CITY OF WOBURN
NOVEMBER 21, 2017 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

Motion made and 2nd to suspend the rules for the purposes of taking the following two matters out of order, all in favor, 9-0.

Petition by Shamrock Running Club, P.O. Box 602, Woburn, Massachusetts 01801 for a Special Event Permit to allow a road race on January 1, 2018 on area streets beginning at 147 Main Street. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.
Presented to the Mayor: November 22, 2017 s/Scott D. Galvin Nov. 22, 2017

Petition by Tanner TaTa Foundation, 100 Tower Office Park, F, Woburn, Massachusetts 01801 for a Special Event Permit to allow a road race on November 26, 2017 on area streets beginning at 15 Middlesex Canal Park. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.
Presented to the Mayor: November 22, 2017 s/Scott D. Galvin Nov. 22, 2017

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

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:

Motion made and 2nd to take the next two matters collectively, all in favor, 9-0.

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On the petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the 1989 Woburn Zoning Ordinances, as amended by adding a Section 31 Federal Street Smart Growth Overlay District (FS/SGOD) in accordance with the purposes of G. L. Chapter 40R as set forth in the Journal of the City Council Regular Meeting of August 15, 2017. PUBLIC HEARING OPENED. A communication dated November 15, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

Re: Petitions to (A) Amend the Zoning Ordinance by adding a new Section 31 (Federal Street Smart Growth Overlay District [FS/SGOD]) and (B) Amend the City's Zoning Map by overlaying the FS/SGOD District on property at 14 and 14R Federal Street/Jamieson Properties

Dear Mr. Campbell:

At a meeting of the Woburn Planning Board held on Tuesday, November 14, 2017, members of the Board voted unanimously (5-0-0) to continue the public hearing on the above-referenced petitions to the Board's November 28, 2017 meeting.

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

A communication dated November 16, 2017 was received from Attorney Joseph R. Tarby, III, Murtha Cullina, LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed Amendment to Zoning Map of the City of Woburn/Jamieson Properties LLC, 14 and 14R Federal Street, Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of my client Jamieson Properties LLC, I respectfully request that the public hearing scheduled for November 21, 2017 be continued to December 5, 2017. If you have any questions, please do not hesitate to contact me. Thank you.

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

Motion made and 2nd that the communications be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby and he stated that the petitioner requested the matter be continued to December 5, 2017 but he revises that request to January 16, 2017, that the Planning Board will be hearing the matter on December 12, 2017, that if the matter is continued for any earlier before the City Council there will not be time for a committee meeting to be held, that the petitioner has been meeting with the Planning Director, that suggested revisions to the ordinance will be provided to the City Council shortly, and that the petitioner wants to be certain to get the ordinance right. PUBLIC COMMENTS: John Beauchamp, 224 School Street stated that

the apartment building behind the bowling alley takes from the public parking, that the city should not give up a lot of parking for a multiunit housing development, and that while there is a fee collected equivalent to the number of required parking spaces soon a parking garage will be needed at a great expense. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 16, 2018, all in favor, 9-0.

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On the petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 14 Federal Street and 14R Federal Street containing approximately 11,325.6 square feet of land from the B-D zoning district to the FS/SGOD zoning district. PUBLIC HEARING OPENED. See notes from preceding matter. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 16, 2018, all in favor, 9-0.

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Motion made and 2nd to take the following matter out of order, all in favor, 9-0.

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On the petition by President Richard Haggerty and Alderman Edward Tedesco to amend the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows: 1. By amending Table of Uses Section 5.1.41 entitled "Research and testing laboratory" by striking the "P" under I-P, IP-2, I-G, O-P and OP-93 and replacing same with an "X"; and by deleting "Section 12, Note 3" under "Site Plan Requirements"; 2. By adding a new Table of Uses Section 5.1.41a entitled "41a Research and Testing laboratory uses – for new construction only – that create 25,000 sq. ft. or more of new gross floor area"; inserting a "-" under R-1, R-2, R-3, R-4, B-N, B-H, B-D, B-I, S-1 and O-S; inserting a "P" under I-P, IP-2, I-G, S-2, O-P and OP-93; and inserting under "Notes; other sections" the following "Section 18"; 3. By renumbering the present Table of Uses Section 5.1.41a entitled "Biomedical Facility" as Section 5.1.41b; and 4. By amending the first paragraph of Section 18.3 (Criteria for Development Impact Mitigation) by replacing "41" with "41a". PUBLIC HEARING OPENED. A communication dated November 15, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

