

**CITY OF WOBURN
NOVEMBER 15, 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.

Motion made and 2nd to suspend the rules for the purposes of hearing from former Alderman Michael Raymond, all in favor, 9-0. Appearing was Mr. Raymond and he stated that he was speaking on behalf of the Woburn Neighborhood Association, that New England Transrail for the last fourteen years has been trying to open a transrail facility at the former Olin Chemical site, that the site is 32 acres, that one plan was to open a trash transfer station with trash brought in on trains and transported out by trucks, that the latest petition is to have up to six rail cars arriving between 12:00 midnight and 6:00 a.m. and 800 truck trips a day from the site with 400 trucks arriving and 400 trucks departing from the site each day, that the main routes will be from Presidential Way to I-93 or Main Street to I-95, that 30,000 of liquid gas fuel will be transported, that from 12:00 midnight to 6:00 a.m. there will be volatile transport freight train trips each night, that the Surface Transportation Board must take special care in preparing the environmental impact statement, that he suggests the letter be amended to include specific language to make the document part of the record, that he requests the City Council send a letter to the Surface Transportation Board in opposition to the proposal, that there will be over 1,000,000 feet of paved road within the 32 acre site, that a 210,000 square foot warehouse will be built, and a second 60,000 square foot refrigerated warehouse will be constructed. Alderman Gately stated that this proposal will decimate the area with 400 trucks each day going through the area. Motion made and 2nd to take the following resolution out of order, all in favor, 9-0.

RESOLVED Whereas, the Woburn City Council received a communication from Victoria Ruston, Director, Office of Environmental Analysis, requesting scoping comments regarding the proposed trans-rail system to be located at Olin Chemical, 51 Eames Street in Wilmington;

Now, therefore, be it Resolved that the Woburn City Council adopt the attached letter and send this communication to the respective parties:

Danielle Gosselin, Office of Environmental Analysis

US Senator Edward Markey
US Senator Elizabeth Warren
US Representative Katherine Clark
State Senator Ken Donnelly
State Representative James Miceli
State Representative James Dwyer
State Representative Jay Kaufman

s/Alderman Tedesco, Alderman Mercer-Bruen, Alderman Concannon,
President Haggerty

Motion made and 2nd that the Surface Transportation Board Notice dated September 27, 2016 be received and made part of the record, all in favor, 9-0. Alderman Tedesco stated that the proposal brings significant risks to the elementary school students at the Altavesta Elementary School, that there will be a negative impact on the quality of life in that area, that the hours of operation will be contrary to the 7:00 a.m. to 7:00 p.m. restriction in the noise ordinance, and that a complete environmental study and plan for remediation has not been completed for the area. Motion made and 2nd to revise the proposed form of letter to the Surface Transportation Board, all in favor, 9-0. Motion made and 2nd that RESOLVE with the letter to the Surface Transportation Board as amended be ADOPTED, all in favor, 9-0. Motion made and 2nd that a communication be forwarded to His Honor the Mayor asking that the city of Woburn form a coalition with the town of Winchester and the town of Wilmington to oppose the proposed New England Transrail facility, all in favor, 9-0. Motion made and 2nd that a communication be sent to the State delegation and Federal delegation for the city informing them of the opposition of the City Council to the proposed New England Transrail facility, all in favor, 9-0.

Presented to the Mayor October 20, 2016, 2016 and ten days having elapsed without same being approved, said Order became effective without his signature on November 1, 2016.

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of \$125,000.00 be and is hereby transferred as so stated from Sales of Cemetery Lots Acct #391-359000 \$125,000.00 to 375th – 1st and 2nd Burial Grounds Acct #391058-589701 \$125,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor

I hereby approve the above: s/John Sawyer, Cemetery Commission
Chairman

I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Haggerty

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

ORDERED That the City of Woburn appropriates the sum of One Million Three Hundred Thousand Dollars (\$1,300,000) to pay for the costs of acquiring a ladder truck, including the payment of costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

s/President Haggerty

President Haggerty stated that if the Order is not approved by December 1, 2016 the price for the equipment increases 4% to 5%, and that the matter should be tabled to be taken up at a special meeting next week. Motion made and 2nd that the MATTER be LAID ON THE TABLE, all in favor, 9-0.

City of Woburn, Massachusetts supplementing Order regarding the application of bond premium in City Council

ORDERED That each prior loan order of the City that authorizes the borrowing of money to pay costs of capital projects is hereby supplemented to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the City upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

s/Alderman Concannon (per request)

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

PUBLIC HEARINGS:

On the petition by National Grid for a grant of right in a way to install approximately 174 feet of six (6) inch plastic gas main in Dexter Avenue to Baldwin Avenue to private way. PUBLIC HEARING OPENED. A communication dated November 10, 2016 was received from Superintendent of Public Works John Duran as follows:

Subject: National Grid – Dexter Avenue to Baldwin Avenue

I am providing this memorandum pursuant to the request by National Grid for a Grant of Location to allow for the installation of a six inch gas main to service the residential development as shown on their plan. I have evaluated the proposed plan location main as well as the marked out City of Woburn water and sewer mains in the street. The main should be located on the opposite side of the roadway as shown on the plan to avoid interference with the city infrastructure. I recommend that the City Council allow this under the following conditions:

- The main must be installed on the northerly side of the road unless written permission is granted from the DPW Superintendent in a mutually agreed upon location.
- I recommend that the pavement be restored to a minimum of 10 feet in width to the edge of the pavement in a uniform trench at a minimum depth of four inches for a length of approximately two hundred feet.

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Chris Maher and he stated that the petition is for a gas main extension to service new construction, that they are working with the Superintendent of Public Works to coordinate the work, that they understand the work must be in the northerly side of the road, and that they understand the requirement of a minimum patch of 10 feet in width. 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 GRANT OF RIGHT IN A WAY BE APPROVED, AS AMENDED, with the conditions are follows: 1. That the two recommendations of the Superintendent of Public Works be adopted as conditions of the grant of right in a way, all in favor, 9-0.

Presented to the Mayor: November 18, 2016 s/Scott D. Galvin November 18, 2016

On the petition by City of Woburn, 10 Common Street, Woburn, Massachusetts 01801 for a special permit pursuant to the 1985 Woburn Zoning Ordinances, as amended Section 15.6.C.i to allow construction of a 15,000 square foot addition to the existing public library and a 49,000 square foot municipal parking lot with the Groundwater Protection District, at 45 Pleasant Street. PUBLIC HEARING OPENED. A

communication dated November 10, 2016 was received from Planning Director Tina Cassidy as follows:

Re: Special Permit application for 45 Pleasant Street/City of Woburn

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition which seeks permission in accordance with Sections 15.6.C.i (Groundwater Protection District) of the Woburn Zoning Ordinance (WZO), to construct a 15,000-square foot addition to the City's existing public library and to construct a 49,000-square foot municipal parking lot in the Groundwater Protection District. The property is classified as an S-1 (Mixed-use)/R-2 (Residential) zoning district.

