

**CITY OF WOBURN
MAY 3, 2016 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
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 sum of \$3,000.00 be and is hereby transferred as so stated from Library/Telephone Acct #0160152-534100 to Library/Heat Acct #0161052-521102, Total \$3,000.00

I have reviewed the above: s/Charles E. Doherty, City Auditor
I hereby approve the above: s/Kathleen O'Doherty, Library Director
I hereby recommend the above. s/Scott D. Galvin, Mayor

s/President Haggerty

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

PUBLIC HEARINGS:

On the petition by NSTAR Electric Company dba Eversource Energy for grant of right in a way to install one joint occupancy pole 87/3 and anchor guy on Fremont Street southerly side approximately 40 feet west of Mack Road. PUBLIC HEARING OPENED. A communication dated May 3, 2016 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Electric Company d/b/a Eversource Energy- Fremont Street

Pursuant to the request from Eversource for the installation of a new pole on the extended portion of Fremont Street to service the new 2 family home, I offer the following. I have reviewed the proposed location on a plan provided by the developer

and as field staked on the ground. I take no objection to the proposed location of the new pole.

However, the developer does not have authorization from the Planning Board to waive the underground power requirement. Therefore, I believe that the developer must first obtain the approval of this waiver from the Planning Board prior to the City Council issuing approval for grant of right in a way for the pole construction.

Please feel free to call with any questions or concerns.

A communication dated May 3, 2016 was received from Jacqueline Duffy, Right of Way Agent as follows:

Eversoure Energy would like to withdraw the petition from hearing on May 3, 2016 for Fremont Street, Woburn.

Thanks, Jacqueline A. Duffy

Motion made and 2nd that the two communications 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 MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

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

On the petition by Cellco Partnership dba Verizon Wireless, 118 Flanders Road, Westborough, Massachusetts 01581 for a grant of right in a way to attach wireless communications equipment consisting of one JMR Wireless Small Cell Cantenna (Model No. CYL-X7CAP-2), one Alcatel-Lucent B4 RRH2x60-4R Remote Radio Head/Cabinet, one power meter and associated equipment to existing Eversource/Verizon Telephone Utility Pole #5 located on Dewey Avenue (adjacent to 1 Dewey Avenue). PUBLIC HEARING OPENED. A communication dated May 2, 2016 was received from Superintendent of Public Works John Duran as follows:

Subject: Verizon Wireless-Dewey Avenue

Pursuant to the request from Cellco Partnership dba Verizon Wireless for the grant of right in a way for the installation of a cell antenna and supporting equipment to an existing utility pole on Dewey Avenue, I offer the following based upon my review of the submitted plans and an associated field evaluation.

- The application states utility pole 5. The pole is marked BECO 87/1. This should be clarified to ensure that the proper pole was inspected. I have evaluated the pole as shown on the “AREA PLAN” provided in the package.
- The information shown does not seem to present any encroachments or traffic related issues.
- I would defer this to police for comment on any potential interference related issues. This activity is most likely regulated by the FCC and others. However, it may be worthwhile to check with Chief Ferullo on this.
- The City Council should be aware that if this will be the first of many requests for the installation of this type of equipment on poles across the city, the Council should consider future regulations on this matter. In addition, there should be a clear cut Operation and Maintenance Plan which describes procedures for transfer of this accessory equipment in the event of an accident and coincidental pole replacement. This could potentially cause additional delays in double pole replacements which is already a problem across the city.