Re: Proposed zoning text amendment relative to Table of Uses Section 5.1.41 of the Woburn Zoning Ordinance (Research and Testing Laboratory

Dear Councilors:

At a meeting of the Woburn Planning Board held on Tuesday, November 14, 2017, members of the Planning Board voted 5-0-0 (Bolgen, Turner, Doherty, Callahan, and Donovan in favor; Ventresca and Edmonds absent) to recommend adoption of the following proposed zoning amendment, as drafted:

To amend the 1985 Woburn Zoning Ordinances by (A) amending Table of Uses Section 5.1.41, entitled "Research and Testing Laboratory" by striking "P" under I-P, IP-2, I-G, O-P and OP-93 and replacing the same with an "X"; and by deleting "Section 12, Note 3" under "Site Plan Requirements"; (B) adding a new Table of Uses Section 5.1.41a, entitled "41a Research and Testing Laboratory uses—for new construction only—that create 25,000 sq. ft. or more of new gross floor area"; inserting a "-" under R-1, R-2, R-3, R-4, B-N, B-H, B-D, B-I-, S-1 and O-S; inserting a "P" under I-P, IP-2, I-G, S-2, O-P and OP-93; and inserting under "Notes; other sections" the following: "Section 18"; (C) renumbering the present Table of Uses Section 5.1.41a, entitled "Biomedical Facility", as Section 5.1.41b; and (D) amending the first paragraph of Section 18.3 (Criteria for Development Impact Mitigation) by replacing "41" with "41a".

Please feel free to contact me if you have any questions relative to the Planning Board's vote.

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

Motion made and 2nd that the communication be accepted, all in favor, 9-0. Appearing was Planning Director Tina Cassidy and she stated that the Planning Board recommended the amendment be approved. Alderman Mercer-Bruen stated that she understands the primary focus is in the area of office and industrial uses along Presidential Way and New Boston Street, and that she wants to be certain there will be no impact on residential neighborhoods as there are industrial areas around the city. Director Cassidy stated that she can provide a map of the industrial areas in the city, that the ordinance does not amend the use in the S-1 zoning district in deference to the potential impacts on residents, and that this would not involve any project creating more than 25,000 square feet or more of space as it will need site plan review and mitigation. Alderman Campbell stated that she wanted to know what prompted the submission of the proposal. Director Cassidy stated that the Mayor received two phone calls regarding the matter, that one was from a business and the second was from a property owner seeking to lease property to a tenant each of whom pointed out the matter, that the Mayor asked the City Solicitor, Building Commissioner and Planning Director to review the matter and determine why there was a distinction, and that they could not find a reason for the difference. President Haggerty stated that considerable time was spent discussing this ordinance, that they wanted to be certain that residents would be protected, that they also wanted to be certain that with a large building issues such as mitigation and site plan review would be followed, and that this amendment will allow some businesses to locate in the city without the delay of the special permit process. PUBLIC COMMENTS: A communication dated October 27, 2017 was received from Michael D. Carli, Executive Director, Alexandria Real Estate Equities, Inc., 400 Technology Square, Cambridge, Massachusetts 02139 in support of the proposed amendment. 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 public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

Presented to the Mayor: November 22, 2017 s/Scott D. Galvin Nov. 22, 2017

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

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On the petition by Alderman Edward Tedesco concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as West Street and identified on Assessors Map as parcel 23-05-37, 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 Tedesco stated that he spoke to the area residents, that this should be continued with additional notice sent to the property owner, that the matter can be continued to the next meeting and action be taken at that time. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 5, 2017, all in favor, 9-0. Motion made and 2nd that the a communication be sent to the property owner advising that the matter is continued to the December 5, 2017 meeting at which time action will be taken on the petition, all in favor, 9-0.

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On the petition by Madison Woburn Holdings LLC, 333 Newbury Street, Suite 201, Boston, Massachusetts 02116 pursuant to 1985 Woburn Zoning Ordinances, as amended, for special permits and site plan approval to amend special permit issued August 11, 2015, as amended by special permit issued July 14, 2016 as follows: 1. Special Permit pursuant to section 5.1.20a to allow for a Mixed Use Hotel/Restaurant Use; 2. Special Permit pursuant to section 8.7.6 to allow for a reduction in off street loading requirements; 3. Special Permit pursuant to section 5.1.29 to allow for fast food restaurant; 4. Site Plan Approval pursuant to Section 12.2.1 to allow for a fast food restaurant; 5. Special Permit pursuant to section 5.1, Note 16 to allow hours of operation for the fast food restaurant beyond 11:00 p.m.; and 6. Amended site plan which includes eight (8) Tesla charging stations and related equipment, at 369 Washington Street. PUBLIC HEARING OPENED. A communication dated November 16, 2017 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit modification application for 369 Washington Street /Woburn Madison Holdings LLC