Planning staff contacted City Engineer, Jay Corey, to receive additional information regarding the path of the water infiltration and the location of its disbursement. Mr. Corey has confirmed that standard levels of stormwater will be dispersed within the Groundwater Protection District and that only an overflow line is directed to an adjacent wetland outside of the district. In addition, Mr. Corey stated that final designs are forthcoming, so further questions may arise at the Council's November 15th meeting which he can answer at that time.

If the City Council chooses to grant the Special Permit, the Planning Department recommends imposing the following as conditions of the Special Permit:

1. The Plan of Record shall be, "Figures 1-3 of Woburn, Massachusetts, prepared by the City of Woburn Engineering Department, 10 Common Street, Woburn, MA 01801; [Scale]; Figure 1 [Title], dated January 1, 2014; Figure 2, Groundwater Protection Map, dated January 1, 2014; Figure 3, Tributary Area Map Located at Woburn Public Library, dated September 28, 2016."

Please do not hesitate to contact me if you have any questions.

Respectfully, s/Tina Cassidy, Planning Director

Appearing for the petitioner was City Engineer John Corey and he stated that the petition relates to the library edition and a municipal parking lot, that the work will be in the groundwater protection district, that the purpose of the groundwater protection district is to recharge water, that infiltration systems will be provided, that the infiltration system will return the water to the aquifer, that the final design has not been completed, that approval of the plan by the Conservation Commission will be needed because the work will be within 100 feet of a resource area, that additional soil data is needed to complete the final design, that there will be no increase in runoff, that there will be an increase in impervious surface but not an increase in runoff, and that a submission of the final design will be made to the Conservation Commission in two weeks which can also be submitted to the City Council. PUBLIC COMMENTS: None. Alderman Anderson stated that the

matter should not be rushed, and that the matter can be tabled until the final design report is received. Alderman Gately stated that the public hearing can be closed and have the special permit issue when the final design report is received. City Engineer Corey stated that waiting two weeks will not cause any issues. Motion made and 2nd that the MATTER be LAID ON THE TABLE UNTIL THE MEETING OF DECEMBER 6, 2016, all in favor, 9-0.

On the petition by All-Tex Inc. dba Inline Distributing Co., 14093 Balboa Boulevard, Sylmar, California 91342 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.42, 5.1.57b, 7.3 and 9 to allow for a wholesale establishment, warehouse and distribution center, overnight parking of commercial motor vehicles and for the continued use of the nonconforming parking and loading docks, at 23 Normac Road. PUBLIC HEARING OPENED. A communication dated November 10, 2016 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Special Permit application for 23 Normac Road/All-Tex (d/b/a Inline Distributing Co.)

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition which seeks permission in accordance with Sections 5.1. (42), 5.1 (57b), 7.3 and 9 of the Woburn Zoning Ordinance (WZO), for the extension and alteration of a non-conforming structure/use and the overnight parking of commercial vehicles. The proposed use of the property is as a warehouse and distribution center for a wholesale establishment (Section 5.1. (42)). The use would include the overnight parking of commercial vehicles (Section 5.1[57b]); and would require special permits to allow the use of non-conforming parking conditions that were created prior to the current zoning regulations and loading docks which partially front on Normac Road (Section 7.3); and because the property is in a Floodway and Flood Plain District.

The property is located in an Industrial Park (IP) zoning district and within a Flood Plain district as noted above. The property appears to meet lot size, frontage, setbacks and height limitations of zoning but it is unknown whether the parcel meets the 30% minimum landscaped usable open space requirement.

The Aberjona River runs through the property, and a large portion of the site and the existing building are within a FEMA designated flood zone. In addition, a small portion of the site (at the southerly property line) contains wetlands, according to state Department of Environmental Protection mapping. However, as exterior modifications are limited to new pavement markings, current environmental conditions will not be apparently impacted by the proposed plan. The application indicates interior modifications will be limited to upgrading the office and warehousing space.

The Planning Department has several questions and observations relative to this proposal:

1. The petition indicates the property would be used and occupied by Inline Distribution Company, but the application contains no details about the company or its proposed use of the site. A warehouse and distribution center is in fact permitted in the I-P Zoning District but only if it is associated with a wholesale establishment. Is the petitioner a wholesaler? In order to authorize the continued use of this non-conforming property by the proposed use, the City Council must find, in accordance with Section 7.3, that “...such change, extension or alteration shall not be substantially more detrimental than the existing non-conforming use to the neighborhood.” No information has been provided in the application to support the notion that the proposed use is not substantially more detrimental than the one that previously occupied it. Will the petitioner have more or less employees on site (by the way, there is a discrepancy between the number of proposed employees reported in the Development Impact Statement and the number listed in the parking table on the plan)? More or less truck traffic? More or less hours of operation per day? Generate more or less noise, odor, or negative visual effects?
2. The applicant has requested a Special Permit to store three (3) box trucks on site. However, there does not appear to be sufficient parking on site to accommodate the request. The zoning ordinance requires a total of 23 parking spaces for the proposed office and warehouse uses in the building. An additional six (6) spaces would be needed to account for the on-site storage of the three (3) box trucks and the three (3) associated employee vehicles. The total spaces needed on site then for this use is twenty-nine (29), and the site only has sixteen (16) spaces.
3. The proposed plans do not depict proposed areas on site for snow storage. Given the site’s relative environmental sensitivity, Planning staff recommends the applicant be required to propose them for review and evaluation.

If the City Council determines the proposed use is allowed by zoning and if it chooses to grant the special permit, the Planning Department recommends imposing the following as conditions:

1. All vehicles that will be parked on site overnight must be registered in the City of Woburn;
2. The Special Permit shall be issued to Inline Distribution Co. only and shall not be transferrable; and
3. The Plan of Record shall be, “Plan of Land, Existing Conditions Plan Located in 23 Normac Road, Woburn, MA; Prepared by Vineyard Engineering & Environmental Services, Inc., 400 West Cummings Park, Suite 4800, Woburn, MA 01801; Scale: 1”=40’; Date: September 28, 2016.”

Please do not hesitate to contact me if you have any questions.

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

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 the property is nonconforming because the parking requirements for warehouses was added in the 1985 zoning ordinances, that the building was originally built and used as a warehouse in the late 1960s, that there was no requirement for parking at that time in the zoning code, that the property is located in the I-P zoning district, that a special permit is required for the use, that there is a 17,000 square foot building located on 98,974 square feet of land, that Kamco Building Supply and other similar warehouse and distribution operations were located at the locus for many years, that the petitioner is the largest single source supplier of environmental remediation protective equipment, that there will be one tractor trailer delivery to the locus each week, that between 6:00 a.m. and 10:00 a.m. the first deliveries will be made with the two box trucks, that the petitioner will be starting with two box trucks but hopes to add a third box truck within the next few months, that the box trucks will return to the facility by 2:00 p.m., that there will be three to five employees including the drivers, that the hours of operation will be 6:00 a.m. to 6:00 p.m. Monday through Friday with no hours of operation on Saturday and Sunday, that the petitioner has no issues with the Planning Department recommendations, that the use is not nonconforming, that only the parking and the loading docks partially fronting on Normac Road are nonconforming, that there are sixteen parking spaces, that three of the parking spaces will be used by the box trucks, that within the 17,000 square foot building will be an office area and the remainder used for storage, that there will be a maximum of six employees, that the parking calculation is more conservative than the development impact statement, that there will be no retail sales from the site, and that the petitioner would not object to a condition restricting retail sales. Steve Fleming ??? said that 23 parking spaces are required by the ordinance as well as three overnight parking spaces for the box trucks, and that there are sixteen parking spaces on site without tandem parking are taking snow storage into consideration. Alderman Gately stated that there are no residences nearby, that the locus is adjacent to a railroad track, that he has not issue with the proposal, and the proposal will have a low impact on traffic. Alderman Concannon stated that to continue the nonconforming use the City Council must make findings that the proposed use is not more detrimental than the current use. 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. That the three recommendations of the Planning Department be adopted, as amended, as conditions of the special permit, 2. That the hours of operation shall be Monday through Friday between 6:00 a.m. and 6:00 p.m., 3. That no retail sales shall be permitted on site, and 4. That Planning Board recommendation number 1 be amended to read as follows: "All vehicles, up to three (3) vehicles, that will be parked on site overnight must be registered in the City of Woburn", all in favor, 9-0.

