

**CITY OF WOBURN  
FEBRUARY 2, 2016 – 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, all in favor, 9-0.

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**MAYOR'S COMMUNICATIONS:** None.

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**PUBLIC HEARINGS:**

On the petition by President Haggerty to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By deleting from Section 11.11 Affordable Housing Requirement Paragraph 4 and Paragraph 6; and 2. By renumbering the remaining paragraphs 1 through 5 accordingly. PUBLIC HEARING OPENED. A communication dated January 27, 2016 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Recommendation from Planning Board on proposed changes to Section 11.11 of the Woburn Zoning Ordinance entitled "Affordable Housing Requirement"

Dear Mr. Campbell;

At its meeting on January 26, 2016 members of the Planning Board held a public hearing on the proposed amendment and voted unanimously to send the matter to the Zoning Ordinance Review Committee (ZORC) for further discussion. The ZORC meeting is expected to take place within the next 7-10 days and I will keep you updated on progress.

Respectfully, s/Tina P. Cassidy

PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor 9-0.

**Presented to the Mayor February 4, 2016 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on February 17, 2016.**

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On the petition by Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.75 to allow a carnival from May 10, 2016 to May 15, 2016 at 25 Middlesex Canal Park. PUBLIC HEARING OPENED. A communication dated December 22, 2015 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Boys and Girls Club of Woburn, Inc. – To conduct a six-day fundraising carnival from May 10<sup>th</sup> – May 15<sup>th</sup>, 2016 at the National Amusement Showcase Cinemas site at 25 Middlesex Canal Park

Dear Members of the City Council:

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

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

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

Respectfully, s/Tina P. Cassidy

Appearing for the petitioner was James Haggerty, Carnival Chair and he stated that this is an annual carnival, that the carnival operator will be Dean & Flynn Fiesta Shows, that this is the same company that the petitioner has worked with since the early 1970s, that the carnival company has been in business since the 1920s, and that the carnival company also conducts the Marshfield Fair and the Topsfield Fair. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the amendment as follows: 1. That the recommendations of the Planning Board be adopted as conditions of the special permit, all in favor, 9-0.

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On the petition by Enterprise Fleet Management Inc. 248 Mishawum Road, Woburn, Massachusetts 01801 for a Second Class Motor Vehicle Sales License at 248 Mishawum

Road. PUBLIC HEARING OPENED. Appearing for the petitioner was Jon Stafford, Finance Manager and he stated that the petitioner currently has a dealer's license in Billerica, that the petitioner is looking to move some of the operations to Woburn, that the petitioner will apply for a special permit as well, that Fleet Management has no retail sales and deals mostly wholesale or to dealers, and that typically the vehicles are not stored on site. Becky Marcinkevich, Regional Operations Manager stated that Enterprise Fleet Management Inc. is a separate entity and therefore a separate dealers license is needed from its other operations at this location. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 16, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor 9-0.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to transfer the sum of \$203,000.00 from BLS/Ambulance Receipts Acct to Fire/Overtime Acct, Fire/Ambulance Salary Acct and Fire/Medical Attention Acct, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: February 4, 2016                      s/Scott D. Galvin February 4, 2016**

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**SPECIAL PERMITS:**

On the Order relative to the special permit issued on May 28, 2015 to John P. Flaherty and Kathryn A. Flaherty, petitioners and landowners to allow for conversion of a house of worship at 100 Washington Street, committee report was received "That Condition 29 of the special permit be amended to read 'That there shall be no balconies on the rear or side of building'." Motion made and 2<sup>nd</sup> that COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

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**NEW PETITIONS:**

A communication dated January 27, 2016 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: A.L. Prime Energy, 1 Hill Street, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent A.L. Prime Energy in connection with the Landowner's Decision and Notice of Special Permit issued by the City Clerk on August 2, 2012 as extended by the Permit Extension Act of 2012 to August 2, 2016 (the "Special Permit"). The Petitioner is evaluating plans to make modifications to its site plan which could result in a smaller building being constructed on the property at 1 Hill Street. As a result, the Petitioner may need additional time beyond August 2, 2016.

Therefore, on behalf of the Petitioner, I respectfully request that the City Council further extend the time period for the Petitioner to exercise its rights under the Special Permit for an additional two(2) year period to August 2, 2018.

Should you need any further information, please do not hesitate to contact me. Thank you.

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

Motion made and 2<sup>nd</sup> that the communication dated February 2, 2016 from President Haggerty to City Solicitor Ellen Callahan Doucette be received and made part of the record, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

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Petition by James L. McKeown Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn for a for a Special Event Permit to allow a 5K road race and health walk beginning at Library Field on May 1, 2016. Boys & Girls Club Executive Director Julie Gage stated that this is the sixth annual event and that nothing has changed from prior years. Motion made and 2<sup>nd</sup> that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

**Presented to the Mayor: February 4, 2016**                      **s/Scott D. Galvin February 4, 2016**

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A communication dated January 8, 2016 was received from Caitlin Freed, Compliance Analyst, Eclipse, a division of Environmental Compliance Services, Inc., 588 Silver Street, Agawam, Massachusetts 01001 requesting a transfer of the Inflammable License from Cumberland Farms, Inc. to Blue Hills Fuels, LLC for the property located at 328 Montvale Avenue. Motion made and 2<sup>nd</sup> that the TRANSFER OF INFLAMMABLE LICENSE be APPROVED, all in favor, 9-0.

