

**CITY OF WOBURN  
OCTOBER 21, 2014 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

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**MAYOR'S COMMUNICATIONS:**

ORDERED That the sum of \$2,016,500.00 be and is hereby appropriated as so stated from Unreserved Fund Balance Acct #01-356000 \$2,016,500.00 to Various Capital Projects (see attached breakdown) \$2,016,500.00

I hereby approve the above: s/Scott D. Galvin  
I have reviewed the above: /Gerald W. Surette, City Auditor

s/President Haggerty

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

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ORDERED That the amount of \$315,000.00 be and is hereby appropriated to Veteran's Department for Cash Aid Acct #0154357-577000

I hereby recommend the above: s/Scott D. Galvin  
I hereby approve the above: /Lawrence Guiseppe, Veteran's Agent  
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/President Haggerty

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

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**PUBLIC HEARINGS:**

Motion made and 2<sup>nd</sup> to hold the public hearing on the next two matters collectively, all in favor, 9-0.

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On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit to modify a special permit dated December 5, 2002 which Decision allowed for the alteration of an existing non-conforming structure by the construction of a covered service drive at 394 Washington Street and Special Permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) (69) and 7.3 to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. That the new site plan of record be the plan entitled "Site Plans for Woburn Foreign Motors Proposed Redevelopment, 394 Washington Street, Woburn, MA 01801" dated August 7, 2014, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (the Plan); and 3. In addition, the Petitioner seeks approval of the following modifications to the existing Site Plan of record: to allow for a stand-alone car wash within the interior of the building, additional parking spaces, transformer; dumpsters and fuel pump, all as shown on the Plan, at 394 Washington Street. PUBLIC HEARING OPENED. A communication dated October 15, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Foreign Motors, 394 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for October 21, 2014 be continued to the City Council meeting on November 18, 2014. If you need any further information, please contact me. Thank you.

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

A communication dated October 16, 2014 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Washington Street Traffic Improvements – Use of "Betterments"

I write in response to the City Council legal opinion request, submitted via an October 15 email by Alderman Mercer-Bruen, copy attached, as to whether the City Council could use the "betterment ordinance" to encourage the owner of 399 Washington Street to participate in discussions regarding traffic improvements for adjacent area of Washington Street. For context, a special permit for the property occupied by Woburn Foreign Motors at 394-R Washington Street is currently before the City Council, and it is expected that a

special permit for the former W.R. Grace property at 369 Washington Street will be filed in the near future, if it has not already been filed.

Use of the “betterment ordinance” to encourage participation by the owner of 399 Washington Street in this instance is unavailing. The authority to impose betterment charges is derived from M.G.L. c.80, §1 which provides in part that “[w]henver a limited and determinable area receives benefit or advantage, other than the general advantage to the community, from a public improvement made by or in accordance with the formal vote or order of ...[the city] ... and such order states that betterments are to be assessed for the improvement”.

I searched the Municipal Code and the Zoning Ordinance for the “betterment ordinance” and located only 3 sections that could potentially be characterized as such, all of which are in Title 12, Streets, Sidewalks and Public Places, of the Municipal Code. The specific sections are Section 12-5, applicable when a new street is laid out, widened or altered; Section 12-8, relative to takings for roadway layout; and Section 12-14B, for temporary repairs of private ways pursuant to M.G.L. c.40, §6N.

None of these sections however are applicable to the traffic improvements on Washington Street primarily, because the area is under the care, custody and control of the Commonwealth of Massachusetts, not the City of Woburn and secondarily, because the City will not be constructing any traffic improvements in this area.

Should the City Council have any questions regarding this matter, please don't hesitate to contact me.

Very truly yours, s/Ellen Callahan Doucette

**PUBLIC COMMENTS:** A communication dated October 14, 2014 was received from Dennis Clarke, President and CEO, Cummings Properties, 200 West Cummings Park, Woburn relative to concerns about the impact of the proposed expansion on traffic access in the area. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 18, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for special permits pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. Section 5.1 (69) and 7.3 to allow for the replacement of the existing non-conforming six (6) foot fence as shown on the plan with a six (6) foot wall; 3. Section 8.7 to allow for a reduction in the off street loading requirements; 4. Sections 5.1 (69), 7.3 and 13.5 to allow for the alteration of the existing non-confirming signage; 5. Footnote 8 to Section. 6.1 to allow for an increase in the building height from thirty-five

(35) feet to forty-five (45) feet, more or less; 6. Section 8.6.3 to allow for an exception to the area and landscaping requirements to allow for alternate landscaping equal or superior in visual appearance; and 7. Sections 12.2.4 and 12.3.2 to allow for the replacement of the existing buildings on the property with a new building containing approximately 152,600 square feet in gross floor area, more or less, at 394R Washington Street. PUBLIC HEARING OPENED. A communication dated October 15, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Foreign Motors, 394 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for October 21, 2014 be continued to the City Council meeting on November 18, 2014. If you need any further information, please contact me. Thank you.

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

PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 18, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by Jennifer Hardin and Scott Hardin, 35 Avalon Road, Reading, Massachusetts 01867 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended to allow for the change, extension and alteration of the existing nonconforming structure and nonconforming use (three residential units within two structures on one lot) to allow for the addition to one of the structures to provide for a total of four (4) dwelling units (two in each structure) and for a finding the such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood, at 19 Traverse Street. PUBLIC HEARING OPENED. A communication dated October 14, 2014 was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Jennifer and Scott Hardin, 19 Traverse Street, Woburn, MA

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for October 21, 2014 be continued to the City Council meeting on November 18, 2014. If you need any further information, please contact me. Thank you.

