CITY OF WOBURN
JUNE 2, 2015 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

MAYOR'S COMMUNICATIONS:

A communication was received from His Honor the Mayor Scott D. Galvin entitled "City Street Improvement Plan for 2015". Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

Motion made and 2nd to take the following matter out of order, all in favor, 9-0.

Petition by Shamrock Running Club, P.O. Box 602, Woburn for a Special Event Permit to allow a road race and health walk beginning at Spence Farm and proceeding over area streets on July 4, 2015. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.
Presented to the Mayor: June 4, 2015 **s/Scott D. Galvin June 4, 2015**

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

PUBLIC HEARINGS:

On the petition by Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 20 Garfield Avenue, Woburn, Massachusetts**,** for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition,

alteration or regulation. PUBLIC HEARING OPENED. Alderman Gately stated that he spoke to the Building Commissioner, that work is being completed at the property, that the property is being maintained, and that he wants to continue the matter for further review. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 1, 2015, all in favor 9-0.

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On the petition by Comcast of Massachusetts I, Inc. for a grant of right in a way to install two four-inch conduits starting at pole no. 161/65 on New Boston Street a distance of approximately 441 feet and continuing on Presidential Way a distance of approximately 4,431 feet ending at the entrance to number 300 Presidential Way. PUBLIC HEARING OPENED. A communication dated June 2, 2015 was received from Superintendent of Public Works John Duran as follows:

Subject: Comcast Presidential Way Public Hearing

I am in receipt of plans provided by Comcast. However, they have omitted utility information pursuant to my repeated requests. They are working to resolve these omissions but clearly will not be ready for their public hearing tonight. Once this issue has been resolved, I will meet the Comcast representatives on site to discuss the proposed location of their infrastructure. If we can mutually agree upon a location, I will prepare and forward a memo on this matter. Please feel free to call with any questions on this matter.

John F. Duran, III, P.E., Superintendent, Woburn Public Works

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Alderman Gately stated that he spoke to the Superintendent of Public Works regarding the matter, that the existing utilities have to be identified and their elevations determined, and that the Superintendent of Public Works has requested revised plans but has not received the revised plans as of this time. Alderman Raymond stated that these roads are scheduled to be repaved, and that grinding has already started on New Boston Street. Appearing was Jim Page, 12 Tozer Road, Beverly, Massachusetts and David Flewelling, Specialist 2, Construction, Burlington, for the petitioner. Mr. Page stated that they have been working for months with the Superintendent of Public Works regarding this matter, that the will continue to work with the Superintendent of Public Works regarding the issues and that they petitioner has no intention to tear up a roadway after new paving has been put in place. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 14, 2015, all in favor 9-0.

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On the petition by Draper Realty LLC, 1150 Main Street, Concord, Massachusetts 01742 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section

5.1.57a to allow for a storage container at 31 Draper Street. PUBLIC HEARING OPENED.

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the building is located on the left side of the street abutting a cliff, a cemetery and a railroad track, that the locus is 3.55 acres in area, that the storage container will be used to store maintenance equipment used at the property, that the equipment was formerly stored in a bay in the building that has been leased, that the petitioner is looking at other parcels on Draper Street for a permanent storage shed, and that the petitioner does not intend to return year after year for a new special permit. Attorney Tarby offered proposed conditions to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. The Petitioner shall post a sign on the interior of the door next to the loading dock stating “NOT AN EXIT”; 2. There shall be no outside storage of materials allowed on the premises other than the single exterior storage container authorized by this Special Permit; 3. The special permit for the storage container shall be reviewed one (1) year after the date of issue, in accordance with Note 17 to Section 5.1 of the Woburn Zoning Ordinance, and 4. The petitioner shall have a permanent storage plan in place within one year of the issuance of the special permit, all in favor, 9-0.

