

**CITY OF WOBURN
MARCH 3, 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:

ORDERED That the amount of \$140,000.00 be and is hereby appropriated from BLS/Ambulance Receipts Acct #31359-595000 \$140,000.00 to Fire/Overtime Acct #0122051-513100 \$140,000.00

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

s/President Haggerty

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

ORDERED That the Mayor be and is hereby authorized on behalf of the City to grant to NSTAR Electric Company ("Nstar") a perpetual and exclusive easement to construct, install and maintain one (1) pole and fixtures, service connections, equipment and appurtenances deemed necessary for the transmission and distribution supply of electric energy for light, heat, power, and for telecommunications or any other purpose over, along, across, under and upon a strip of land located off Russell Street, Woburn, MA, as shown on the Shaker Glen Booster Pump Station Electrical Site Plan, Sheet 11 of 12 and dated October 17, 2014 and marked ""New Utility Riser Pole with Anchor to be located within 10' from [existing] Pole".

s/Alderman Drapeau

Alderman Drapeau stated that this is necessary to get the pumping station operational, that this will allow the connections to the equipment, and that the City Engineer coordinated the project. Alderman Gately stated that as Chair of Committee on Infrastructure and Public Lands he does not object to the project. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

Notice of intent to reconsider vote filed by Alderman Drapeau on March 4, 2015

PUBLIC HEARINGS:

On the petition by NSTAR Electric Company for a grant of right in a way to install conduit a distance of about 40 feet in Wyman Street southwesterly from pole 242/20 approximately 37 feet north of Brae Circle, to install conduit a distance of about 22 feet in Wyman Street easterly from pole 242/21 approximately 25 feet west of Brae Circle, and to install conduit a distance of about 2274 feet in Brae Circle at and southerly at intersection of Wyman Street. PUBLIC HEARING OPENED. A communication dated February 26, 2015 was received from Jacqueline Duffy, Right of Way Agent, NSTAR Electric Company as follows:

To the Board of Aldermen

NSTAR would like to continue the petition for Brae Circle, Woburn until the March 17th meeting.

Jacqueline Duffy, Right of Way Agent

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 17, 2015, all in favor 9-0.

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 February 24, 2015 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

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

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for March 3, 2015 be continued to the City Council meeting on March 17, 2015. My client is in the process of working with the City Engineer on the connection of Baldwin Avenue to an appropriate street in the area. If you need any further information, please contact me. Thank you.

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: John Devine, 605 Main Street stated that the subject property is contaminated, that the petitioner is in the process of cleaning the property, that there have been two stop work orders at the property, that this cleaning process will take eleven months to complete, that there is a proposal to erect 41 residential units on contaminated land, that the Environmental Protection Agency will receive a report and audit the property, and that the Planning Board gave a favorable recommendation on the proposal. Elizabeth Francis, 3 Poplar Street stated that she has lived on the street for a couple of years, that making Poplar Street an access road would be a disruption to the neighborhood, that this is a safety issue as the road is too narrow, that the road is twelve feet wide with the snow currently on the road, that even with the road clear the road is fifteen feet wide, that there is generally not a lot of traffic on the street but when two cars are passing in opposite directions it is very difficult, that students walk on the street to get to the school bus, that there is only a small section of sidewalk and therefore pedestrians must walk in the street, that she is concerned that the value of her property will be reduced if the street is changed from a dead-end street to an access road, and that this may be the shortest and easiest route but not the best or safest route. Ms. Francis offered photographs to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 7, 2015, all in favor 9-0.

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

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. A communication dated February 24, 2015 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petitions of Woburn Foreign Motors, 394 Washington Street and 394R Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Since VHB will not be in a position to finalize a report to the City Council in connection with its Peer Review by March 3, 2015, I respectfully request that the City Council public hearing on this matter presently scheduled for March 3, 2015 be continued to the City Council meeting on April 7, 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 received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: Nelson Doherty, 11 Carlena Terrace asked whether the traffic improvement plan and the peer review includes the Washington Street corridor from the Reading town line to Salem Street, whether the plan includes widening the Washington Street bridge, whether the proposal is for two lanes in a northerly direction and one lane in a southerly direction over the bridge and if MassDOT approved the plan, whether the entrance to Cummings Park just south of 369 Washington Street will be "no left turn" restricted for vehicles traveling in a southerly direction on Washington Street, whether a painted box on the street in front of 394 Washington Street reading "don't block intersection" will be effective, and stated that the current Washington Street bridge will not be able to handle the capacity of 8,000 new vehicle trips per day or future developments in the area, that a dedicated right turn lane should be established on Washington Street in a southerly direction at the northerly Route I-95/128 on ramp, that Olympia Avenue at the intersection with Washington Street should be widened to have two eastbound lanes and one westbound lane, and that if there is only one southerly lane on the Washington Street bridge traffic congestion will occur in both directions. Mr. Doherty offered documents to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Margie Bose, 70 Pine Street stated that she reviewed the traffic study including the Woburn Landing environmental impact report, that the source data for the study was one day on June 26,

