

**CITY OF WOBURN
SEPTEMBER 16, 2014 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by NSTAR Electric Company for a grant of right in a way to install conduit westerly from Pole 239/7 approximately 97 feet south of Poole Street a distance of about six feet on Winter Street. PUBLIC HEARING OPENED. A communication dated September 15, 2014 was received from Superintendent of Public Works John Duran as follows:

Subject: NStar Petition for conduit installation on Winter Street

Pursuant to the request from NStar Electric for the installation of the conduits to service the new subdivision called Peterson Way, I offer the following. The installation consists of new conduits from a new pole that will replace an existing pole. This pole should be positioned to allow for proper handicap access for the proposed sidewalk along Winter Street which has been laid out on the ground. The existing pole should be removed as part of this operation. In addition, there is another double pole within 150 feet of this work (opposite Poole Street) that should also be removed as a condition of this approval.

Please feel free to call with any questions or concerns.

A communication dated September 16, 2014 was received from Jacqueline Duffy, Right of Way Agent, NSTAR Electric Company as follows:

To the Woburn Town Council:

NSTAR Electric respectfully requests the withdrawal of the petition for the Winter Street installation of conduit.

We hereby request that the public hearing be continued to your meeting on October 7th.

Thank you, Jacqueline Duffy, Right-of-Way Agent, NSTAR Electric

Motion made and 2nd to accept the communication from the petitioner and make it part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 7, 2014, all in favor 9-0.

On the petition by Verizon New England, Inc. for a grant of right in a way to install a new 2 foot by 3 foot handhole and approximately 50 feet of 2 inch to 4 inch PVC from the proposed handhole to relocated joint occupancy pole P105/2 on High Street. PUBLIC HEARING OPENED. A letter dated September 15, 2014 was received from Superintendent of Public Works John Duran as follows:

Subject: Verizon Petition for hand hole and conduit installation on High Street

Pursuant to the request from Verizon to install a hand hole and 50 feet of PVC conduit from the relocated pole owned by NStar Electric at the former Masotta's building, I recommend the following. Based upon site meetings with NStar personnel and concerns raised at the public hearing on this matter, the proposed relocated pole will be positioned at the back of the sidewalk. The sketch shown for the hand hole depicts the installation at the edge of the pavement. I recommend that the hand hole and the associated conduits be located at the back edge of the sidewalk. If this protrudes into private property, an easement from the property owner should be obtained. The lines between the public way and private property are difficult to estimate based upon the curvature of the road.

I take no opposition to the remainder of the installation as long as there are not trip hazards, and that all disturbed concrete panels are replaced in full panels, installed to DPW specifications and are ADA compliant.

Please feel free to call with any questions or concerns.

Motion made and 2nd to accept the communication and make it part of the record, all in favor, 9-0. Appearing for the petitioner was Elizabeth Kelly, Precision Valley Communications and she stated that her company is the authorized agent for the petition, that the petitioner will follow the recommendations of the Superintendent of Public Works, and that the petitioner will meet with the Superintendent of Public Works before the work begins. Alderman Gately stated that he has no opposition to this request, and that he will support granting the right of way at this meeting to keep the project moving along. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the

GRANT OF RIGHT IN A WAY be APPROVED, AS AMENDED with the conditions as follows: 1. That the recommendations of the Superintendent of Public Works be adopted as conditions of the grant of right in a way, all in favor 9-0.

Present to the Mayor: September 19, 2014

s/Scott D. Galvin Sept. 19, 2014

On the petition by KEG Realty LLC, George Hamilton, Manager, 19 Jefferson Avenue, Woburn, Massachusetts 01801 for two special permits pursuant 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 7.3 to allow alteration of a pre-existing nonconforming structure to allow for a 38 foot by 12 foot two-story addition, and 2. Pursuant to Section 15 to allow enlargement of an existing use to allow for a 38 foot by 12 foot addition in Ground Water Protection District, at 19 Jefferson Avenue. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, with the following conditions: 1. Limit use of the floor space in the addition to the purpose stated (storage), and require the applicant to apply for a modification to the special permit if another use is contemplated for the addition in the future; 2. Reiterate that all storage in the facility – both in the existing building and the proposed addition - must meet the requirements of the City's groundwater protection district including the prohibitions/restrictions set forth in Section 15-3.6.B. (Prohibited Uses); 3. Require the applicant to provide revised plans showing the exterior parking areas on site, proposed snow storage area(s), and Dumpster locations; 4. Require that any customer vehicles remaining on site at the end of a workday must be stored inside the building; 5. Restrict the height of the two (2) new overhead doors proposed for the rear and side façades of the addition to a maximum of eight (8) feet, to discourage/preclude their use for purposes other than storage; 6. Cite all final plans in the decision so that future changes to the building or site (i.e. addition of new exterior lighting or relocation of a Dumpster) will require additional Council review and approval; and 7. That the plan of record shall be the plan entitled "Plot Plan 19 Jefferson Ave. Woburn, MA" prepared by LeBlanc Survey Associates, Inc. dated September 8, 2014, filed with the City Council on September 11, 2014." Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that he had no additional information to provide. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the conditions from the Committee on Special Permits be adopted, all in favor, 9-0.