Dear Council:

The Planning Department has reviewed the request to modify an existing Special Permit and Plan of Record site plan, pursuant to Section 11.3.12 of the Woburn Zoning Ordinance (WZO). As referenced in the Petitioner's application, and per the City Council's decisions dated August 11, 2015 and July 14, 2016, Special Permits have already been granted relative to the following Sections of the WZO:

- 5.1.20(a)(to allow for a Mixed-Use Hotel/Restaurant);
- 5.1.29 and 11.6.10 (to allow for a Chick-fil-A fast food restaurant with a drive-up customer service facility);
- 5.1, Note 16 (to require hours of operation of the Chick-fil-A fast food restaurant to be Monday-Saturday, 6:30 am – 10:00 pm, with closure on Sundays);
- 5.1, Note 16 (to allow restaurant hours in excess of 11:00 pm for a full-service restaurant);
- 8.7.6 (to allow for a reduction in off-street loading requirements);
- 12.2.1 and 12.3.2 (site plan review); and
- 12.2.4 and 12.3.2 (to allow for construction in excess of 15,000 square feet and more than 100 parking spaces).

The pending application seeks to amend the Plan of Record by substituting two (2) restaurants for one (1) previously approved. It also seeks extended hours of operation for the new fast-food restaurant to permit it to remain open past 11:00 p.m., and permission to add eight (8) additional electric vehicle parking stations for a total of eleven (11) on site.

With respect to the new restaurants being proposed, a fast food establishment [Blaze Pizza] and a full-service restaurant [110 Grill] would be constructed in place of one (1) of the two (2) full-service restaurants initially approved for this site.

The new building that would house the full service and fast food restaurants will be slightly larger than the one previously approved for construction (8,487 sq. ft. versus 8,010 sq. ft.). Despite this increase in building size, the development's floor area ratio (the ratio of building footprints to lot area) is reported to have decreased even though the subject lot is now smaller than it was at the time of the first application (a roughly 1.5 acre parcel at the rear of the property is no longer included in the development plan). Staff recommends the Council confirm the floor area ratio reflected on the new site plan.

The application also includes a request for extended hours of operation for the new fast-food restaurant, Blades Pizza, to permit it to operate beyond 11:00 p.m. Planning staff recommends the Council seek the input of City Engineer Jay Corey relative to traffic impacts that may arise from adding another fast-food restaurant with extended operating hours to the site. Staff also recommends that any special permit for extended hours be granted specifically to Blades Pizza only, so as to foreclose the possibility of another fast food establishment taking its place some day without further Council review/approval.

The pending application also seeks permission to increase the number of (presumably electric) car charging stations on the site from three (3) to eleven (11) by adding eight (8) Tesla-specific charging stations in close proximity to the hotel as well as to add related supporting equipment. The eight (8) new charging stations would be in addition to three (3) other electric vehicle charging stations already planned and approved for the site. While the Planning Department is fully supportive of more environmentally-friendly vehicle use and energy conservation measures, staff recommends the Council explore

whether there will actually be enough demand for electric car service in this relatively remote location to justify dedicating a total of eleven (11) parking spaces on site on a daily basis year-round for the purpose. The Council should also consider requiring screening around the charging station's supporting equipment if the nature of the equipment warrants that measure.

Finally, Planning staff notes several other issues/questions relative to the plan and site layout:

- Tower Park Drive is identified on the site plan as a "public way," despite the fact that it has not been formally accepted as such;
- The building containing the two (2) new proposed restaurants (110 Grill and Blaze Pizza restaurants) now shows two "service corrals"; Planning staff assumes this is a synonym for "trash storage areas" and if true, they must be screened with a 6' high sight-impervious fence, the details of which should be noted on the plan or in a condition of approval;
- It does not appear that parking lot lighting has been incorporated into the layout and materials plan as required in accordance with Section 8.5.1; and
- A total of two (2) off-street loading spaces are required for the hotel in accordance with Section 8.7.1; they should be incorporated into the design of the proposed dual-brand hotel and identified on the Plan of Record.

