

**CITY OF WOBURN
OCTOBER 4, 2016 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by Mobilitie, LLC, 3475 Piedmont Road, Suite 1000, Atlanta, Georgia 30305 for a grant of right in a way to install proposed backhaul transport on proposed 75 foot utility pole at Kimball Court and Pearl Street. PUBLIC HEARING OPENED. A communication dated September 28, 2016 was received from Rossana Ferrante, Mobilitie, LLC as follows:

Re: Woburn, Massachusetts – Petition for Grant of Right in a Way – Kimball Court and Pearl Street

At this time, Mobilitie respectfully requests to withdraw this application without prejudice due to the proposed project being located on private property.

Please advise if the City would like an additional information or documentation relating to this request.

Sincerely, Rossana Ferrante

Motion made and 2nd that the communication be accepted and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

On the petition by A.L. Prime Energy, 319B Salem Street, Wakefield, Massachusetts 01880 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to amend a special permit to allow for a reduction in the gross floor area of the proposed building, a revised site plan and 1. Pursuant to Section 5.1.22a to allow for a convenience store less than 5,000 square feet, 2. Pursuant to Section 46b to allow for a self-service gasoline stations, 3. Pursuant to Section 5.1, Note 16 to allow for hours in excess of 7:00 a.m. to 10:00 p.m., at 1 Hill Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “ought to pass with the following conditions:

Condition 12 shall be amended as follows:

1. Condition 12. The Petitioner shall construct and improve the site as substantially described on the Plan of Record which for this project shall be “Site Improvement Plans for A. L. Prime Energy at 1 Hill Street, Woburn, MA 01801” dated September 19, 2007; revised November 19, 2007; revised September 28, 2015; revised May 27, 2016 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. The Petitioner shall construct its Project in two (2) phases as shown on the Phasing Plan entitled “Site Improvement Plan” dated September 20, 2007; revised October 22, 2007; revised November 16, 2007; July 5, 2015 and September 25, 2015.
3. Prior to the issuance of any occupancy permit for Phase I, the Petitioner shall:
 - a. Provide an easement along the property line of the Project Site starting west of the western driveway and going up to the east-northeast corner of the Project to allow for the future resetting and movement of the curbing as shown on the Site Plan; and
 - b. Install an impressed asphalt crosswalk from the Project Site to a new handicap ramp in the sidewalk on the opposite side of Hill Street to provide pedestrian access from the commuter lot to the Project Site (jointly the “Phase I Improvements”).
4. Prior to the issuance of an occupancy permit for Phase II, the Petitioner shall:
 - a. Install an impressed asphalt as a median divider to separate the traffic heading north on Hill Street from traffic heading south on Hill Street into the Project Site and other businesses on Hill Street;
 - b. Construct a new concrete sidewalk along Hill Street from Montvale Avenue to the Project Site;

- c. Create a sight triangle to improve the safety of people exiting the Project Site from the driveways of the gas station area; and
 - d. Secure approval for and complete roadway improvements for the Hill Street approach to the Project Site, including an exclusive right-turn lane and center islands to define the two lanes approaching Montvale Avenue at the Hill Street intersection (collectively the "Phase II Improvements").
5. Prior to the issuance of a building permit for Phase I, the Petitioner shall provide to the City of Woburn a Bond in the amount of Ninety Thousand Four Hundred and 00/100 (\$90,400.00) Dollars to cover the cost of the Phase II Improvements outlined in Condition 4 above.
 6. In the event that the Petitioner does not complete the Phase II Improvements by the earlier of:
 - a. The issuance of an Occupancy Permit for Phase II; or
 - b. Twenty-four (24) months from the date of the Occupancy Permit for the Phase I construction, the City of Woburn is authorized to use the Bond to complete appropriate improvements to the immediate area as determined at that time. Notwithstanding the foregoing, the city may decline to complete the improvements and require the petitioner to complete the Phase II improvements.
 7. All conditions set forth in the original Special Permit Decision, except as modified by this Decision shall remain in full force and affect."

A copy of a communication dated October 4, 2016 with attachment to Attorney Joseph R. Tarby, III was received from City Engineer John Corey as follows:

Re: Breakdown of development costs

We have reviewed the submitted cost information relative to the above referenced project. We believe that the cost data is valid and the manner in which the improvements would be phased is reasonable in light of potential adjacent development.

A contingency of 10% should be carried for the project.

I trust this addresses your concerns

John E. Corey, Jr., P.E., City Engineer

Attached thereto was a communication dated September 27, 2016 from Attorney Joseph R. Tarby, III to City Engineer John E. Corey as follows:

Attached is a current breakdown of the development costs for 1 Hill Street. I proposed to the City Council as a condition to the revised plan that the Petitioner provide to the City of Woburn a bond in the amount of \$90,400.00 for the Phase 2 Improvements (Estimate for all offsite improvements of \$103,000 less the cost of the Phase One Improvements of \$20,800 plus a 10% contingency). We used the template that you prefer in providing the attached breakdown. The plan (given the proposed Kraft development) is to construct the project in two phases. Phase 1 would be the gasoline station and C-store. Phase 2 would

be the office building. There have been discussions with the buyer of the Kraft site about acquiring a portion of the land where the office building is proposed to help with the roadway entrance to Kraft. That is why we have proposed two phases. The Special Permits Committee has requested that you review the figures by the City Council hearing on October 4th. The improvements that are proposed exceed the 3% figure of \$62,916. Please call me or Tony to discuss. Thank you.

Attached thereto was a copy of a communication dated September 19, 2016 from Anthony Guba, A.L. Prime to Joseph R. Tarby, III as follows:

Sorry to take so long to get this to you. I modified the spreadsheet a little to make it fit this project better but the basic format and calc are the same.

A summary of attached:

1. Estimate to build everything - \$2,097,190 – (3% is \$62,916)
2. Estimate to only build Phase One - \$810,885 – (3% is \$24,327)
3. Estimate for total off-site improvements - \$103,000
4. Estimate for Phase One only off-site improvements - \$20,800
5. Using most recent purchase price, value of the easement is \$88,410 which would seem to be part of cost of conditions and should be added to both above off-site costs (#3 and 4).