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 September 10, 2014 was received from Erin Wortman, City Planner/Grant Writer as follows:

Re: Planning Department Comments on Special Permit Application for JFJ Holdings, LLC at 19 Traverse Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request 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) as shown on the plans filed with this Petition pursuant to Section 7.3. Additionally, the petitioner is requesting a finding from the City Council that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The property is located in an R-2 zoning district.

Per Section 7.3, pre-existing non-conforming structures or uses shall not be extended or altered unless the petitioner provides proof that the pre-existing non-conforming structure or use was validly and legally established. The petitioner has not provided said proof as part of the application. Based on the provided plan, the petitioner meets all requirements for maximum lot coverage, minimum open space, setbacks and parking for the requested use. All parking spaces are indicated as 9' (nine feet) x 18' (eighteen feet) which is the required parking stall dimension for a parking space within the City. With the Plan at 20 scale, the driveway width appears to be 12 feet which is the minimum driveway width for residential developments. However, lack of a proper turnaround may make it challenging for residents to exit parking spaces, and travel down the drive and onto Traverse Street.

Finally, the petitioner's request that the City Council find that the change, extension or alteration is not substantially more detrimental than the existing nonconforming use to the neighborhood is part of the special permit review process. Per Section 7.3, the Council is required to consider, without limitation, impacts upon the following: traffic volumes, traffic congestion, adequacy of municipal water supply and sewer capacity, noise, odor, scale, character and visual effects.

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

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

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that there are three residential units at the locus, that there are two units in the front building and one unit the rear building, that the petitioners propose to construct an addition to the rear building and have two units in the building, that the units will be residential condominiums, that the units will be sold, that the property is located in the R-2 zoning district, that one structure was built in 1900 and the other was built in 1920, that the

existing structures are nonconforming under the zoning ordinances, that the addition will be to the rear structure, that there addition will not be substantially more detrimental than that current use, that there are single-family, two-family and multi-family buildings in the neighborhood, that the proposed addition will not have a detrimental effect on the traffic, water supply or have an adverse visual impact, that the petitioner will work with the plan to improve the vehicle turnaround, that the petitioner by way of oral argument has established that the use will not be substantially more detrimental than the present use, that he can provide copies of building permits to establish the nonconformity, that the City Engineer is reviewing the plan, and that there will be a shared driveway. Attorney Tarby offered a copy of a building permit dated September 4, 1944 for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. The petitioner Scott Hardin stated that there is one sewer line and water line for both buildings, that if the sewer and water lines need to be changed they can do this, that the new unit will have a two car garage, and that they will repair the rear building and add to the rear building. Alderman Mercer-Bruen stated that the petitioner has not established the property is validly and legally nonconforming as noted by the Planning Board, and that she will need to be presented evidence of the nonconformity to move forward with review. Alderman Raymond stated that the property is located in the historical corridor with buildings constructed in the late 1800s and the early 1900s. that this proposal allows the property to be cleaned up and will showcase the front building and demonstrate the historical significance of the front house, and that the properties are not in bad repair. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 21, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by R.C. Olsen Cadillac, Inc., 201 Cambridge Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57a of the 1985 Woburn Zoning Ordinances, as amended, to allow for three storage trailers at 201 Cambridge Road. PUBLIC HEARING OPENED. A communication dated September 10, 2014 was received from Erin Wortman, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department Comments on Special Permit Application for R.C. Olsen Cadillac, Inc. at 201 Cambridge Road

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for three (3) storage containers at 201 Cambridge Road pursuant to Section 5.1.57a of the Woburn Zoning Ordinance. The property is located in a B-H zoning district and the requested use is allowed by City Council special permit. Based on the application, the petitioner indicated that the three proposed trailers would be 8" x 8.5" x 20" as a temporary use as needed. It should be noted that staff believes that this is a scrivener's error and the dimensions are most likely 8' x 8.5' x 20'.

Based on the provided plan, the proposed use has the three (3) trailers located at the south easterly portion of the property which directly abuts a R-1 District. It is unclear how many parking spaces will be eliminated by the proposed trailers. Additionally, it is unclear how many parking spaces are needed for the current use and if there are adequate spaces if the requested use is granted. If the Council chooses to grant this request, then the use should only be granted for a period of time not to exceed one year per Section 5, Note 17 of the Woburn Zoning Ordinance.