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

Motion made and 2<sup>nd</sup> to accept the communication and make it part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 18, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by Flyers Unlimited, 271 Salem Street, Unit J, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to allow the sale or rental of automobiles, trucks, truck trailers, and motorcycles, including accessory repair and storage facilities (U-Haul trucks) at 271 Salem Street. PUBLIC HEARING OPENED. A communication dated October 17, 2014 was received from Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 271 Salem Street Unit J

Dear President Haggerty and Aldermen:

Request is made to continue this matter until your next regular meeting in November in order to provide additional information to the Council. Thank you for your attention to this matter.

Very truly yours, s/Mark J. Salvati

Motion made and 2<sup>nd</sup> to accept the communication and make it part of the record, all in favor, 9-0. PUBLIC COMMENTS: A communication was received from Attorney Gary M. Ronan, Goulston & Storrs, 400 Atlantic Avenue, Boston, Massachusetts 02110 on behalf of Xyleco, Inc. in opposition to the petition. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 18, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by Diane R. Kurkjian dba Everydog LLC, 441 West Street, Reading, Massachusetts 01867 for a special permit pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a kennel at 271 Salem Street, Units C and D. PUBLIC HEARING OPENED. A communication dated October 21, 2014 was received from Diane R. Kurkjian as follows:

Subject: Request for continuance

Dear Mr. Campbell:

I am writing to request a continuance from tonight's City Council meeting, since my special permit application requires more time with the special permit subcommittee before further action. Thank you.

Diane Kurkjian, CPDT-KA

Motion made and 2<sup>nd</sup> to accept the communication and make it part of the record, all in favor, 9-0. PUBLIC COMMENTS: A communication was received from Attorney Gary M. Ronan, Goulston & Storrs, 400 Atlantic Avenue, Boston, Massachusetts 02110 on behalf of Xyleco, Inc. in opposition to the petition. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 18, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

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On the petition by Woburn Auto Sales LLC d/b/a Salem Street Auto Sales, P.O. Box 158, North Billerica, Massachusetts 01862 for a special permit pursuant to Section 5.1.45 and 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the sale or rental of automobiles, trucks, truck trailers and motorcycles and for a Second Class Motor Vehicle Sales License at 280 Salem Street. PUBLIC HEARING OPENED. A communication dated October 16, 2014 was received from Planning Director Tina P. Cassidy as follows:

Re: Planning Department Comments on Application for Special Permits for Woburn Auto Sales at 280 Salem Street

Dear Honorable Council:

The Planning Department has reviewed the plan and special permit application for the above-referenced property and project, in accordance with Sections 5-1.45 (sale or rental of automobiles, trucks, truck trailers and motorcycles, including accessory repair and storage facilities) and 7.3 (extension or alteration of a non-conforming use) of the Woburn Zoning Ordinance.

The plan that was reviewed was submitted with the special permit application and entitled: "Proposed Parking Plan, 280 Salem Street, Woburn, Mass.; Scale: 1"=40'; Dated: November 9, 2012, revised September 8, 2014; drawn by: Edward Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA."

In summary, the applicant is seeking permission to relocate its present offices from 1095R Main Street in Woburn to an existing building it also owns at 280 Salem Street. The property is zoned I-P (Industrial Park District) though the application lists the zoning district as I-G. The property is not located in a groundwater protection zone. The proposed use is allowed by City Council special permit in the I-P District.

There will be no new construction or exterior building changes as a result of this use/project. The existing building is approximately 23,000 square feet in size and there are five other tenants sharing space in the building. The applicant's attorney, Mr. Joseph Tarby, indicates the applicant will be utilizing only four (4) of the existing parking spaces on site for the relocated business. Those four spaces are numbered 1-4 on the plan accompanying the special permit application and are located in front of the building. These spaces would be used for the display of vehicles available for purchase.

If the City Council elects to grant the requested special permit the Planning Department recommends the City Council consider imposing the following as a condition of approval:

1. If the plan cited above becomes the Plan of Record for the special permit, it should be revised to eliminate the sixty "proposed parking 9'x18' spaces" that are shown in the "gravel area" toward the rear of the property. Those spaces are associated with another tenant on the site and are not intended to be part of this application, according to the applicant's attorney.

Please feel free to contact me at (781) 897-5818 if you have any questions regarding this recommendation.

Respectfully, s/Tina P. Cassidy, Director

A communication dated October 16, 2014 with attachments was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Auto Sales LLC, 280 Salem Street, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find for filing a Memorandum dated October 16, 2014 that will be presented to the City Council at its public hearing scheduled for Tuesday, October 21, 2014.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours, Joseph R. Tarby, III