Basically, #4 is only the curbing, sidewalk, and pavement at and between the proposed gas station driveways and the crosswalk. All the other stuff would be done with Phase Two – reset curbing, add pavement for an additional lane, striping, impressed asphalt, signalization changes, and sidewalk to Montvale.

Thanks, Anthony Guba

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 that the petitioner has no issue with the proposed conditions in the committee report, that the only outstanding issue was mitigation, that the City Engineer filed a report indicating that cost data was valid and the manner of phasing the project was reasonable, and that a 10% contingency amount was included in the \$90,400.00 mitigation proposal. 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 COMMITTEE REPORT be ADOPTED, 8 in favor, 1 opposed (Mercer-Bruen opposed).

On the petition by MetroNorth Business Center LLC to amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Amend Section 5 Use Regulations and Notes to 5.1 Table of Use Regulations as follows: 1. Amend Note 1 by adding after “(8.2.5)” the following: “a maximum driveway width for commercial developments greater than 15,000 square feet (8.4.1.3)”; and 2. Amend Section 8.4 Design and Layout of Required

Parking Facilities as follows: 1. Amend Section 8.4.1.3 by adding to the end of the fifth paragraph after the word "Planning Board" the following: "or by a Special Permit granted by the City Council pursuant to this Section 8.4.3." PUBLIC HEARING OPENED. A communication dated October 4, 2016 with attachment was received from Planning Board Director Tina P. Cassidy as follows:

Re: Planning Board recommendation on proposed zoning text amendments to Section 8.4.1.3 and Note 1 to Table 5.1, Table of Use Regulations/MetroNorth Business Center LLC

Dear Honorable Council:

The Woburn Planning Board conducted a public hearing on the above-referenced zoning petition at its meeting on Tuesday, September 27, 2016. The amendments requested therein would allow the City Council, by special permit, to vary the maximum driveway widths for commercial developments over 15,000 sq. ft. in size. Although the City Council and Planning Board currently have the ability to vary the maximum driveway width requirement for these types of developments, they can do so only if there is a site plan review or additional special permit application before them for approval. A "stand-alone" request (e.g. one that does not need any other special permit or site plan review) is not permissible as the ordinance is currently written. Similarly, the maximum driveway width requirement cannot be varied for residential projects or for commercial projects under 15,000 sq. ft. in size.

The Planning Board is supportive of MetroNorth's request but recommends the Council consider further amendments that would make it possible to authorize wider driveways for multi-family developments and commercial developments *under* 15,000 sq. ft. in size as well. Board members noted a recent situation involving the East Dexter Street townhouse project. In that case, the Planning Board, the developer and the City's Fire Department spent significant time and effort designing a driveway that met the Fire Department's requirements within the confines of a 24' width limitation. Having the ability to vary the requirement would have been very helpful, and it is likely similar situations will occur in the future.

For those reasons the Planning Board members voted unanimously (7-0) to recommend the zoning ordinance be amended to authorize the City Council to grant "driveway width" special permits for multi-family residential projects and for all commercial developments regardless of their size. Doing so would require revisions to MetroNorth's submission; the Planning Board's recommended revisions are shown in ~~cross-out~~ and **BOLD** on the attachment.

Please feel free to contact me if you have any questions regarding the Board's deliberations.

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

Attached thereto was the following:

PLANNING BOARD'S RECOMMENDATIONS REGARDING AMENDMENTS TO
SECTIONS 8.4.1.3 AND NOTE 1 IN THE NOTES TO TABLE 5.1 TABLE OF USE
REGULATIONS

(RECOMMENDED AMENDMENTS SHOWN IN **BOLD [TEXT TO BE ADDED]**
AND CROSS-OUT [~~TEXT TO BE DELETED~~])

(*Section 8.4.1.3*) "Commercial Developments of greater than 15,000 square feet:
Maximum driveway width of twenty-eight (28) feet of pavement width, leading to
an intersection having a radius of thirty (30) feet., ~~however,~~

Notwithstanding the provisions of this section, the maximum pavement width
and/or **minimum required driveway** radius may be **varied** ~~increased~~ for **multi-
family dwellings and commercial developments only, greater than 15,000 square
feet if so authorized by special permit issued by the City Council pursuant to
this Section 8.4.1.3** or if shown on a plan approved by either the City Council or
the Planning Board. **Neither the City Council nor the Planning Board shall
have the authority to vary the dimensional requirements for driveways
servicing one-family dwellings and two-family dwellings.**

(*Note 1 in the Notes to 5.1 Table of Use Regulations*) "In addition to the Special
Permit requirements shown in 5.1, Special Permits may be granted for the following:
Exception to screening requirements in buffer areas (6.2.6[6]); reconstruction of a
non-conforming use or structures damaged by fire (7.6); Reduction in required off-
street parking stalls for mixed uses (8.2.5.); **Driveway widths or minimum
driveway radii requirements for multi-family dwellings and commercial
projects**; Exception for landscaping requirements for parking facilities (8.6.2),
Reduction in required loading spaces for mixed uses (8.7.1); cluster development
(10)."

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 petitioner owns 74 Commerce Way, that the parcel contains 27.9 acres, that there are
six commercial buildings totaling 514,000 square feet of commercial space, that a
number of tractor trailer trucks enter the site and many have to jump the curb to make the
turn, that the City Council has authority to allow a wider curb cut by special permit, that
the ordinance allows a property owner to seek a special permit to widen a driveway, that
if the ordinance amendment is approved the property owner would have to request a
special permit in order to widen the driveway, and that the petitioner has no objections to
the Planning Board recommendations. Tim Williams, Allen & Major Associates, Inc.,
100 Commerce Way, Woburn, Massachusetts 01801 stated that there is a right turn in and

a right turn out driveway serving the property, that trucks have to go over the curb and grass to make the turns at the driveway, that the petitioner wants to add a five foot radius and to widen the two driveways to 54 feet and 46 feet, that this has been a long term issue, and that the petitioner seeks approval of the amendment so that they can make the improvements to their property. Alderman Gately stated that the petitioner would have to file plans to show the specific work if a special permit was sought. 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 ORDER be ADOPTED, AS AMENDED with the amendments as follows: 1. That that the Planning Board recommendations be adopted, all in favor, 9-0.