On the petition by Seaver Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.3c, 5.1 Note 20, 11.3.2, 14, and Site Plan Approval pursuant to Sections 12.2.2 and 12.3.2 to allow for one hundred eighteen (118) residential townhouse units at 285, 287 and 299 Lexington Street. PUBLIC HEARING OPENED. A communication dated November 8, 2016 was received from

Re: Proposed townhouse development at 215 Lexington Street/Seaver Properties LLC

Dear Members of the Council:

The Planning Department has reviewed the above-referenced application dated September 29, 2016 which seeks special permits under Sections 5.1.3(c) [townhouse development], 5.1 Note 20 [townhouse developments in R-1 and R-2 Districts), 11.3.2. [procedures for Special Permits], 14 [townhouse development in Residential Districts R-1 and R-2], 12.2.2. [site plan review for townhouses] and 12.3.2 [City Council special permit and site plan review authority] for construction of 118 townhomes on roughly 50 acres on Lexington Street.

The Department also attended an October 31, 2016 meeting of City Hall departments held at the applicant's request for the purposes of reviewing the special permit plan, and obtained follow-up comments from those same departments after the meeting.

ZONING ISSUES

As currently drawn the plan would require relief from a number of zoning provisions:

1. Section 14.4.4 of the Zoning Ordinance requires that *"Any part of the developed tract that abuts the open space tract shall be subject to a minimum of a 25 foot setback."* The plan violates the 25' setback provision in multiple places so the open space parcel will need to be redrawn and the open space area recalculated (must be at least 50% of the parcel's area).
2. The Inspectional Services Director has determined that as presently designed, the proposed open space parcel does not meet the definition of OPEN SPACE by virtue of the nature and amount of work proposed to take place within the boundaries of the open space parcel.
3. The proposed plan shows a total of four (4) driveways servicing the proposed townhouse development; a maximum of two (2) driveways is permitted for residential uses according to the Director of Inspectional Services.
4. A corner of unit #54 is within the 75' front setback requirement applicable to townhouse developments (Table of Dimensional Regulations Section 6.1) and will need zoning relief unless it is relocated.
5. Relief from the 75' front setback requirement applicable to townhouse developments will also be needed if the existing farmhouse is to be part of the townhouse development. The structure is currently a conforming structure in the R-1 district but will become non-conforming if included in the townhouse special permit application.

6. The width of one of the proposed Lexington Street intersections (the “boulevard” design) exceeds the maximum allowed residential driveway width of 24’. The recently-enacted zoning change authorizing special permits for wider driveways for multi-family dwellings could address this issue but probably not unless the application is withdrawn and resubmitted. (The recently-enacted change was not yet in effect on the day the special permit application was filed with the City Clerk’s office; the City Solicitor has not been consulted on this point). In the event the “boulevard” driveway design is approved, appropriate signage and pavement markings are needed to ensure motorists’ understanding of the “one way in, one way out” design.

The applicant was informed of these zoning-related issues at the department review meeting and is working to minimize or eliminate them. It should be noted that Section 11.3.1. of the Zoning Ordinance states that no special permit application “...*shall be accepted or considered complete that does not have any necessary variances required from the Board of Appeals...*” (or, in the event of a dispute as to whether a variance is needed, resolution of the dispute by the Board of Appeals). This application will therefore need to be reworked, resubmitted and/or zoning relief obtained before the application can proceed.

ISSUES RELATED TO OPEN SPACE PARCEL

- The application mentions the value of the open space parcel is in part due to public use of the existing informal trails across the site and the gravel drives/paths within the NStar easement. None of the existing trail network is shown on the plan and there is no proposal to create a trail to the open space parcel. Moreover, there is no indication that the public is or will be permitted to legally use the area within the NStar easement for recreational activities such as hiking and biking. Does the public have the legal right to access the land under the NStar easement today and use its roads and paths? Will the public have access to these areas/facilities after construction of the townhomes?
- The application notes the existence of abandoned vehicles and other farm equipment within the proposed open space parcel. The developer should be required to remove these objects as soon as possible but in any event before deeding the open space parcel to the City if the project is approved.

DESIGN ISSUES

The applicant relied in large measure on the City’s Geographic Information System (GIS) for property boundary line information which is unacceptable. The entire property must be surveyed by a Registered Land Surveyor and the applicant should be required to incorporate the survey information/plan into the application. This information will be particularly important in order to protect the integrity of a City-owned sewer main along the western property line and to ensure proper infiltration of runoff toward abutting lots.

- 5" vertical granite curbing is proposed only at the locations where the project's interior roadways will intersect with Lexington Street. Limited amounts of sloped granite curbing are proposed inside the development, but the majority of the site's interior roadways are proposed to have no curbing at all. 6" vertical curbing should be required throughout the development.
- At least one turnaround does not meet minimum truck turning radii for some of the Fire Department's equipment and at least two of the interior roads exceed 150' in length and do not have turnaround provisions. Adequate turnarounds must be provided in all instances. Further, all interior roadways must have corner radii that accommodate the Fire Department's largest vehicle. Lastly, the Fire Department is reviewing the "boulevard" design of one of the project's intersections with Lexington Street, as well as other aspects of the roadway layouts to ensure adequate access to all parts of the development by emergency equipment.
- A number of the proposed interior roadways (those servicing units #31 & 32, #27-29, #94-96, #98-101, and at #66) do not meet the mandatory minimum aisle width of 20' for fire department access roads as required by 527 CMR 1.00 (18.2.3.4.1.1.). They must be redesigned to meet this criterion. Additionally, the dimensions of all interior roadways should be noted directly on the plans.
- Sidewalk handicap ramps should be required at each roadway and walkway crossing, not just at the intersections with Lexington Street.
- If trees are being planted in the grass strips, the grass strips should be at least 6' wide. Otherwise, trees should be planted 5'-10' behind the sidewalk or curb.
- The developer should be required to install a concrete sidewalk meeting Woburn Department of Public Works and MassDOT specifications along Lexington Street for the length of his project's frontage, as Murray Hills was required to do for the other half of Shannon Farm across the street. In addition, strategically-placed handicap ramps and crosswalks on and across Lexington Street should be installed to provide contiguous ADA-compliant access to the new sidewalks on the other side of Lexington Street being constructed by Murray Hills.
- Consider making the traffic pattern one-way into and out of the clubhouse and at units #89-107. This would compensate for the fact that the interior roadways in these locations are less than 24' in width, which is the recognized minimum standard for safe two-way vehicular travel.
- Although locations of street lights are shown on the plans, no other details about the site lighting were included in the application. Also, lighting in several areas (near units #108-#117 for example) appears inadequate.
- Consider whether "dead-end" signs should be added to the entrances to the interior roadways servicing units #108-117 and #18-25 given the roadways' relative length.
- The Public Works, Engineering and Fire Departments have outlined numerous technical changes that must be made to the proposed utility system designs, including placement of
- fire hydrants every 500' on every interior roadway. The applicant is working to incorporate those requirements into the application/plans.