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On the petition by Superior Contracting Services LLC, 201 Prospect Avenue, Revere, Massachusetts 02150 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to allow for overnight parking of petitioner’s commercial vehicles at 31 Draper Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the proposal is for a business service use which is allowed under the I-G zoning district, that the petitioner has two full-time employees, that the petitioner has two box trucks which will be parked at the bay 3 loading docks and a van which will be parked in a parking space as designated on the plan, and that the petitioner proposes thirteen conditions with conditions 3 through 9 being conditions that have been passed for each use at the property based on an underlying Planning Board special permit issued for the property. Attorney Tarby offered proposed conditions to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Stephen O’Connor stated that the business is not a 24-hour operation, that there may be occasion when service has to be provide to a customer with flood damage but this is not typical, that each vehicle may leave the property up to six times each day, that the route for vehicles is mainly I-93 by way of Montvale Avenue, that this is a start-up operation and the trucks are not yet marked with the company identification, that the maximum truck traffic would be six vehicle trips per day when staff has to go to job sites, that the petitioner does not require Sunday hours, and that eliminating Sunday hours would have no impact on the business. Albert Curran stated that he is principal of the landowner Draper Realty LLC, that he does not believe that

there are any overnight parking spaces in place at the locus, that the business Shoebuy has moved from the locus and their special permit has expired, that Vivint Solar has a special permit at 29 Draper Street, that there is overnight parking for an interior landscaping business located at 27 Draper Street, that these are special permit in place for his properties, that the petitioner is taking over space from a baseball training facility that was located in the bay, that the baseball facility has downsized thereby making this bay available, that the baseball facility is an afterschool use, that often the baseball teams arrive in vans for an hour of batting practice, and that there would be limited use because of the size of the space is small. Alderman Mercer-Bruen stated that she is concerned with the number of special permits that have been issued in this area, that she has been receiving concerns from constituents about increased traffic, that she is concerned that the increased truck traffic may relate to all of these special permits, that there are homes in that area of Draper Street, that she is concerned about the impact of the vehicles in the neighborhood, that the traffic issue is larger than just the petitioner's properties, and that there may be other properties located in the area that should be included in determining the source of the truck traffic. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 14, 2015, all in favor 9-0.

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On the petition by MINAST, LLC, 11 Presidential Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42 and 12 to allow for the construction of a new building containing approximately 46,858 square feet of gross floor area for 1. warehouse and distribution use, and 2. office use, at Lot 1, Presidential Way. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Francis DiLuna, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner proposes to construct a new building, that the locus is 6.64 acres in area, that the property is located in the IP-2 zoning district, that the office and warehouse space is allowed by special permit, that the building will consist of 80% warehouse and 20% office space, that the use will generate $70,000.00 to $80,000.00 in new tax revenue in addition to the personal property taxes that will be incurred by tenants in the property, and that the total cost of the project will be between $3,000,000.00 and $4,000,000.00. Attorney DiLuna offered proposed conditions to the City Council to review as follows:

1. Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "Presidential Way Development Woburn, MA; Client: Minast LLC, 11 Presidential Way, Woburn, MA 01801; Prepared by: WorldTech Engineering, 300 Tradecenter Suite 5580, Woburn, MA 01801; Sheet No. T-01 (Title Sheet and Index) dated 2-25-15 not to scale; Sheet No. EX-1 (Existing Conditions Survey) dated 2-26-15, at a scale not noted; Sheet SP-1 (Overall Site Layout Plan) dated 2-26-15, revised 3-27-15, revised 5-20-15 and 5-28-15 at a scale of 1"=40'; Sheet GD-1 (Site Grading and Drainage Plan, Sheet 1 of 2) dated 2-26-15 at a scale of 1"=40'; Sheet GD-2 (Site Grading and Drainage Plan, Sheet 2 of 2) dated 2-26-15 at a scale of 1"=40'; Sheet U-1 (Proposed Utility Plan) dated 2-26-15 at a scale of

1”=40’; and Sheet L-1 (Overall Site Landscape Plan) dated 2-26-15, revised 3-27-15 at a scale of 1”=40’”;

2. The site shall be maintained at all times in accordance with and as outlined in the “Stormwater Operations and Maintenance Plan for 4 Presidential Way, Woburn, Massachusetts” included in the undated Development Impact Statement that was submitted with this application and prepared by WorldTech Engineering;