Presented to the Mayor: October 6, 2016 **s/Scott D. Galvin October 6, 2016**

On the petition by Washington Donuts, Inc., 344 Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration and expansion of a non-conforming use (fast food restaurant) and structure (street frontage, landscape, useable open space) to replace the existing 7 foot by 22 foot refrigeration unit with a new refrigeration unit measuring 7 feet by 24 feet on a 7 foot by 25 foot concrete pad at 344 Washington Street. PUBLIC HEARING OPENED. A communication dated September 28, 2016 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Special Permit application for 344 Washington Street/Washington Donuts, Inc.

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition which seeks permission in accordance with Section 7.3 of the Woburn Zoning Ordinance (WZO), for the extension and alteration of a non-conforming structure (street frontage, landscape and usable open space) and non-conforming use (fast food restaurant) to allow for the replacement of a refrigeration unit with one that has larger dimensions. The property is in an Office Park (O-P) zoning district and the requested use is allowed by City Council Special Permit.

A modification or extension to a pre-existing, non-conforming use or structure requires a Special Permit per Section 7.3 of the Woburn Zoning Ordinances, as amended. The Petitioner is requesting a finding from the City Council that the proposed change, extension or alteration of the existing exterior building space will not be substantially more detrimental than the existing nonconforming use to the neighborhood.

As proposed, the concrete pad would increase from 6'x25' to 7'x25' and the refrigeration unit would increase from 6'x22' (7'-7" in height) to 7'x24' (8'-7" in height). Planning staff take no exception to the proposed increase in dimensions for either the concrete pad nor the refrigeration unit.

In addition, Planning staff have reviewed the engineer-certified plot plan and found that the dimensions for both the existing and proposed concrete pad and refrigeration unit to be satisfactorily provided. In addition, a GIS mapping review of the property suggests that, although the refrigeration unit currently reaches over 7' in height, vegetative screening is provided to shields it from public view.

If the City Council chooses to grant the special permit, the Department recommends imposing the following as conditions:

1. The Special Permit shall be issued to Washington Donuts, Inc. only and shall not be transferrable;
2. That the vegetative screening currently in place remains after the replacement concrete pad and refrigeration unit have been installed, and that the vegetative screening be maintained in its current condition; and
3. The Plan of Record shall be "Woburn, Massachusetts, Plan of Land Prepared for: Wrinkle Realty Trust; Prepared by Reid Land Surveyors, 365 Chatham Street, Lynn, MA; Scale: 1"=30'; Date: August 29, 2016."

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

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

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 proposal is to replace a refrigeration unit with a new refrigeration unit, that nothing else changes on the site, and that he requests the petition be approved. Alderman Mercer-Bruen stated that the unit has needed to be replaced for some time, and that she takes no exception to the petition. 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 Planning Board recommendations be adopted as conditions of the special permit, all in favor, 9-0.

On the petition by Woburn Hotel Owner LLC, 125 High Street, 21st Floor, Boston, Massachusetts 02110 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.20 and 8.2.5 Mixed Use to amend a prior special permit for changes to site plan and a reduction in parking at 2 Forbes Road. PUBLIC HEARING OPENED. A communication dated September 29, 2016 was received from Tina P. Cassidy, Planning Board/WRA Director, Woburn Planning Board as follows:

Re: Planning Department comments on special permit request for approval of changes to special permit "site plan" and a reduction of parking requirements for 2 Forbes Road/Woburn Hotel Owner LLC

Dear Honorable Council:

The Planning Department reviewed the above-referenced petition which seeks approval of unspecified changes to a previously-approved site plan (Special Permit Plan of Record?) for a hotel under Section 5.1(20) of the Zoning Ordinance. The applicant is also seeking permission to reduce by roughly 30% the number of parking spaces to be provided on site; Section 8.2.5 of the Zoning Ordinance allows the Council to authorize a reduction of up to a third in the number of parking spaces for mixed use developments.

With respect to the request to amend the site plan (Plan of Record), the application contains no information/explanation as to what changes are being made. As a result, the Planning Department has nothing on which to base any meaningful comments or recommendations.

With respect to the request to reduce the number of parking spaces, the Planning Department cannot recommend the request be granted. While a reduction of parking requirements may make sense when it can be demonstrated that the number of spaces required by zoning would truly be unnecessary, this application contains no such justification. In fact, there is no information or argument included in the application to support this request.

The nature of the parking demands for the three uses on this site may justify voting against the reduction. The peak times of parking demand for a restaurant, hotel and banquet facilities typically coincide with each other, as opposed to occurring at different times of day. "Sharing" parking between different uses can work well. For instance, offices have the biggest demand for parking on weekdays between say 8 a.m. and 6 p.m., while residences require the most parking after 6:00 p.m. on weekdays and on weekends when offices are typically closed. The possibility of a busy restaurant, full hotel and one or two weddings on a Saturday evening would illustrate the opposite.

I would be happy to offer more detailed comments if additional documentation/information is provided and forwarded.

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

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the property is the Hilton Hotel, that the petitioner proposes a small addition to the front of the building, that a special permit was issued in 1982 when the hotel was first built allowing for a hotel and a certain number of parking spaces, that the petitioner proposes to add a saw tooth entrance to the building and a small patio of less than 200 square feet for the restaurant, that the Building Commissioner wanted an analysis of the parking plan, that under current zoning the petitioner requires a 25% reduction in parking, that there petitioner currently has 490 parking spaces, that four parking spaces will be removed to add green space which will replace green space that will be lost to the addition and two additional parking spaces will

