overflow parking for its inventory, that the vehicles can be required to use Commerce Way to access the locus, that the gate could be limited to card access, that the intention is to eliminate the use of the ramp as a cut through, and that this matter could be continued and reviewed in committee. Alderman Gately stated that the gate should be closed, that he wants to know who owns the gate, and that this petition should not be held up because of the gate. Alderman Anderson stated that the property owner can be asked to come forward to address the gate issue. Alderman Higgins stated that this is an opportunity to address the issue of the gate, Alderman Campbell stated that if the gate is an issue then this issue should be addressed before acting on the petition, that this could be reviewed in committee, that since the gate are on the property then the ownership of the gate is known, and that if the gate is not addressed now it is likely that the issue will not be addressed. PUBLIC COMMENTS: Chris Owen, 3 Florence Terrace stated that the facility was rebranded as 15 Commonwealth Avenue, that the property has frontage on Commonwealth Avenue and Dragon Court, that there is a ramp to the property from Dragon Court that should be used for emergencies, that the gate is always open, that traffic should not be allowed to travel down Dragon Court to the ramp and then to Commonwealth Avenue, that keeping the parking use for after construction creates a

permanent parking lot, that nobody would want to drive down the ramp but they do, that the issue goes back decades, and that the petitioner's employees will eventually use the ramp as it will be easier than traveling to Commerce Way. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 20, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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On the petition by Park Avenue Solar Solutions, 102 Greenwich Avenue, Greenwich, Connecticut 06830 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 26 to install an approximately 586 kW carport solar array over existing parking lot at 300 Wildwood Avenue. PUBLIC HEARING OPENED. A communication dated December 1, 2016 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit application for 300 Wildwood Avenue/Park Avenue Solutions

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition submitted Park Avenue Solar Solutions, which requests approval for an approximately 586 kW carport solar array proposed over an existing parking lot pursuant to Section 26 of the Woburn Zoning Ordinances. The property is in the Industrial Park (I-P) zoning district and conforms to all applicable setback requirements.

The applicant also proposes to repave the existing parking lot, but no additional impervious surface is planned. Planning staff note that, ancillary to the solar array installation, the applicant is likely to propose stormwater drainage improvements on the site as required by Section 26.7.2 (c). Based on contact with the Conversation Commission Administrator, the Commission is engaging the services of a peer review consultant to review the proposed project for compliance with the Massachusetts Stormwater Management Standards, the Wetlands Protection Act and the Woburn Wetlands Ordinance. As a redevelopment project, Stormwater Management Standards must be met to the extent practicable. The project is currently before the Conservation Commission though a public hearing process.

If the City Council grants the Special Permit, the Planning Department recommends the City Council consider imposing the following as conditions:

- The Plan of Record for this petition shall be "Site Development Plans for Wildwood Solar, in Woburn, Massachusetts for Park Avenue Solar Solutions, LLC; Prepared by Civil Tech, Inc., 124 Padelford Street, Berkley, MA 02779; Sheets: Title, EC-1, S-1 through S-4, and L-1; Dated October 12, 2016; Revised _____";

- The Special Permit be issued to Park Avenue Solar Solutions only and shall not be transferrable.