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

Appearing for the petitioner was Attorney Victor Manougian, McLane Middleton, 300 TradeCenter, Suite 7000, Woburn, Massachusetts 01801 and he stated that the reference to pole #5 is an internal Eversource number, that the pole as identified is pole 87/1 which is the same as pole #5, that the petitioner is licensed by the Federal Communications Commission, that the proposal is to provide coverage for low areas, that this will not cause interference, that the petitioner has a lease agreement with Eversource to use the utility pole, that the lease agreement covers maintenance of the integrity of the utility pole, that if there is an issue with the utility pole then Eversource will replace the utility pole, that public safety is a priority for the petitioner and for Eversource, that if the utility pole had to be replaced then the petitioner would move their equipment to the new utility pole, and that Eversource and Verizon own the utility poles. Alderman Gately stated that there are issues with double utility poles in the city and Eversource identifies Verizon as being responsible for not moving wires from the poles. Attorney Manougian stated that the petitioner is Verizon Wireless and the pole is owned by Verizon landline, and that he can coordinate with Verizon landline about addressing the double pole issues. Alderman Gately stated that no representative from Verizon ever attends meetings when the issue of double poles is discussed, and that he wants to see where there are coverage issues that will be addressed by the pole. Attorney Manougian stated that the proposal addresses issues with capacity as well as gap in coverage, that this addresses issues with large data demands by being closer to the ground to enhance service, that this is not the same analysis as coverage gap, that the proposal fixes what the service on high poles, steeples and the like cannot handle, that a Verizon landline representative can come to the city to discuss the double pole issue, that a grant of location is not needed on private property, that with a wireless connection on private property there would be a lease agreement for the use, that there are no lease agreements with any municipalities in place, that these are the only sites sought in the city at this time, that the RF engineers determine that there is a high demand for service in a particular area, and that roadways are an example of where there is high demand which does not provide the services customers seek. Alderman Mercer-Bruen stated that the matter could be referred to committee and a meeting be held

regarding the double pole issue. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 7, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, that a communication be sent to the City Solicitor inquiring what legal rights the city may have to enter a lease for installation of wireless facilities in a public way and whether any other communities have executed such lease agreements, and that a communication be forwarded to the Superintendent of Public Works requesting a list of double utility poles in the city where Verizon is utility company which has not moved its wires, all in favor, 9-0.

On the petition by Cellco Partnership dba Verizon Wireless, 118 Flanders Road, Westborough, Massachusetts 01581 for a grant of right in a way to attach wireless communications equipment consisting of one Andrew Dualband Omni Metro Cell Antenna (Model No. NH360QM-DG-2XR), one Commscope diplexer (Model No. E15S09P69), one Alcatel-Lucent RRH2x60 AWS Remote Radio Head, one Alcatel-Lucent B25 RRH4x30-4R PCS Remote Radio Head, one power meter and associated equipment to existing Eversource/Verizon Telephone Utility Pole #235-17 located on Willow Street adjacent to 50 South Bedford Street. PUBLIC HEARING OPENED. A communication dated May 2, 2016 was received from Superintendent of Public Works John Duran as follows:

Subject: Verizon Wireless-South Bedford Street

Pursuant to the request from Cellco Partnership dba Verizon Wireless for the grant of right in a way for the installation of a cell antenna and supporting equipment to an existing utility pole on South Bedford Street, I offer the following based upon my review of the submitted plans and an associated field evaluation.

- The application states utility pole 235-17 on South Bedford Street. The pole is marked 235-17 but is actually located on Willow Street as depicted in their submitted plans numbered LE-1,
- LE-2 and LE-3. This should be clarified to ensure that the proper pole was inspected and that the proper grant is recorded.
- The information shown does not seem to present any encroachments or traffic related issues.
- I would defer this to police for comment on any potential interference related issues. This activity is most likely regulated by the FCC and others. However, it may be worthwhile to check with Chief Ferullo on this.
- The City Council should be aware that if this will be the first of many requests for the installation of this type of equipment on poles across the city, the Council should consider future regulations on this matter. In addition, there should be a clear cut Operation and Maintenance Plan which describes procedures for transfer of this accessory equipment in the event of an accident and coincidental pole replacement. This could potentially cause additional delays in double pole replacements, which is already a problem across the city.

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

See note of preceding public hearing. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 7, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, that a communication be sent to the City Solicitor inquiring what legal rights the city may have to enter a lease for installation of wireless facilities in a public way and whether any other communities have executed such lease agreements, and that a communication be forwarded to the Superintendent of Public Works requesting a list of double utility poles in the city where Verizon is utility company which has not moved its wires, all in favor, 9-0.