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

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

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the locus is located in the B-H zoning district, that the special permit is required for outside storage, that the locus is 2.34 acres in area, that the petitioner has been in business for over 51 years, that the petitioner has been at this location since 1970, that the petitioner will store mechanical parts, auto parts and tires in the trailers, that two trailers have been on the site for ten years and the third trailer for a few years, that the trailers are located behind the building and are not visible from Cambridge Road, that the petitioner was recently informed by the Building Department of the need for the trailers, that the trailers can only be used by special permit for a period of one year, that the petitioner will either have to remove the trailers within one year or seek a further special permit, and that there is one-way vehicle circulation on the lot. Richard Olsen, President of R.C. Olsen Cadillac, Inc. stated that the property is kept clean, that the trailers are rented on a monthly basis, that there are cyclical needs for the trailers, that the locus was a fleet location for Cadillac, that at one point last year the dealership had an inventory of 200 more vehicles than were needed, that the petitioner is no longer a fleet dealer and will have fewer vehicles, that he is not certain whether the trailers will be needed a year from now, that the trailer provided a simple solution to their storage issue, that some of the parts can be moved to the parts room, that the trailers made access to the parts easier for his employees, that there have never been complaints from neighbors, that the plan filed with the petition is dated 2001 and showed one trailer at that time, that a vehicle can be driven around the vehicle but the lane is tight, that the travel lane near the storage trailers is approximately fourteen feet if the body shop is filled, that his employees park in the lower parking lot, and that the car carriers are off loaded at the Salem Street location. Alderman Mercer-Bruen stated that she is concerned about repetitive approval of storage trailers, that she will support the petition with the understanding that the trailers will be removed next year, and that the petitioner should look for alternative locations for the parts to be stored. Alderman Gately stated that he is concerned about the turning radius for vehicles around the building. PUBLIC COMMENTS: Paul Meaney, 1 Brandt Drive stated that he is speaking on behalf of the Woburn Business Association Board of Directors, that the petitioner has an excellent business, that the building has been remodeled several times, that the building and landscaping are well maintained, and that this is a good business for the city. 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 dated 12/29/01 as amended showing three storage trailers, and 2. That the special permit shall expire one year from the date of issuance of the special permit, all in favor, 9-0.

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. Alderman Anderson stated that the matter is in Committee on Ordinances, and that the Committee is waiting for the Planning Board comments. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 21, 2014, all in favor 9-0.

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

On the petition by President Richard Haggerty by further amending the 1985 Woburn Zoning Ordinances, as amended as follows: 1. That Section 2 Definitions be further amended by adding the following definition to Section 2: Mixed Use Hotel/Restaurant: A mix of hotel and restaurant uses in one building or in separate buildings on one development lot. 2. That Section 5.1, Table of Use Regulations, be amended by adding a new line 20(a) entitled "Mixed Use Hotel/Restaurant" which use shall be allowed in the B-D, B-I, I-P, I-P2, I-G, S-2, O-P and O-P93 zoning districts by "P" special permit and shall not be allowed in the remaining zoning districts. PUBLIC HEARING OPENED. Alderman Haggerty stated that this proposal is to allow for users that are already allowed in the zoning districts to co-exist on a single lot, that hotels and restaurants are allowed currently but must be on separate lots, that this ordinance will allow a proposal to be

looked at comprehensively, that the ordinance does not change setback or any other dimensional requirement, that the proposal is triggered by a project anticipated to be constructed on Washington Street, that the amendment will allow the petitioner to apply for the special permit, that if the ordinance is approved any project will have to go through the special permit process, that this proposed ordinance will allow the former Grace property site to be rehabilitated and remove the stigma of that property, that the zoning ordinances should rarely be amended but at times it is necessary to do so, that with the Washington Street property the size of the parcel raises issues, that the parcel would have to be split into separate lots and the project would have to move forward with separate petitions, that it is better for the process to have an overall development plan for the entire site, that the proposal for the Washington Street property could occur without this zoning amendment but the parcel would have to be split and multiple permits issue, that it would be better to look at the development of the whole site, that a secondary use might be a restaurant in a hotel rather than a freestanding business, that the amendment will allow for a better mitigation plan for one parcel rather than several parcels, that there is no proposal for development of the Washington Street parcel before the City Council, and that this proposal is only a zoning change. Alderman Anderson stated that the matter is in Committee on Ordinances, that the Committee is waiting for comments from the Planning Board, and that no plan for the development of the project has been filed as of this time. Alderman Mercer-Bruen stated that she was under the impression that the proposed Washington Street development was going to be allowed within the current zoning ordinances and without the need to amend the zoning code, that she has learned that both of the uses could not be allowed without the zoning amendment, that she wants to see the site developed but is cautious about amending the zoning code, that she wants to know the impact of the proposed ordinance on other parts of the city, that if there is no impact on other parts of the city then the proposal can move forward, that she supports development of the site, and that the hotel is a good use and the accessory uses are needed. Alderman Drapeau stated that the City Solicitor or Planning Director could be asked to determine the effect that this ordinance may have on other parcels in the city. Alderman Gately stated that the City Council must look at the overall picture, that he is reluctant to change the zoning code but that it can be a deterrent to some projects if the appropriate amendments are not allowed, and that there is always the safeguard of the special permit process. Alderman Concannon wants to know if the proposed Washington Street development can occur with or without the proposed amendment. PUBLIC COMMENTS: Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn stated that he represents Madison Properties, that the interpretation of the zoning code with respect to this project was not clear until a couple of months ago, that the Building Commissioner referred the matter to the City Solicitor, that the opinion of the City Solicitor was that there cannot be two principal uses on one lot, that the proposed ordinance is more restrictive than current ordinances, that in all the districts a restaurant can be built by right unless it is open after 11:00 p.m., that the hotel use requires a special permit, that a development on one parcel can be mitigated better than on several parcels, that the single development may generate better tax revenue for the city, that the density and setback requirements are not changed by the proposal, that there is no adverse impact on the applicable zoning districts as hotels and restaurants are already allowed in those districts, and that the hotel use will continue to require a special permit. John Beauchamp,