2014, that the study looked at Washington Street starting just north of the northerly Route I-95/128 on ramp, that the school year had ended on June 24, 2015 and therefore school traffic was not included in the data, that VHB has to take a careful look at the source data, that there are a number of traffic control signals in that area that work together and are not independent, that the petitioner offered a Chick-Fil-A in Westborough as an example of their operation but this is not a good comparison as the location is in a less dense area, that the vehicles traveling to the 369 Washington Street property to patronize the restaurants are destination trips and should be considered new vehicle trips and not drive-by trips, that there are two twelve foot wide lanes in each direction on Washington Street and Mishawum Road but the bridge on Washington Street is a bottleneck for traffic in the area, that the left turn lanes are going to impede the flow of traffic, and that she is not opposed to the project but has concerns. Ms. Bose offered documents containing traffic data analysis for review by the City Council. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. John Beauchamp, 224 School Street stated that for the right turn from Washington Street to the northerly Route I-95/128 on ramp nine out of ten vehicles lined up in queue in the right lane to get onto the highway, that getting vehicles off of Washington Street and the bridge will alleviate congestion, that if adding an extra lane is necessary but this affects the 394 Washington Street project this cannot deter the necessary work, that there are only three improvements being offered, that three left hand turn lanes are being added although the capacity of these lanes is a question, that the double left turn lane onto the northerly Route I-95/128 on ramp is an improvement, that there are many 18-wheel trailer trucks that will take up much of the space in the turn lanes, that a dedicated left turn lanes from Washington Street onto Olympia Avenue is an improvement, that there is already a left turn arrow from Washington Street onto Olympia Avenue but the turn is not currently a dedicated left turn only lane, that he wants to know the total capacity of the left turn lanes, that there is approximately 400 feet of traffic improvements but it is not clear how these benefit the Dewey Avenue and Salem Street neighborhoods, that the Olympia Avenue and northerly Route I-95/128 on ramp intersections with Washington Street are too close, that perhaps Olympia Avenue can be considered for a one-way restriction, that no traffic mitigation is being offered for Dewey Avenue, that he is concerned about the impact on the residential property values in the Dewey Avenue neighborhood, that a four-way intersection with a dedicated left turn lane into the 369 Washington Street property with a connection to the Cummings Park property might be beneficial, that there is little in the way of handicapped accessibility with the project, that this area has turned from an industrial area of single story buildings to high rise office buildings to retail and first floor retail in the office buildings, that a pedestrian access bridge over Washington Street may be beneficial, that it is difficult for pedestrians to cross Washington Street, and that he wants to know if a bicycle lane is required as in the future the street may need to be widened. John Casey, 11 Garden Terrace stated that he appreciates responsible development but 8,000 new vehicle trips per day is not good for that area, that the bridge should be widened to three lanes each way, that the current two lanes over the bridge are not wide enough to accommodate the vehicles, and that the smaller traffic improvements will not help until the bridge is widened. Lisa Lohnes, 15 Garden Street stated she has been a resident of the entire city her whole life, that it is extremely frustrating to drive in that area, that she is concerned with the impact on property values, and that the review