Appearing for the petitioner was Attorney Kathleen E. Connolly, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and she stated that the petitioner was operating at 1095R Main Street and seeks to move the license to this new address, that the parcel is 5.18 acres in area, that the petitioner has owned the property since 2001, that various special permits have been issued for the property, that there are two vehicle

repairs garages, a dog walking operation with office and storage space and a landscaping business on the locus, that the petitioner wants to sell used vehicles from the locus by appointment only, that there will be four vehicles on site, and that the petitioner has the qualifications necessary to operate the business. Robert Holland stated that the four vehicles will be parked to the left of Callahan's Auto Service next to the building and away from the street, that the parking spaces will be marked on the pavement, that he will market the vehicles on the internet and through other methods, that the vehicles will be parked in the building overnight, and that the hours of operation will be 7:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 1:00 p.m. Saturday and no hours on Sunday. Alderman Mercer-Bruen stated that the hours should be 7:00 a.m. to 7:00 p.m. Monday through Friday. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> to close the public hearing, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the amendments as follows: 1. That the hours of operation shall be Monday through Friday between 7:00 a.m. and 7:00 p.m., Saturday between 9:00 a.m. and 1:00 p.m. and no hours on Sunday; and 2. That the plan of record entitled "Proposed Parking Plan, 280 Salem Street, Woburn, Mass." dated November 9, 2012, revised September 8, 2014 prepared by Edward Farrell, Professional Land Surveyor shall be revised to eliminate the sixty "proposed parking 9' x 18' spaces" that are shown in the "gravel area" toward the rear of the property. Those spaces are associated with another tenant on the site and are not intended to be part of this application, all in favor, 9-0.

**Presented to the Mayor: October 23, 2014**

**s/Scott D. Galvin October 23, 2014**

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On the petition by ServiceMaster by Disaster Associates, 100 Maple Street, Stoneham, Massachusetts 02180 for a special permit pursuant to Section 5.1.57b of the 1985 Woburn Zoning Ordinances, as amended, to allow parking of petitioner's commercial motor vehicles at 300 Salem Street. PUBLIC HEARING OPENED. A communication dated October 16, 2014 was received from Planning Director Tina P. Cassidy as follows:

Re: Planning Department Comments on Special Permit Application by ServiceMaster by Disaster Associates for New Use at 300 Salem Street

Dear Honorable Council:

The Planning Department has reviewed the above-referenced plan and special permit application. The applicant seeks a special permit in accordance with Section 5-1(57b) of the Woburn Zoning Ordinance (accessory storage or parking of commercial motor vehicles other than as provided for in line 58 of Table 5.1, trucks, buses or contractors' equipment). The special permit would allow the applicant to park thirteen (13) commercial vehicles for the ServiceMaster business along the north wall of the existing building (the building wall closest to Cedar Place). The plan is for employees to "report" to work here in the morning, leave their personal vehicles behind and take one of the commercial vehicles to work for the day. They would return the commercial vehicle to the site at the end of the work day and leave in their personal vehicles.



The plan that was reviewed was submitted with the special permit application and entitled: "Plan of Land in Woburn, Mass. Scale: 1"=20'; Dated: August 4, 1976, revised 12-8-89; Drawn by: Dana F. Perkins and Sons, Inc., Civil Engineers and Surveyors,, Reading-Lowell Mass."

The property is zoned O-P (Office Park District) and the proposed use is allowed by City Council special permit in this zone. The site is approximately 2.43 acres in size and is not within a groundwater protection zone. The existing building has multiple tenants that currently all share the parking lot.

The Department has several questions/issues with this application:

1. The site plan submitted with the application does not accurately reflect conditions on the ground. Last revised in 1989, the plan is now 25 years old. Staff noted at least one discrepancy in the field during a site visit; there may be others.
2. How much of the on-site parking is needed for zoning compliance for the businesses already located on site?
3. Where will ServiceMaster employees park their personal vehicles during the day while they are off-site in company vehicles working?

On Wednesday October 15<sup>th</sup>, Planning staff told Mr. Chris Carey, President and Owner of ServiceMaster Disaster Associates, that it would need additional information in order to complete its review of the application (the follow-up email to him is attached).

If Council agrees this information is needed and if Mr. Carey elects to provide it I would be happy to finish reviewing the proposal and offer the Council further comments.

Please feel free to contact me at (781) 897-5818 if you have any questions.

Respectfully, s/Tina P. Cassidy, Director

Attached thereto was the following:

*(Word text of email sent from Tina Cassidy to Chris Carey on Wednesday October 15, 2014 at as a follow-up to earlier telephone conversation)*

Good afternoon Chris. Here are the questions I have regarding your pending special permit application:

1. Need a list of the number and type of businesses currently operating out of the building. I don't necessarily need the actual business names, but do need the type of business and area (example: "There are three businesses currently renting space in the building: one is a auto repair facility, one is a manufacturer, one is a general business office.")

2. Need a list of how much floor space each of those uses occupies (example: “The auto repair facility occupies \_\_\_\_ sq. ft., the manufacturer \_\_\_\_ sq. ft., and the business office \_\_\_\_\_ sq. ft.”)
3. Need a count of how many parking spaces exist on-site today. I don’t dare rely on the plan that was filed with the application because it is from 1976, revised in 1989, and seems to be outdated. I say that because I went to the site a week ago and noted that the parking spaces in the area you’re seeking permission to use are shown as diagonal parking spaces on the 1976/1989 plan. In reality, on site, the spaces are perpendicular spaces. There may have been other changes, so I do need a current count.

Having this information will enable me to confirm (or not) that there is adequate parking on the site today to meet the current parking requirements for the existing uses. By the same token, I’ll be able to tell whether there truly are “extra” parking spaces on site that are in excess of the number required by zoning that can accommodate your vehicles.

Lastly, the Council will want to know where your employees will park their personal vehicles during the work day. My understanding is that your employees will “report” to this site in the morning, leave their personal vehicles behind and take the company vehicle for the day’s work. They will then return in the afternoon to drop off the company vehicle, get their personal car and go home. If this is the case, there is a need for 13 more spaces, to hold the employees’ personal vehicles while they are at work during the day. Has this arrangement been made?