224 School Street stated that it is too early to support or oppose the proposed project because no plan is available yet, that a hotel is a better proposal for the Washington Street parcel than the prior use and better than the earlier proposed Decathlon retail use, that this should be a first class hotel with function space, that some hotels in the city are being used for long-term housing which impacts the city and schools, that there should not be business travelers mixing with families in the hotels, that the State makes the contracts with the hotels and the city has to live with the situations, that the project should be given sufficient scrutiny, that the work should be performed and the project completed as approved in any special permit, and that this will be about the best use for the property. Nelson Doherty, 11 Carlena Terrace stated that he wanted to know how many hotels, how many restaurants and how many liquor licenses are proposed for the property. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 7, 2014, all in favor 9-0.

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

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

President Haggerty called the meeting back to order.

Motion made and 2nd to hold the public hearings on the next two matters collectively, all in favor, 9-0

On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit to modify a special permit dated December 5, 2002 which Decision allowed for the alteration of an existing non-conforming structure by the construction of a covered service drive at 394 Washington Street and Special Permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) (69) and 7.3 to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. That the new site plan of record be the plan entitled "Site Plans for Woburn Foreign Motors Proposed Redevelopment, 394 Washington Street, Woburn, MA 01801" dated August 7, 2014, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (the Plan); and 3. In addition, the Petitioner seeks approval of the following modifications to the existing Site Plan of record: to allow for a stand-alone car wash within the interior of the building, additional parking spaces, transformer; dumpsters and fuel pump, all as shown on the Plan, at 394 Washington Street. PUBLIC HEARING OPENED. A communication dated September 10, 2014 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Planning Department Comments on Application for Special Permit and Site Plan

Modifications for Woburn Foreign Motors at 394 & 394R Washington Street

Dear Honorable Council:

The Planning Department has reviewed the plans and special permit application to approve/modify previous decisions for special permit/site plan review for the above-referenced property in accordance with Sections 5-1.45 (sale or rental of automobiles, trucks, truck trailers and motorcycles, including accessory repair and storage facilities), 5-1.69 and 7.3 (extension or alteration of a non-conforming use), Footnote 8 to Section 6.1 (increase in building height over 35'), 8.6.3. (screening and landscaping), 8.7 (off-street loading requirements), 12 (site plan review) and 13.5 (non-conforming signs) of the Zoning Ordinance.

The plans reviewed were submitted with the special permit application and entitled: "Site Plans for Woburn Foreign Motors, Proposed Redevelopment, 394 Washington Street Woburn, MA 01801" and were drawn by Allen & Major Associates, Inc. The plan set consisted of the following sheets, all dated August 7, 2014 with no revisions: Sheet EX-1 (Existing Conditions Plan); Sheet ABB-1 (Notes and Abbreviations); Sheet C-1 (Demolition Plan); Sheet C-2A (Layout & Materials Plan); Sheet C-2B (Layout & Materials Plan); Sheet C-3 (Grading & Drainage Plan); Sheet C-4 (Utilities Plan); Sheet C-5 (Erosion Control Plan); Sheet C-6A (Landscape Plan); Sheet C-6B (Landscape Plan); Sheet C-7 (Site Lighting Plan); Sheet C-8 (Site Electrical Plan); and Sheets D-1, D-2, D-3, D-4 and D-5 (Details).