be removed from the garage for improvements, that the petitioner will be reducing the number of parking spaces from 490 to 484, that if all function spaces are used and all the rooms are booked the petitioner would need approximately 600 parking spaces, that the petitioner has never had a full parking lot in 27 years, that the petitioner currently has less than the required number of parking spaces, that the petitioner would be reducing the available parking by six spaces, that no rooms are being added, that seating will be added to the restaurant at the outdoor patio, that the petitioner is making interior repairs and renovations but no additions, that the petitioner is the new owner of the property, that the addition will be twelve feet in height, that the landscaping will be upgraded, that impervious surfaces will not be changed in any other manner, and that based on current zoning requirements the petitioner is seeking a 24% reduction in parking which is the issue for which approval is requested by in reality the parking is being reduced from 490 parking spaces to 484 parking spaces. Ryan Bianchetto, Allen & Major, 100 Commerce Way, Woburn, Massachusetts 01801 stated that the 300 foot addition will be made to the front entry, that the petitioner will be upgrading the landscaping as well as fencing that runs along the perimeter of the property facing the garages of the adjoining apartment, that the petition is in compliance with the stormwater requirements and Conservation Commission standards, that the petitioner has completed the matter with the Conservation Commission, that there will be a reduction in impervious surfaces, and that the proposal is for a one-story addition. Alderman Mercer-Bruen stated that she has never received any complaints about parking at the location, and the requested reduction in parking is minimal. 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 plan of record shall be the plan entitled "Site Plans for Hilton Hotel Boston Woburn, 2 Forbes Road, Woburn, MA 01888" prepared by Allen & Major Associates, Inc. dated September 1, 2016, and 2. That all conditions of the prior special permit issued February 10, 1988 not inconsistent with this special permit remain in force and effect, all in favor, 9-0.

On the petition by 318 LLC, 274 Woodlands Road, Alton Bay, New Hampshire for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.22b, 5.1.69 and 7.3 to amend special permits dated September 25, 1997 as follows: 1. Special permit dated September 25, 1997 allowing for fast food establishment and ATM by deleting Condition 9 which currently allows the ATM and no more than one (1) other permitted use, and 2. Special permit dated September 25, 1997 allowing for the alteration of the existing externally illuminated nonconforming sign to allow for a modified sign that is an internally illuminated sign as well as wall signs that are internally illuminated; In addition, petitioner seeks: 1. To construct an approximately 4,000 square foot addition to the existing building at 318 Montvale Avenue and combine 314 Montvale Avenue and 318 Montvale Avenue into one lot; and 2. Continue the use of the nonconforming parking spaces on a portion of the lot as shown on the plan, at 314-318 Montvale Avenue. PUBLIC HEARING OPENED. A communication dated September 14, 2016 was received from Tina P. Cassidy, Planning Board/WRA Director as follows:

Re: Special permit applications for 314-318 Montvale Avenue/NGP Management LLC, and 318 LLC & 314 Montvale Avenue LLC

Dear Honorable Council:

The Planning Department has completed its review of two petitions that have been filed with the City Council for this property.

The first application, filed by NGP Management LLC, seeks two (2) modifications to a Special Permit Decision granted on September 25, 1997. Specifically, the applicant is requesting a revision to the permitted hours of operation of the existing fast food restaurant and ATM to permit both to be open 20 hours per day (4:00 a.m. to midnight) versus the current restrictions which limit hours of operation to 14 hours per day (6 a.m. to 8 p.m.). NGP is also seeking permission to alter its externally illuminated nonconforming sign to allow for a modified sign that is internally illuminated.

The second application, filed by 318 LLC NS 314-318 Montvale Avenue LLC, requests several things: Permission to construct a 4,000 sq. ft. addition to the existing building for “retail” use, to continue use of the existing non-conforming parking spaces on site, and two (2) modifications to the 1997 Special Permit decision to accommodate the new retail space: To eliminate a condition that limits the number of establishments on the site to two, and to allow for the alteration of the existing wall and free-standing signage by modifying it, adding to it, and illuminating it internally.

This comment letter addresses both applications, and the City Council may want to consider both applications simultaneously as well to ensure consistency between the decisions.

1. One application requests permission to continue to use the “...non- conforming parking spaces on a portion of the lot.” The Planning Department suggests the applicant identify the location of all non-compliant parking spaces on the plan and provide at least a verbal explanation as to why/how the spaces do not conform.
2. Much of the signage on site (free-standing and wall signs) may already be internally illuminated, despite the fact that the 1997 City Council decision required all signage to be externally illuminated. The applicant should be required to provide site plans *and* building elevation plans that specify the location, size and dimension of each proposed sign on site so that compliance with zoning can be confirmed and the signs’ impact on abutting properties ascertained. This seems especially important given the request to allow the signs to be internally illuminated.
3. The 318 LLC/314-318 Montvale Avenue LLC application seeks to delete condition #9 which limits the site to two (2) establishments: an ATM and “...no more than one (1) other permitted use to be allowed at this location.” Staff does not recommend the condition be stricken; if it were, there is a risk the applicant could demise the interior space into more than three commercial establishments. Instead, the Planning

Department recommends the condition be modified by replacing “one (1)” with “two (2)” and adding an “s” to “use”.

On a related note, we recommend the applicant be required to provide floor plans of the interior of the building. In addition to the general information such plans would provide, citing specific floor plans in the Decision will help ensure compliance with any condition relative to the maximum number of establishments allowed on site and will permit an evaluation as to whether the proposed site plan meets the parking requirements.

4. The new 4,000 sq. ft. “retail” use is somewhat of a mystery. It is defined only as a “retail establishment” in the development impact statement included in the application. The Planning Department strongly recommends the Council ascertain the type of retail establishment that would locate here, if for no other reason than to evaluate traffic conditions and impacts. “Retail” is a very broad term, and the amount of traffic generated by say a convenience store would be much greater than the traffic generated by a specialty clothing store of the same size.
5. Plans of the exterior elevations should be required for review, so the Council can evaluate the building’s aesthetics, analyze the location of all signage and points of ingress/egress, confirm conformance with maximum building height requirements and to provide a specific development plan, for the benefit of abutters for whom aesthetics and building scale matter.
6. The application form incorrectly states that both properties involved in this application are zoned B-H. They are not – they are both “split-zoned” and lie in both the B-H and R-2 zoning districts.
7. The parking summary on sheet 3 of 6 should be revised to provide the floor area of each establishment, so that conformance with parking requirements can be verified.
8. All compact parking spaces must be clearly identified by signage and/or markings as required by Section 8.2.3. The current plans do not show any such signage.
9. Parking spaces for ATM’s must be located within 100’ of the ATM machine. The plan should denote which spaces within 100’ of the machine are in fact reserved for the ATM. Planning staff suggests the two ATM spaces be equipped with signage indicating their reservation for ATM users only.
10. The City’s Engineering Director should be consulted regarding matters related to traffic on site, to/from the site, and the proposed project’s interrelationship with the planned Montvale Avenue project.
11. Investigate possible reconfiguration of the westernmost driveway to further discourage/prevent left turns by exiting cars;