OTHER COMMENTS

- The Development Impact Statement submitted with the application contains no information on or assessment of traffic impacts as required by Section 18.5.1, nor does it contain a detailed assessment of the project's impact on utilities as required by Section 18.5.2. The developer has engaged a traffic engineering firm to perform the traffic study and work in that regard is on-going.
- The applicant has not conducted any flow tests to determine whether there is adequate water pressure for domestic service and firefighting capability. Testing (with positive outcomes) must be done, and results/analyses included in the Development Impact Statement.
- No details or specifications regarding the proposed landscaping, trees or building facades have been included in the application.
- Snow storage areas have not been shown on the plan. They should be added, and if the project is approved, a copy of the snow storage plans should be required to be filed with the Inspectional Services Department.
- How will trash be collected from units in this project? If not weekly curbside from each unit, what provisions have been made for outside storage and collection?
- The interior roadways in this project should be assigned names. A system that relies solely on unit numbers is difficult for emergency responders and should be avoided. Further, the applicant should be required to propose street names now, for review and approval by the Police and Fire Departments prior to any approval of the project.
- Twelve (12) units of the 118 units will have to be affordable housing units in accordance with Section 11.11 of the Zoning Ordinance.

In closing, please note several departments requested additional information from the developer including a plan showing the utility system designs in a more overall fashion (versus showing all utility systems on a series of six to seven separate sheets). When provided, that additional information may elicit more comments and feedback beyond those provided here.

Please feel free to contact me if you have any questions about these comments.

Respectfully, s/Tina P. Cassidy, Planning Board Director

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 the property is located in the R-1 zoning district, that the use requires a special permit, that half of the property will be conveyed to the city for passive recreation use, that the development will be known as the Village at Shannon Farm, that this will be an active adult community with no impact on the school system, that the open space will be 23 acres in area, that there will be a public parking lot to access the open space, that there will be stone walls and decorative fencing along Lexington Street, that these will be high end living units, that the interior roadway system will not be maintained by the city, that there will be units with single and double garages, that the current farmhouse will be incorporated in the development as a living unit, that there will be an increase in tax revenue without the impact of other developments, that there can be 65 single family

house lots, that a single family development will have thirteen lots with thirteen curb cuts on Lexington Street, that there will be twelve affordable units in the development but no affordable units with a single family development, that there will be a clubhouse on site, that access will be from Lexington Street onto Shannon Farm, and that nothing prevents use of the easement area. Attorney Tarby offered a document entitled "Presentation to City of Woburn Re: The Village at Shannon Farm November 15, 2016", a document entitled "The Village at Shannon Farm" and a document entitled "Study Area" 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. Mark Sleger, Alan Engineering LLC, 288 Littleton Road, Suite 32, Westford, Massachusetts 01886 stated that the parcel is located on the north side of Lexington Street, that the Shaker Glen Brook runs to the north of the lot, that the property is located in the R-1 zoning district, that the lot 47.49 acres in area, that there are 2,700 linear feet of frontage on Lexington Street, that there are ten driveways, that there are three development options for the parcel, that there can be 65 single family lots on the parcel with thirteen lots along Lexington Street with thirteen curb cuts with two street openings for a total of fifteen street openings along Lexington Street, that there would be no open space conveyed to the city and more children in the school system, that the second option is a townhouse development with 50% open space conveyed to the city and fewer children residing in the townhouses, that the third option is a M.G.L. Chapter 40B development of 350 to 800 units depending on the style of development, that the petitioner proposes to construct 118 units of townhouse dwellings, that there will be 117 new construction units and the farmhouse will be preserved as the 118th unit, that there will be 30% three bedroom units and 70% two bedroom units, that the 65 single family buildings will have four bedrooms each, that the petitioner will convey 24 acres of open space to the city, that the open space will be a buffer around the abutting residences, that there will be three new driveways and the elimination of some of the current driveways, that there will be a reduction to four curb cuts from ten curb cuts, that there will be a parking space ratio of 3.2 parking spaces per unit, that no pump station will be required as this will be all gravity flow sewer into the system, that there will be city water to the site, that there will be all underground utilities with no overhead wires or utility poles, that there will be natural gas service to the units, that all stormwater will be managed on site, that there is currently over capacity runoff from the farm which will be reduced by swales, a retention basin and an infiltration system, that there will be a small gravel parking area for public parking, that the clubhouse will be located at the main entrance to the site, that there will be 24 foot wide main roads and 20 foot wide side roads throughout the development, that the width of some roads was increased from 16 feet to 20 feet at the request of the Fire Department, that blasting was a neighborhood concern, that the project will require some blasting on site but this will be kept to a minimum due to the expense, that there is a plan of record of the full parcel on file at the Middlesex South District Registry of Deeds, that a boundary survey has been completed and all appropriate tie-ins were made, that GIS was used to locate the Shaker Glen Brook, some abutting properties and other features, and trash collection will be weekly curbside by the city. Gary Snider AIA, BSB Design, stated that the proposal is for a low density multifamily development, that the master bedrooms will be located on the first floor for active adults, that there will be fewer school age children and fewer cars per household, that there will be enhanced landscaping on Lexington Street, that the project will be more upscale than the typical