process of the project should be slowed down to give time to look at all the alternatives. Sophie Morrison, 17 Dewey Avenue stated that she wants to stay in her home but feels like after fifty years as a resident there she is being forced to sell her house because of the conditions. Robert Barnes, 4 Marietta Street stated that he has been a resident for 36 years, that he is concerned about the impact of the project on the quality of life in the area, that 8,000 additional vehicles trips a day is too much, and that driving through the area at 4:30 p.m. is any traffic study that is needed to see the issues. Jerry Lohnes, 15 Garden Street stated that the petitioner has a responsibility in addition to its rights to develop their land, and that traffic safety must be improved. Alderman Mercer-Bruen offered a copy of an email from John Farino, 353 Salem Street for the record. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen read Mr. Farino's letter aloud in which he stated that the proposed mitigation is not enough for the heavily traveled and congested streets in the area, that the developers of the projects should fund an expanded traffic study for the full area, that little has been done to the intersections over the past fifty years, that the drive-thru component of the 369 Washington Street proposal must be eliminated, that there has to be pedestrian access to the adjacent Cummings Park property, and that a portion of tax revenues from the 369 Washington Street and 394 Washington Street developments must be dedicated to Washington Street corridor traffic improvements for up to 25 years. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 7, 2015, all in favor 9-0.

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-confirming 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. A communication dated February 24, 2015 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petitions of Woburn Foreign Motors, 394 Washington Street and 394R Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Since VHB will not be in a position to finalize a report to the City Council in connection with its Peer Review by March 3, 2015, I respectfully request that the City Council public hearing on this matter presently scheduled for March 3, 2015 be continued to the City Council meeting on April 7, 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 received and made part of the record, all in favor, 9-0. See record notes from preceding hearing. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 7, 2015, all in favor 9-0.

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 dated February 24, 2015 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petitions of Madison Properties, 369 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Since VHB will not be in a position to finalize a report to the City Council in connection with its Peer Review by March 3, 2015, I respectfully request that the City Council public hearing on this matter presently scheduled for March 3, 2015 be continued to the City Council meeting on April 7, 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 received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: Margie Bose, 70 Pine Street stated that not only residents but small businesses in the area are affected by the proposed projects, and that if there is too much congestion businesses will leave which will also affect the tax base of the city. Alderman Mercer-Bruen stated that the traffic signal at West Street was causing traffic to back up on Washington Street, that traveling from the Cedar Street intersection to the Richardson Circle intersection took fifty minutes by car, that she contacted the Reading Department of Public Works, that the traffic control signal was changed to a constant red flash, and that the traffic congestion from that source has been alleviated. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 7, 2015, all in favor 9-0.

On the petition by NASDI, LLC, 39 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Sections 5.1.57a, 5.1.57b, 7.3 and 9 of the 1985 Woburn Zoning Ordinances, as amended to allow for the outside storage and parking of commercial motor vehicles, commercial trailers, trucks and contractor's equipment within the Flood Plain District at 39 Olympia Avenue. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, with the conditions as follows: 1. The Plan of record shall be the plan entitled "Reuse Conditions Plan #39 Olympia Avenue in Woburn, Massachusetts" dated December 18, 2014 as revised January 30, 2015 prepared by Hayes Engineering, Inc. Civil Engineering and Land Surveyors, 603 Salem Street, Wakefield, Massachusetts (the "Plan); 2. That all registered vehicles parked or stored overnight on the site shall be registered in the City of Woburn, which shall be consistent with Equipment List provided on February 23, 2015 and on file; 3. All signage must comply in all respects with the provisions of Section 13 (Sign Regulations) of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Inspectional Services; 4. The Petitioner shall maintain the existing security lights within the outside storage area as shown on the Plan; 5. There shall be no exterior washing of vehicles or equipment on site and no interior washing of vehicles or equipment unless an oil-water separator is installed in the building; 6. No construction debris or processed materials shall be stored on the site; 7. The Petitioner shall not deliver, accept, or store any asbestos on the site; 8. That any violation of this Special Permit, shall lead to a review of said Special Permit and potential revocation after due process; and 9. That this Special Permit shall be non-transferrable." Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner will not seek to store asbestos in trailers at the locus, that the request is limited to the storage of vehicles, that an occupancy permit was issued on January 16, 2015 for the corporate office and storage area, that the Committee on Special Permits recommended approval of the petition with nine conditions, that the petitioner has no issues with the proposed conditions, that Yankee Environmental Services is a separate company, that Yankee Environmental Services, Dore & Associates Contracting, Inc., NASDI, LLC and other related companies were purchased and ownership transferred to North American Leasing, Inc., that the petitioner is a different company than the Yankee Environmental Services company, that