On the 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, to allow parking of commercial vehicles overnight at 2 Draper Street Unit 3. PUBLIC HEARING OPENED. Appearing was the petitioner Robert Siegel and he stated that he apologized for not appearing at the prior meetings, that he has not received any emails advising that he attend the meetings, that he rents 1,500 square feet of industrial space, that part of the lease allow him to park a pickup truck and a 32-foot trailer on the side of the building, that he did not know that a permit was required to park the vehicles, that he has a pickup truck with a utility body and a 32-foot trailer, that he performs geological surveys of property to seek environmental contamination, that most often his works takes place on former military bases, that he has not been using the vehicles but has proposals out for new assignments, that he received an email from the city stating that the trailer could be detached and parked in one parking space, that he has done that and is now using one less parking space, that when he spoke to Building Commissioner Quinn he was told that the issue at the property was not his vehicles but concerned the storage trailer on site, that he does not have a tractor trailer, that he has a pickup truck with a utility body on the back and a 32-foot trailer that is not much bigger than a landscaping trailer, that the vehicles are lightly used, that the vehicles were used recently to obtain inspections, and that this was the first time the vehicles had been moved in months. Alderman Gately stated that there are numerous issues with the property, that the landowner has never advised the City Council where vehicles park on site, that the Building Commissioner issued a cease and desist order to unit two and three prohibiting parking commercial vehicles on site, that the trailer is parked in the snow storage area, that the vehicles cannot be parked on the area of land owned by the city, that the vehicles cannot be parked at the building until a special permit is granted, that the City Council needs to see a parking plan for the locus, the he visited the locus and he had a difficult time maneuvering his pickup truck through the lot, that a fire truck cannot pass the back of the lot, and that without a special permit the petitioner is out of business. Alderman Anderson stated that this matter should be sent to committee with the other matter pending in committee, that the businesses are trying to operate and the neighbors have legitimate concerns, and that the landowner should be asked to attend the committee meeting to resolve the issue. President Haggerty stated that there are issues with parking at the locus that need to be address relative to all of the uses on the lot. Alderman Mercer-

Bruen stated that the petitioner should approach the landowner about the issue, and that the tenants of the building should work together to get the landowner to assist in resolving the issues. PUBLIC COMMENTS: Cindy Nickerson, 31 Nashua Street stated that she is concerned because the property does not appear large enough to accommodate a tractor trailer and a box truck, that there have to be size and number of vehicle restrictions as well as hours of operation restrictions, that this is an industrial building but it is located in a residential area, that there are public safety issues at the locus, that there is a railroad track running past the rear of the locus, and that she is not in favor of the petitioner. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 7, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Madison Woburn Holdings LLC, 20 Park Place Plaza, Suite 433, Boston, Massachusetts 02116 for special permits and site plan approval to amend the Landowner's Decision and Notice of Special Permit dated August 11, 2015 pursuant to 1985 Woburn Zoning Ordinances, as amended, to allow for construction of a fast food restaurant 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 8.7.6 to allow for a reduction in off street loading requirements; 4. Site Plan Approval pursuant to Section 12.2.1 and Section 12.3.2 to allow for a fast food restaurant; and 5. Site Plan Approval pursuant to Section 12.2.4 and Section 12.3.2 to allow for construction in excess of 15,000 square feet and more than 100 parking spaces, at 369 Washington Street. PUBLIC HEARING OPENED. A communication dated May 2, 2016 was received from Planning Director Tina P. Cassidy as follows:

Re: Planning Department comments on special permit application for "Woburn Landing" at 369 Washington Street/Madison Properties

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition which seeks the following special permits to allow for the construction of a 250-room hotel, two full-service restaurants totaling 13,830 sq. ft., and a 4,876 sq. ft. fast food restaurant on this 12^{+/-} acre site:

- Section 5.1.20a (Mixed Use Hotel/Restaurant use)
- Section 5.1.29 and Section 11.6.10 (Fast Food restaurant use with a drive-up customer service facility)
- Section 8.7.6 (reduction of off-street loading requirements)
- Sections 12.2.1 and 12.3.2 (site plan review for fast food restaurant)
- Sections 12.2.4 and 12.3.2 (to permit construction of more than 15,000 sq. ft. of gross floor area and more than 100 parking spaces)

The Planning Department recommends the City Council consider the following issues/comments as it reviews this application:

1. The total floor area of full-service restaurants on the site has increased nominally, from 13,771 sq. ft. to 13,830 sq. ft. One decreased in size from 7,943 sq. ft. to 5,820 sq. ft., but the other increased from 5,828 sq. ft. to 8,010 sq. ft.