townhouse development, that this is an empty nester development, that people who purchase a unit in this development will be people who want to stay in the community and have a connection to the community, that a single family development would have a curb cut every 75 feet, that there will be a few heavily landscaped entry points to the development, that the townhouses will be in the background, that generally a third bedroom becomes a use other than a bedroom, that the petitioner is looking at a possible farmhouse look or more formal look for the exterior architecture, that the clubhouse establishes the character of the development, that buyers want more rooms, that buyers of three bedroom units will have two bedrooms and a flex room or a den in the third bedroom, and that the layout of the units does not lend itself to a growing family. Mary Trudeau, stated that she is an environmental consultant, that the Shaker Glen Brook is a perennial stream meaning it flows except during severe drought, that there are wetland areas and hard wood forests, that the environment is conducive to wildlife, that a long utility easement has been managed by the utility company to keep vegetation down, that there are low shrubs, small trees and invasive plant growth in the area of the utility easement, that a grassland has been created by the mowing, that the proximity to the Shaker Glen conservation land is beneficial, that there will be a 27 acre linear park with paths along the brook, that the terrain looks like southern New Hampshire, that the terrain is a somewhat difficult climb, that adding 24 acres to the 27 acres is a much larger holding with perennial water and habitat for wildlife as well as protection of water supplies, that there is a .86 mile trail in Shaker Glen which could be doubled, that there are currently two parking spaces available for that area, that the area could be used as a mountain biking area, that the city would have to decide whether mowing of the area continues, that mowing will keep the area viable for nesting birds, and that not mowing will lead to a shrubbed area. Ken Cram, Bayside Engineering, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 stated that he is a registered professional traffic engineer, that they met with the City Engineer regarding the project, that they looked at three intersections including the Four Corners intersection, that they looked at Samoset Street, Grace Road and Maura Drive, that they took traffic counts with tubes in October 2016, that they also used video capture calculations, that 9,000 vehicles pass the area each day, that sometimes this level is higher as the roadway is used as a cut through when there is an issue on Route I-95/128, that the speed limit is 35 m.p.h., that the average speed of vehicles is 38 to 40 m.p.h. with the 85th percentile at 42 m.p.h., that crash analysis was conducted according to Registry of Motor Vehicle records, that there are few vehicle crashes in the area, that the majority of vehicle crashes are at the Lexington Street/Cambridge Road intersection, that they looked at a seven year timeline as to projects that could come on line or are in process of approval or construction, that Winning Farm, Shannon Farm across the roadway and a 51 unit apartment complex on Woburn Street in Lexington which is a continuation of Lexington Street were all included, that a trip generation manual was used when making calculations, that there will be 742 daily vehicle trips at the site, that there will be 371 vehicles entering and exiting the site on a daily basis, that there will be 59 vehicle trips during the morning peak hour and 69 vehicle trips during the evening peak hour, that 38% of the traffic will travel on Lexington Street towards Lexington, 24% towards Woburn Center on Lexington Street, 19% towards Route I-95/128 on Cambridge Road and 19% Winchester by way of Cambridge Road and 19%, that Gridsmart will be installed on Lexington Street

at Cambridge Road and Russell Street at Cambridge Road, that they were not asked by the City Engineer to analyze Waltham Street, that no public transportation is operated on Lexington Street by the MBTA, that there is an MBTA bus three-quarters of a mile away from the locus on Russell Street and Cambridge Road, that they recommend bicycle facilities be incorporated into the design, that they would work through Woburn with MassDOT to add the Gridsmart systems, that the line of sight has been calculated based on accepted sources, that the fences and walls could work as they would be set back from the street, and that an active adult development contemplates over 55 years and empty nesters. Scott Seaver, Seaver Properties LLC stated that there will be 85 feet before any structures are built so fences could be set back twenty feet to eliminate line of sight issues, that he wants to offers buyers a wide variety of bedroom options, that the Newbridge development has three bedroom units and out of 91 units there are three children residing in the development, that the Salem Place development is similar in the number of children, that it is unlikely that there would be a growing family in this type of development, that Newbridge has 91 units located on seven acres of land, that he does not plan to restrict the development to over 55 residents, that NStar has a process that has to run concurrently with the special permit, that NStar will not commit verbally, that activity must cross with the rows and have no height issues, and that the way the project is laid out seems to meet the NStar requirements. Alderman Gately stated that there are line of sight issues on Lexington Street near Grace Road, that there will be children residents in the development, that he is in favor of single family homes, that the proposal is a huge development that is not appropriate for the site, that there are wetland issues, that there are available spaces in the schools for new students, that there are other large developments in the area, that drainage, water and the utility easement restrictions are concerns, that there are units that can only accessed through the proposed open space area, that there will have to be a connection to Glade Street, that water issues are a concern, and that the locus is not the right location for these type of units and that many units. Alderman Concannon stated that the fences and walls along the roadway may cause line of sight issues, that the petition is trying to take advantage of a law in the city, that if the proposal meets the requirements under the law then the burden is on the city to show the project is not beneficial to the city, and that the zoning code contemplates this type of development with the tradeoff of additional open space. President Haggerty stated that in his opinion the city would not accept any mitigation funds but would require the work to be completed by the petitioner, that 65 new single family homes may result in 100 new students in the Reeves School, that the school is near capacity, that he is concerned that 30% of the units will be three bedroom, and that he would like to know the number of units, bedrooms and children residing at Quail Run. Alderman Higgins stated that having so many three bedroom units can result in more school age residents at the development, that she wants a reduction in the number of three bedroom units to avoid this issue, that if the project does not meet the requirements of the zoning ordinances then the proposal should not be approved, that she is concerned that the land to be conveyed to the city does not qualify as open space, that she would need something more certain and in writing from NStar regarding the use of the easement area, that if there is no open space then the project cannot go forward, that a number of the issues raised by the Planning Board should have been addressed before the coming to the public hearing, that when the city was looking to establishing a zoning amendment for a cemetery use NStar said that

such a use would not be allowed in the easement area, and that Waltham Street should have been included in the traffic study. Alderman Anderson stated that R-1 is supposed to be single family uses, that he does not have an issued with children residing in the city, that whether the development is an apartment or not there will be children residing in the development, that there is a glut of apartments coming on line, that there will be 260 bedrooms in the 118 units, that it is unlikely that single family lots under the utility easement will be marketable, that he wants to know if there is any available study of the number of children based on housing style, that the proposed open space is located under a utility easement, that there are required setbacks from the water ways, that Waltham Street should have been included in the traffic study, and that he is not sure that the city wants open space that is subject an easement as it is not in the spirit of the ordinance. Alderman Mercer-Bruen stated that she prefers a single family home development, and that she is not sold on the proposal. PUBLIC COMMENTS: Charles Viola, 2 Morningside Circle stated that he is against the size and scope of the proposed development, that there will be an increase in water usage and on the Dix Road pumping station, that the development will tax the heavily used water system, that there has been on environmental study to determine the quality of the soil, that there is not enough information on blasting, that the proposed traffic signal changes will not improve the Four Corners intersection, that the type of mitigation is unknown, that the number of units should be reduced from 118 to 65, that the city should buy the property if it goes back on the market, and that the open space under the high tension wires has no benefit. Joan Byington, 36 Dix Road Extension stated that there will 1,600 additional cars on the road with the Shannon Farm, Lexington Commons, Winning Farm, 425 Lexington Street and two Winchester developments in this area, that the Four Corner intersection cannot accommodate this much traffic, that the open space is only useful if the land can be used, that the open space begin offered to the city has no useful purpose, that the city will get something for nothing in terms of the open space but it is property that the petitioner cannot build on, that the percentage of land the city receives should be useful, that the Dix Road pumping station was just improved, that she is concerned that this development will impact the Dix Road pumping station, that the proposal is out of character for this area of town, that the proposed project is too dense, that Woburn is becoming a graying community, and that there is nothing wrong with bringing in more families. John Burke, 45 Dix Road Extension stated that 65 units would require a clear cut of the property, that the power lines are a concern, that 65 or less townhouses would be more appropriate with lese impact on the community and a better construction expense, and that there is no difference between single family homes and townhouses impact on the schools. Alison Cherbeski, 3 Maura Drive stated that there has been flooding in the area from the brook. Mike Ventresca, 42 Dix Road Extension stated that he is on the Planning Board but will recuse himself from participating in this matter if it comes before the Planning Board, that the land given to the city should have value, that the land proposed to be given to the city has not value to the city as the subject land cannot be built on anyway, that extra turning lanes will be needed to resolve the traffic issues in the Four Corners, mad that there are numerous issues that have been raised by the Planning Department with respect to the proposal. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 17, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL

PERMITS and that the following communications be sent: 1. Building Commissioner be asked why the proposed open space parcel does not qualify for open space under the ordinance as indicated in the Planning Department letter of November 8, 2016, 2. City Solicitor be asked why the proposed open space will not qualify for open space under the zoning ordinance and whether the petitioner has to withdraw and resubmit the petition due to proposed wider driveways and the timing of the recent zoning amendments approved by the City Council after the petition was filed as set out in the Planning Department letter of November 8, 2016, 3. Superintendent of Schools advise as to the Reeves School enrollment by class or grade the past five years, current year and projected for the next five years and the current capacity of the school, 4. Eversource/NStar for an opinion as to what would be allowed under the utility easement, and 5. Superintendent of Schools relative to the impact of townhouse as opposed to single family homes when making enrollment projections, all in favor, 9-0.

Motion made and 2nd for a two minute recess, all in favor, 9-0.

President Haggerty called the meeting back to order.

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 9 James Terrace, 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 there were complaints in the neighborhood about vehicles at the property, that he received a list of vehicles registered at the site from the police department, that it appears a business is operating at the location, that there is a restriction on overnight parking on the street in the winter months, and that he will ask that the matter be continued and the conditions be monitored. Aliaksei Zhulinski stated that there are four residents at the house. Andrei Zhuk stated that he is a general contractor, and that the tag along is a sump trailer. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 17, 2017, all in favor, 9-0.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicle Sales Licenses by Lannan Chevrolet, Inc., 40 Winn Street; and Lawless Inc., 196 Lexington Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Jeffrey Pollock dba Exclusive Automobile, 7 Independence Drive; Route 16 Auto Broker, 280 Salem Street; Tracy M. Batten dba Tracy’s Auto Sales, 62R Winn Street; and Velozo Enterprises, Inc. dba Rogers Radiator, 936 Main Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Woburn Truck and Auto, Inc., 1095R Main Street for renewal of Third Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Abdelaziz Ilaj dba Woburn Motor Sports, 104 Winn Street for transfer and renewal of Second Class Motor Vehicle Sales License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Gevorg Melikyan dba Milano Jewelry, 11 Bartlett Avenue, Belmont, Massachusetts 02478 for a new Pawn Brokers License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY LICENSES, all in favor, 9-0.

Petitions by Stephen Miele and Dennis M. Stone for approval of an exemption under M.G.L. Ch. 268A, §20(b) to allow the provision of snowplow services to the city. Motion made and 2nd that the EXEMPTION PURSUANT TO M.G.L. Ch. 268A, SECTION 29(b) be GRANTED all in favor, 9-0.

Presented to the Mayor: November 18, 2016 s/Scott D. Galvin November 18, 2016

Petition by Thomas M. Skeffington, Sr. for approval of an exemption under M.G.L. Ch. 268A, §20(b) to allow the provision of snowplow services and power washing services to the city. Motion made and 2nd that the EXEMPTION PURSUANT TO M.G.L. Ch. 268A, SECTION 29(b) be GRANTED all in favor, 9-0.

Presented to the Mayor: November 18, 2016 s/Scott D. Galvin November 18, 2016

Petition by Verizon New England Inc. for a grant of right in a way to install approximately 70 feet of underground conduit in Presidential Way from Verizon underground conduit northerly to private property at 4 Presidential Way. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Comcast of Massachusetts/New Hampshire/Ohio, Inc. for a grant of right in a way on Pleasant Street to install one four inch PVC communication conduit 225 feet+/- easterly from utility pole #NT/NT on Abbott Street to the Federal Street side of the building located at 19 Pleasant Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by John A. Buttaro, Trustee, Salvatore F. Buttaro and Marie J. Buttaro Irrevocable Trust, 2 Buttaro Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.56 Note 15 to construct a three bay garage with center door height of nine feet and height of other doors of eight feet at 16 Buttaro Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by 124 Lexington Street Realty Trust, John Marotto, Trustee, 122 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to allow for work in a floodplain under Section 9 and construction of a single family home in the groundwater protection district under Section 15 at 124 Lexington Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by 124 Lexington Street Realty Trust, John Marotto, Trustee, 122 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to allow for work in a floodplain under Section 9 and construction of a single family home in the groundwater protection district under Section 15 at 130 Lexington Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Reading Vending LLC, 8 Presidential Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 42 and 57B for the operation of a wholesale establishment, warehouse and distribution center and overnight parking of up to eleven commercial motor vehicles, vans and delivery trucks for a vending machine supply business at 8 Presidential Way. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Commonwealth Investment Properties LLC, 12 Chandler Road, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 7.3 to alter and reconstruct a pre-existing nonconforming three family residential dwelling by razing the existing structure and replacing with a new three family dwelling house at 43-45 Church Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Park Avenue Solar Solutions, 102 Greenwich Avenue, Greenwich, Connecticut 06830 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 26 to install an approximately 586 kW carport solar array over existing parking lot at 300 Wildwood Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by MetroNorth Business Center, c/o National Development of New England LLC, 2310 Washington Street, Newton Lower Falls, Massachusetts for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Sections 5.1 Note 1 and 8.4.1.3 to allow for increase in the maximum driveway width and radius at 74 Commerce Way. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by EHDK Realty, LLC, P.O. Box 920097, Needham, Massachusetts 02492 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.5 to allow construction relating to residential use above commercial structure and Section 12 Site Plan Review for garden apartments on second floor of commercial structure and as a result of comprising more than 15,000 square feet of gross floor area at 455-471 Main Street. 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, Section 5.1.71 to allow for a commercial parking lot at 15 Commonwealth Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Alton Acquisition II, LLC and LR-Woburn 1, LLC, 327 W. Maple Avenue, Monrovia, California 91016 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42a, 7.3, 9 and 12.2.4 to modify a special permit dated November 10, 2016 allowing for self-storage warehouse facility within the Flood Plain District as follows: 1. Condition 3 be modified to allow hours of operation Monday through Thursday 7:00 a.m. to 7:00 p.m., Friday 7:00 a.m. to 8:00 p.m., Saturday 7:00 a.m. to 7:00 p.m., Sunday 8:00 a.m. to 5:00 p.m.; 2. Condition 12 be modified by deleting

the language on line three beginning with “and” through “area” on line 5; and 4. Condition 3 be modified to read “The Special Permit shall issue to Alton Acquisition II, LLC and LR-Woburn I LLC and shall not be transferable except for the same or similar use.”, at 39 Olympia Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by Sports Management Services, Inc., an individual owning land to be affected by change or adoption, to amend the Zoning Map of the City of Woburn by changing the zoning district for two parcels of land known as Lot 69-08-07 on Garfield Avenue and Lot 69-08-08 on Garfield Avenue together containing approximately 2.92 acres of land as shown on a plan by Allen & Major Associates, Inc. entitled “Parcel Rezoning Plan” dated November 10, 2016 from R-2/I-G to R-3. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated October 20, 2016 was received from Charles O’Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. Figures cited below are for the Month of September 2016: Number of violations issued 610, Numbers of violations paid 363, Number of violations outstanding 230, Amount collected and submitted to Collectors Office \$41,860.20, Parking fines referred to the Handicap Commission \$20,000.00.