Thanks for your help.

Tina P. Cassidy  
Planning Director/WRA Administrator

A communication dated October 20, 2014 was received from Daniel Noyes, Owner, ServiceMaster by Disaster Associates, Inc. as follows:

Dear Sir,

As of October 20, 2014 I am requesting a withdrawal of my application without prejudice. We will be moving from Woburn to Wilmington. Therefore, there will be no need to move forward at this time. The property at 300 Salem Street in Woburn will be vacating in the next 16 days which will be vacating in the next 16 days which will be on November 4, 2014.

Thank you for your consideration.

Sincerely yours, s/Daniel Noyes, Owner

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing

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

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On the petition by Gamus, LLC d/b/a GTS Distribution, 12407 Mukilteo Speedway, Suite 100, Lynwood, Washington 98087 for a special permit pursuant to Sections 5.1.42 and 5.1.57b to allow for a distribution business and the overnight parking of petitioner's commercial vehicles at 27 Draper Street. PUBLIC HEARING OPENED. A communication dated October 16, 2014 was received from Erin Wortman, City Planner/Grant Writer:

Re: Planning Department Comments on Special Permit Application for Gamus, LLC d/b/a GTS Distribution at 27 Draper Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for a distribution business to be located within approximately 25,870 net square feet of the existing building and the overnight parking of petitioner's commercial vehicles at 27 Draper Street. The property is located in the I-G zoning district. The requests are allowed by City Council special permit in the I-G district.

Based on the application, the petitioner has indicated that this business is a leading wholesale distributor of gaming, toys, sports and entertainment collectibles. The applicant has indicated that the hours of operation will be regular business hours 9 am to 5 pm Monday through Friday with some operations on Saturday. Deliveries, loading and emptying of dumpsters on-site should be done only during business hours.

The proposed use has low parking and traffic impact with seven employees and no public access to the business. Proposed use anticipates three to four truck trips to ship product to the warehouse per week and deliveries of product out of the site will be conducted by UPS and FedEx. The request for overnight parking of commercial vehicles is for the petitioner's two vans which make local deliveries as necessary. Per Section 11.6, trucking associated with warehouse facilities shall not use any street in a residential district. Therefore, I recommend that the Council restricts the petitioner's commercial vehicles from traveling the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site. Further, all vehicles parked overnight should be registered in the City of Woburn and parked either in the loading docks to the rear of the portion of the building as occupied by the petitioner or within the building itself.

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

Sincerely, s/Erin Wortman, City Planner/Grant Writer

A communication dated October 16, 2014 with attachments was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Draper Realty LLC/Gamus LLC, 27 Draper Street, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find for filing a Memorandum dated October 16, 2014 that will be presented to the City Council at its public hearing scheduled for Tuesday, October 21, 2014.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours, Joseph R. Tarby, III

Appearing for the petitioner was Attorney Kathleen E. Connolly, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and she stated that the property is located in the I-G zoning district, that the petitioner is a wholesale distributor of collectables, trading cards, supplies and games, that the petitioner has eleven locations throughout the United States, that there will be seven employees, that the hours of operation are Monday through Friday from 9:00 a.m. to 5:00 p.m. and Saturday from 8:00 a.m. to 1:00 p.m., that the petitioner receives deliveries from UPS, FedEx and trucking companies, that there are daily deliveries from UPS and FedEx, that there are approximately four truck deliveries per week, that two delivery vans will be parked overnight to deliver products throughout New England as needed, that the petitioner has time restrictions due to coming holidays and asks for approval of the special permit, and the petitioner proposed the following conditions:

1. That loading shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday; 8:00 a.m. to 1:00 p.m. on Saturday and not at all on Sunday;
2. That no deliveries shall be allowed to the site prior to 7:30 a.m. or after 5:00 p.m. Monday through Friday and there shall be no deliveries on Saturday or Sunday;
3. That the hours for emptying the dumpster shall be no earlier than 7:00 a.m. and no later than 6:00 p.m. Monday through Friday, no earlier than 8:00 a.m. and no later than 1:00 p.m. Saturday, the dumpster shall not be emptied on Sunday, the dumpster shall be located on the furthest part of the locus away from the residences and shall be enclosed by a sight impervious fence;
4. The petitioner shall post signs within its customer pick up area and loading area requesting both its customers and delivery companies to obey the rules of the road while traveling on City of Woburn streets and to use caution while traveling on Nashua Street to and from Draper Street;
5. The petitioner's commercial vehicles shall not use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site;

6. The petitioner shall instruct its employees not to use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site; and
7. This Special Permit shall be limited to Gamus LLC and shall not be transferable.

David O'Brien, Facilities Manager, Gamus LLC stated that there will be two to three truck shipments each week and FedEx and UPS shipments every day, that the petitioner will purchase a van for deliveries, that the van will be registered in Woburn, and that the petitioner will make an effort to keep drivers from using the residential streets. Alderman Mercer-Bruen stated that she requests the petitioner to avoid using the residential streets in the area. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the seven proposed conditions offered by the petitioner in the Memorandum dated October 16, 2014 be adopted as conditions of the special permit, and 2. That the commercial vehicles be registered in Woburn, all in favor, 9-0.

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Alderman Mercer-Bruen recused herself from participating in the following matter and removed from the Council Chamber.