the other company was a construction yard, that the petitioner has consolidated its corporate offices to this location, that this operation is in no way like the company that had operated on Holton Street, that a Business Use Approval was filed with Billerica in June 2011 by Yankee Environmental Services, that the previous owners of Yankee Environmental Services were “cowboys” but the new owner is a responsible owner, and that construction materials will not be brought to the site. Attorney Tarby offered a copy of a Business Use Approval dated 6/9/11 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. Attorney Tarby offered a document entitled “Ownership Interest Purchase Agreement” 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. Alderman Mercer-Bruen asked for assurance that location in Billerica where asbestos was to be delivered was permitted for such use, and that the petitioner was not associated with a similar company that had operated on Holton Street. PUBLIC COMMENTS: None. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the nine conditions recommended by the Committee on Special Permits adopted as conditions of the special permit, all in favor 9-0.

On the petition by Burns Landscaping & Construction, LLC, 68 Delwood Drive, Tewksbury, Massachusetts 01876 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57a, 5.1.57b and 7.3 to allow for the outside storage and parking of commercial motor vehicles, commercial trailers, trucks, storage containers and contractor’s equipment at 1095R Main Street. PUBLIC HEARING OPENED. A communication dated February 26, 2015 was received from Neil Cronin, City Planner as follows:

Re: Planning Department comments on special permit application for Burns Landscaping & Construction, LLC at 1095R Main Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for the outside storage and parking of commercial motor vehicles, commercial trailers, trucks, storage containers, and contractor’s equipment at 1095R Main Street pursuant to Sections 5.1.(57a), 5.1.(57b), and 7.3 of the Woburn Zoning Ordinance. The property is located in the I-P zoning district and the requested special permits would allow the petitioner to operate his landscaping business at this location.

The Planning Department notes several issues with respect to this application:

1. It is not possible to determine whether the project meets the parking requirements of the zoning ordinance because no summary of floor uses and area has been provided. A breakdown of various uses of the floor space of the buildings on site (i.e. office space, storage, other) should be identified and quantified and the attendant parking requirements noted.

2. The application includes a request for a special permit under Section 7.3. of the zoning ordinance and it is not clear why this special permit is necessary. The proposed use (accessory storage or parking of containers, trailers and vehicles) is not a non-conforming use but rather one allowed by special permit. Additionally, there appears to be no expansion of non-conformity requested. We recommend the applicant explain what specific relief is needed in accordance with Section 7.3.
3. Nothing in the application or the plan included in the proposal shows how refuse will be handled on site. If the provision for trash is outside an existing building, the refuse area should be shown on the plan and enclosed with a sight-impervious fence 6' in height. If the trash area will be inside a building that fact should be noted.
4. The areas proposed for the “mulch and stone storage bins” and “truck and trailer parking” are located east of Kensington Avenue, on lots separate from the main structures and use. As such these accessory uses will technically be off-site from the principal use including the buildings and employee parking on the west side of Kensington Ave. Accessory uses, by definition, must be located “...on the same lot as the principal use...”

Aside from these concerns, the Planning Department recommends the Council consider imposing the following conditions on any approval of this special permit application:

1. An updated plan of record be prepared that identifies adequate snow storage area(s). Once the plans have been revised to depict adequate and appropriate snow storage areas, the plans so revised should be cited in the blank space in the following recommended condition of approval:

“Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be “_____”.

2. That any special permit granted in accordance with Section 5.1.57a (use of accessory storage or parking of storage container, storage trailer, commercial trailer or semi trailer) should be limited to a period of time not to exceed one year per Section 5, Note 17 of the Woburn Zoning Ordinance. (It should be noted that the Woburn Zoning Ordinance does not impose the same time restrictions for uses granted a special permit under Section 5.1.57[b]).
3. All vehicles that will be parked on site overnight must be registered in the City of Woburn.
4. All signage must comply in all respects with the provisions of Section 13 (Sign Regulations) of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Municipal Inspections.

5. Section 8.5.1. of the Zoning Ordinance requires security lighting for all parking facilities “which are used at night”. If the Council determines that the overnight parking of vehicles (and the specifics of this business’s activities) will equate to the lot being “...used at night”, then the following condition of approval should be included:

“The plans should be revised to incorporate details of security lighting, and be shielded in such a manner that will prevent direct light from impacting abutting properties.”