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

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 petitioner seeks to amend a special permit, that the property is located in the O-P zoning district, that mixed use hotel/restaurant is allowed by special permit, that the revised site plan shows the final pad site of 8,487 square feet with two restaurants, that these are high turnover sit down restaurants, that there will be a dual brand hotel, two full service restaurants in 110 Grill and Red Robin, a fast food restaurant in Chikc-Fil-A and a Blaze Pizza which is classified as fast food under the Woburn Zoning Ordinances but is a high turnover restaurant under ITE standards, that the number of hotel rooms will be reduced from 250 to 235, that the total restaurant seating will be reduced from 562 to 382, that Blaze Pizza has expanded from two to 200 locations in four years, that Blaze Pizza makes quick affordable high quality pizza and competes with fast food hamburger and taco restaurants, that customers pick their toppings and in 180 seconds a pizza is ready, that Blaze Pizza is second behind Papr Johns in pizza restaurants, that 110 Grill opened in 2014 and has ten locations, that 110 Grill has an American casual lunch and dinner menu, that the original special permit was for a Chick-Fil-A, two restaurants and a dual brand hotel, that the process got bogged down and the petitioner withdrew the Chick-Fil-A petition, that petitioner later came back with the Chick-Fil-A proposal with a drive-thru component, that the petitioner sought a zoning amendment to allow any by right use

allowed in the zoning district but with a special permit on this site, that the City Council indicated at that time that the preference was for a restaurant, that petitioner sought a restaurant use, that Madison Woburn Holdings LLC is the petitioner and he represents the petitioner, that the city has its own traffic peer review of the project, that these two restaurant proposals came forward, that the total restaurant seating has been reduced by one-third, that he will determine whether Blaze Pizza has delivery service, that restaurants have a prototypical size and the 110 Grill will build its prototypical size restaurant at the site, that the hotel building permit will be picked up next week, that the hotel is financing its own project, that he expect the permit fee will be paid to the city on Monday, that there was a hotel group but another hotel group will now build out the hotel, that two parties each own one half of the island at the end of Tower Park Drive, that the Board of Appeals will allow the sign to be moved to allow the widening of Tower Park Drive, that the Chick-Fil-A cannot be opened until that Phase 2 roadway improvements are completed, that Chick-Fil-A will not start construction of the building until the Phase two roadway improvements begin so that their building is not sitting there unused, and that the Chick-Fil-A project will likely begin next Spring 2018 when the Phase 2 roadway improvements begin. Tim Williams, Allen & Major Associates, 100 Commerce Way, Woburn, Massachusetts 01801 stated that Blaze Pizza and 110 Grill will be in the same building, that all development will be within the permissible build area, that there will be eight new electric vehicle charging stations and three at the hotel for a total of eleven charging stations, that the development area has been reduced from 11.93 acres to 10.44 acres, that no additional relief is required for setbacks, FAR or interior landscape, that the loading docks and dumpsters are at the back of the site, that all infrastructure is in place, that there will be two grease traps installed, that the light poles have not been changed, that the full landscape plan is in harmony with the rest of the site landscaping, and that there is no change to the site driveway areas. Scott Thornton, Vanasse and Associates, Inc., 35 New England Business Center Drive, Andover, Massachusetts 01810 stated that he prepared a letter identifying the changes in the proposal from the original petition, that there is a decrease of fifteen hotel rooms, that there is an increase of 31 square feet in the fast food use, that there is a decrease of 180 total restaurant seats, that there are no changes in trip generation, that Blaze Pizza is a fast food use under the Woburn Zoning Ordinances but not under ITE standards, that Blaze Pizza does not have the fast food components such as a drive-thru and extended hours of up to eighteen hours a day, that Blaze Pizza is more equivalent to a fast casual restaurant, that the roadway improvement permits should be issue in February or March 2018 with construction beginning on April 2018, that the Phase 2 roadway improvements will take approximately four to six months, that the changes in the proposal will make the vehicles trips change net neutral, that vehicle trips are calculated based on the number of restaurant seats, that quality, high turnover sit down and fast food are the three type of restaurants, and that Blaze Pizza is a high turnover sit down restaurant. Alderman Mercer-Bruen stated that she has concerns, that she has never seen a traffic report that says conditions would get worse with a project, that she does not see the difference between a fast food and high turnover restaurant, that the full service restaurant customer will be in place for a longer period of time, that when the project was originally permitted there was talk about a full service restaurant with not as much traffic impact, that the traffic at this location is an issue, that the restaurant wants the customer to come in and