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On the petition by New Creek II LLC, 3333 New Hyde Park Road, New Hyde, New York 11042 for a special permit pursuant to Sections 7.3 and 13.5 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of existing nonconforming structure and use (shopping center) to allow for a physical fitness training facility located within approximately 4,523 square foot more or less of vacant space in petitioner's shopping center and alterations to petitioner's nonconforming signage, at 425 Washington Street. PUBLIC HEARING OPENED. A communication dated October 16, 2014 was received from Erin Wortman, City Planner/Grant Writer as follows:

Re: Planning Department Comments on Special Permit Application for New Creek II LLC at 425 Washington Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for the alteration of the existing nonconforming structure and use (shopping center) to allow for a physical fitness training facility to be located within approximately 4,523 (+/-) square feet of vacant space in the petitioner's shopping center and alterations to the petitioner's nonconforming signage. The property is located in the B-N zoning district. The majority of requests are allowed by City Council special permit in the B-N district.

Based on the application, the petitioner indicated that this business is a fitness franchise with monthly and membership options for individuals typically 7 (seven) to 79 (seventy-nine) years of age. The number of classes will initially open with 20 (twenty) to 25 (twenty-five) classes per week with an anticipated expansion of 40 (forty) classes per

week based on member need. The maximum class size will be 45 (forty-five) members. The applicant has indicated that the estimated hours will be 5 am to 9 pm Mondays through Thursdays, 5 am to 7:30 pm Fridays and 7:30 am to 1 pm on Saturdays and Sundays. All classes will occur indoors and this use should not produce any additional noise to the neighborhood.

The proposed use has low parking and traffic impact with typically two to three employees onsite at one time and 60 to 120 member visits throughout a typical day. Proposed use is within a shopping center and existing parking infrastructure accommodates this type of use. The petitioner's engineer noted that Section 8.2.5 of the Zoning Ordinance does not include a parking requirement for a fitness studio so the engineer created calculations based on one (1) parking space per person (members and staff) based on assumed maximum capacity. As a result, the total provided for the site is five (5) less than what that engineer has calculated as required for the proposed use. However, I believe that this calculation should fall under the other uses category within Zoning Ordinance Section 8-2 (Number of Required Off-Street Parking Facilities) since there is no specific line item for fitness studio and arbitrarily creating a calculation is inappropriate. Therefore, the City Council should make the determination if there are sufficient spaces to accommodate on the site all the users of the facility.

Lastly, with regard to signage requests, the proposed use is within the B-N zoning district and therefore the Sign Review Board shall approve or disapprove all sign requests unless it's a temporary sign.

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

Sincerely, s/Erin Wortman, City Planner/Grant Writer

A communication dated October 16, 2014 with attachments was received from Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of New Creek II LLC, 425 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find for filing a Memorandum dated October 16, 2014 that will be presented to the City Council at its public hearing scheduled for Tuesday, October 21, 2014.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours, Joseph R. Tarby, III

Appearing for the petitioner was Attorney Kathleen E. Connolly, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and she stated that there will be exterior design elements including new doors and signage, that the locus is located in the B-N zoning district, that the use of the property as a shopping center is a legal nonconforming use, that the loading docks fronting on a way is also a nonconformity, that the location is the former Sleepy's store site, that the petitioner operates a similar facility in North Andover, that the project will be a physical fitness training facility known as TITLE Boxing Club, and that the project meets the requirements of Section 11 of the 1985 Woburn Zoning Ordinances, as amended. Nicholas Brown, KIMCO stated that his company owns and operates shopping centers throughout the United States, that KIMCO is a publically traded company, that KIMCO purchased the property in the Spring of 2014, that they have made entrance improvements in the landscaping, that they are looking to install decorative fencing and to paint the pylon sign, that signs have been posted alerting drivers of improperly parked vehicles that the vehicles may be towed, that they are working to ensure compliance with prior conditions on the property, and that they recognize the proximity to neighboring residences. Lauren Macaulay stated that there are significant differences from a typical boxing gym, that this will be a fitness facility, that no fighting or sparring is permitted, that the gym has maintenance standards and is a clean environment, that 65% of the members are female and between the ages of 25 and 54, that 79% of the members have single memberships, that the members are high income earners, that once the equipment is moved to the site there will be no truck deliveries, that there will be occasional delivery of product by FedEx or UPS, that there will be no significant waste and therefore little dumpster usage, that there will be ten total employees with three on site at any given time, that there will be two restrooms and two showers, that the facilities typically do not have showers but with the location of nearby offices they are providing them at this location, that there will be disposable towel use and this will be a low use, that the instructors are certified, that there will be 100 pound heavy bags hung from a structure, that there is a ring for personal training, that there is no licensing process for the use, and that the hours of operation are Monday through Thursday from 5:00 a.m. to 9:00 p.m., Friday 5:00 a.m. to 8:00 p.m., Saturday 7:30 a.m. to 2:00 p.m., and Sunday 7:30 a.m. to 12:30 p.m.. Vinod Kalikiri, PE, PTOE, VHB, 101 Walnut Street Watertown, Massachusetts 02471 stated that he is the traffic engineer for the project, that the petitioner will use a 4,500 square foot unit previously leased to a Sleepy's store, that there is still 9,600 square feet of vacant space near the loading dock, that there is more than adequate capacity to handle the anticipated traffic generated by the business, and that this project will not have significant impact. Alderman Concannon stated that the concerns of the Planning Director relative to sufficient parking has been satisfied. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 0 opposed, 1 abstained (Mercer-Bruen abstained). PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the hours of operation shall be Monday through Thursday between 5:00 a.m. and 9:00 p.m., Friday between 7:30 a.m. and 8:00 p.m., Saturday between 7:30 a.m. and 2:00 p.m. and Sunday 7:30 a.m. to 12:30 p.m.; 2. That the special permit is not transferable; and 3. That the locus is located in the B-N zoning district and any signs are under the jurisdiction of the Sign Review Board, 7 in favor, 1 opposed (Anderson opposed), 1 abstained (Mercer-Bruen abstained).