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

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

Appearing for the petitioner was Kirt Mayland and he stated that the petition is for a solar carport canopy, that the property is located in the I-P zoning district, that the process is confusing as to whether a site plan or a site plan and special permit is required under the zoning code, that the locus is approximately eight acres in area, that the building is used of office and warehouse use, that there are 187 parking spaces to the northwest of the building which will be the location of the solar canopy, that some trees will be removed and new trees planted as requested by the Conservation Commission and for screening as required by the zoning amendment, that the proposal meets all setback requirements, that the 41,000 square foot canopy sits above the pavement, that the proposal would satisfy the energy needs of 100 to 115 houses, that this is a clean and instantly renewable resource, that the canopy sits on piers approximately nineteen feet in height, that the panels are angled on a two degree slope in either direction, that the panels convert sunlight into energy, that protective devices will be installed, that lines will be run to the poles on Wildwood Street which will then provide energy to businesses along the street, that there will be no change in the 187 parking spaces, that the Conservation Commission may require a drainage systems, that the project is being reviewed by the Conservation Commission, that some trees along Wildwood Street will be replanted along Wildwood Street, that the project will be mechanically complete by May 8, 2017 under current net metering regulations, and that construction depends upon the weather. Tony Savino stated that the lowest part of the facility is just over fourteen feet, that the existing drainage system is undergoing review at this time, that if a truck hit the unit then the unit would shut down, that there are large ground mounted solar arrays near airports and an Air Force base, that the locations were evaluated to show no glare that would impact the flights, and that there is no glare due to the type of glass and the technology to absorb sunlight rather than reflecting off the panel. Toby Fisher stated that he is the managing partner of the building, that the panels will be in the center of the parking lot, that delivery vehicles drive on the outer edge of the parking lot, that the center parking lot is too difficult for trucks to maneuver, and that the area of the parking lot is heavily wooded near the Hinston Road area. Alderman Gately stated that fourteen foot stanchions are not acceptable due to the height of trucks, and that he wants to wait on further action until the Conservation Commission acts on the matter. Alderman Campbell stated that she is not in favor of solar carports and prefers rooftop installments, that she is not in favor of carports in residential or school areas but is willing to have them in business areas where appropriate, and that she is concerned about reflection issues to the houses on Hinston Road. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO A DATE AT THE DISCRETION OF THE CITY COUNCIL PRESIDENT AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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On the petition by EHDK Realty, LLC, P.O. Box 920097, Needham, Massachusetts 02492 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.5 to allow construction relating to residential use above commercial structure and Section 12 Site Plan Review for garden apartments on second floor of commercial structure and as a result of comprising more than 15,000 square feet of gross floor area at 455-471 Main Street. PUBLIC HEARING OPENED. A communication dated December 5, 2016 was received from Planning Director Tina Cassidy as follows:

Re: Planning Department comments on special permit application for 455-471 Main Street/EHDK Realty LLC

Dear City Councilors:

The Planning Department has reviewed this petition which requests permission under Section 5.1(5) to permit the construction of dwelling units above the first story in a commercial structure. The property is located in a B-D (Downtown Business) zoning district (not the B-H District as mentioned in the cover letter) and the requested use may be allowed by City Council special permit.

The proposal calls for the construction of twenty-two (22) residential apartments on the second and third floors, and about 8,000 gross square feet of retail and office space on the first floor. The site would have 29 off-street parking spaces. The plan/application do not contain a parking summary but it appears that 44 parking spaces are required for the apartments and an additional 16-22 spaces are needed for the first floor non-residential uses.

While the first floor non-residential uses may rely on nearby municipal facilities by right (Section 8.3), the residential units require 15 more parking spaces than will be provided on site. The City Council may authorize the substitution of off-site parking for the residential use in accordance with Section 8.3.

The Planning Department recommends the following:

1. That the City Council require the applicant to incorporate a parking summary into the plans that specifies, among other things, the amount of office and retail space planned for the first floor;

2. That a lighting detail be added to the plans to ensure that there will be no undue glare onto abutting properties; and

3. That adequate snow storage areas be shown on the plans (and a copy of the approved snow storage plan submitted to the Inspectional Services Director).