In summary, the applicant is seeking permission to construct a new three-story, 152,600 gross sq. ft. multi-purpose showroom building on Lot B where two (2) one-story concrete block buildings now exist. The existing one-story Jaguar sales/repair facility on the abutting Hogan Tire property (Lot A) will remain. It will temporarily house the Toyota sales and service operations during construction of the new building on Lot B and, following construction, will then be "repurposed" by equipping it with an interior car wash and using it for automobile storage. The applicant also seeks approval of various modifications to the existing site plan of record with this application, including additional

and reconfigured parking spaces, landscaping, an electrical transformer, Dumpsters and a fuel pump. The fuel pump and inside car wash will be used only to service customer vehicles and will not be available for general public use.

The property is zoned B-I (Interstate Business District), and the existing/proposed uses are allowed by special permit in that district. The site is currently non-conforming in multiple respects including street frontage, landscaped useable open space, floor area ratio, rear setback requirement for the building on Lot B, and minimum parking setbacks from lot lines. Note that the proposed 1.26 floor area ratio for Lot B is just under the 1.28 maximum Floor Area Ratio (FAR) recently authorized by Zoning Board of Appeals for Lot B. Lot A meets the minimum floor area ratio required by zoning.

The plans note there will be a total of 190 structured (interior) and surface (exterior) parking spaces on Lot A and a total of 487 parking spaces on Lot B. These numbers do not include any of the additional parking “spaces” that might otherwise be represented by the repair bays and model showroom vehicles on several floors of the buildings.

The proposed project offers several improvements over existing conditions:

- It reconfigures the parking spaces on site so that all spaces are set back at least five (5) feet from all property lines, in essence “correcting” the current parking setback non-conformity;
- There is no fire hydrant on site presently and the project proposes to add one;
- Lot B more closely conforms to the required amount of landscaped usable open space; and
- The new building on Lot B will now meet minimum required rear setbacks, whereas the existing building does not.

If the City Council elects to grant the requested special permit and site plan modifications, the Planning Department recommends the City Council consider imposing the following as conditions of approval:

1. That two minor changes be made to the new plans of record that will be cited in the decision:
 - (a) Label Lots A and B on sheets EX-1, C-1, C-2A, C-2B, C-3, C-4, C-5, C-6A, C-7 and C-8; and
 - (a) Revise the land usage table on Sheet C-2A by changing the existing and proposed “street frontage” distances to reflect the amount of street frontage recognized under the Zoning Ordinance;
2. That the seven (7) non-conforming parking spaces identified on Sheet C-2A as “7 non-conforming parking spaces not included in total count” be eliminated on the plan and in the field (i.e. not striped) in order to maintain a safe minimum driveway aisle width at that point on the site (in lieu of parking, the 7-space area could be used as additional landscaping);
3. That the Council does not impose Conditions #1, 2, or 3 of the December 5, 2002 Special Permit decision as conditions on the new Special Permit; and
4. That the Council does impose Conditions #4 and #5 from the December 5, 2002 Special Permit decision as conditions of the new Special Permit and incorporates them into the new decision.

I defer to the Engineering Department with respect to commentary on the drainage and traffic aspects of this application/project. I do note that the installation of a crosswalk and reconfiguration of the driveway (which includes a dedicated left turn lane for exiting traffic) should improve both pedestrian and vehicle safety at this location.

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

Respectfully, s/Tina P. Cassidy, Director

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the project involves the existing Woburn Toyota building, that the petitioner is seeking a number of special permits under two separate petitions, that the new building will be 152,600 square feet in gross floor area, that the locus is located in the B-I zoning district, that the uses are allowed by special permit, that the petitioner has been at this location for many years, that Autolab opened at the locus in 1963, the dealership was renamed Anderson Foreign Motors in 1969, later renamed to Woburn Foreign Motors and George Albrecht became the sole owner of the corporation in 1985, that the petitioner wants to remain at the location, that the petitioner has been offered a location in Wakefield, that the Board of Appeals granted a variance on July 16, 2014 relative to the floor area ratio, that the locus is 2.72 acres in area, that there are two separate buildings, that the main Toyota building has a showroom, parts and service, that there is a small showroom in the second building, that the current facility is not in compliance with current Toyota corporate requirements which has led to this petition, that the new building will have a basement with storage for 205 vehicles, that the first floor will have service, showrooms and sales, that the second floor will have parts storage and a showroom, and the third floor will have storage for 164 vehicles, offices and a showroom, that there will be a fuel pump and car wash for customer vehicles only and not open to the general public, that in the B-I zoning district the height of the building can be 35 feet if within 700 feet of a residence and a special permit is required for a height over 35 feet, that the petitioner is seeking a special permit for a height of 45 feet, that this is an expansion of the site and not a consolidation of the business on the site, that sales and repairs already take place on site, that the fuel pump and car wash will be new to the site, that the petitioner currently bring vehicles off site and back for fuel storage and to have a car wash, that if the car storage and internal ramp system are taken out of the calculation the floor area ratio of the building is .49 but .50 is allowed, that the petitioner has a variance to exceed the floor area ratio with the other components included, and that the petitioner will not consolidate other dealerships to this location but will eliminate some satellite parking of vehicles. Tim Williams, Allen & Major Associates, 100 Commerce Way, Woburn stated that there are ninety striped parking stalls on the lot but 300 vehicles parked on the site, that the parcel is landlocked by the interstate clover leaf, that the locus frontage is on Route 128 under a 1963 special permit, that access to the site is from an easement off Washington Street, that the property is within 700 feet of a residential district and therefore requires a special permit for the height of the building, that during the Approval Not Required process before the Planning Board some property was conveyed to allow the existing