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Alderman Mercer-Bruen returned to the Council Chamber.

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On the petition by Alderman Michael Raymond to further amend the 1985 Zoning Ordinances, as amended, by deleting from Section 2, Definitions, the current definitions of Manufacturing, Light and Manufacturing, Heavy, and inserting in their place new Definitions as follows: MANUFACTURING: Fabrication, processing, packaging, or assembly operation, predominantly from previously prepared materials, to produce durable and/or non-durable finished goods or component parts, free from agents disturbing to the neighborhood, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electro-magnetic radiation, heat, vibration or other adverse environmental effect, provided there is no outside storage of materials or finished goods, but excluding heavy industrial operations such as asphalt, block, bottling, concrete, steel or fertilizer manufacturing, heavy forging processes, scrap metal processing, garbage and refuse incineration or the disposal of other material not originating on the premises, except as produced by the City of Woburn. All manufacturing shall be in compliance with Title 9, section 9-2, Noise Control, of the Woburn Municipal Code. MANUFACTURING, LIGHT: Manufacturing as defined above, employing only electric or other generally noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes. MANUFACTURING, HEAVY: Manufacturing other than light manufacturing. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "ought to pass." Alderman Raymond stated that he recommends two amendments, that one would eliminate the word "bottling" and the second is relative to outside storage, and that some research and development companies have to bottle their product and this provision could be a deterrent to these types of uses. Alderman Mercer-Bruen stated that the ordinance may have potential to hurt businesses that the city is not aware of, that she understands the intent of the ordinance but is concerned about the unintended consequences, and that there may be businesses that choose not to locate in Woburn because of these restrictions. Alderman Concannon stated that he is also concerned about the unintended consequences of the ordinance, that the Supreme Judicial Court has defined scrap metal as manufacturing for communities that have not further defined scrapping, that only a couple of surrounding cities and towns listed specific industries that they want excluded, that it is not clear who will define and enforce what is a disturbance to the neighborhood, that broad language is used in an attempt to be clear and the broad language now raises concerns, that the current definitions have worked for many years, that recently a case cited the definition and there has been Supreme Judicial Court interpretation, and that the petition that led to the filing of this ordinance was ultimately withdrawn. Alderman Drapeau stated that this ordinance is not relative to one petitioner or business but is broadly drafted, that there will be an opportunity to amend the ordinance when necessary, that that he supports the ordinance, and that the ordinance eliminates businesses that the city does not want. Alderman Gately stated that he has a constituent who has had a ceramic studio in her garage for ten years in a residential zone, that if her ceramic studio is construed as manufacturing she will be put out of business, that someone splitting



wood in their yard and selling the piles who be prohibited from doing so, and someone making t-shirts in his house that he then sells would be conducting prohibited light manufacturing. Alderman DiTucci stated that the R-1 zoning district is the R-1 zoning district for a reason, that the ordinance defines an issue that the City Council has been working on for six months, that manufacturing has not been clearly defined in the past, that if there is an occurrence which demonstrates a deficiency in the ordinance then the City Council can act to clarify the law, that if the city wants to prohibit certain uses that most people would find detrimental in their neighborhood then the law can be changed, and that there are times when a single issue brings many other issues to lights. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED with the amendments as follows: 1. That the word “bottling,” after the words “asphalt, block,” and before the words “concrete, steel or fertilizer manufacturing,” in the first sentence of the definition of “Manufacturing” be deleted, and 2. That the words “unless authorized by Section 5.1.60, Table of Use Regulations” be added after the words “finished goods” and before the words “, but excluding heavy industrial operations” in the first sentence of the definition of “Manufacturing”, ROLL CALL: Anderson – Yes, Concannon – No, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – No, Mercer-Bruen – No, Raymond – Yes, Haggerty – Yes, Motion Passes.

**Presented to the Mayor October 23, 2014 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on November 4, 2014.**

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to appropriate the sum of \$190,000.00 from Stabilization Fund Acct to DPW Remedial Yardwork in Accordance with ACO Acct, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: October 23, 2014                      s/Scott D. Galvin October 23, 2014**

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On the Order to appropriate the sum of \$430,000.00 from Stabilization Fund Acct to LED Street Lights Acct, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: October 23, 2014                      s/Scott D. Galvin October 23, 2014**

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On the Order to appropriate the sum of \$125,000.00 from BLS – Ambulance Receipts Acct to Fire Ambulance Salary Acct, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.  
**Presented to the Mayor: October 23, 2014**                      **s/Scott D. Galvin October 23, 2014**

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On the Order to appropriate and authorize borrowing of the sum of \$1,300,000.00 to pay costs of ground remediation at Leland Park and construction of a park, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, ROLL CALL: Anderson – Yes, Concannon – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – No, Mercer-Bruen – Yes, Raymond – Yes, Haggerty – Yes, Motion Passes..  
**Presented to the Mayor: October 23, 2014**                      **s/Scott D. Galvin October 23, 2014**