leave quickly which is fast food, that the petitioner said there would be two sit down restaurants and then the petitioner needed a drive-thru, that the petitioner then attempted to rezone the property, that the petitioner said he knew the marker when the petition was first presented in 2015, that 110 Grill is fast casual rather than high turnover, that Blaze Pizza is a fast food restaurant, that she understands the petitioner wants to fill the space but he sold the project as two sit down restaurants, that this proposal does not meet what the original proposal presented, that the neighbors are exhausted with all the changes to the project, that Denis Dowdle is not even in attendance at this meeting, that she does not trust the peer review reports as the consultants are paid lobbyists, that she wants to know when the hotel project will break ground, that the building permit for the hotel has been ready for some time, and that she wants to see a traffic report for the project. Alderman Gately stated that the fast food component is an issue, that the City Council has been working on this project for three years, that the petitioner is again trying to change the plan, that two full service restaurants, a Chick-Fil-A and hotel was presented as a good use of the property, that traffic is bad in the area, that a third restaurant will bring traffic to and from the site but a fourth restaurant creates more traffic, and that he has no issue with the proposed landscaping and water service changes. Alderman Higgins stated that she wanted to know if Blaza Pizza makes deliveries as this would generate more traffic. Alderman Anderson stated that he understands that there will be less seating but more frequent turnover, that the testimony of Mr. Thornton is that reducing the seats by one-third and reducing the number of hotel rooms by fifteen rooms will make the change net neutral, and that he wants to see a traffic report for the project. Alderman Campbell stated that she sympathizes with the petitioner and the difficulty in finding a sit down restaurant for the site but that she is concerned about the traffic that could be generated from the site where the traffic is already excessive, that the petitioner is adding what appears to be a fast food use and the vehicles the use brings will have a detrimental impact on the traffic, and asked why 110 Grill did not lease the entire building. Alderman Concannon stated that it was clear from the beginning that the uses are not appropriate with the traffic in that area, that he does not believe that the conditions will get better with the proposal but likely will be worse, that he wants to see a traffic study comparing the uses, that he expects the use will generate more vehicle trips, and that if the proposal generates more vehicle trips then he cannot support the petition. President Haggerty stated that he has confidence in the city's peer review computations, that seeing this project completed and the widening of Washington Street completed is critical, that the petitioner is before the City Council because of the difficulty in finding a single sit down restaurant at the site, and that this delay is impacting the completion of the secondary improvements. PUBLIC COMMENTS: Lori Medeiros, 9 Marietta Street stated that when the project was first proposed she believed in the reputation of the petitioner and that the project would work, that as a neighbor she is frustrated that this project continues, that at full build out there will be a detrimental impact to the traffic, that other communities continue to get high end restaurants and Woburn is offered another pizza place, that the entrance to the Red Robin restaurant is dangerous, that the Red Robin entrance driveway should be in line with Olympia Avenue, that currently the project is an eyesore, that the sidewalk is not ADA accessible, and that she wants to see the project finished and the site made safer. Kathy Bailey, 4 Utica Street stated that the petitioner made a lot of promises and most have not been kept, that she is concerned that the restaurant will be built and the hotel

will never be built and the petitioner will leave the property, that she wants to see a timeline of when the project and hotel will be completed, and that this process has been going to for three years. Nelson Doherty, 11 Carlena Terrace stated that his concern is public safety, that the drive-thru entrance for the Chick-Fil-A is directly across from the fast food entrance, and that he wants to know how people will safely navigate the parking lot. Tim Swain, 29 Dragon Court stated that it is difficult to navigate in the traffic in that area, that if the pizza is ready in 180 seconds then this will he high turnover, that the city should ask the residents what would be a good use for the area, and that the landscaping is not what was promised. John Beauchamp, 224 School Street stated that everyone wants the project to be successful, that a lot of time has been spent on the project, that the mitigation was based on the Chick-Fil-A use, that MassDOT was not going to force the petitioner to do the roadway improvements without the Chick-Fil-A, that this will be a sixth use with four restaurants and a dual brand hotel which is two hotels and the second largest hotel in the city, that he does not understand the delay in the mitigation work, that if the roadway improvements are not completed until 2018 then the Chick-Fil-A will not be built for another year, that he does not understand why the hotel has not begun to be built, that the Red Robin is sitting on a vast asphalt lot, that restaurants such as Olive Garden and Outback were mentioned as possible tenants and now a pizza parlor is presented, that perhaps the 110 Grill can be developed but not the pizza parlor, that this development was a spec project and this is what you get from a spec project, that there will be less seats because the patrons will not need the seats with takeout or delivery service, that he does not see a no left turn sign on Washington Street to the site, that there are two left driveways in the same area, that he is opposed to the proposal, that it appears the sidewalk tying the site to the Cummings Park site could help reduce some traffic, that the landscaping is not attractive and may be the reason why tenants are not interested in locating at the property, that there should be landscaping equivalent in quality to the nearby Benchmark project, that there should be two restaurants, that the building can be reduced in sized to meet the needs of 110 Grill, and that the excess land can be used for parking. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 2, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