12. A retaining wall is proposed along the western property line. Will it violate zoning by exceeding six (6) feet in height?
13. Section 8.6.1. requires that parking lots containing more than five (5) stalls be screened from abutting properties used for residential purposes. There is a combination of existing and proposed vinyl/stockade fence that screens the parking lot from the residential properties at 89 and 95 Washington Street, but a significant run of fencing is 6' chain link which will provide no sight-impervious buffer. Does the existing/proposed fencing scheme adequately protect the properties at 89 & 95 Washington Street ?
14. The locations of proposed lighting is shown on the plan but no details are provided to ensure it will provide adequate security lighting and be shielded and arranged so as to prevent glare onto adjacent streets and properties (Section 8.5.1 and 8.5.2).
15. Sections 8.7.1. and 8.7.5 require the building to have one loading bay for use by the tenants thereof. The plan doesn't appear to include one. The bay must be at least 10' wide, 35' in length and 12' in height in accordance with Section 8.7.2.1. and must be located *inside* the building in accordance with Section 8.7.2.6 because it is located within 100' of a residential district.

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

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

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 was originally approved for an Einstein Bagel restaurant and a bank ATM, that the petitioner will have the signs plans available in committee, that the petitioner proposes a 4,000 square foot addition to the existing building, that lots located at 314 Montvale Avenue and 318 Montvale Avenue will be combined into one lot, that the petitioner will retain the nonconforming parking, that the property is located in the B-H zoning district, that retail use under 5,000 square feet is allowed as a matter of right, that the two lots when merged will have 31,888 square feet in area, that 318 Montvale Avenue has a Dunkin Donuts restaurant and an ATM, that 314 Montvale Avenue has a five bedroom residential home which is unoccupied, that access to both parcels is from Montvale Avenue, that there is one driveway at 314 Montvale Avenue and two driveways at 318 Montvale Avenue, that the building addition will be similar in size to the Sherwin-Williams store across the street, that the locus has 45 parking spaces, that the building will have a retail use, that there will be two driveways at the combined lots, that the easterly driveway will be a right turn and left turn driveway and the westerly driveway will be right turn only, that if the city were to take 314 Montvale Avenue to widen the roadway this would result in a total taking as the house would have to be removed, that there is an R-1 zoning district line and a B-H zoning district line at the rear of the property, that the petitioner wants to retain the parking in that area which has been used for parking, that the intent of the condition in 1997 relative to "no more than one other use" was not clear however since

the parcels are being combined this will not be an issue, that the property will be marketed for a retail use, that elevation plans will be provided in committee, that the petitioner can identify the compact parking spaces onsite, that there are parking spaces near the ATM, that there is currently a left turn exit driveway which will be moved further east on Montvale Avenue away from the intersection, that a stockade fence will be installed along the rear property line, that a loading bay is not required, that the rear doors to the building will be used for loading purposes, that the Dunkin Donuts restaurant requires and has eighteen parking spaces, that the ATM requires and has two parking spaces, and that the proposed retail use requires and will have twenty parking spaces, that a total of forty parking spaces are required and will be provided, that he would have to review the definitions of specialty retail and shopping center to determine whether the petitioner would accept a condition limiting the retail to specialty retail, that he believes there will be three westbound lanes on Montvale Avenue after the widening of the roadway, that the number of retail uses has not been determined, that there is loading space behind the Dunkin Donuts restaurant and there are two rear doors for loading in the retail space. Attorney Tarby offered letters of support from Robert Severance and Joan Severance, both of 16 Dale Street and Maureen Haley and Donna Doherty, both of 3 Wilbur Street for the City Council to review. Motion made and 2nd that the communications be received and made part of the record. Giles Ham, P.E., Vanasse & Associates, Inc., 35 New England Business Center, Suite 140, Andover, Massachusetts 01810 stated that the petitioner will be closing on curb cut, that the two remaining curb cuts will be modified for better traffic flow in the area, that the westerly curb cut will be right turn only, that there are 148 morning peak hour trips to the Dunkin Donuts restaurant, that the retail use will have little morning peak hour traffic, that there are 59 afternoon peak hour trips to the Dunkin Donuts restaurant, that the afternoon peak hour trips to the retail use will be approximately 11 to 15, that he used the specialty retail use code for estimating the traffic, that the potential tenants are not high traffic uses, that examples of special retail are clothing stores, paint stores and cell phone stores, that the next code would be shopping center, that a shopping center is generally multiple tenants with uses such as health clubs, that a 400,000 square foot retail use would be a shopping center and not a specialty retail use, that the engineer for the project determines the land use code, that relying on his thirty years of experience he classifies the proposed use as specialty retail and not a shopping center, that there are three existing curb cuts, that one of the curb cuts will be closed and one of the existing curb cuts will be modified, that under current conditions there are not restrictions on turns from the driveways, and that a right turn only sign will discourage drivers from making a left hand turn at the westerly driveway. Robert Haverty, principal of the petitioner, stated that the gas, water and sewer service lines would have to be moved, that he will consult with the Superintendent of Public Works for the appropriate location, and that asbestos has been removed from the house. Alderman Mercer-Bruen stated that the City Council could consider conditioning the uses as a specialty retail use under the Institute of Transportation Engineers standards, and that the petitioner should consider constructing the right turn only driveway to prohibit left turn lanes. President Haggerty stated that it is good to see the house come down and the land made available to widen Montvale Avenue, and that the land has to be in place by August 2017 to have the Montvale Avenue widening project move forward. Alderman Anderson stated that since the proposed retail use is under 5,000 square feet a

loading bay is not required, that this means the portion of the building used for the Dunkin Donuts cannot be used for retail in the future or this may trigger the need for a loading bay, and that if the retail use is over 5,000 square feet there are significant loading bay requirements. PUBLIC COMMENTS: Rick Freeman, 12 Foley Road, no address given, stated that he is in support of the petition, that the proposal will allow the widening on Montvale and be part of the solution in the area, and that the petitioner is not seeking to maximize the use as much as he could. Kathy Bailey, 4 Utica Street stated that she is in favor of the petition, that she wanted to know how many lanes of westbound traffic would pass the property, that there should be no left turns out of the property if there will be three lanes of traffic heading westbound, that she wants to know if there will be a trash dumpster, that she wants to know how many retail shops will be in the new building, and that the neighbors on Washington Street are concerned about lighting and landscaping. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 18, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