Respectfully, s/Tina P. Cassidy, Planning Director

Motion made and 2nd that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Appearing for the petitioner was Edward Hovsepian, Manager, and he stated that the petitioner will install new sidewalks along Union Street, Main Street and Campbell Street, that there will be work in the sidewalk which will require the replacement of the sidewalks, that they met with the police, fire and building departments to coordinate safe demolition of the property, that they will reuse the water system for fire suppression, that it is intended that the units will be for rent, that they have owned the building for ten years, that there is a parking lot on site that has essentially become a public lot, that the tenants complained about the use of the parking lot, that the plan is to have parking for the tenants, that the only way to control the parking is by gates or the parking lot will become a municipal parking lot, that there will be eighteen one-bedroom units which will mostly have one vehicle, that the parking lot will empty during the day as the residents go to work and the commercial tenants can use the available parking but the commercial tenants customer will not be able to use the parking, that the barber shop and attorney's office will return to the property, that there will be more office type uses as opposed to retail uses, that lanterns for lighting are a good idea, that the tenants may have to use the other nearby municipal parking lots at times, that lease restrictions will prohibit the one-bedroom units from expanding to more than one bedroom, that there are some snow storage areas but they may have to remove snow at time depending upon the amounts, that demolition will be at the end of the year and construction will start in March 2017, and that these will be all rental units. Hans Strauch, Principal, HDS Architecture, 625 Mount Auburn Street, Cambridge, Massachusetts 02138 stated that there will be twenty-two residential units over ground floor retail, that the existing building will be demolished, that there will be a new three-story building, that the building will be constructed along Main Street with a parking lot to the rear, that there will be one way in and one way out of the parking lot, that entry to the parking lot off Union Street will have a gate for tenants only and the exit onto Campbell Street will have a right turn only, that this will not be a public parking lot, that there will be two larger commercial tenants at the ends and three smaller commercial tenants in the middle on the ground floor, that there will be a large entrance lobby with doors at Main Street and from the parking lot, that the trash will be collected in the interior of the building, that there will be no dumpster, that the trash room will be for residential and commercial tenants with a trash collection service, that handicapped parking will be provided, that the second and third floors will be identical, that there will be one-bedroom studios of approximately 580 square feet, one-bedroom units with dens of approximately 800 square feet and two-bedroom units of approximately 1,077 square feet, that this is a compact design, that there will be no issue finding tenants for the facility, that the front façade will be glass with lots of store front, that there will be brick, that the upper floors will be painted cement with bay windows, that the sidewalks will be broader than the currently existing sidewalks, that the building footprint will be set back from the property line, that the corner entrances are broad with good sight lines, that the rear façade will have bay windows and individual entrances to the commercial tenant units, that full cutoff lights will have the light go down to the parking lot, that the project will create freshness and human scale for the downtown, that there will be twenty-nine parking spaces, that there will be landscaping in the back, that they will be cognizant of

the other buildings when choosing the bricks, that more people are working out of their homes, that the dens are often used for home offices, and that there will be sign bands that comply with the zoning. Alderman Tedesco stated that he is concerned about the parking being restricted to residents only with the retail uses not having access to the parking. Alderman Gately stated that he wants to see a landscaping plan, that there will need to be new sidewalks installed along the building, that there will have to be separate residential and commercial water meters, that he is in favor of the plan, that in addition to the parking lot there is access to the Walnut Street, Hanson School and soon to be constructed Mann's Court parking lots, that the project is a good development for the downtown, and that the sooner the existing building is demolished the better. Alderman Anderson stated that parking will be an issue, that there are twenty-two residential units and twenty-nine parking spaces, that he would like to see parking assigned to the tenants, and that street lanterns should be installed on each side of the property. Alderman Concannon stated that this looks like a good project, that he is concerned about parking in the downtown area, that there is an issue of creating life downtown but no one being able to get there due to lack of parking, and that unless the city addresses parking needs such as with a parking garage the city may have to start saying no to good projects due to lack of parking. Alderman Higgins stated that this is a good project, and that many projects that have been approved have had no parking. Alderman Campbell stated that she would like the exterior to be uniform with the other buildings in the downtown area although an exact match other buildings is not necessary. President Haggerty stated that this is a good project. PUBLIC COMMENTS: Emily Caldwell stated that she owns a building across the street from the locus, that parking is an issue, that she would prefer that the petitioner have forty-four parking spaces rather than twenty-nine parking spaces, and that building a parking lot at Mann's Court will be difficult due to the rock. Richard Hawley, 7 Gregg Street stated that the center needs this project and the gated lot is good for the tenants however parking is an issue, that there is no on street parking available, and that relying on the municipal parking lots is a mistake. Motion made and 2nd that a communication be forwarded to the Mayor for a status update regarding the proposed Mann's Court parking lot, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 20, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of $125,000.00 from Sales of Cemetery Lots Acct to 375th 1st & 2nd Burial Grounds Acct, committee report was received "ought to pass".

Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).
Presented to the Mayor: December 8, 2016 s/Scott D. Galvin December 8, 2016

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On the Order to authorize the application of a bond premium on a loan order, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).
Presented to the Mayor: December 8, 2016 s/Scott D. Galvin December 8, 2016

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On the Order to transfer the sum of $2,453,699.46 from Mayor Salary Adjustments Acct to City Accounts and School Salary Accounts, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).
Presented to the Mayor: December 8, 2016 s/Scott D. Galvin December 8, 2016

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PUBLIC SAFETY AND LICENSES:

On the petitions for renewal of First Class Motor Vehicle Sales Licenses by Lannan Chevrolet, Inc.; Lawless Inc.; and Northeast Tree, Inc., committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).
Presented to the Mayor: December 8, 2016 s/Scott D. Galvin December 8, 2016