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On the petition by Lord Hobo Brewing Company, 5 Draper Street, Woburn, Massachusetts 01801 pursuant to 1985 Woburn Zoning Ordinances, as amended, for special permits as follows: 1. Pursuant to Section 5.1.42 to allow for warehousing; 2. Pursuant to Section 5.1.57b to allow parking of commercial vehicles; and 3. Pursuant to Section 7.3 to allow alteration of a pre-existing nonconforming structure to add a canopy over the loading dock and refrigeration equipment outside of building, at 8 Draper Street. PUBLIC HEARING OPENED. A communication dated November 16, 2017 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on Special Permit Application for 8 Draper Street/Lord Hob Brewing

Dear Council:

The Planning Department has reviewed the above-referenced petition, which seeks a special permit pursuant to Sections 5.1 (42), 5.1 (57b) and 7.3 of Woburn Zoning Ordinance (WZO) to authorize onsite warehousing, accessory parking of commercial vehicles, and the alteration of a pre-existing, non-conforming structure (the loading docks front onto the street), respectively. The property is located in the Industrial General (I-G) zoning district, which allows the aforementioned uses by City Council special permit. Minor exterior changes, including the addition of a canopy at the loading dock and the addition of refrigeration equipment, are proposed and to which Planning staff take no exception. Based on conversation with the Building Commissioner, the proposed use appears to constitute a wholesale warehouse use; if so, the proposed use does not conform with Section 11.6 of the WZO (Building A lays within 300 ft. of a residential lot line).

Relative to parking, staff note that the Petitioner proposes repurposing one of the existing onsite facilities (Building A), consisting of 16,142 sq. ft., to include 14,182 sq. ft. of warehousing and 1,960 sq. ft. of office space. An engineer-certified plot plan submitted with the petition indicates there are twenty-five (25) spaces required for the warehouse and office needs of Lord Hobo Brewing Company, as well as uses for Buildings C and D, per the WZO and as shown below:

- 1,960 sq. ft. of office (1 space / 350 sq. ft.) requires **5.6 spaces**
- 14,182 sq. ft. of warehouse (1 space / 800 sq. ft.) requires **17.7 spaces**
- Other onsite uses (Buildings C & D) with 3 employees requires **2 spaces**

However, although the plot plan makes note of the 8’ wide parking lanes that are not meant to count towards the dimensional/zoning requirements, it is noted that there are approximately 21 additional “standard” parking spaces surrounding Buildings C and D that are not reflected in the “total provided” calculation of the Off-Street Parking Summary. In addition, the Petitioner also proposes overnight parking for 6 commercial vans, and those commercial vehicle drivers must have access to parking for personal vehicles. As a result, a total of (12) additional parking spaces may be necessary, amounting to thirty-seven (37) total required spaces. The Building Commissioner would similarly be able to determine if there are a sufficient number of spaces onsite currently to accommodate both commercial and personal vehicles, as requested.

Planning staff recommends the Council consider at least the following prior to ultimately voting to approve the application:

1. That the Petitioner should confirm the intent of the proposed use and its zoning compliance, as well as the sufficiency of onsite parking, with the Building Commissioner (and any changes to the parking calculations be reflected on a revised version of the plot plan and re-submitted to the Council);

2. That the Petitioner should confirm that there are in fact only 3 employees working onsite within Buildings C and D;

3. That the Petitioner is only permitted to allow vans onsite, as trucks are not allowed within 300 ft. of a residential lot line per Section 11.6 (note direction from proposed parking area);

4. That the number of parking stalls designated as compact vehicles spaces shall not exceed 30% of total spaces and also incorporate requisite signage and markings, in accordance with Section 8.2.3;

5. That the plot plan submitted on behalf of the Petitioner should be revised to reflect security lighting (required for overnight parking, per Section 8.5), onsite snow storage areas (if applicable), and any structural connection between Buildings A and C (aerial images show that they are connected on the City's GIS mapping, but the plan does not reflect that feature. If the images are simply outdated [the connection may have been demolished] this comment can be disregarded);

6. That all vehicles that will be parked onsite overnight must be registered in the City of Woburn; and

7. That the Special Permit shall be issued to Lord Hobo Brewing Company only and shall not be transferrable, with the exception of a transfer to an entity of which Lord Hobo Brewing Company is the primary or principal owner.

Please feel free to contact me if you have any questions relative to this recommendation.