**Presented to the Mayor: February 4, 2016**                      **s/Scott D. Galvin February 4, 2016**

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Petition by NSTAR Electric Company dba Eversource Energy for a grant of right in a way to install conduit in Washington Street as follows: 1. At and northeasterly from Dewey Avenue at pole 228/88 a distance of about 10 feet, and 2. At and northeasterly

from Olympia Avenue at pole 228/91 a distance of about 17 feet. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Uno Restaurants of Woburn Inc. dba Uno Chicago Grill, 100 Charles Park Road, West Roxbury, Massachusetts 02132 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1 Note 22 to allow for forty-five (45) ziosk machines at 300 Mishawum Road. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Leidos, Inc./Robert Siegel, 2 Draper Street, Unit 3, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, as to allow parking of commercial vehicles overnight at 2 Draper Street Unit 3. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Michael Craven, 18 Alpha Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.69 to allow extension of alteration of a non-conforming use with an addition to a building which is a non-conforming use in zoning district as allowed by Section 7.3 at Waltham Street (Rear) parcel ID 78-08-19. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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## **COMMUNICATIONS AND REPORTS:**

A communication dated January 26, 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 January 2016. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated January 14, 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 Jan. 2015 to December 2015: Number of violations issued 795, Numbers of violations paid 380, Number of violations outstanding 299, Amount collected and submitted to Collectors Office \$45,143.40, Parking fines referred to the Handicap Commission \$12,300.00.

There is a backlog of 1,670 unpaid tickets dating from January 2004 to December 2015. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

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

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

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A communication dated January 22, 2016 with attachments was received from Attorney David I. Bass, 300 TradeCenter, Suite 7000, Woburn, Massachusetts 01801-7419 as follows:

Re: Verizon Wireless Pole Attachments, Woburn, MA – Eversource Utility Pol #20 near 7 Micro Drive, Eversource Utility Pole #5 near 1 Dewey Avenue, Eversource Utility Pole #235-17 near 57 Willow Street

Dear Mr. President and Members of the City Council:

Cellco Partnership d/b/a Verizon Wireless (“Verizon”) proposes to attach a single “small cell” antenna to each of the above three (3) referenced utility poles located in the public right-of-way. The Telecommunications Act of 1996, as amended, requires FCC-licensed wireless carriers – including Verizon – to provide substantially seamless service coverage to all of their customers. Currently, Verizon has gaps in coverage and related capacity constraints in the vicinities of the three identified utility poles that it will substantially address by installing the proposed antennas. This letter is to provide you with information about the proposed pole attachments and to request a meeting to discuss them with you in person.

Based on our discussions with Woburn Zoning Administrator Tom Quinn, attachments to utility poles located in the public right-of-way are not subject to zoning requirements. Verizon agrees, because the state legislature has given the Massachusetts Department of Telecommunications and Energy (“DTE”) jurisdiction over pole attachments. See M.G.L. c. 166, §25(A) and 220 CMR 45. Specifically, Section 25(A) gives DTE “authority to regulate the ... terms and conditions applicable to attachments, and... upon its own motion or upon petition of any utility or licensee [to] determine and enforce reasonable ... terms and conditions of use of poles or of communication ducts or conduits of a utility for attachments of a licensee in any case in which the utility and licensee fail to agree.”

Mr. Quinn nonetheless suggested that the City Council consider Verizon’s proposals to determine whether Verizon needs any municipal approvals to install the requested pole attachments and, if so, what process and time frame are required for it to obtain such approvals. Please let me know when such we can meet as Mr. Quinn has suggested.

Thank you in advance for your consideration.

Very truly yours, s/David I. Bass

A communication dated January 29, 2016 was received from Attorney David I. Bass, 300 TradeCenter, Suite 7000, Woburn, Massachusetts 01801-7419 as follows:

Re: Cellco Partnership, d/b/a Verizon Wireless City Council Application - Eversource Utility Pol #20 near 7 Micro Drive, Eversource Utility Pole #5 near 1 Dewey Avenue, Eversource Utility Pole #235-17 near 57 Willow Street

Dear Mr. Campbell:

This letter is to request that Verizon Wireless' application to appear before the Woburn City Council on February 2, 2016 be withdrawn. We will refile this application at a later date/

Sincerely yours, s/David I. Bass

Motion made and 2<sup>nd</sup> that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

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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:**

ORDERED That the Regular Meeting of the City Council scheduled for March 1, 2016 be canceled due to the Presidential Primary Election.

s/President Haggerty

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

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From the Traffic Commission with attachment:

ORDERED That the 2016 Woburn Traffic Code be adopted in the form annexed hereto.

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: February 4, 2016**

**s/Scott D. Galvin February 4, 2016**

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 7:13 p.m.

A TRUE RECORD ATTEST:

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