building to conform to the setbacks, that the locus is a 2.5 acre parcel, that at 394R Washington Street there will be a 152,600 square foot three-story building with one story below grade and three stories above grade, that the parapet height will be 45 feet, that there will be 369 interior parking spaces, that there will be 131 parking spaces on surface for car display, that six parking spaces were eliminated as nonconforming and were not counted in the parking requirement calculation, that there is a fifteen to twenty foot drop from the front doorway to Route 128, that a retaining wall will be installed to improve the grade and to be compliant with the Americans with Disability Act, that there will be 500 parking spaces on site, that 394 Washington Street is the present Jaguar dealership building, that the 141 parking spaces are required for this building, that there will be a total of 190 parking spaces with 134 parking spaces on the surface and 56 within the building, that the building will be used for storage and have a parking space to the rear, that there will be minimal site improvements to 394 Washington Street, that the landscaped useable open space will not be changed, that the landscaped useable open space for 394R Washington Street will be changed from 1.25% to 7.2% with 15% required, that the rear setback is currently 21 feet and will be 30 feet, that the showroom use is viewed as retail, that 427 total parking spaces are required under current zoning and the project provides 500 total parking spaces, that 173 total parking spaces are required for 394 Washington Street and 190 total parking spaces are provided with the project, that excess parking is being provided, that the retaining wall will raise the grade of the lot, that the stormwater management system will be built to the city's new requirements, that MassDOT has made some drainage improvements in the clover leaf, that a MassDOT permit will be required, that sewer, water and gas service will be from Washington Street, that the current pump sewer system will be improved, that little of the building will be visible from Washington Street, that there will be a showroom and repairs on the first floor, a showroom, parts and miscellaneous offices on the second floor, and car storage on the third floor, that they utilized GIS and drive-by not actual measurement from the field with regard to the residential property, that the top of the building will be at about the finished floor of the nearest residential building, and that the building will sit below the Hogan Tire building. Michael Pascavage, World Tech Engineering, 300 TradeCenter, Suite 5580, Woburn stated that he is the traffic engineer for the project, that he looked at Washington Street and Mishawum Road, that MassDOT has jurisdiction over the highway, that traffic counts were conducted in January which is generally 3% lower than average and they have accounted for that differential in their calculations, that 37,000 vehicles pass the location each day, that they looked at a seven year growth estimate, that there will be 39,000 square feet of sales, parts and service, that the car wash and fuel pump were eliminated in the calculation as these uses will not generate traffic, that 80,000 square feet of the building uses will generate actual vehicle trips for sales, service and office use, that the indoor storage, fueling and car wash may reduce the number of vehicle trips, that Washington Street is a MassDOT roadway, that there is a level of service E at the site driveway, that during peak hours Washington Street level of service is A, B and C, that between 2007 and 2011 there were 17 vehicle crashes at the site driveway which is not a high number, and that the overall crash rate at the location is one-half the overall district crash rate. George Albrecht stated that he is the owner of the petitioner, that there are similar projects located in Braintree, Dorchester and Acton, that manufacturers are putting pressure on dealers to improve their facilities,