Respectfully, Dan Orr, City Planner/Grant Writer

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that he had a revised plan entitled "Building A Site Plan Sheet C-1B" dated 10-12-2017, revised 11/21/2017 by Allen & Major Associates, Inc. and a letter dated November 21, 2017 for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Attorney Salvati stated that the petitioner needs more storage area, that most of the warehouse will be used to refrigerate pallets of beer, that delivery trucks will deliver the product to customers, that this proposal will not increase the number of employees or the number of deliveries, that the only increase will be in the number of box trucks delivering product to the warehouse, that there will be no real employees in the warehouse except for the box truck driver, that there may be some office space moved to the location at some point, that the box truck will not be acquired until this special permit is granted, that the brewing special permit allows 24 hour per day operations, that the petitioner wants permission to move product to the warehouse 24 hours a day, that the 300 foot setback is nor relevant because a preexisting nonconforming use was located on the site, that the snow storage plan of Lawless will be acceptable by the petitioner, that

there will be no connection between buildings A and C, that the petitioner's vehicles will be registered in Woburn, that there is security lighting, that there is a space for a vehicle at the loading dock and two parking space beside the loading dock, that a limit of five vehicles of one box truck and one four vans is acceptable, and that refrigeration will be added to the warehouse. Michael Labbe, Engineering and Operations stated that the product will be in kegs or in cases on pallets, that the product will be transported in the warehouse with a pallet jack, that the loading dock is raised, that the doors are quieter and many of the doors do not face residences, that he understands that noise travels at night but they have been operating at the location 24 hours a day, have had no complaints and want to keep it that way, that a van would leave early before the common carrier arrives and the van would return at the end of shipping hours, that they petitioner uses distributors in all of their markets, that a couple of trucks a day go out to distributors and individual customers, that the petitioner uses vans for deliver to occasional events, that there are two trucks to the site each day at this time, that the petitioner will generate product 24 hours a day and it is better if the product can be kept cold, that there is cold storage at 5 Draper Street but the petitioner wants to repurpose the cold storage space at 5 Draper Street and build a larger facility at 8 Draper Street, and that the petitioner wants to move the product while it is fresh. President Haggerty stated that he wants to review the Lawless plan and special permit, and that he appreciates the petitioner's growth but he wants to review the Lawless special permit as part of the process. Alderman Gately stated that he does not believe that six trucks will fit in the location, that maybe five vehicles could fit, that he is concerned about the opening and closing of doors with residences above the site, and that noise travels at night. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 5, 2017 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0. Motion made and 2nd that the City Clerk distribute a copy of the Lawless special permit to the Aldermen, all in favor, 9-0.

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Motion made and 2nd that the public hearings on the next three matters be held collectively, all in favor, 9-0.

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On the petition by Alderman Campbell to amend 1985 Woburn Zoning Ordinances, as amended, by amending Section 11.11.1 by deleting from the first sentence the word "and" after the words "Section 5.1.3(a) through 3(d)", and inserting after the words "Section 5.1.4" the words ", and Section 5.1.5". PUBLIC HEARING OPENED. A communication dated October 25, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

Re: Petition to amend Section 11.11 (Subsections 1, 3, 4 and 5) of the Zoning Ordinance (Affordable Housing Requirement) by (A) Increasing affordable housing requirements applicable to special permit petitions from 10% to 25%; (B) Expanding the applicability to include projects where dwelling units are located above first stories in commercial structures; (C) Deleting the option of offsite affordable housing

units by petitioner request; and (D) Deleting a cash payment option to satisfy affordable unit requirements in cases where the number of required affordable units results in fractions below 1/Alderman Joanne Campbell

Dear Mr. Campbell:

At a meeting of the Woburn Planning Board held on Tuesday, October 24, 2017, members of the Board voted to unanimously (5-0-0) to continue the public hearing and discussion on the above-referenced proposed zoning amendments to the Board's November 28, 2017 meeting at 7:00 p.m.

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 16, 2018, all in favor, 9-0.

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On the petition by Alderman Campbell to amend 1985 Woburn Zoning Ordinances, as amended, by amending Section 11.11.1 by deleting from the first sentence the words "the City Council shall require as a condition of any such special permit, the provision on site and within the development of affordable housing units equal to ten (10%) percent of the development's total number of dwelling units" and inserting in its place the words "a condition of any such special permit shall be at least twenty-five percent (25%) of the units on site and within the development are to be occupied by Income Eligible Households earning 80% or less than the Area Median Income as such terms are defined in 760 CMR 56.02, as may be amended from time to time." PUBLIC HEARING OPENED. See notes from preceding matter. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 16, 2018, all in favor, 9-0.