3. Prior to the issuance of a building permit, the applicant shall submit to the City’s Engineering Department the required mitigation fee ($17,808 mitigation fee, $11,000 connection fee) that is specified in the undated Development Impact Statement that was submitted with this application and prepared by WorldTech Engineering;

4. No refuse area shall be emptied between the hours of 9:00 p.m. and 7:00 a.m. nor shall any refuse area be filled after the close of business;

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

6. If the areas identified for on-site snow storage prove to be of inadequate capacity at any time in a given season, then Inspectional Services Director Tom Quinn is hereby authorized to require snow to be removed from the site if and when, in his opinion, on-site snow storage areas are inadequate;

7. A notation should be added to the plan identifying the proposed material for the fencing around each Dumpster to ensure they are adequately screened from view as required by the Zoning Code;

8. All exterior lighting shall be shielded in such a manner that will prevent direct light from impacting any abutting properties;

9. During construction, all vehicles must be parked on site and all staging and deliveries will occur on site;

10. Exterior construction activities on site shall not commence prior to 7:00 a.m. and shall cease no later than 6:00 p.m. Monday through Friday; shall not commence earlier than 8:00 a.m. and shall cease no later than 6:00 p.m. Saturday; and no exterior construction activities shall occur at all on Sundays. This does not include off-site utility work; and

11. During the site redevelopment and construction phases, the petitioner shall maintain all adjoining roadways free and clear of all debris.

Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. John Gaudette, WorldTech Engineering LLC, 300 TradeCenter, Suite 5580, Woburn, Massachusetts 01801 and he stated that they have depressed the loading dock into the building to allow access to 42-foot trucks, that a driveway entrance has been

eliminated and the radii has been increased to allow truck movement, that snow storage will be to the rear, that there will be more trees than originally proposed, that the pond area has increased approximately one-third more than originally proposed, that curbing will be slope edging to match the street curbing and a monolithic sidewalk curb will be used in the front, that car stops can be installed where necessary, that parking spaces will be striped and appropriate signs will be installed, that the siltation will be collected, that there are no plans for other regular cleaning, that the pond is established for a 100-year storm, that a wooden guardrail is contemplated to be installed around the pond, that a WD50 maximum truck which is a 42-foot trailer can back into the loading docks, and that the Fire Department has no issues with their equipment accessing the building. PUBLIC COMMENTS: John Beauchamp, 224 School Street stated that he is concerned about bringing more truck traffic to Presidential Way, that the mitigation ordinance was written so that developers would make improvements as part of the project, that a $17,000.00 mitigation fee for a 46,000 square foot building does not sound right, that there are dozens of mitigation accounts opened in the city, that just taking money from a developer is not a good practice because the mitigation work does not get done, and that there is a mitigation account for the 1790 House project with money in the account for twenty years. Motion made and 2nd to close the public hearing, all in favor, 9-0. PUBLIC HEARING CLOSED. Alderman Drapeau stated that $17,000.00 does not appear to be 3% of $3,000,000.00, that $90,000.00 would be more appropriate, that the spirit of the mitigation account is to mitigate issues in the area impacted by the development, and that the mitigation funds should be used in that manner. Alderman Mercer-Bruen stated that the mitigation information received from the City Engineer is inaccurate, that the funds could be used for an independent study of the Washington Street corridor, and that there should be an audit of the project to determine the correct payment cost. Alderman Concannon stated that mitigation should be linked to an issue caused by the particular project, and that he is not certain that mitigation is even applicable to the petition. Motion made and 2nd to add a condition as follows: That mitigation shall be subject to an audit prior to the issuance of an occupancy permit and be based on 3% of the final project development costs, 8 in favor, 1 opposed (Concannon opposed). Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the eleven proposed conditions be adopted as conditions of the special permit, 2. That the petitioner shall erect a safety guardrail around the pond area, and 3. That mitigation shall be subject to an audit prior to the issuance of an occupancy permit and be based on 3% of the final project development costs, ROLL CALL: Anderson – No, Concannon – No, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Mercer-Bruen – Yes, Raymond – Yes, Haggerty – Yes.