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 have been issues at this location, that there have been complaints by neighbors and visits to the property by the Police Department, that there are in excess of eight to ten vehicles at the property each day, that there is a tagalong trailer at the site and a cargo van parked on the front sidewalk, that the building has 1,023 square feet of living space, an unfinished downstairs, one bathroom and three bedroom, that he does not understand how so many people can be living in the building, that the property appears to be used for business, and that he has received documents from the Building Department concerning the property. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 15, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON LIAISON with the following amendments: 1. That a communication be sent to the Police Department requesting a list of parking tickets and calls to the location and information as to the number of vehicles registered at the property, 2. That a communication be sent to the City Clerk requesting information as to the number of voters registered at the property, and 3. That a communication be sent to the Treasurer/Collector for information as to whether there are any outstanding tax, water or sewer charges at the property and who is the assessed owner of the property, and that the information be requested from the departments by October 11, 2016, all in favor, 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

SPECIAL PERMITS:

On the communication relative to a special permit issued to 859 Main Development regarding a sidewalk easement at 855 Main Street, committee report was received "that a communication be sent to the City Solicitor to recommend acceptance of the easement based on the circumstances that the city should accept the easement for future development of the walkway and to prepare an Order for action by the City Council." Motion made and 2nd that COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

PUBLIC SAFETY AND LICENSES:

On the petition relative to the revocation of Second Class Motor Vehicles Sales License held by Capelo's Garage, Inc., committee report was received "that the petition for a new Second Class Motor Vehicle Sales License by Capelo's Auto Service Inc. dba Capelo's Auto Sales ought to pass upon written notification from Capelo's Garage, Inc. relinquishing rights in the Second Class Motor Vehicle Sales License, and further that the new license to Capelo's Auto Service Inc. dba Capelo's Auto Sales shall expire December 31, 2017." A communication date September 26, 2016 was received from Jerry Capelo, Capelo's, Auto Service, Inc., 22 Winn Street, Woburn, Massachusetts 01801 as follows:

To whom it may concern,

I Jerry Capelo hereby relinquish my rights to the second hand motor vehicle license under the name of Capelo's Garage, Inc. located at 22 Winn Street, Woburn, MA

s/Jerry Capelo

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Motion made and 2nd that the RELINQUISHMENT OF THE SECOND CLASS MOTOR VEHICLE SALES LICENSE BY CAPELO'S GARAGE, INC. be ACCEPTED, all in favor, 9-0.

On the petition by Capelo's Auto Service, Inc. dba Capelo's Auto Sales for a new Second Class Motor Vehicle Sales License, committee report was received "that the petition for a new Second Class Motor Vehicle Sales License by Capelo's Auto Service Inc. dba Capelo's Auto Sales ought to pass upon written notification from Capelo's Garage, Inc. relinquishing rights in the Second Class Motor Vehicle Sales License, and further that the new license to Capelo's Auto Service Inc. dba Capelo's Auto Sales shall expire

December 31, 2017.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the amendment as follows: 1. That any conditions of the original license shall apply to this new license, all in favor, 9-0.

Presented to the Mayor: October 6, 2016 s/Scott D. Galvin October 6, 2016

On the petition by ACT Leasing Inc. for renewal of a Second Class Motor Vehicle Sales License, committee report was received “ought to pass.” Alderman Mercer-Bruen stated that she would recuse herself from participation in this matter. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 1 abstained (Mercer-Bruen).

Presented to the Mayor: October 6, 2016 s/Scott D. Galvin October 6, 2016

On the review of matters pending since 2013 and prior including: Dave’s Automotive Inc. Livery License; Resolve relative to YMCA Darkness to Light program; Resolve to meet with Police Chief regarding public safety issues; Memo regarding Traffic Code; Memo regarding radar speed warning signs; Metro Cab Tax License; Memo regarding Medical Reserve Corps; Soper 470, LLC Inflammable License; and Memo relative to Municipal Resources, Inc. report, committee report was received “that the matters be received and placed on file.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

NEW PETITIONS:

Petition by Festival on the Common, P.O. Box 211, Woburn, Massachusetts 01801 for a Special Event Permit to allow a festival on Woburn Common and the surrounding area on November 26, 2016. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Presented to the Mayor: October 6, 2016 s/Scott D. Galvin October 6, 2016

Petition by Camargo Chauffeur Service LLC, 35 Dix Road Ext., Woburn, Massachusetts 01801 for a new Livery License for one (1) vehicle. 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 First Class Motor Vehicle Sales Licenses by: C.N. Wood Company, Inc., 200 Merrimac Street; Woodco Machinery, Inc., 22 North Maple Street; and Woburn Foreign Motors, Inc., 394 Washington Street. Motion made and 2nd that the MATTERS 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: Robert McSheffrey dba Bob McSheffrey Auto Sales, 880 Main Street; Kenneth L. O'Connor and Thomas F. Norton dba City Line Motors, 30 Rear Torrice Drive; McSheffrey Auto Sales, Inc., 878 Main Street; Ollie's Service Center, 310 Main Street; David Dellarocco dba Woburn Auto Sales; Woburn Gas & Services, Inc., 545 Main Street; and Donald J. Socorelis dba Woburn Glass Co., 243 Main Street. Motion made and 2nd that the MATTERS be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