There is a backlog of 1,640 unpaid tickets dating from January 2004 to August 2016. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

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

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

A communication dated October 28, 2016 was received from City Solicitor Ellen Callahan Doucette relative to statutory amendments of note including Chapter 184 of the Acts of 2016, An Act Relative to Non-Conforming Structures Chapter 219 of the Acts of 2016 An Act Relative to Job Creation and Workforce Development, M.G.L. c.40A, §6 Nonconforming Structures, and M.G.L. c.40A, §9 Special Permits. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated November 3, 2016 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Orders for Mayoral Authority to Grant/Accept Easements

With this memorandum I am submitting to the City Council two Orders for mayoral authority to accept and grant easements. The first Order is for the Mayor to accept two easements required by the special permit granted to 859 Main Development LLC. The first easement is for the future road widening of Route 39 (Main Street) and the second, the future construction of a walking trail abutting the Middlesex Canal.

The second Order relates to a temporary access easement requested by 434 HM LLC to allow access to the rear of 434 Main Street over city-owned property from Mann's Court by construction vehicles during the renovation of that property pursuant to the special permit granted by the City Council on December 1, 2015. I have attached a plan to the Order which depicts the easement. Without this easement, the only access to the property would be from Main Street.

Thank you for your attention to this matter and please do not hesitate to contact me if you have any questions regarding the above.

Sincerely, s/ Ellen Callahan Doucette

Attached thereto were the following two Orders:

ORDERED Be it ordained by the City Council of the City of Woburn that the Mayor be and is hereby authorized to accept two easements from 859 Main Development LLC, the first easement, being a "Proposed Route 38 Widening Easement" containing 7,376 square feet of land more or less; and a second easement being a "Prop. 30' Trail Easement", both of which are shown on a plan entitled "Proposed Residential Development 859 Main Street in Woburn, Massachusetts" dated September 24, 2012 and revised October 26, 2012 by Keenan Survey recorded with the Middlesex South District Registry of Deeds as Plan No. 184 of 2013.

s/Alderman Anderson

ORDERED Be it Ordained by the City Council of the City of Woburn that the Mayor be and is hereby authorized to execute a temporary access easement to 434 HM LLC as shown on a plan entitled "License Area location Mann's Court - Main Street Woburn, Massachusetts" dated January, 2016 and revised February 16, 2016, on such terms and conditions as the Mayor may determine, and further, to authorize the Mayor to take all related actions necessary and to sign all required

documents to effect such temporary access.

s/Alderman Anderson

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

Presented to the Mayor: November 18, 2016 s/Scott D. Galvin November 18, 2016

An original Quitclaim Deed executed by the City of Woburn was received granting the care, custody and control of a certain parcel of land on Russell Street shown on a plan entitled "The Commonwealth of Massachusetts Plan of Road in the City of Woburn Middlesex County laid out as a State Highway by the Department of Public Works dated January 20, 1953" to the Woburn Recreation Commission. 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:

A communication dated October 30, 2016 was received from Sheila McElhiney as follows:

Dear Attorney Campbell:

As requested by Mr. Richard M. Haggerty, President of the Woburn City Council, this is to notify you of my acceptance of the appointment by the Woburn City Council to serve as Clerk of Committees per the terms stated in his letter dated October 26, 2016.

s/Sheila McElhiney

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

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That His Honor the Mayor, the City Engineer and the Superintendent of Public Works be requested to provide the City Council with an update as to the status of the installation of traffic control signals and traffic control measures at the intersection of Wood Street and Salem Street.

s/Alderman Anderson, Alderman Mercer-Bruen, Alderman Concannon,
Alderman Campbell, Alderman Gately, Alderman Higgins,
Alderman Tedesco, Alderman Gaffney, President Haggerty

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

Presented to the Mayor: November 18, 2016 s/Scott D. Galvin November 18, 2016

ORDERED Be it ordained by the City Council of the City of Woburn that Section 2-9 Appointments to fill vacancies in the 1989 Woburn Municipal Code, as amended, be further amended by deleting the section in its entirety and replacing with the following:

Whenever a vacancy occurs in any office now filled by appointment by the Mayor, the Mayor shall appoint a person in the manner of the original appointment, to fill such a vacancy and to hold office for the balance of the unexpired term and until a successor is appointed and qualified. Whenever a vacancy occurs in any office now filled by appointment by the City Council, the City Council shall appoint a person in the manner of the original appointment, to fill such a vacancy and to hold office for the balance of the unexpired term and until a successor is appointed and qualified. Whenever any person holding office appointed by the Mayor shall be temporarily unable to discharge the duties of the office, the Mayor may appoint a person to discharge such duties until the Mayor determines that such inability has ceased. Whenever any person holding office appointed by the City Council shall be temporarily unable to discharge the duties of the office, the City Council may appoint a person to discharge such duties until the City Council determines that such inability has ceased.

s/Alderman Gately

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

ORDERED Be it ordained by the City Council of the City of Woburn that a petition be filed with the General Court that legislation be adopted as follows provided that The General Court may make clerical or editorial changes of form to reasonably effectuate the purposes set forth herein.

AN ACT AUTHORIZING THE CITY OF WOBURN TO ISSUE ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1.

- (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the city of Woburn may grant 2 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to the following establishments: (i) 304 Restaurant, LLC located at 304 Cambridge Road; and (ii) The Dog House Bar and Grill, LLC, located at 434 Main Street.
- (b) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the city of Woburn may grant one additional license for the sale of wines and malt beverages to be drunk on the premises, pursuant to section 12 of chapter 138, to Lord Hobo Brewing Company, LLC, located at 5 Draper Street. The licenses granted pursuant to this act shall be subject to all of said chapter 138 except section 17.
- (c) The licensing authority shall not approve the transfer of a license granted pursuant to this act to any other location, but it may grant a license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.
- (d) If a license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then the license to a new applicant at the same location under the same conditions as specified in this act.
- (e) If a license authorized pursuant to subsection (a) or (b) is not issued initially within 3 years after the effective date of this act, it shall not thereafter be issued.

SECTION 2. This act shall take effect upon its passage.

s/President Haggerty

President Haggerty stated that this is identical to an Order adopted in July 2016, and that at the time the language was in accordance with the General Court standards but the rules have been revised to require the name of the particular entities. Alderman Concannon stated that he is concerned that the city has to petition the legislature for these licenses as this should be an issue under local control, and that the process for selecting the locations should be more transparent as there may be other businesses interested in obtaining a liquor license. Alderman Gaffney stated that the city of Boston is also seeking additional liquor licenses. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: November 18, 2016 s/Scott D. Galvin November 18, 2016

ORDERED Be it Ordained by the City Council of the City of Woburn, that the City Clerk be and is hereby authorized to correct a scrivener’s error in the 1985 Zoning Ordinance of the City of Woburn, as amended, by amending Section 27 Technology and Business Mixed Use Overlay District (TBOD), to read Section 28 Technology and Business Mixed Use Overlay District (TBOD), by renumbering the subsections accordingly; and by revising all applicable internal references to Section 27 and/or its subsections to reference Section 28, as they may appear throughout the Zoning Ordinance.

s/Alderman Anderson

Motion made and 2nd that the MATTER be LAID ON THE TABLE TO THE NEXT MEETING, all in favor, 9-0.