NOTE: On June 2, 2015 at 9:28 p.m., President Haggerty filed a notice of his intention to move for reconsideration of his vote in favor of granting the special permit to MINAST LLC.

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On the petition by Oclen Realty LLC, an individual owning land to be affected by change or adoption, and Seaver Properties LLC to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 98 and 100 Baldwin Avenue, Dexter Avenue and Warren Avenue; referenced on the Assessors Maps at Map 09, Block

13, Lot 01; Map 09, Block 12, Lot 02; Map 09, Block 12, Lot 01; Map 09, Block 11, Lot 02 and Map 09, Block 11, Lot 01; and further described as the entire parcel of land known as 98 and 100 Baldwin Avenue, to the centerlines of Chester Avenue, Dexter Avenue and Monks Street containing approximately 253,214 square feet of land as shown on a plan by Keenan Survey entitled "Proposed Rezoning Plan in Woburn, Massachusetts" dated October 17, 2014 from R-2/OP zoning district to R-3 zoning district. PUBLIC HEARING OPENED. A communication dated May 29, 2015 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

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

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for June 2, 2015 be continued to the City Council meeting on June 16, 2015. If you need any further information, please contact me. Thank you.

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

Motion made and 2nd that the communication be accepted and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 16, 2015, all in favor, 9-0.

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On the petition by Madison Properties, 20 Park Place Plaza, Suite 433, Boston, Massachusetts 02116 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction at 369 Washington Street of a Mixed Use Hotel/Restaurant Use as follows: 1. Special Permit pursuant to Section 5.1.20a to allow for a Mixed Use Hotel/Restaurant Use; 2. Special Permit pursuant to Section 5.1.29 and Section 11.6.10 to allow for a fast food restaurant with a drive up customer service facility; 3. Special Permit pursuant to Section 5.1.28, Note 16 to allow for restaurant hours in excess of 11:00 p.m.; 4. Special Permit pursuant to Section 5.7.6 to allow alternative screening devices; 5. Special Permit pursuant to Section 6.1, Note 8 to allow for the height of the proposed hotel to be in excess of thirty-five (35) feet; 6. Special Permit pursuant to Section 8.7.6 to allow for a reduction in off street loading requirements; 7. Site Plan Approval pursuant to Section 12.2.1 and 12.3.2 to allow for a fast food restaurant; and 8. Site Plan Approval pursuant to Section 12.2.4 and 12.3.2 to allow for construction in excess of 15,000 square feet and more than 100 parking spaces, all at 369 Washington Street. PUBLIC HEARING OPENED. A communication with attachments dated June 2, 2015 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 relative to the Certificate of the Secretary of Energy and Environmental Affairs on the Final Environmental Impact Report for Madison Woburn Holdings, LLC dated May 29, 2015.