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On the petitions for renewal of Second Class Motor Vehicle Sales Licenses by Capelo's Auto Service, Inc. dba J.C. Auto Sales; Enterprise Rent-A-Car Company of Boston, LLC; Jeffrey Pollock dba Exclusive Automobile; George's Auto Body of Woburn, Inc.; Oliver McDermottroe dba McDermottroe Auto Sales; Adamo Rufo dba Route 16 Auto Broker; Southside Associates, Inc. dba Burke's Garage; Tracy M. Batten dba Tracy's Auto Sales; and Wassim (Sam) Nicolas dba Woburn Square Mobil, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).
Presented to the Mayor: December 8, 2016 s/Scott D. Galvin December 8, 2016

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On the petition for renewal of Third Class Motor Vehicle Sales License by Woburn Truck and Auto, Inc., committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).
Presented to the Mayor: December 8, 2016 s/Scott D. Galvin December 8, 2016

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On the petition for renewal of Second Class Motor Vehicle Sales License by Velozo Enterprises Inc. dba Rogers Radiator, committee report was received "back for action". Alderman Higgins stated that the Building Commissioner indicated that there is an issue with a fence, and that the matter should be laid on the table. Motion made and 2nd that the MATTER be LAID ON THE TABLE TO THE MEETING OF DECEMBER 20, 2016, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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NEW PETITIONS:

Petition for renewal of Second Class Motor Vehicle Sales Licenses by Anchor Auto Sales, Inc., 3 Breed Avenue; Nicolas Saba dba Montvale Service, 289 Salem Street; and Francis Garbino dba Tom's Auto Body. Motion made and 2nd that the MATTERS be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Petition by Roy Cudmore for approval of an exemption under M.G.L. Ch. 268A, §20(b) to allow the provision of snowplow services to the city. Motion made and 2nd that the EXEMPTION PURSUANT TO M.G.L. Ch. 268A, SECTION 29(b) be GRANTED 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Presented to the Mayor: December 8, 2016 s/Scott D. Galvin December 8, 2016

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Petition by NBTC REALTY, LLC, 275 Mishawum Road, Woburn, Massachusetts 01801, an individual owning land to be affected by change or adoption, to amend the 1985 Woburn Zoning Ordinance, as amended as follows:

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

1. By adding Section 2 Definitions the following new definitions:

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

    b. Electronic Billboard: A billboard that changes its message or copy at intervals by programmable electronic, digital, or mechanical processes or by remote control.

2. By amending Section 13 Sign Regulations as follows:

    a. By adding a sixth sentence to Section 13.1.1 as follows: "Billboards may only be erected, constructed or altered in the

Mishawum Station Transit Oriented Development Overlay District as set for in Section 21.

b. By deleting Section 13.3.1 in its entirety.
c. By adding in Section 13.4.7 after the words “pylon sign,” the word “billboard”.
d. By adding in Section 13.4.8 after the word “located” the words “except for billboards approved in accordance with Section 21.”
e. By adding in Section 13.4.9 after the words “On signs” the words “other than billboards”.

3. By amending Section 21 Mishawum Station Transit Oriented Development Overlay District as follows:

a. By adding a new Section 21.1.e as follows: “e. To establish size, location, and operating standards of billboards in the Mishawum Station Transit Oriented Development Overlay District so as to assure the public safety and community welfare, to protect the environment, and to preserve the historic nature and open space of the City.”
b. By adding a new third sentence in Section 21.2 as follows: “The overlay district shall also allow the erection and use of billboards as provided in Subsection 7 of this ordinance.”
c. By amending the title of Section 21.4 as follows: “Allowed Residential Uses”.
d. By adding a new Section 21.7 Billboards as follows:

7. Billboards

In addition to the uses allowed in the underlying O-P District, the erection and use of Billboards shall be permitted in the Mishawum Station Transit Oriented Development Overlay District as follows:

a. Billboards shall require a Billboard Special Permit as set forth is this Subsection 7. The Billboard Special Permit granting authority shall be the City Council. Prior to the grant of any Billboard Special Permit, a Building Permit shall be acquired as provided in Section 13 of these ordinances.

b. An application for a Billboard Special Permit shall be allowed only in the Mishawum Station Transit Oriented Development Overlay District.

c. A Billboard shall be placed so as to be visible from the right of way of interstate, federal or state highways. No

Billboard may be located greater than one hundred (100) feet from any interstate, federal or state highway.