Both of the full-service restaurants were slated to have interior trash collection but both are now proposed to have exterior Dumpster areas. Additional details about both enclosures should be provided to ensure they are opaque.

2. The size of the hotel appears to have changed dramatically, though the number of rooms curiously remains the same (250). The building was originally proposed to be 158,125 sq. ft. but the plans indicate the building has been reduced to 28,628 sq. ft. in size. There is now no mention of a “dual brand” hotel.
3. Several parking areas have been slightly modified. The plan purports to provide a total of 526 spaces where 482 are required; Planning counted a total of 530 parking spaces. The Department recommends the applicant double-check the parking calculations and that the Inspectional Services Director be asked to confirm conformance with zoning.
4. Tower Park Drive is not a public way. The plan sheets should be revised accordingly.
5. A “future Dumpster area” is noted along the northern property line. It would appear to be the proposed refuse collection area for the proposed Chick-fil-A restaurant. If so, it should be relabeled for accuracy – it will be “current”, not “future”. Details regarding the enclosure should be provided so it can be confirmed that the enclosure will be opaque. Details regarding the gates should be provided so the Council can confirm they will not interfere with the path of vehicular travel when unsecured.
6. Section 8.7.1.1. of the Zoning Ordinance requires that the hotel have three (3) loading bays. The applicant is requesting a special permit to reduce the loading requirements but it is not clear whether the request is for total or partial relief from the requirement. One of the proposed snow storage areas would seem to preclude use of the rear façade for deliveries. Specifics should be ascertained and the plans revised if/as appropriate. On a related note, the Council may want to consider limiting deliveries made via the hotel’s main entrance to “in-hand” deliveries such as newspapers and small parcels/express mail.
7. The two drive-through lanes for the fast food restaurant do not meet the minimum stacking (lane capacity) requirements of Section 11.6.10.b. of the Zoning Ordinance. Specifically:

- Both drive-through lanes must have at least eight (8) stacking spaces before the respective order board and both lanes only have seven (7);
- Both drive-through lanes must have at least four (4) stacking spaces between the order board and the transaction window; only one of the two lanes is so equipped.

Additional information is needed relative to the drive-through facility. Is there one transaction window (pay and pick-up) or will there be two (a pay window and a separate pic-up window)? Once this information is obtained a final redesign of the drive-through facility and check for zoning conformance will be required.

8. A proposed “40 s.f. Pylon sign” is shown along the lot’s frontage. The location is both within the 25’ front setback requirement and within the mandated 70’ buffer from a residential zoning district. The Director of Inspectional Services should be consulted to determine if this sign location meets the requirements of the zoning ordinance.

It would be appropriate to add two sign-related notations to the Plan of Record: (a) any signage must be approved via separate application to the Director of Inspectional Services and/or the appropriate municipal authority (e.g. City Council) and (b) all signage must comply with all requirements of Section 13 of the Woburn Zoning Ordinance.

9. No plantings or other landscape features should interfere with the visibility of motorists entering, exiting, or crossing the site.

Thank you for the opportunity to comment on this application. Please feel free to contact me at (781) 897-5818 if you have any questions regarding this correspondence.

Respectfully, s/Tina P. Cassidy, Director

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that on July 14, 2016 a special permit was granted for this property to the petitioner, that the locus is located in the O-P zoning district, that a special permit is required for a mixed use restaurant/hotel use, that the locus contains 11.93 acres of land, that this is a mixed use development, that there will be a limited use hotel, two full service restaurants including a Red Robin and a fast food restaurant, that the hotel will be a dual brand hotel of the Hilton brand, that there has been significant grading and stormwater management at the site, that this site was formerly owned by W.R. Grace & Co., that the locus was part of the Superfund site, that all Superfund issues have been addressed, that the project eliminates the stigma of the W.R. Grace & Co. association with the property, that the project provides construction jobs, permanent jobs and roadway improvements, that the property will generate in excess of \$1,000,000.00 in taxes and fees paid to the city annually, that the uses will have less impact than other possible uses of the site, that the petitioner submitted a traffic plan to MassDOT and received a letter from the Secretary of MassDOT stating that the plan was adequate, that this is a MassDOT roadway, that ther