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing was Attorney Tarby and he stated that the petitioner requested the matter be continued to the July 14, 2015 City Council Regular Meeting. PUBLIC COMMENTS: Nelson Doherty, 11 Carlena Terrace stated that he is opposed to the fast food drive thru component but the rest of the project is acceptable. Chris Porter, of Andover and formerly of Washington Street stated that he is concerned about the traffic on Washington Street, and that this area of town has been subjected to too much adverse impact from business. Theron Rose, 5 Hobson Avenue stated that he opposes the project, that project does not fit the area, the proposal address to a problem that is unbearable, that five days out of a week traffic congestion starts at 3:00 p.m., that the Route 128/I-93 interchange is the problem with the traffic, that the city's side streets are used to circumvent the traffic congestions at the intersection, that with the widening of Washington Street and the I-93 exit on Commerce Way the traffic situation has not improved, that every change to the traffic controls starts another problem, and that there is too much development in the area. Michael Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that there is a problem with the traffic now even without this project, that a developer is proposing to make changes that the city and the State are not going to do, that a company is willing to do the work, and that if the project is not approved the traffic will still be bad. Sophie Morrison, 17 Dewey Avenue stated that this is a dangerous area due to the traffic. Jeremy Regan, 14 Carlena Terrace stated that he is opposed to the project and in particular the fast food drive thru use, and that the traffic will be in the area to midnight rather than just a usual workday as it is now. Maureen Barnes, 4 Marietta Street stated that she is opposed to the project and in particular the fast food use, and that it is too hard to drive in the area because of traffic congestion. John Casey, 11 Garden Terrace stated that he believes that bridge improvements are necessary to improve the traffic congestion. John Beauchamp, 224 School Street stated that he has traffic data accident reports from the Police Department that show 750 traffic accidents in the last five years between 394 Washington Street and Cedar Street with many having bodily injury, that the neighbors are survivors and have put up with the issues in the area, that for a project in Burlington the Town Engineer met with the developer at the MassDOT office with a specific plan that the town wanted in conjunction with the project, that a representative of the city should be involved with the MassDOT process, and that the City Council controls mitigation not the City Engineer. John Farino, 353 Salem Street stated that he is opposed to the fast food and drive thru components, that the city is missing an opportunity by not linking with the abutting Cummings property, that the developer is trying to use every portion of the project for development with little open space, and that the City Council should reduce the size of the project. Alderman Concannon stated that the City Council has requested revised plans from petitioners in the past but has not compelled production of revised plans. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 14, 2015 and that a communication be sent to the petitioner to provide revised plans at the next Committee on Special Permits meeting without the fast food use component, all in favor, 9-0.

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Motion made and 2nd that the public hearing on the next two matters be held collectively, all in favor, 9-0.

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On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit to modify a special permit dated December 5, 2002 which Decision allowed for the alteration of an existing non-conforming structure by the construction of a covered service drive at 394 Washington Street and Special Permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) (69) and 7.3 to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. That the new site plan of record be the plan entitled "Site Plans for Woburn Foreign Motors Proposed Redevelopment, 394 Washington Street, Woburn, MA 01801" dated August 7, 2014, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (the Plan); and 3. In addition, the Petitioner seeks approval of the following modifications to the existing Site Plan of record: to allow for a stand-alone car wash within the interior of the building, additional parking spaces, transformer; dumpsters and fuel pump, all as shown on the Plan, at 394 Washington Street. PUBLIC HEARING OPENED. Alderman Mercer-Bruen stated that MassDOT has responded to a request for information sent by the City Council. Alderman Mercer-Bruen offered a copy of a letter dated June 2, 2015 from Paul D. Stedman, Acting District Highway Director, MassDOT, 519 Appleton Street, Arlington, Massachusetts 02476 to the City Council relative to the 369 Washington Street and 394 Washington Street petitions to the City Council for review. Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen offered a copy of a letter dated February 21, 2012 from Patricia A. Leavenworth, P.E., District Highway Director, MassDOT, 519 Appleton Street, Arlington, Massachusetts 02476 to the Mayor Scott D. Galvin relative to driveway standards on State highways to the City Council for review. Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that based on traffic evidence submitted by WorldTech and VHB the proposed signalization provides sufficient mitigation for the project, that the City Solicitor offered an opinion relative to mitigation for the project, that a list of conditions was submitted to start the discussion but was not intended to be a final list of conditions, and that if the special permit is granted that requires MassDOT approval then the special permit is conditional on meeting any MassDOT requirements. Rich Benevento, Worldtech Engineering LLC, 300 TradeCenter, Suite 5580, Woburn, Massachusetts 01801 stated that both project at 394 Washington Street and 369 Washington Street can move forward together or separately according to MassDOT, that this project could move forward even if the 369 Washington Street project does not move forward, that MassDOT could later dovetail work for this project with work for a later 369 Washington Street project, that MassDOT was concerned about having the roadway dug up twice, that the petitioner could install signalization with a conduit installed across the street during off hours, that the proposed traffic signalization is designed to improve safety, and the MassDOT will not issue an access permit until the city approves the local special permit. Alderman Mercer-Bruen