that the proposals for the former Grace property and former Crest property on Washington Street are new proposals, that the petitioner's business is currently at this location serving customers every day, that there are stairways and a shuttle from the upper lot, that Toyota wanted an 87,000 square foot building on thirteen acres of land, that the petition is essentially building land, that this building will not generate a lot of new business, that this type of building with inside vehicle storage is common in crowded or congested area, that the proposal allows vehicles to be located on site, that the petitioner will not have to retrieve vehicles from another site, that although a smaller building could be constructed there would not be enough land to support the business needs of the petitioner, and that the petitioner is trying to design a building that works with storage space that works. George Albrecht, Jr. stated that he currently operates the business, that there will not be an increase in car carriers to the building, that he can determine the number of car carrier trips to the site each day, that currently vehicles are staged from the car carriers to satellite lots, and that the new business model could bring more vehicles on site but this depends upon the vehicle inventory and capacity. Alderman Mercer-Bruen stated that she supported the petitioner's petition to the Board of Appeals, that the proposal is for a big building, that there is a lot of traffic information, that she has some concerns about the traffic and the proposed mitigation, that she is not convinced that signaling the driveway helps with the Washington Street traffic, and that she hopes whatever work is proposed will be completed before building occupancy. Alderman Drapeau stated that the proposal seems like a lot of building on the locus particularly with the current traffic in that area, that the driveway is problematic, that he likes this business but is concerned about the size and potential impact, and that he wants clarification as to whether this is a consolidation of the business on one site. Alderman Gately stated that this is a huge project, that he visited the site, that there will be a six foot high wall with a fence on top of the wall, that with a fuel station more hydrants will be needed, and that the traffic impact is a concern. Alderman DiTucci wants to know how employees will get from the upper lot to the building. Alderman Raymond stated that he wants to know how much traffic will be generated from the locus, and that it will take a true effort for the engineers to demonstrate that this is a workable plan. Alderman Anderson stated that the proposal is a nice looking project that will reflect well on the city, that a larger building does not necessarily result in more buyers and more traffic, and that the car wash and fuel storage on site will decrease traffic. PUBLIC COMMENTS: Paul Meaney, 1 Brandt Drive stated that he is speaking on behalf of the Woburn Business Association, that there has been a car dealership on the locus since 1963, that the petitioner pays the city over \$300,000.00 in taxes, water and sewer charges, that the petitioner has over 100 employees, that the petitioner is involved in the community, that the project will have construction costs of \$12,000,000.00 to \$15,000,000.00, and that he supports the petition. Richard Olsen, 201 Cambridge Road stated that he is the owner of R.C. Olsen Cadillac, Inc., that the petitioner is a respectable dealer, that the branding of manufacturers on the national level is being brought down to the local dealers, that the dealers must follow the manufacturers' marquees or the dealer will not receive vehicles and will be put out of business, and that his dealership will have to change the building façade again within the next nine years. John Beauchamp, 224 School Street stated that the capacity of the roadway needs to be increased, that there should be a right turn lane from Washington Street north to Route 128, and that land must be taken and paved to get vehicles off the

street. Steven Paris, 3 Fisher Terrace stated that he is in favor of the petition, that he is employed by the petitioner, and that the petition will allow the petitioner to take inventory from other locations to this site. Barbara Johnson stated that apartments are what is generating the traffic, that the proposed developments across Washington Street are not the concern of the petitioner, that the petitioner is an ongoing business, that some of the traffic at the site will be eliminated with the fuel pump and car wash on site, and that the proposal may be a big building but it is not a big concern. Jeff Baker, 727 Main Street stated that he is employed by the petitioner, that with patience there is not a problem navigating the traffic in the area, and that he is in support of the petition. Peter McCormick, 4 Danforth Avenue stated that he works for the petitioner, that the proposal will improve the looks of the property and the city, and that the petitioner supports community groups. Joe Patrissi, 56 Kilby Street stated that the petitioner is a good dealership, that the petitioner has employed his family members, that he likes the proposal for signalization, that he supports having the petitioner remain in business in Woburn, and that the project will beautify the area. Antonio Vecchi, 50 Mill Street stated that he is employed by the petitioner, that the proposal is a great project, and that the project will improve the look of Woburn. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 21, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for special permits pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. Section 5.1 (69) and 7.3 to allow for the replacement of the existing non-conforming six (6) foot fence as shown on the plan with a six (6) foot wall; 3. Section 8.7 to allow for a reduction in the off street loading requirements; 4. Sections 5.1 (69), 7.3 and 13.5 to allow for the alteration of the existing non-confirming signage; 5. Footnote 8 to Section. 6.1 to allow for an increase in the building height from thirty-five (35) feet to forty-five (45) feet, more or less; 6. Section 8.6.3 to allow for an exception to the area and landscaping requirements to allow for alternate landscaping equal or superior in visual appearance; and 7. Sections 12.2.4 and 12.3.2 to allow for the replacement of the existing buildings on the property with a new building containing approximately 152,600 square feet in gross floor area, more or less, at 394R Washington Street. PUBLIC HEARING OPENED. SEE PRECEDING MATTER FOR NOTES OF PUBLIC HEARING. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 21, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petition by Festival on the Common, 3 Russell Street, Woburn, Massachusetts 01801 for a Special Event Permit to allow a holiday season festival on and around Woburn Common, Federal Street, Library Place, city hall parking lot and court house parking lot on November 29, 2014. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Present to the Mayor: September 19, 2014

s/Scott D. Galvin Sept. 19, 2014

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

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

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

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

COMMUNICATIONS AND REPORTS:

A communication dated September 3, 2014 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging for the month of August 2014. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated August 29, 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 Al Magro, 9 Rich Road, to the Woburn Board of Registrars of Voters, with a three-year-term to expire March 30, 2016; subject to approval by the City Council.