Phase II traffic improvements will cost approximately \$1,500,000.00, and that the environmental issues have been remediated to Environmental Protection Agency (EPA) requirements by W.R. Grace & Co. Attorney Tarby offered a document entitled "Phase I Improvement Plan" and a copy of a letter dated May 3, 2016 from Timothy J. Williams, PE, Allen & Major Associates, Inc. to Planning Director Tina Cassidy 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. Tim Williams, Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that two restaurants and a dual brand hotel have previously been approved for the locus, that the square foot sizes of the restaurants were placeholders in anticipation of tenant needs, that the site has been under construction for eight months, that a binder course has been installed on the roadways, that sewer, water and gas service has been installed, that the wetland replication has been constructed, that pad sites are being prepared for use by future tenants, that the new fast food restaurant will be a Chick-Fil-A restaurant, that a building permit has been filed for a Red Robin full service restaurant in a 5,280 square foot building, that an 8,000 square foot restaurant pad is being held while another tenant is sought for the space, that the design elements of the fast food restaurant remain the same, that the fast food restaurant will be a 4,800 square feet building with two order boards, on stacking lane to pick up orders at the transaction window and outside seating, that there have been some minor modifications during construction, that 423 parking spaces were required, that with the amendments to the special permit 482 parking spaces will be required, that 530 parking spaces including 18 handicapped accessible parking spaces have been provided, that there is excess parking on the site, that the interior landscaping has been modified to original design when the first petition was filed, that landscaped islands have been created, that utility pole locations will have to be adjusted, that there are fifty more parking spaces than required, that the pavement has been pulled back to eliminate interference with an electrical box, that not much has changed with the plan outside of the parking issues associated with utility poles along Tower Park Drive, that the planting area along Washington Street has a wall, a fence and heavy landscaping across from the residential areas, that the plan has standard prototype restaurant pads when the initial proposal was filed, that the hotel footprint is 28,628 square feet, that overall the hotel is 147,780 square feet in six stories, that there are 530 parking spaces, that Tower Park Drive was laid out as a public way in 1983, that the petitioner is working with the City Solicitor to determine whether Tower Park Drive is a public way or a private way, that the hotel will not have a loading area and a double door on the back of the hotel will function for deliveries, that the fast food order boards have been moved forward to allow for eight stacking spaces, that there is one transaction window and only four stacking spaces are required between the order board and the transaction window, that a separate request for the sign will be presented to the Planning Board and City Council, that the shrubs at the intersections will be less than three feet high to avoid sight distance issues, that the proposed Chick-Fil-A is a prototype layout with one way in, one way out and angle parking, that it is not anticipated that there will be issues with the parking arrangements, that there will be no more issues with one way travel and angle parking than there would be with two travel lanes and 90° parking spaces, that there is not a drastic change in grade between Tower Office Park and the site, that work on Tower Office Drive will be part of the 25% design phase, that three foot trees are at the curb cuts to allow for line of sight at the