stated that the project has too many issues to be before the City Council at this time, that MassDOT has not received a complete plan relative to the project for review, that the city is encouraged by MassDOT to submit plans as to what the city believes is appropriate, that five conditions have been proposed for a 160,000 square foot building which is not sufficient, that the city has been urged by MassDOT not to issue a building permit until the State access permit issues, and that unless there is a specific plan then MassDOT has nothing to comment about. Alderman Gately stated that the letter from MassDOT puts the city in a bad position as the city has been urged not to issue building permits until access permits are issued, that after eight months this project seems to be back to the same point as it was eight months ago, and that he has tried in Committee on Special Permits to look at the petitions for 394 Washington Street and 369 Washington Street together and separately but progress has not been made. Alderman Drapeau stated that the petitions for 369 Washington Street and 394 Washington Street although separate are connected, that if the mitigation for the 369 Washington Street project does not move forward then this affects the mitigation for 394 Washington Street, and that the city can meet with MassDOT and discuss changes to this intersection independent of this project. Alderman DiTucci stated that there is no requirement to hold up approval of a special permit pending MassDOT approval, that if the City Council is going to hold approval pending MassDOT approval then a policy should be established, that this petition and the petition for 369 Washington Street have to stand alone, that she is concerned about meeting with MassDOT and what the agenda would be, and that the better practice would be to add a condition to the special permit that MassDOT would then review. Alderman Anderson stated that each project must stand on its own, that the City Engineer and peer review consultant should advise what is needed to address just the 394 Washington Street project if the 369 Washington Street project does not move forward, that this petition should be voted on by the next City Council meeting at the latest, that the petitioner is a good business and deserves a decision, that the city can add conditions such as a slip lane which MassDOT will subsequently review, and that it would be beneficial that the special permit if granted be conditioned on MassDOT approval. Alderman Raymond stated that the petitioner's traffic engineer met with MassDOT, that he would like to know what the discussion was, and that the petitioner would not move forward with this process if the petitioner knew that MassDOT would not approve the plan. Alderman Concannon stated that the city should have a meeting with MassDOT as soon as possible regarding these issues. PUBLIC COMMENTS: Michael Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that the city should not delay issuing a special permit until MassDOT renders a decision, that the petitioner did not create the problem relative to traffic, that the petitioner's business has been at the location since before the roadway was developed, and that the building stands by itself by merit. John Beauchamp, 224 School Street stated that the city should sit in on a meeting with MassDOT so that the city's position on the issues are presented, that the city should develop a master traffic plan that can be used when projects are proposed, that if the city adds a condition that a slip lane be provided then there has to be a detailed plan reflecting that requirement, that he could support the project if the improvements make access and egress from the site easier, and that if there is no slip lane then he cannot support the project. Tim Swain, 29 Dragon Court stated that he has issue with a project that can negatively impact the traffic in that area. Motion made and 2nd that the City Council communicate with Paul Stedman,

Acting District Highway Director, MassDOT relative to the 394 Washington Street project requesting a meeting with the City Engineer, the peer review consultant and the Committee on Special Permits, all in favor, 9-0. Motion made and 2nd to accept the communication dated June 2, 2015 from City Solicitor Ellen Callahan Doucette to the City Council relative to review of proposed conditions and application of Woburn Zoning Ordinances Section 18 Mitigation with reference to the petition, all in favor, 9-0. Motion made and 2nd to accept the communication dated June 1, 2015 with attachments from Attorney Joseph R. Tarby, Murtha Cullina LLP relative to the signage plan for the petition, all in favor, 9-0. Motion made and 2nd that a communication be forwarded to the petitioner requesting that plans be provided to the City Council which includes a slip lane component, all in favor, 9-0. Motion made and 2nd that the MATTER be CONTINUED TO THE CITY COUNCIL REGULAR MEETING ON JULY 14, 2015 AND BE REFERRED TO COMMITTEE ON SPECIAL PERMIT, and that a communication be forwarded to the City Engineer and the peer review consultant as to what adequate mitigation would be for the petition if the 369 Washington Street project does not move forward, all in favor, 9-0.