On the petition by Gordon Colonial, Inc. dba Colonial Cadillac of Woburn, 201 Cambridge Road for transfer of First Class Motor Vehicle Sales License from R.C. Olson Cadillac, Inc. and renewal for 2017. Motion made and 2nd that Rule 20a be suspended for this petition, all in favor, 9-0. Motion made and 2nd that the TRANSFER AND RENEWAL OF THE FIRST CLASS MOTOR VEHICLE SALES LICENSE be APPROVED, AS AMENDED with the condition as follows: 1. That all outstanding taxes to be City of Woburn be paid before the new license issues, all in favor, 9-0.
Presented to the Mayor: October 6, 2016 **s/Scott D. Galvin October 6, 2016**

Petition by NStar Electric Company dba Eversource Energy and Verizon New England, Inc. for a grant of right in a way on Washington Street easterly side beginning at South Site Drive and continuing north, relocate seven (7) joint occupancy poles: p228/88, p228/89, p228/90, p228/91, p228/92, p228/93, and p228/94, to the backside of the sidewalk. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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

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

COMMUNICATIONS AND REPORTS:

A communication dated September 21, 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 August 2016: Number of violations issued 547, Numbers of violations paid 347, Number of violations outstanding 219, Amount collected and submitted to Collectors Office \$36,609.00, Parking fines referred to the Handicap Commission \$17,300.00.

There is a backlog of 1,646 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 September 29, 2016 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 Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of June 30, 2016 – September 29, 2016.

The only matter that is currently pending is 6 East Dexter Avenue, I have spoken with the Middlesex District Attorney's Office as they requested further information and they have advised that the matter is still moving thru there process.

If you have any additional questions as always do not hesitate to contact me.

s/Thomas C. Quinn Jr., Building Commissioner

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

A communication dated September 16, 2016 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Subject: Franson v. City Council

Please find attached the Court's decision on the Defendant's (Melanson) motion for summary judgment. The motion was granted and the zoning appeal regarding the rezoning of 165 Cambridge Road has been dismissed. The entry date of the Judgment is September 14, 2016, which starts the 30-day appeal period, although my sense is that the neighbors will not be filing an appeal.

Ellen Callahan Doucette, City Solicitor

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

A communication dated September 21, 2016 was received from Vincent P. McCarthy, Director, Division of Local Mandates, Auditor of the Commonwealth, One Winter Street, 9th Floor, Boston, Massachusetts 02108 as follows:

Re: The Financial Impacts of Early Voting Requirements Under M.G.L. c.54, §25B and 950 C.M.R. 47.00

Dear President Haggerty and Alderman Concannon:

State Auditor Suzanne Bump asked that I write to acknowledge receipt of your letter, sent on behalf of the City of Woburn, regarding the financial impacts of the newly established early voting requirements under M.G.L. c.54, § 25B and 950 C.M.R. 47.00.

The Division of Local Mandates (DLM) will undertake the analysis necessary to respond to your request. In the meantime, please provide the DLM with the City of Woburn's estimate costs pertaining to the implementation of the early voting provisions in M.G.L. c.54, § 25B and 950 C.M.R. 47.00. If you have any questions please contact me. We thank you for bringing this mandate determination request to our attention.

Sincerely, s/Vincent P. McCarthy, Director, Division of Local Mandates

City Clerk Campbell stated that the Director of the Division of Local Mandates will be meeting with the Mayor, City Council President and City Clerk on October 14, 2016 to discuss the matter. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in the State Election to assemble at the polling places in the City of Woburn as designated herein, on **TUESDAY, the EIGHTH DAY OF NOVEMBER, 2016** from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the State Election for the candidates for the following offices at the following polling places:

ELECTORS OF PRESIDENT AND
VICE PRESIDENT FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS FIFTH DISTRICT
COUNCILLOR THIRD DISTRICT
SENATOR IN GENERAL COURT..... 4TH MIDDLESEX DISTRICT
REPRESENTATIVE IN GENERAL COURT... 15TH MIDDLESEX DISTRICT
(Wards 1, 7)
REPRESENTATIVE IN GENERAL COURT... 30TH MIDDLESEX DISTRICT
(Wards 2, 3, 4, 5, 6)
REGIONAL SCHOOL COMMITTEE NORTHEAST METROPOLITAN
SHERIFF MIDDLESEX COUNTY

QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Gaming Commission to issue one additional category 2 license, which would permit operation of a gaming establishment with no table games and not more than 1,250 slot machines.

The proposed law would authorize the Commission to request applications for the additional license to be granted to a gaming establishment located on property that is (i) at least four acres in size; (ii) adjacent to and within 1,500 feet of a race track, including the track's additional facilities, such as the track, grounds, paddocks, barns, auditorium, amphitheatre, and bleachers; (iii) where a horse racing meeting may physically be held; (iv) where a horse racing meeting shall have been hosted; and (v) not separated from the race track by a highway or railway.

A YES VOTE would permit the state Gaming Commission to license one additional slot-machine gaming establishment at a location that meets certain conditions specified in the law.

A NO VOTE would make no change in current laws regarding gaming.

QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would allow the state Board of Elementary and Secondary Education to approve up to 12 new charter schools or enrollment expansions in existing charter schools each year. Approvals under this law could expand statewide charter school enrollment by up to 1% of the total statewide public school enrollment each year. New charters and enrollment expansions approved under this law would be exempt from existing limits on the number of charter schools, the number of students enrolled in them, and the amount of local school districts' spending allocated to them.

If the Board received more than 12 applications in a single year from qualified applicants, then the proposed law would require it to give priority to proposed charter schools or enrollment expansions in districts where student performance on statewide assessments is in the bottom 25% of all districts in the previous two years and where demonstrated parent demand for additional public school options is greatest.

New charter schools and enrollment expansions approved under this proposed law would be subject to the same approval standards as other charter schools, and to recruitment, retention, and multilingual outreach requirements that currently apply to some charter schools. Schools authorized under this law would be subject to annual performance reviews according to standards established by the Board.

The proposed law would take effect on January 1, 2017.

A YES VOTE would allow for up to 12 approvals each year of either new charter schools or expanded enrollments in existing charter schools, but not to exceed 1% of the statewide public school enrollment.

A NO VOTE would make no change in current laws relative to charter schools.