Mr. Magro's appointment fills the seat of Edward E. Reil, 11 Veteran Road, who recently resigned.

Respectfully, s/Scott D. Galvin, Mayor

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

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That due to the State Election, the City Council Regular Meeting scheduled for November 4, 2014 is hereby canceled.

s/President Haggerty

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

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 5, Article XII, Sections 5-68 through 5-81 of the 1989 Woburn Municipal Code, as amended, be further amended by deleting Section 5-68 (E)(5) in its entirety and replacing same with the following new Section 5-68(E)(5):

5. In addition to any insurance requirements established by state law or

regulation, any person seeking a license to operate within the City of Woburn shall be required to maintain a minimum limit of automobile liability insurance coverage as follows:

- Taxis \$100,000 combined single limit, each occurrence
- Private Livery \$150,000 combined single limit, each occurrence
- Limousines \$300,000 combined single limit, each occurrence

- a. Upon cancellation, the motor vehicle insurance coverage amounts as required herein or the reduction of the motor vehicle insurance coverage amounts to levels that are less than what are required herein, or upon the motor vehicle no longer being registered with the Massachusetts Registry of Motor Vehicles, or a name change, then the license shall be void with one exception. If the termination of motor vehicle insurance coverage or the termination of the motor vehicle registration is solely due to the acquisition of a replacement motor vehicle, then the license may be suspended for a period not to exceed 3 months pending the satisfactory inspection of the replacement vehicle, as provided herein and the approval of a new license by the City Council.
- b. Written notice of cancellation, non-renewal, or of any limits reduction change in said policy shall be mailed to the City Clerk, City Hall, 10 Common Street, Woburn, MA 01801 at least ten (10) days in advance of the effective date thereof..
- c. The license holder must provide their insurance company with a copy of this ordinance.
- d. The insurance requirement provisions of this part shall be effective immediately upon adoption, and all licensees shall be required to comply with these provisions within ninety (90) days thereof. The failure to comply with this provision shall be grounds for the suspension or revocation of the license.

All licensees are required to submit a certificate of insurance satisfactory to the City Clerk or his designee, indicating therein the amount of coverage and the maximum number of persons to be carried in each vehicle.

s/Alderman Anderson

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

ORDERED That the City Council vote to abandon and discontinue as a public way all land within the former location of Locust Street, as shown on a plan prepared by the City of Woburn Engineering Department; and that the Mayor be and is hereby authorized to convey the lot or lots to be created by this abandonment and discontinuance to the abutters upon such terms and conditions as he shall determine.

s/Alderman Gately

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

ORDERED That the Mayor be and is hereby authorized to execute a License Agreement between the City of Woburn and Santander Bank, N.A. for the provision of municipal parking, daily and on weekends, during such times as the bank is not open for business.

s/President Haggerty

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

Motion made and 2nd for the purposes of taking the following matters from Committee and adding them to the Order of the Day, all in favor, 9-0.

PUBLIC SAFETY AND LICENSES:

On the petition by SureRide, LLC for a new Taxi Cab License for one (1) vehicle, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor September 19, 2014 and ten days having elapsed without same being approved, said License became effective without his signature on September 30, 2014.

On the petition by Woburn Cab Co, Inc. for a new Taxi Cab License for one (1) vehicle, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: September 19, 2014 s/Scott D. Galvin Sept. 19, 2014

ORDINANCES:

On the Ordinance to add a new Section 2-19 of the 1989 Woburn Municipal Code, as amended, relative to notice to the City Council of the service of a summons pertaining to a federal or state court proceeding, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0. **Presented to the Mayor: September 19, 2014 s/Scott D. Galvin Sept. 19, 2014**

On the Ordinance to add a new Section 12-14B of the 1989 Woburn Municipal Code, as amended, relative to the city road maintenance schedule, committee report was received “ought to pass, as amended, with the amended ordinance to read as follows (with amendments underlined):

Section 12-14B City Road Maintenance Schedule

- A. By June 1st of each year, the Superintendent of Public Works shall provide an anticipated road maintenance plan of those roads to be maintained, repaired, improved or constructed during the following fiscal year using funds provided to the city in accordance with the Chapter 90 local transportation aid funding (hereinafter “the Road Maintenance Plan”).
- B. On or before June 15th of each year, the Superintendent of Public Works shall submit to the Mayor with a copy to the City Council the forementioned Road Maintenance Plan.
- C. On or before July 30th of each year, the Superintendent of Public Works and City Auditor shall submit to the Mayor with a copy to the City Council a report of all work performed or expenditures made in accordance with the Road Maintenance Plan of the preceding fiscal year.”

Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0. **Presented to the Mayor September 19, 2014 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on September 30, 2014.**

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

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:17 p.m.

A TRUE RECORD ATTEST:

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