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On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for special permits pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. Section 5.1 (69) and 7.3 to allow for the replacement of the existing non-conforming six (6) foot fence as shown on the plan with a six (6) foot wall; 3. Section 8.7 to allow for a reduction in the off street loading requirements; 4. Sections 5.1 (69), 7.3 and 13.5 to allow for the alteration of the existing non-conforming signage; 5. Footnote 8 to Section. 6.1 to allow for an increase in the building height from thirty-five (35) feet to forty-five (45) feet, more or less; 6. Section 8.6.3 to allow for an exception to the area and landscaping requirements to allow for alternate landscaping equal or superior in visual appearance; and 7. Sections 12.2.4 and 12.3.2 to allow for the replacement of the existing buildings on the property with a new building containing approximately 152,600 square feet in gross floor area, more or less, at 394R Washington Street. PUBLIC HEARING OPENED. See record notes from preceding matter. Motion made and 2nd that the MATTER be CONTINUED TO THE CITY COUNCIL REGULAR MEETING ON JULY 14, 2015 AND BE REFERRED TO COMMITTEE ON SPECIAL PERMIT, and that a communication be forwarded to the City Engineer and the peer review consultant as to what adequate mitigation would be for the petition if the 369 Washington Street project does not move forward, 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 $50,420.80 from Police Sick Leave Buy Back Acct to Unemployment Compensation Acct, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor 9-0.
Presented to the Mayor: June 4, 2015 s/Scott D. Galvin June 4, 2015

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On the Order to transfer $240,000.00 from BLS/Ambulance Receipts Acct to Fire Regular Salary Acct, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor 9-0.
Presented to the Mayor: June 4, 2015 s/Scott D. Galvin June 4, 2015

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On the Order to transfer $135,970.00 from various Police Dept. Accts to various Police Dept. Accts, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor 9-0.
Presented to the Mayor: June 4, 2015 s/Scott D. Galvin June 4, 2015

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Motion made and 2nd to suspend the rule for the purposes of taking the following matters from the Committee on Finance, all in favor, 9-0.

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On the Order to transfer the sum of $9,921.14 from Unemployment Compensation Acct to Non Union Department Heads Auditor Acct, Solicitor Acct, City Clerk Acct, DOW Admin. Acct and Library Acct for purpose of base salary increase retro to July 1, 2014. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: June 4, 2015 s/Scott D. Galvin June 4, 2015

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On the Order to transfer the sum of $2,000.00 from Library/Snow Removal Acct and Library/Telephone Acct to Library Records (AV) Acct. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: June 4, 2015 s/Scott D. Galvin June 4, 2015

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Motion made and 2nd to RECEIVE AND PLACE ON FILE the following report of the Committee on Public Safety and Licenses, all in favor, 9-0.

Re: City Council Committee on Public Safety and Licenses

At a meeting on May 28, 2015, the Committee on Public Safety and Licenses, relative to: order for Committee on Public Safety and Licenses to review taxi cab rate structure:

Motion was made and seconded send a communication to the City Council requesting to extend the date for renewal compliance of taxi/livery licenses from June 15, 2015 to July 15, 2015. The Vote was all in favor, 4-0 (Absent: Gately).

Please consider this writing said communication. Thank you for your consideration.

Sincerely, Patricia Bergeron George, Clerk of Committees.

Motion made and 2nd that a communication be forwarded to the Police Department advising that the City Council intends to extend the effective date of the taxi and livery ordinance to July 15, 2015, all in favor, 9-0.

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Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

NEW PETITIONS:

Petition by Red Rood Inn #10238, 19 Commerce Way, Woburn to transfer the Inflammable License from FMW RRI Opco LLC to BW RRI III LLC at 19 Commerce Way. Motion made and 2nd that the TRANSFER OF THE INFLAMMABLE LICENSE be APPROVED, all in favor, 9-0.

Presented to the Mayor: June 4, 2015 s/Scott D. Galvin June 4, 2015

COMMUNICATIONS AND REPORTS:

A communication dated May 19, 2015 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. The following figures represent year to date totals for 2015: Number of violations issued 320, Numbers of violations paid 163, Number of violations outstanding 139, Amount collected and submitted to Collectors Office $21,151.80, Parking fines referred to the Handicap Commission $7,700.00.