QUESTION 3: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

This proposed law would prohibit any farm owner or operator from knowingly confining any breeding pig, calf raised for veal, or egg-laying hen in a way that prevents the animal from lying down, standing up, fully extending its limbs, or turning around freely. The proposed law would also prohibit any business owner or operator in Massachusetts from selling whole eggs intended for human consumption or any uncooked cut of veal or pork if the business owner or operator knows or should know that the hen, breeding pig, or veal calf that produced these products was confined in a manner prohibited by the proposed law. The proposed law would exempt sales of food products that combine veal or pork with other products, including soups, sandwiches, pizzas, hotdogs, or similar processed or prepared food items.

The proposed law's confinement prohibitions would not apply during transportation; state and county fair exhibitions; 4-H programs; slaughter in compliance with applicable laws and regulations; medical research; veterinary exams, testing, treatment and operation if performed

under the direct supervision of a licensed veterinarian; five days prior to a pregnant pig's expected date of giving birth; any day that pig is nursing piglets; and for temporary periods for animal husbandry purposes not to exceed six hours in any twenty-four hour period.

The proposed law would create a civil penalty of up to \$1,000 for each violation and would give the Attorney General the exclusive authority to enforce the law, and to issue regulations to implement it. As a defense to enforcement proceedings, the proposed law would allow a business owner or operator to rely in good faith upon a written certification or guarantee of compliance by a supplier.

The proposed law would be in addition to any other animal welfare laws and would not prohibit stricter local laws.

The proposed law would take effect on January 1, 2022. The proposed law states that if any of its parts were declared invalid, the other parts would stay in effect.

A YES VOTE would prohibit any confinement of pigs, calves, and hens that prevents them from lying down, standing up, fully extending their limbs, or turning around freely.

A NO VOTE would make no change in current laws relative to the keeping of farm animals.

QUESTION 4: LAW PROPOSED BY INITIATIVE PETITION

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 3, 2016?

SUMMARY

The proposed law would permit the possession, use, distribution, and cultivation of marijuana in limited amounts by persons age 21 and older and would remove criminal penalties for such activities. It would provide for the regulation of commerce in marijuana, marijuana accessories, and marijuana products and for the taxation of proceeds from sales of these items.

The proposed law would authorize persons at least 21 years old to possess up to one ounce of marijuana outside of their residences; possess up to ten ounces of marijuana inside their residences; grow up to six marijuana plants in their residences; give one ounce or less of marijuana to a person at least 21 years old without payment; possess, produce or transfer hemp; or make or transfer items related to marijuana use, storage, cultivation, or processing.

The measure would create a Cannabis Control Commission of three members appointed by the state Treasurer which would generally administer the law governing marijuana use and distribution, promulgate regulations, and be responsible for the licensing of marijuana commercial establishments. The proposed law would also create a Cannabis Advisory Board of fifteen members appointed by the Governor. The Cannabis Control Commission would adopt regulations governing licensing qualifications; security; record keeping; health and safety standards; packaging and labeling; testing; advertising and displays; required inspections; and such other matters as the Commission considers appropriate. The records of the Commission would be public records.

The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments.

The proceeds of retail sales of marijuana and marijuana products would be subject to the state sales tax and an additional excise tax of 3.75%. A city or town could impose a separate tax of up to 2%. Revenue received from the additional state excise tax or from license application fees and civil penalties for violations of this law would be deposited in a Marijuana Regulation Fund and would be used subject to appropriation for administration of the proposed law.

Marijuana-related activities authorized under this proposed law could not be a basis for adverse orders in child welfare cases absent clear and convincing evidence that such activities had created an unreasonable danger to the safety of a minor child.

The proposed law would not affect existing law regarding medical marijuana treatment centers or the operation of motor vehicles while under the influence. It would permit property owners to prohibit the use, sale, or production of marijuana on their premises (with an exception that landlords cannot prohibit consumption by tenants of marijuana by means other than by smoking); and would permit employers to prohibit the consumption of marijuana by employees in the workplace. State and local governments could continue to restrict uses in public buildings or at or near schools. Supplying marijuana to persons under age 21 would be unlawful.

The proposed law would take effect on December 15, 2016.

A YES VOTE would allow persons 21 and older to possess, use, and transfer marijuana and products containing marijuana concentrate (including edible products) and to cultivate marijuana, all in limited amounts, and would provide for the regulation and taxation of commercial sale of marijuana and marijuana products.

A NO VOTE would make no change in current laws relative to marijuana.

Ward-Precinct Polling Place Location

1-1	Joyce Middle School Gymnasium, 55 Locust Street
1-2	Joyce Middle School Gymnasium, 55 Locust Street
2-1	Shamrock Elementary School Gymnasium, 60 Green Street
2-2	Shamrock Elementary School Gymnasium, 60 Green Street
3-1	Hurd Elementary School Gymnasium, 75 Bedford Road
3-2	Hurd Elementary School Gymnasium, 75 Bedford Road
4-1	Wyman Elementary School Auditorium, Main Street and Eaton Avenue
4-2	White Elementary School, 36 Bow Street
5-1	Goodyear Elementary School Gymnasium, 41 Central Street
5-2	Goodyear Elementary School Gymnasium, 41 Central Street
6-1	Altavesta Elementary School Gymnasium, 990 Main Street
6-2	Altavesta Elementary School Gymnasium, 990 Main Street
7-1	Reeves Elementary School Gymnasium, 240 Lexington Street
7-2	Reeves Elementary School Gymnasium, 240 Lexington Street

s/President Haggerty

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: October 6, 2016 **s/Scott D. Galvin October 6, 2016**

From Traffic Commission:

ORDERED MOUNT PLEASANT STREET – That a stop sign restriction be established southeast bound and northwest bound on Mount Pleasant Street at the intersection with South Street.

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: October 6, 2016 **s/Scott D. Galvin October 6, 2016**

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, Title 2, Section 2-180 Base Salaries be further amended by adding under “Voters, Board of Registrars of” the following “Early Voting Clerks \$50.00 per shift”.

s/President Haggerty

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

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:15 p.m.

A TRUE RECORD ATTEST:

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