d. No Billboard shall be closer than five hundred (500) feet to any other Billboard facing or visible from the same right of way, measured as the direct distance between Billboards, provided back-to-back or v-shaped surfaces shall be considered as one Billboard for the purposes of this subsection.

e. Prior to issuance of a Billboard Special Permit, the applicant shall demonstrate:

   i. That the proposed location does not adversely interfere with uses of adjacent property; and

   ii. That the Billboard is in harmony with and suitable for the surrounding area and will not cause significant damage to the visual environment. In making this determination, the City Council may consider, among other factors, the health, safety and general welfare of the public; the scenic beauty of the area; the physical, environmental, cultural, historical or architectural characteristics of the location and the area; the structure, height and size of the Billboard; the illumination and brightness of the Billboard; and the number of signs, including on premise and accessory use signs, which are in the area wherein the Billboard is to be located.

f. Billboards shall comply at all times with regulations implemented by the Office of Outdoor Advertising within the Massachusetts Department of Transportation, including 700 C.M.R. 3.00, et. seq, as amended;

g. The surface area of any Billboard shall not exceed seven hundred (700) square feet, provided back-to-back or v-shaped surfaces shall be considered as separate Billboards for purposes of this subsection.

h. No Billboard shall be located within seventy five (75) feet of a Lot Line adjoining a street or within thirty five (35) feet of any other Lot Line.

i. The height of a Billboard may not exceed seventy five (75) feet above Grade.

j. A Billboard may be illuminated, provided such illumination is consistent with the provisions of this ordinance and applicable state regulation, and is concentrated on the surface of the Billboard and is located so as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of oncoming vehicles or any adjacent property.

k. Electronic Billboards shall not flash, rotate, make noise, sparkle, twinkle, move or give the illusion of moving.

l. Electronic Billboards shall not contain streaming video, full-motion video, animation or frame effects.

m. The transition time between each message displayed by an Electronic Billboard shall not exceed one (1) second.

n. Electronic Billboards shall have a frame hold time of not less than ten (10) seconds.

o. No single surface of an Electronic Billboard shall be visible from more than one (1) direction of travel on any interstate, federal or state highway.

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Petition by HomeServe USA Corp., 11 Grandview Circle, Suite 100, Canonsburg, Pennsylvania 15317 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to allow for the overnight parking of petitioner's commercial vehicles at 5 Constitution Way. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Petition by David Jamieson, 3 Burlington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 7.3 to allow for the alteration and expansion of a non-conforming use (three family dwelling) and structure (side yard setback) to allow for a second floor addition within the existing building footprint at 3 Burlington Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Petition by Speedway LLC #2435, c/o Bohler Engineering, 500 Speedway Drive, Enon, Ohio 45323 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.11.46a, 5.1.22a, 5.1.60, 5.1 Note 16 and Section 7.3 to further amend the special permit issued December 26, 2008, as amended September 6, 2012 and April 19, 2016 to allow for installation of a new outdoor ice merchandiser on existing concrete sidewalk at front face of convenience store at 306 Montvale Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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COMMUNICATIONS AND REPORTS:

A communication dated November 17, 2016 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. Figures cited below are for the Month of October 2016: Number of violations issued 658, Numbers of violations paid 381, Number of violations outstanding 245, Amount collected and submitted to Collectors Office $43,606.60, Parking fines referred to the Handicap Commission $20,000.00.

There is a backlog of 1,637 unpaid tickets dating from January 2004 to September 2016. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

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

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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A communication dated November 8, 2016 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 October 2016. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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A communication dated November 18, 2016 with attachments was received from City Solicitor Ellen Callahan Doucette relative to Chapter 309 of the Acts of 2016 Middlesex Canal Commission. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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A communication dated November 16, 2016 with attachment as received from Carolyn Turner, Chair, Woburn Planning Board as follows:

Dear Members of the Council:

On behalf of the Planning Board it is my pleasure to submit the attached proposed ordinance for your consideration and adoption. The ordinance would formally establish a Zoning Ordinance Review Committee (ZORC) as a standing committee to work on matters related to the Woburn Zoning Ordinance.

As you know, ZORC met periodically over more than a decade to address various land use and zoning related issued across the City. Its past work includes submission of a broad package of zoning text and map amendment for the downtown in 2000 that facilitated much of the downtown's rebirth during the last decade. ZORC members also developed the Intergenerational Overlay District ordinance in 2010 and, most notably, created the Commerce Way Corridor Overlay District in 2009.