There is a backlog of 1,737 unpaid tickets dating from January 2004 to April 2015.

A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

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

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

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A copy of a communication dated May 20, 2015 was received from the Board of Assessors as follows:

Re: Assessors Determination of Overlay Surplus

Dear Mayor Galvin:

This is to advise you that the Board of Assessors has completed its review of the outstanding Overlay Accounts and has determined that a surplus exists in the following accounts: Fiscal 2002 $26,607.10; Fiscal 2003 $57,345.28; Fiscal 2004 $239,733.97; Fiscal 2005 $235,075.39; Fiscal 2006 $212,220.51; Fiscal 2007 $229,017.75.

The surplus of $1,000,000 may now be transferred to the Overlay Surplus Account and appropriated as needed.

Respectfully submitted, Board of Assessors

s/Robert E. Maguire, Chairman, s/Lori S. Medeiros, s/David J. Rufo

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

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A communication dated May 22, 2015 was received from the Woburn Traffic Commission as follows:

Re: Proposed Woburn Common Reconfiguration

At its Regular Meeting on May 21, 2015, the Traffic Commission voted to support the Woburn Common reconfiguration plan to the extent of engaging a consultant to determine the feasibility and cost-effectiveness of the proposal.

Thank you for your attention to this matter.

s/William C. Campbell, City Clerk

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

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A communication dated May 15, 2015 was received from Aberjona Study Coalition, Inc., 10 North Maple Street, Woburn, Massachusetts 01801 relative to the 100% Remedial

Design report dated April 1, 2015. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication was received from the Coalition for Responsible Retailing, 574 Boston Road, Billerica, Massachusetts 01821 relative to prohibiting minors' use of tobacco. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order to amend 1989 Woburn Municipal Code, as amended, Title 2, Article XIII relative to the Auditing Department. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 4, 2015 s/Scott D. Galvin June 4, 2015

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it Ordained by the City Council of the City of Woburn that the city hereby accepts Section 3 to 7, inclusive of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation and rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under such Act; that the amount of such surcharge on real property shall be one percent (1%) of the annual real estate tax levy against real property commencing in Fiscal 2017; and that the city hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city as defined in Section 2 of the Act; $100,000 of the value of each taxable parcel of residential real property, and $100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of chapter 59, of the General Laws;

Be it further Ordered that if a majority of the voters voting on said question vote in the affirmative, then the provisions of the Act shall take effect in the city on July 1, 2016;

Be it further Ordered that the city clerk place the following question on the November 3, 2015 municipal election ballot:

"Shall this city accept sections 3 to 7, inclusive of chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?"

Be it further Ordered that the city solicitor communicate with the city clerk no later than September 4, 2015 for the purposes of submitting a fair, concise summary of the law to be acted upon for printing on the November 3, 2015 municipal election ballot with said question; and

Be it further Ordered that the Order adopted effective April 9, 2015 and the Order adopted effective May 7, 2015 relative to the Community Preservation Act are hereby rescinded.

s/Alderman Drapeau

Motion made and 2nd that the ORDER be ADOPTED, ROLL CALL: Anderson – No, Concannon – No, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Mercer-Bruen – No, Raymond – Yes, Haggerty – No, MOTION PASSES.
Presented to the Mayor: June 4, 2015 s/Scott D. Galvin June 4, 2015

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ORDERED Be it ordained by the City Council of the City of Woburn that the Mayor be authorized to accept a deed from Robert W. Murray, Trustee of Surrey Realty Trust, for no consideration, to a parcel of land consisting of approximately 2.15 acres of land, more or less, and identified as "Lot A" on a plan of land entitled "Definitive Subdivision of West Woburn in Woburn, MA (Middlesex County)" recorded on June 17, 1991 with the Middlesex South Registry of Deeds in Plan Book 21225, Page 291, also identified as Map 56, Block 6, Parcel 12 on the Assessor's Maps.

s/Alderman DiTucci

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: June 4, 2015 s/Scott D. Galvin June 4, 2015

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Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:17 p.m.

A TRUE RECORD ATTEST:

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