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On the Order to appropriate the sum of \$150,000.00 from Overlay Reserve Account to Assessor’s Appraisal Account, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.  
**Presented to the Mayor: October 23, 2014**                      **s/Scott D. Galvin October 23, 2014**

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**PUBLIC SAFETY AND LICENSES:**

On the petition by Wadner Paul dba Wadner’s Livery for a new Livery License for one (1) vehicle, committee report was received “ought to pass”. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.  
**Presented to the Mayor October 23, 2014 and ten days having elapsed without same being approved, said License became effective without his signature on November 4, 2014.**

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**NEW PETITIONS:**

Petitions for renewal of First Class Motor Vehicle Sales Licenses by C.N. Wood Company, Inc., 200 Merrimac Street; and Woodco Machinery, Inc., 22 North Maple Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petitions for renewal of Second Class Motor Vehicle Sales Licenses by ACT Leasing, Inc., 215 Salem Street; Oliver McDermottroe dba McDermottroe Auto Sales, 229 Lexington Street; Donald J. Socorelis dba Woburn Glass Co., 243 Main Street; Southside Associates, Inc. dba Burke’s Garage, 71 Main Street; and Woburn Glass & Service, Inc., 545 Main Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by Madison Properties, 20 Park Place Plaza, Suite 433, Boston, Massachusetts 02116 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction at 369 Washington Street of a Mixed Use Hotel/Restaurant Use as follows: 1. Special Permit pursuant to Section 5.1.20a to allow for a Mixed Use Hotel/Restaurant Use; 2. Special Permit pursuant to Section 5.1.29 and Section 11.6.10 to allow for a fast food restaurant with a drive up customer service facility; 3. Special Permit pursuant to Section 5.1.28, Note 16 to allow for restaurant hours in excess of 11:00 p.m.; 4. Special Permit pursuant to Section 5.7.6 to allow alternative screening devices; 5. Special Permit pursuant to Section 6.1, Note 8 to allow for the height of the proposed hotel to be in excess of thirty-five (35) feet; 6. Special Permit pursuant to Section 8.7.6 to allow for a reduction in off street loading requirements; 7. Site Plan Approval pursuant to Section 12.2.1 and 12.3.2 to allow for a fast food restaurant; and 8. Site Plan Approval pursuant to Section 12.2.4 and 12.3.2 to allow for construction in excess of 15,000 square feet and more than 100 parking spaces, all at 369 Washington Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

A communication dated October 6, 2014 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of the City Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of July 1, 2014 – September 30, 2014.

142 Main Street (matter is with the City Council).

34 Sylvanus Wood Lane issues resolved thru District Court.

20 Garfield Avenue Owner has been communication with Building Department, in process of maintaining grounds.

45 Revere Road ongoing issues matter is being handled by District Court will provide update on next report.

52-54 High Street ongoing issues matter is being handled by District Court will provide update on next report.

As always if there are any questions or concerns do not hesitate to contact me.

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

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

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A communication dated October 6, 2014 was received from Mayor Scott D. Galvin as follows:

Re: Woburn 38 Development v. Woburn Board of Appeals

Attached hereto are the Notices of Rescheduled Hearing and Site Visit issued by the Housing Appeals Committee in regard to the 40B appeal filed by Woburn 38 Development. In keeping with its usual procedure, the first day of the hearing will be conducted before Chairman Werner Lohe on November 5, 2014 at 10:00 a.m. in the City Council Chamber. At the conclusion of the first day of testimony, Chairman Lohe will conduct a site visit.

The hearing will continue on November 6 and on consecutive days thereafter at 10:00 a.m. at the Housing Appeals Court, 100 Cambridge Street, 2<sup>nd</sup> Floor, Boston, MA.

Sincerely, s/Scott D. Galvin

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

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A communication dated October 14, 2014 with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Statutory Notice of Intent to Sell 18.42 acres (802,375 square feet) of Land Woburn Assessors Map 78, Lot 29, Block 05, Woburn, Massachusetts

Dear Municipal Agents:

Enclosed please find with this Statutory Notice of Intent to Sell a Notice of Intent to Sell for Other Use and a copy of the Purchase and Sale Agreement for the property. Pursuant to the provisions of Mass. G.L. c. 61A §14 (Effective March 22, 2007) the above identified land, taxed pursuant to the provisions of Mass. G.L. c. 61A is intended to be sold to Robert W. Murray, 27 Cambridge Street, Burlington, Massachusetts 01803-4616 or a nominee and converted to residential use while so taxed. According to said section, you are required to receive this Notice of Intent.

Appended hereto please find a Statement of Intent to Sell, including a statement of proposed use of the land, location and acreage as drawn as scaled by the Woburn

Assessor Office. Also enclosed please find a certified copy of the executed Purchase and Sale Agreement specifying the purchase price and all terms and conditions of the proposed sale.

There are no additional agreements or additional consideration for any contiguous land under the same ownership not classified pursuant to the provision of Mass. G.L. c. 61A.

For a period of 120 days after the latest date of deposit in the United States mail, the City of Woburn shall have a first refusal option to meet the bona fide offer to purchase the above described land or after public hearing assign the right to a non-profit conservation organization or to the Commonwealth or any of its political subdivisions provided in said Chapter. During the 120 day period the City or its assignee enjoys the right, at reasonable times and upon reasonable notice to enter upon the land for purposes of surveying or inspecting the land.

If the City elects not to exercise the option, and not to assign its right to exercise the option, the City shall send written notice of non-exercise, signed by the Mayor, to the landowner as specified in the appended Notice of Intent to Sell.