The work done by ZORC in the past has proven valuable to the City, and the need for on-going review of the zoning ordinance is paramount. Both the Master Plan and the recently-adopted Housing Production Plan contemplate a number of significant zoning and other regulatory changes that will be require to address future housing and economic development needs. Given that the Council's and Planning Board's agendas are fairly heavy with day-to-day filings and applications, a group such as ZORC can take the lead on these overarching issues. The makeup of the Committee, which includes both Planning Board members and Councilors, has historically provided an invaluable opportunity for both bodies to collaborate on issues of common concern. The proposed ordinance would ensure this continued collaboration.

The members of the Planning Board unanimously and fully support and encourage the City Council to immediately re-establish a Zoning Ordinance Review Committee for the City of Woburn.

I would be happy to attend an upcoming Council meeting to discuss this request. In the meantime, please feel free to contact either me or Planning Board Director Tina Cassidy at (781) 897-5817 if you have any questions regarding this communication.

Respectfully, s/Carolyn Turner, Chair

Attached thereto was the following:

TITLE 2 (ADMINISTRATION AND PERSONNEL)
SECTION XLII. ZONING ORDINANCE REVIEW COMMITTEE

1. Establishment

There is established a zoning ordinance review committee hereinafter in this part referred to as the Committee.

2. Organization

   A. The Committee shall be composed of nine (9) members, seven (7) of whom shall be members of the Planning Board and two (2) of whom shall be members of the City Council. The members from the Planning Board shall be ex-officio members and members from the City Council shall be appointed by the Council President for a term of two (2) years.

   B. Any member of the Committee so appointed may, after a public hearing if requested, be removed for cause by the Mayor. A vacancy otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

   C. Within fourteen (14) days after the appointment, confirmation and swearing in of the initial Committee, the Committee shall meet and elect one (1) of its members as Chairman and one (1) of its members as Vice-Chairman.

   D. Following the initial organization, the Committee shall organize annually for the purpose of electing a chairman and a vice-chairman from among the membership.

   E. All members of the Committee shall serve on a volunteer basis.

3. Powers, Duties and Responsibilities

   A. To study and make recommendations on potential zoning map and text amendments that have been referred to it for consideration by the Mayor, Planning Board and/or City Council.

   B. To initiate and conduct studies of zoning-related matters and issue periodic reports and recommendations thereon to the Mayor, Planning Board and/or City Council.

   C. To review the organization and structure of the Zoning Code and make recommendations for improvements/amendments to the Mayor and City Council.

4. Records of meetings--Annual report.

   The Committee shall keep accurate records of its meetings and activities and shall file an annual report which shall be submitted to the City Clerk on an annual basis.

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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A copy of communication dated November 29, 2016 to Danielle Gosselin, Office of Environmental Analysis, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001 was received from State Representative James J. Dwyer, State Senator Kenneth J. Donnelly and State Representative Jay R. Kaufman relative to the proposed New England TransRail, LLC facility at the Olin Chemical site in Wilmington, Massachusetts. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order to amend Section 27 Technology and Business Mixed Use Overlay District (TBOD) by renumbering the section to Section 28. Motion made and 2nd to take the matter from the table, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd that the ORDER be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Presented to the Mayor: December 8, 2016 s/Scott D. Galvin December 8, 2016

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APPOINTMENTS AND ELECTIONS: None.

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MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the minutes for the executive sessions held by the Woburn City Council on April 5, 2011 and August 3, 2012 relative to the matter of The Woburn Armory LLC v. Paul J. Denaro, et. al., Middlesex Superior Court Civil No. 2012-MICV-1528 be released.

s/President Haggerty

Motion made and 2nd that the ORDER be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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ORDERED That the City Council Regular Meeting on December 20, 2016 shall begin at 6:30 p.m.

s/President Haggerty

Motion made and 2nd that the ORDER be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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ORDERED Whereas, the salaries/stipends for members of the School Committee, Board of Appeals, Conservation Commission, Planning Board, Licensing Commission and the City Council have not been reviewed and/or adjusted for over 15 years (17 years for the School Committee); and

Whereas, it is appropriate to periodically review the salaries/stipends for members of the School Committee, Board of Appeals, Conservation Commission, Planning Board, License Commission and City Council;

Now, Therefore, Be it Ordained by the City Council of the City of Woburn that:

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

1. That the base salary of the School Committee Member be amended to $4,500.00;
2. That the base salary of the School Committee Chair be amended to $4,950.00;
3. That the base salary of the Board of Appeals Member be amended to $4,500.00;
4. That the base salary of the Board of Appeals Chair be $4,950.00;
5. That the base salary of the Board of Appeals Alternate be amended to $1,350.00;
6. That the base salary of the Conservation Commission Member be amended to $4,000.00;
7. That the base salary of the Planning Board Member be amended to $4,500.00;
8. That the base salary of the License Commission Member be amended to $4,000.00;
9. That the base salary of the City Council Member be amended to $12,000.00;
10. That the base salary of the City Council President be amended to $14,000.00;
11. That this section shall be effective July 1, 2017.

s/Alderman Gaffney, Alderman Gately, Alderman Higgins, Alderman Tedesco, President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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ORDERED Be it Ordained by the City Council of the City of Woburn that:

Title 14, Article I, Section 14-7 of the 1989 Woburn Municipal Code, as amended, be further amended as follows by replacing the existing 14-7 with the following:

14-7 Trash Removal and Recycling – Condominium Associations

A. The Board of Health shall provide for the collection and disposal of recyclable material and garbage from residential condominiums in existence as of December 31, 2016 that are not subject to a Special Permit in the same fashion as the City provides those services to single family residences. The Board of Health may establish reasonable regulations in relation to the manner of collection provided same are not more burdensome on the condominium association or unit owners than those imposed on similarly situated single family residences or other facilities to which public trash removal is provided in the City of Woburn. Condominiums shall be required to pay to the City of Woburn the cost of any insurance riders required by the City of Woburn. For those residential condominium associations in existence as of December 31, 2016 that are subject to a Special Permit, the Board of Health shall continue to provide for the collection and disposal of recyclable material and garbage from those residential condominiums in the same fashion as the City provides those services to single family residences provided, however, in the event that the Special Permit is ever subject to review or modification, the matter may be reconsidered and the service may be modified or terminated. No collections of any refuse will be made at any time, or services in connection with disposal rendered to any commercial enterprise or apartment house or residential condominium association not in existence as of December 31, 2016 where the number of apartments or units exceed three (3).

B. Condominium Association Responsibilities.

1. To keep the area around the trash containers free of litter and refuse.

2. Associations must keep clean access for the contractor to collect containers whether or not the City is providing the service. If the city contractor is unable to collect the containers due to vehicles or other impediments (such as snow or ice), it will be the association's responsibility to have the containers disposed of at their expense.

3. Failure to comply with any of the above shall be cause for suspension.

C. Recycling.

1. Any condominium units/associations who according to this ordinance may have their refuse/trash collected by the City contractor must participate fully in the City of Woburn recycling program in order to do so.

2. No recyclable material shall be included in rubbish or garbage collected pursuant to 1989 Woburn Municipal Code, as amended.

3. Any dumpster or containers that may be required in order to recycle will be provided at the expense of the association.

s/Alderman Anderson, President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Motion made and 2nd to suspend the rules for the purposes of adding the following matter to the agenda as a late filed matter, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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RESOLVED Whereas, John Casey has been a long time member and Board Member of the Woburn Business Association and has made great efforts to advance commerce in the City of Woburn; and

Whereas, John Casey has started and run for many years successful businesses in the City of Woburn such as Locks and Keys and Accurate Glass and Aluminum Inc.; and

Whereas, when a serious fire at the main business operations of John's direct competitor in downtown Woburn left his competitor without a place to run their business and John Casey opened his business facility and equipment to his competitor, ensuring the continuation of that business, during the most challenging of times; and

Whereas, John Casey has been recognized by his colleagues at the Woburn Business Association as Humanitarian of the Year,

Now, Therefore, Be It Resolved by the City Council of the City of Woburn that the Woburn City Council congratulates John Casey on being named Humanitarian of the Year, recognizes the many achievements, accomplishments and contributions of John Casey to the citizens of the City of Woburn and surrounding towns, thanks him for his service to the community, and extends the best wishes of the City of Woburn for continued health, happiness and success.

s/President Haggerty and Alderman Anderson

Motion made and 2nd that the RESOLVE be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Presented to the Mayor: December 8, 2016 s/Scott D. Galvin December 8, 2016

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Motion made and 2nd to return to the regular order of business, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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Motion made and 2nd to ADJOURN, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Meeting adjourned at 9:47 p.m.

A TRUE RECORD ATTEST:

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