ORDERED Be it Ordained by the City Council of the City of Woburn, that the 1985 Zoning Ordinance of the City of Woburn, as amended, be further amended by revising Section 3 Administration, Enforcement and Appeals, to insert a new subsection as follows:

3.4 Administrative Correction of Scrivener’s Errors

Typographical or numbering errors which do not affect the intent or substance of this Ordinance or any of its articles or sections may be corrected by the City Clerk, without need of a public hearing or further legislative action, by filing a revised copy of same in the Offices of the City Clerk, City Solicitor and Building Commissioner, with a “Scrivener’s Note” providing the date and substance of the correction.

s/Alderman Anderson

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

ORDERED Be it ordained by the City Council of the City of Woburn that the Section 5.1. 42a Self-storage Warehouse facility of the 1985 City of Woburn Zoning Ordinance, as amended, be further amended deleting the “P” under the B-I, I-P and I-G zoning districts and replacing same with a “-“ thereby making the use a prohibited use in those zoning districts.

s/President Haggerty

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

RESOLVED Whereas, Woburn City Clerk William C. Campbell sent a letter to Attorney General Maura Healey regarding the constitutionality of early voting; and

Whereas, two months have passed and City Clerk Campbell has still not received a communication from the Attorney General;

Now, therefore, be it Resolved, the Woburn City Council adopt the attached letter and send this communication to Attorney General Maura Healey.

s/ Alderman Tedesco, Alderman Anderson, Alderman Concannon,
Alderman Campbell, Alderman Mercer-Bruen

Alderman Tedesco stated that he has a copy of the letter sent to the Attorney General concerning the constitutionality of early voting. Motion made and 2nd that the copy of the letter be received and made part of the record, all in favor, 9-0. Alderman Tedesco stated that the letter requests the opinion of the Attorney General as to the constitutionality of early voting, that there has been no reply in two months, and that a public records request was sent to the Attorney General regarding the letter. City Clerk Campbell stated that the Attorney General replied to the public records request stating that the office had no records relative to the request. Motion made and 2nd that the RESOLVE be ADOPTED and that a copy of the letter be attached to the communication sent to the Attorney General, all in favor, 9-0.

Presented to the Mayor October 20, 2016, 2016 and ten days having elapsed without same being approved, said Order became effective without his signature on November 1, 2016.

Motion made and 2nd to suspend the rules for the purposes of adding the following matters to the Order of the Day as late filed matters, all in favor, 9-0.

Motion made and 2nd to suspend the rules to receive the following communication, all in favor, 9-0.

A communication dated November 15, 2016 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Decisions issued to Madison Woburn Holdings LLC

Dear President Haggerty:

As you know, I represent Madison Woburn Holdings LLC in connection with its development of 369 Washington Street, Woburn, Massachusetts.

On August 11, 2015 the City Clerk issued a Landowner's Decision and Notice of Special Permit authorizing the development of 369 Washington Street, Woburn, Massachusetts for two full service restaurants and a dual hotel (the "2015 Decision"). Condition 8 to the 2015 Decision states in part that "subject to approval of MassDOT, the Petitioner shall substantially complete prior to an Occupancy Permit being issued, temporary or permanent, all traffic mitigation measures as shown on a plan entitled "Conceptual Improvement Plan: Woburn Landing, Woburn, Massachusetts 01801 dated June 17, 2015 prepared and submitted on behalf of the Petitioner by VAI (the "Traffic Improvements Plan").

On July 14, 2016 the City Clerk issued a Landowner's Decision and Notice of Special Permit approving a modified Site Plan and allowing for a fast food restaurant on the premises (the "2016 Decision"). Condition 3 of the 2016 Condition modified Condition 8 of the 2015 Decision as follows: "Subject to approval of MassDOT, the Petitioner shall substantially complete prior to site occupancy all traffic mitigation measures as shown on a plan entitled "Conceptual Improvement Plan, Woburn Landing, Woburn, Massachusetts 01801 dated June 17, 2015 and prepared and submitted on behalf of the Petitioner by VAI (the "Traffic Improvements Plan").

The modification of Condition 8 removed the prohibition of the issuance of a Temporary Occupancy Permit. At the present time, the Red Robin restaurant is scheduled to open for business to the public on December 19, 2016. It has obtained all of its final sign offs on the Building Permit from the various City of Woburn Departments. It would like to commence pre-opening operations on November 21, 2016. Pre-opening operations would be strictly limited to only employees working in the premises for training purposes, stocking liquor and food items and completing the overall preparation in order to open to the public on December 19, 2016. The process takes approximately four weeks.

In reviewing the Special Permit Decisions, Building Commissioner Tom Quinn has concerns about issuing a Temporary Occupancy Permit prior to receipt of a communication from MassDOT that the offsite improvements outlined in Condition 3 of the 2016 Decision are substantially complete.

During the discussions in connection with the 2016 Decision, we expressed concerns during the process about the language in the 2015 Decision stating that no Temporary Occupancy Permit could be issued for reasons such as those preventing one to be issued to Red Robin.

I spoke with my client's traffic consultants VAI and they expect that there will be a communication issued by MassDOT by the end of November stating that the offsite improvements outlined in Condition 3 of the 2016 Decision have been substantially completed.

Both my client and Red Robin are agreeable to executing a communication to the Building Commissioner stating that: (1) if a Temporary Occupancy Permit is issued for the reopening operations that until such time as a communication is forwarded by MassDOT indicating that the offsite improvements are substantially complete that the use of the building shall be limited to employees and the activities listed above; and (2) the restaurant shall not open to the public until the Building Commissioner issues a Final Occupancy Permit.

On behalf of my client and Red Robin I respectfully request that a communication be forwarded to the Building Commissioner clarifying that the term "Site Occupancy" as used in Condition 3 of the 2016 Decision was not intended to prohibit the issuance of a Temporary Occupancy Permit for the use of the building consistent with the reopening activities set forth above and with the written understanding by the Petitioner and Red Robin that the restaurant cannot open to the public until the issuance of a Final Occupancy Permit.

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

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

President Haggerty stated that the Building Commissioner will accept a communication from the City Council to allow the petitioner's employees on site prior to the occupancy permit being issued. Motion made and 2nd that the following communication be forwarded to the Building Commissioner: "The City Council supports the position that a Temporary Occupancy Permit may be issued for reopening operations and that until a communication is forwarded by MassDOT indicating that the offsite improvements are substantially complete as outlined in Phase 1 set forth in Condition 3 of the 2016 Special Permit that the use of the building shall be limited to employees. Further that the restaurant shall not open to the public until the Building Commissioner issues a Final Occupancy Permit.", all in favor, 9-0.

Motion made and 2nd that a communication to approve a minor modification of a special permit issued for the property located at 422-426 Main Street be referred to Committee on Special Permits, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 10:20 p.m.

A TRUE RECORD ATTEST:

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