I thank you for your prompt action on this matter.

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

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON LIAISON and that the Mayor be requested to attend the meeting for the purposes of discussing possible purchase of the land, all in favor, 9-0.

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:**

A communication dated October 16, 2014 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Thomas W. Lawton, 24 Hallmark Drive, to the Woburn Golf and Ski Authority, subject to confirmation by the City Council, with a term to expire Dec. 31, 2018.

Mr. Lawton's appointment fills a vacancy on the Authority.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, all in favor, 9-0.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

ORDERED That the Committee on Public Safety and Licenses meet with the owner of 1095R Main Street for the purpose of discussing compliance with the Class Three Motor Vehicles Sales License issued for the property.

s/Alderman Raymond

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

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President Haggerty stepped down from the chair and Alderman Anderson assumed the chair.

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ORDERED That the City Engineer facilitate a meeting between the Massachusetts Department of Transportation and the property owners/traffic consultants of 394R Washington Street, 369 Washington Street, and 399 Washington Street for the purpose of coordinating efforts relative to traffic flow improvements in the Washington Street corridor. It is the intent of this Order to have one comprehensive traffic improvement plan for this section of Washington Street.

s/President Haggerty, Alderman Mercer-Bruen  
and Alderman Gately

President Haggerty stated that the city should look at all the work to be done in the Washington Street corridor including peer review, that the city wants to encourage economic development, that the traffic conditions must not only be maintained but improved, that the city should look outside the engineering department for assistance with these projects, that there should be one single traffic plan for that corridor, and that the plan will improve traffic conditions, encourage economic development and encourage businesses to come to the city. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

**Presented to the Mayor October 23, 2014 and ten days having elapsed without same being approved, said Order became effective without his signature on November 4, 2014.**

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ORDERED Pursuant to Section 12.7 of the 1985 Woburn Zoning Ordinances, as amended, the City Council finds that due to the size, scale or complexity of proposed projects on the Washington Street corridor or because of potential impact of the said proposed projects that the assistance of outside

consultants is warranted and further that the applicants shall equally share the reasonable costs incurred by the City Council in employing outside consultants for the purpose of preparing a comprehensive traffic improvement plan for the subject area on Washington Street with respect to the following special permit petitions:

1. Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit to modify a special permit dated December 5, 2002 which Decision allowed for the alteration of an existing non-conforming structure by the construction of a covered service drive at 394 Washington Street and Special Permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows:
  1. Section 5.1 (45) (69) and 7.3 to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities;
  2. That the new site plan of record be the plan entitled "Site Plans for Woburn Foreign Motors Proposed Redevelopment, 394 Washington Street, Woburn, MA 01801" dated August 7, 2014, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (the Plan); and
  3. In addition, the Petitioner seeks approval of the following modifications to the existing Site Plan of record: to allow for a stand-alone car wash within the interior of the building, additional parking spaces, transformer; dumpsters and fuel pump, all as shown on the Plan, at 394 Washington Street.
2. Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for special permits pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows:
  1. Section 5.1 (45) to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities;
  2. Section 5.1 (69) and 7.3 to allow for the replacement of the existing non-conforming six (6) foot fence as shown on the plan with a six (6) foot wall;
  3. Section 8.7 to allow for a reduction in the off street loading requirements;
  4. Sections 5.1 (69), 7.3 and 13.5 to allow for the alteration of the existing non-confirming signage;
  5. Footnote 8 to Section. 6.1 to allow for an increase in the building height from thirty-five (35) feet to forty-five (45) feet, more or less;
  6. Section 8.6.3 to allow for an exception to the area and landscaping requirements to allow for alternate landscaping equal or superior in visual appearance;
  - and 7. Sections 12.2.4 and 12. 3.2 to allow for the replacement of the existing buildings on the property with a new building containing approximately 152,600 square feet in gross floor area, more or less, at 394R Washington Street;
3. Madison Properties, 20 Park Place Plaza, Suite 433, Boston, Massachusetts 02116 for special permits pursuant to the 1985 Woburn Zoning Ordinances, as amended, to allow for the construction at 369 Washington Street of a Mixed Use Hotel/Restaurant Use as follows:
  - 1.

Special Permit pursuant to Section 5.1.20a to allow for a Mixed Use Hotel/Restaurant Use; 2. Special Permit pursuant to Section 5.1.29 and Section 11.6.10 to allow for a fast food restaurant with a drive up customer service facility; 3. Special Permit pursuant to Section 5.1.28, Note 16 to allow for restaurant hours in excess of 11:00 p.m.; 4. Special Permit pursuant to Section 5.7.6 to allow alternative screening devices; 5. Special Permit pursuant to Section 6.1, Note 8 to allow for the height of the proposed hotel to be in excess of thirty-five (35) feet; 6. Special Permit pursuant to Section 8.7.6 to allow for a reduction in off street loading requirements; 7. Site Plan Approval pursuant to Section 12.2.1 and 12.3.2 to allow for a fast food restaurant; and 8. Site Plan Approval pursuant to Section 12.2.4 and 12.3.2 to allow for construction in excess of 15,000 square feet and more than 100 parking spaces, all at 369 Washington Street.

s/President Haggerty, Alderman Mercer-Bruen  
and Alderman Anderson

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

**Presented to the Mayor October 23, 2014 and ten days having elapsed without same being approved, said Order became effective without his signature on November 4, 2014.**

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:13 p.m.

A TRUE RECORD ATTEST:

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