intersections, that he can provided additional information as to plantings along other areas of Washington Street, that the Red Robin restaurant has a pending building permit application, that the petitioner is actively working with the architect for the design-build of the hotel which would be the second building started, and that the Chick-Fil-A would likely be the third building as the other restaurant site does not have a proposed tenant yet. Giles Ham, Vanasse & Associates, Inc., 35 New England Business Center Drive, Andover, Massachusetts 01810 stated that there has been a thorough review of the traffic plan by VHB, the city, the Massachusetts Environmental Protection Agency (MEPA), and MassDOT, that there are an estimate \$1,000,000.00 in new traffic improvements, that there will be new sidewalks and a pedestrian signal to cross Washington Street to be installed, that access to the locus will be from Tower Office Drive and a right in/right out entrance on Washington Street, that all traffic signal equipment at six area locations will be upgraded and be more efficient for traffic flow, that a 4,800 square foot fast food restaurant is proposed to be added to the site, that the FEIR certificate issued in May 2015, that it was determined that the traffic plan would more than mitigate traffic impact of the project, that the traffic improvements will add capacity to the intersection, that all roadway widening will be done on the petitioner's side of Washington Street, that a Chick-Fil-A maximizes capacity for the drive-thru use, that there is storage for 23 vehicles in the drive-thru queue which is significant and typical for the Chick-Fil-A set up because they understand their needs, that he visited the Chick-Fil-A in Westborough that has 50,000 vehicles pass by each day which exceeds the Washington Street traffic and there was a maximum queue of fifteen vehicles, that he visited the Chick-Fil-A in Nashua, New Hampshire on a roadway that has 40,000 vehicles pass by each day which is similar to the Washington Street traffic and had a maximum queue of 13 vehicles at any one time, that the Phase I design was submitted to MassDOT, that the full design of traffic improvements will be submitted to MassDOT by the Fall 2016, and that full construction of the project will be completed by 2017. Alderman Mercer-Bruen stated that the Westborough site does not replicate Washington Street with the number of curb cuts, that she is concerned that if the traffic improvements do not work there will be no subsequent solution, that MassDOT is unlikely to make improvements if the traffic modifications do not work, and that she is concerned about the angle parking with the drive-thru component. Alderman Campbell stated that she does not want the plantings to be too small as they will not provide screening for the neighbors, that there should be additional green space on the locus, that there seems to be a lot of paving for four buildings, and that there are fifty excess parking spaces that might be used for more green space. PUBLIC COMMENTS: Michael Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park Drive stated that the taxes and jobs created by the project will be beneficial, the difference in the work between Phase I and Phase II is dramatic, that something has to be done with the traffic in that area, that three buildings have been permitted for the Phase I traffic improvements, that there will be problems with traffic and there will continue to be problems with the traffic, that the Chick-Fil-A restaurant will not clog up traffic any more than the road is clogged today, and that not utilizing the Phase II traffic improvements will not be beneficial to the community. Margie Bose, 70 Pine Street stated that she challenges the VBD statement that the plan addresses related traffic issues, that VHD stated morning peak is 7:45 a.m. however peak vehicles are from 11:00 a.m. to 5:00 p.m. with 2,600 vehicles, that the busiest time for

Chick-Fil-A is 11:30 a.m. to 1:30 p.m., that the MEPA traffic study did not include the narrowing of the bridge and ignored the bottleneck caused to traffic at the bridge, that this is the worst intersection based on MassHighway crash data in that area, that this is a complex area, and that there are no pedestrian solutions. Ms. Bose offered a document entitled "Traffic Study Weaknesses" 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. Nelson Doherty, 11 Carlena Terrace stated that he is concerned with the angle parking that the 28 feet between the angle parking spaces should be wider, and that there should be a dedicated drive-thru travel lane which does not interact with the angle parking. Mr. Doherty offered a document with the date 4-3-2016 relative to the Chick-Fil-A parking 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. John Beauchamp, 224 Washington Street stated that he sent comments by email to the Aldermen today, that MassDOT agreed with the traffic improvements offered with the prior petition, that offsite mitigation is acceptable although he is not saying that the Chick-Fil-A will not cause chaos in the area, that there should be no temporary occupancy permit for the Chick-Fil-A until the turn lane on Washington Street is completed, that a sidewalk needs to be installed on the Madison property side of Washington Street and Tower Park Drive, that the city needs to be thinking about what will also be developed on the former Crest site, that the pedestrian issues must be addressed, that two pedestrians were hit by a vehicle on Washington Street in February 2016, that he wants to see how pedestrians can cross from Olympia Avenue to the Chick-Fil-A restaurant without crossing through a parking lot, that the crosswalk to the dumpster is dangerous, that the Woburn Foreign Motors driveway is important as to its impact on the traffic, that no construction has started at the Woburn Foreign Motors site, that there has to be accommodation for 52-foot delivery trucks to the locus, that there has to be a snow storage plan, that there is no prototype Chick-Fil-A location, that they have an 80,000 square foot building within which they design and test facilities, that some Chick-Fil-A locations have 160 vehicles per hour at peak hour which likely will be exceeded at this location, that the Chick-Fil-A will be a busy restaurant, that the Chick-Fil-A is closed on Sundays, and that the number one concern is that the Chick-Fil-A not be granted a temporary occupancy permit unless all Phase II roadway improvements have been completed. Wayne Newcomb, 386 Washington Street stated that he lives directly across from Tower Office Park, and that greenery and shrubs will not prevent lights from shining on his house. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 21, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Andrew Matrundola and Katherine Matrundola, 19 South Gateway, Winchester, Massachusetts 01890 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.56, Note 15 to construct a four bay garage with door height eight feet six inches at 69 Kilby Street. PUBLIC HEARING OPENED. A communication dated April 25, 2016 was received from Dan Orr, Planner, Woburn Planning Department as follows:

Re: Special Permit application for construction of residential garage to exceed 900 sq. ft. in size at 69 Kilby Street/Andrew and Katherine Matrundola (Owners and Applicants)

Dear Honorable Council:

This office has reviewed the above-referenced petition which seeks authorization for the construction of a 4-bay detached garage at this residential property. The applicants are seeking a special permit in accordance with Section 5.1.56, Note 15, because the sum of the newly-constructed detached garages will total more than 900 sq. ft. and because each of the four (4) bay doors will exceed the maximum of eight (8) feet in height. Each door will be 8'6" tall.

The Department recommends that the City Council consider imposing the following as conditions of approval of this petition:

1. That the Plans of Record shall be 'Plot Plan Proposed Garage 69 Kilby Street, Woburn, Mass.; Scale: 1" = 40'; Prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA (781)-933-9012; and "4 Car Garage for Mr. Andrew Matrundola, 69 Kilby St., Woburn, Mass. [A2]"; Scale of 1/4" = 1'0"; dated 15 January 2016; drawn by Robert M. Connell, Residential Designs, 22 North Street, Wilmington, Mass."
2. No business activity or home occupation shall be conducted in/from the garage; and
3. The applicant shall be required to provide an engineer-certified site plan indicating the heights of the garage doors are no more than 8'6", and that the plans be incorporated into the approved plan set.

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

Respectfully, s/Dan Orr, Planner

A communication dated May 3, 2016 was received from Attorney Robert Tedesco, Tedesco Law Office, P.C., 88 Main Street, Woburn, Massachusetts 01801 as follows:

Re: Petition by Andrew & Katherine Matrundola, 69 Kilby Street – Special Permit Request – 1985 Woburn Zoning Ordinance – Pursuant to Section 5.1.56, Note 15

Dear Attorney Campbell:

Please be advised that I represent the above-referenced Petitioners relative to their request to construct a four bay garage with door height eight feet six inches at 69 Kilby Street. Please be advised that on behalf of the Petitioners, I hereby request that the aforesaid petition scheduled for a public hearing this evening, May 3, 2016 at 7:00 p.m., be given Leave to Withdraw Without Prejudice.

Thanking you in advance for your kind and courteous attention to this matter, and please do not hesitate to contact me should you have any questions regarding this request.

Very truly yours, s/Robert W. Tedesco, Esq.

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

On the petition for the purpose of accepting the relinquishment and revoking the Inflammable License held by Rental Services, Inc., 919 Main Street at the request of licenseholder. PUBLIC HEARING OPENED. No one appeared for the licenseholder. PUBLIC COMMENTS: None. Motion made and 2nd that the INFLAMMABLE LICENSE be REVOKED, all in favor 9-0.

Presented to the Mayor: May 5, 2016

s/Scott D. Galvin May 5, 2016

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$190,000.00 from BLS/Ambulance Receipts Acct to Fire O/T Acct and Fire/16th Man Acct, committee report was received "ought to pass." Motion made and 2nd that COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: May 5, 2016

s/Scott D. Galvin May 5, 2016

PUBLIC SAFETY AND LICENSES:

On the petition by ecoATM, Inc. for renewal of Secondhand Dealers and Secondhand Collectors License, 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 May 5, 2016 and ten days having elapsed without same being approved, said License became effective without his signature on May 17, 2016.

On the petition by Gevorg Melikyan dba Milano Jewelry for renewal of Secondhand Dealers and Secondhand Collectors License, 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 May 5, 2016 and ten days having elapsed without same being approved, said License became effective without his signature on May 17, 2016.