6. Any proposed exterior refuse area(s) shall be enclosed with a sight-impervious fence six (6) feet in height.
7. No refuse area shall be emptied between the hours of 9:00 p.m. and 7:00 a.m. Similarly, no refuse area shall be filled after the close of business.
8. The special permit shall be issued to Burns Landscaping & Construction, LLC and shall not be transferrable.

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

Sincerely, s/Neil Cronin, City Planner

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the locus is located in the I-G zoning district, that the use is allowed as a business service, that a special permit is required for outside storage, that the petitioner reviewed Conditions 1 through 8 offered by the Planning Department and has no issues with those suggestions, that the petitioner is a full service landscaping and contractor company founded in 2006, that the petitioner seeks approval to park vehicles and box containers on the locus, that there are six employees working from the property on a daily basis, that the petitioner can address the four comments offered by the Planning Department, that as to comment number 1 the proposed use is a business service use, that there is no category for business service use in Section 8.2 of the Woburn Zoning Ordinances, that the use would fall under other uses, that there are a sufficient number of parking spaces on site to accommodate all of the users of the facility as documented to the satisfaction of the Building Commissioner, that the building is being used for storage, that six people work from the site, that there is sufficient truck and trailer parking for the petitioner and an additional eleven parking spaces, that this is sufficient parking to accommodate the petitioner’s six employees and the one employee of Woburn Truck and Auto, that as to comment number 2 the property frontage is on Breed Avenue over a driveway and the buildings are non-conforming, that as to comment number 3 the petitioner has no issue with the request relative to trash, that as to comment number 4 from a historical perspective back to 1951 all of the property has been operating as one property, that from a title perspective all the lots on the east of Kensington Avenue and the Woburn Truck

and Auto facility have been merged by operation of law, that the petitioner could re-advertise the public hearing but the abutters list does not change, and that he will submit written responses to the comments. Attorney Tarby offered overhead photographs of the property for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Alderman Raymond stated that the Planning Board has raised four issues that should be addressed by the petitioner, that a special permit for a storage container expires one year after granting, that he will offer the one year expiration of the storage container special permit as a condition of the special permit although this may be redundant, that he wants a list of the trucks that will be parked on the locus, and that the petitioner's vehicles will have to be registered in Woburn. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 17, 2015 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

CITIZEN'S PARTICIPATION:

A petition for Citizen's Participation Time was received from Carolyn Youngclaus, 2 Park Drive on behalf of the Woburn Preservation Campaign Committee to request that the Community Preservation Act (the CPA) be given the Council's approval to be included on the November 3, 2015 Municipal Election ballot. Appearing was Carolyn Youngclaus and she stated that the committee is not seeking City Council approval to put the matter on the ballot at this meeting, that the committee understands that it must inform the public about the issue, and that this proposal was narrowly defeated at the last election. Ms. Youngclaus offered documents to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Alderman Raymond stated that this was a close vote but it reflects the divergent opinions, that the petitioner could solicit signatures to place the matter on the ballot, that the City Council already agreed to place the matter on the ballot last year and the question was put to a vote, and that the matter should go to committee to hear both sides to decide if this issue should go on the ballot again. Alderman Drapeau stated that the ballot is the manner in which the voters decide the issue, that he advocates the democratic process, that he does not want to hold the matter up from being placed on the ballot by sending to committee for review, that he has experience in implementing CPA projects in another community, that the CPA is a good resource to preserve properties and open space, and that he has no objection to this question being placed on the ballot again. Alderman DiTucci stated that there is no greater way to protect democracy than to let voters vote on an issue, that this is a good way to get people involved in the process, that the last time there were many undecided votes, that there needs to be more education of voters, that the city should allow more information to be made available on ballot issues, and that she will support placing the matter on the ballot. Alderman Gately stated that he will support placing the matter on the ballot. Alderman Anderson stated that there was just an election on this issue, that if a special permit was denied there is a two year wait before the petition can be presented again, that this question was placed on the ballot once by City Council Order, that the committee should get signatures of voters on

petitions in an effort to place the matter on the ballot, that the question should not be able to keep coming back every year by Order of the City Council, and that if the question had been approved the city would be prevented from reversing the action for somewhere between three and five years. Alderman Gaffney stated that he supports placing the matter on the ballot. Alderman Mercer-Bruen stated that she does not support placing the matter on the ballot by City Council Order, that the committee can gather signatures of voters, and that she is not convinced that the CPA is best for the city. Ms. Youngclaus stated that the committee is not asking for City Council to support the ballot question but to support placing the question on the ballot. Alderman Concannon stated that he supported placing the matter on the ballot in the expedited fashion without requiring the committee to gather signatures as the matter had not been before the voters for some time and the rules had changed, that the ballot question was defeated just months ago, that there was a vote by the voters, and that gathering signatures may be the best route at this time. Alderman Drapeau stated that the alignment of the ballot was not favorable at the last election, that there were questions on the ballot that were on the back of the ballot and that may have been confusing, that only ten signatures are required for the position of Ward Alderman and approximately 1,200 signatures are required for the question to be placed on the ballot, that this is not a large burden as the city will be printing a ballot for the municipal election this year in any event, and that the ballot question did not fail by many votes but narrowly lost. Alderman Raymond stated that the first time he heard of the proposal he believed that the voters should decide the question, that the committee is asking the City Council to do what was done already and is expecting different results, and that the matter should be discussed in committee with both sides participating. Paul Meaney, 1 Brandt Drive stated that he is also on the Board of Directors of the Woburn Business Association, that if a petition is made for a special permit or variance and the petition is denied then the petitioner has to wait two years to apply again, that the CPA law has been changed three times in twenty years, that each time the law is changed more is added such as historical property when original this was for open space, that he spoke to the Aide for the city's State Representative and that he was told the city could adopt an ordinance prohibiting matters from appearing on the municipal ballot year after year, that the City Council is working on many issues and does not need this matter before them again, that taxes in the city already increased the past year, that the City Council could exempt businesses from the new CPA tax since it is the residents who will benefit from the proposed uses of the funds, that one business owner said that his taxes would increase by \$130,000.00 with adoption of the CPA and another business owner said that his taxes would increase over \$200,000.00 with the CPA, that the matter should be reviewed in committee, that the CPA originally had 100% reimbursement and the amount is down to 35% reimbursement, and that we do not need the CPA in Woburn. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON, 7 in favor, 2 opposed (Anderson, Mercer-Bruen opposed).

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

On the petition by Adamo Rufo dba Route 16 Auto Broker for a transfer of a Second Class Motor Vehicle Sales License from Woburn Auto Sales LLC, 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 March 5, 2015 and ten days having elapsed without same being approved, said License became effective without his signature on March 17, 2015.

NEW PETITIONS:

Petition by Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1, Note 14 to allow a carnival from May 12, 2015 through May 17, 2015 at 25 Middlesex Canal Park. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by James L. McKeown Boys & Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 for a Special Event Permit to allow a road race and health walk on May 3, 2015 along city streets beginning and ending at Library Field. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Presented to the Mayor: March 5, 2015 s/Scott D. Galvin March 5, 2015

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. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated February 24, 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. Figures cited below are for the Month of January 2015: Number of violations issued 72, Numbers of violations paid 28, Number of violations outstanding 41, Amount collected and submitted to Collectors Office \$4,624.40, Parking fines referred to the Handicap Commission \$1,200.00.

There is a backlog of 1,783 unpaid tickets dating from January 2004 to January 2015. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

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

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

A communication dated February 12, 2015 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: 1095R Main Street

With regard to the above, I offer the following in response to the communication from the Committee on Public Safety dated November 25, 2014 regarding any ongoing issues on the locus, discussions with the property owner and tenant (Burns Landscaping) have occurred. The tenant Burns Landscaping currently has filed a petition for a special permit pursuant to the 1985 Woburn Zoning Ordinances as amended, to allow for the outside storage and parking of commercial motor vehicles, commercial trailers, trucks, storage containers and contractors equipment on this locus to address the concerns.

I would ask that you submit this response to all respective committee members.

s/Thomas C. Quinn, Jr., Building Commissioner

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

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Committee on Ordinances shall review the Woburn Municipal Code relative to the salary, duties and powers of the City Auditor as established by Ordinance under Sections 14 and of the City Charter and provide recommendations for necessary changes to the City Council within 45 days of this Order.

s/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES and that a communication be sent to the Human Resources Director requesting a salary survey for the position of City Auditor in comparable communities, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:51 p.m.

A TRUE RECORD ATTEST:

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