On the petition by Robson L. Dias for renewal of Livery License, 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 May 5, 2016 and ten days having elapsed without same being approved, said License became effective without his signature on May 17, 2016.

ORDINANCE:

On the Order to adopt a resolution regarding the City of Woburn's Hazard Mitigation Plan 2015 Update, 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: May 5, 2016 s/Scott D. Galvin May 5, 2016

NEW PETITIONS:

Petition for transfer of Inflammable License from Blue Hills Fuels, LLC to PMG Northeast, LLC at 328 Montvale Avenue. Motion made and 2nd that the TRANSFER OF THE INFLAMMABLE LICENSE be APPROVED, all in favor, 9-0.

Presented to the Mayor: May 5, 2016 s/Scott D. Galvin May 5, 2016

Petition for transfer of Inflammable License from Bradco Supply Corp. to ABC Supply Co., Inc. at 8 Draper Street. Motion made and 2nd that the TRANSFER OF THE INFLAMMABLE LICENSE be APPROVED, all in favor, 9-0.

Presented to the Mayor: May 5, 2016 s/Scott D. Galvin May 5, 2016

Petition by YMCA of Greater Boston – North Suburban Branch, 137 Lexington Street for a Special Event Permit to allow a road race on Lexington Street, around Horn Pond and on area streets on June 26, 2016. Motion made and 2nd that the SPECIAL EVENT PERMIT be APPROVED, all in favor, 9-0.

Presented to the Mayor: May 5, 2016 s/Scott D. Galvin May 5, 2016

Petition by Social Capital Inc. for a Special Event Permit to allow a summer concert series at Icehouse Park, Horn Pond on June 24, 2016, July 15, 2016, July 29, 2016,

August 5, 2016 and August 19, 2016. Motion made and 2nd that the SPECIAL EVENT PERMIT be APPROVED, all in favor, 9-0.

Presented to the Mayor: May 5, 2016

s/Scott D. Galvin May 5, 2016

Petition by ABCE Taxi of Woburn, 165M New Boston Street for renewal of a Taxi Cab License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Kraft Heinz for relinquishment of Inflammable License to store a maximum of 50,000 gallons of #6 fuel oil in AST container, maximum of 50,000 gallons of diesel fuel in AST container, maximum of 115,000 gallons of grease oil in AST container, maximum of 3,000 gallons of Class A liquid flavoring in drums, maximum of 8,500 gallons of Class B liquid flavoring in drums, and 4,000 gallons of Class C oil and liquid flavoring in drums; maximum quantity of 880 gallons of LP-gas stored in aboveground containers as follows two (2) x 120 gallon stationary tanks, one (1) x 500 gallon stationary tank and, fourteen (14) x 10 gallon forklift tanks at 7 Hill Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by T-Mobile Northeast, LLC, c/o Matt Burke, Tower Resource Management, 15 Commerce Way, Suite B, Norton, Massachusetts 02766 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 80a to allow collocation of antennas and related ancillary equipment on to be built new wireless communications link, including 15 foot by 15 foot lease area inside existing and to be built compound at 10 Presidential Way. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Woburn Toyota, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.71 and 7.3 to allow for a commercial parking lot at (parcels 04-01-01, 04-01-02; 04-01-03; 04-01-04; 03-05-11; 03-05-06; 03-05-05) 1095R Main Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated April 27, 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 April 2016. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated April 25, 2016 was received from Attorney David B. Mack, 1 Van De Graff Drive, Suite 104, Burlington, Massachusetts 01803 relative to the Clapp School building. 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 City Council Regular Meetings scheduled for July 5, 2016 and August 2, 2016 are hereby canceled and that the City Council Regular Meetings scheduled for July 19, 2016 and August 16, 2016 begin at 6:30 p.m.

s/President Haggerty

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

From the Traffic Commission:

ORDERED Blueberry Hill Road – No parking northerly side beginning at a point 100 feet from Fox Road easterly a distance of 78 feet Monday through Friday between the hours of 7:00 a.m. to 5:00 p.m.

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

Presented to the Mayor: May 5, 2016 s/Scott D. Galvin May 5, 2016

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:52 p.m.

A TRUE RECORD ATTEST:

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