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On the petition by Alderman Campbell to amend 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By deleting Section 11.11.3 in its entirety; 2. By renumbering Section 11.11.4 as Section 11.11.3; and 3. By deleting Section 11.11.5 in its entirety and inserting it is place the following: "11.11.4 In determining the number of units to be provided pursuant to Section 11.11.1, fractional numbers shall be rounded up to the nearest whole number." PUBLIC HEARING OPENED. See notes from preceding matter. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 16, 2018, all in favor, 9-0.

CITIZEN'S PARTICIPATION:

Request for citizen's participation time by Stephen Smith, 1045 Main Street regarding the Woburn Fire Department. Motion made and 2nd that MATTER be GIVEN LEAVE TO WITHDRAW, all in favor, 9-0.

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COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

On the renewal of First Class Motor Vehicle Sales Licenses by Northeast Tree, Inc.; WMK, LLC dba Mobility Works; and Woburn Foreign Motors, Inc., 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: November 22, 2017 s/Scott D. Galvin Nov. 22, 2017

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On the renewal of Second Class Motor Vehicle Sales License by ACT Leasing, Inc., committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 abstained (Mercer-Bruen abstained).
Presented to the Mayor: November 22, 2017 s/Scott D. Galvin Nov. 22, 2017

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On the renewal of Second Class Motor Vehicle Sales Licenses by Robert McSheffrey dba Bob McSheffrey Auto Sales; Southside Associates, Inc. dba Burke's Garage; McSheffrey Auto Sales, Inc.; Ollie's Service Center; Woburn Gas & Service, Inc.; David Dellarocco dba Woburn Auto Sales; Donald J. Socorelis dba Woburn Glass Co.; and Abdelaziz Ilaj dba Woburn Motor Sports, 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: November 22, 2017 s/Scott D. Galvin Nov. 22, 2017

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On the renewal of Third Class Motor Vehicle Sales License by Woburn Truck and Auto, Inc., 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: November 22, 2017 s/Scott D. Galvin Nov. 22, 2017

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ORDINANCES:

On the following Order, committee report was received "To refer the matter to public hearing":

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, Section 11, Special Permits and Variances, 11.3 Procedures for Special Permits, subparagraph 11, be

amended by deleting “six (6) months” and replacing same with “twelve (12) months”.

s/Alderman Anderson

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

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INFRASTRUCTURE AND PUBLIC LANDS:

On the recommendation from the Traffic Commission regarding traffic calming measures, committee report was received “That the City Clerk prepare an Order requesting the Mayor provide funding for the conceptual plan for traffic calming at the intersection of Sturgis Street and Beacon Street, based on the drawing submitted by the City Engineer’s Department and approved by the Traffic Commission”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

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NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicle Sales Licenses by C.N. Wood Company, Inc., 200 Merrimac Street; Gordon Colonial, Inc. dba Colonial Cadillac, 201 Cambridge Road; Lannan Chevrolet, Inc., 40 Winn Street; Lawless, Inc., 196 Lexington Street; M&L Transit Systems, Inc., 60 Olympia Avenue; and Woodco Machinery, Inc., 22 North Maple Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Anchor Auto Sales, Inc., 3 Breed Avenue; Kenneth L. O’Connor and Thomas F. Norton dba City Line Motors, 30 Rear Torrice Drive; E&C Auto Brokers, LLC, 505 Main Street; Jeffrey Pollock dba Exclusive Automobile, 7 Independence Drive; George’s Auto Body of Woburn, Inc., 19 Jefferson Avenue, #C; Nicolas Saba dba Montvale Service, 289 Salem Street; Route 16 Auto Broker, 280 Salem Street; Francis Garbino dba Tom’s Auto Body, 10R Green Street; and Tracy M. Batten dba Tracy’s Auto Sales, 62R Winn Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition for renewal of Second Class Motor Vehicle Sales Licenses and increase in number of vehicles from six to ten by Oliver M. McDermottroe dba McDermottroe Auto Sales, 229 Lexington Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

****

Petitions pursuant to M.G.L. Ch. 268A, Section 20(b) disclosing interest in a contract to allow personal snow plowing services to city by Roy Cudmore, Dennis M. Stone and Stephen Miele. Motion made and 2nd that the MATTER be APPROVED, all in favor, 9-0.
Presented to the Mayor: November 22, 2017 s/Scott D. Galvin Nov. 22, 2017

****

Petition pursuant to M.G.L. Ch. 268A, Section 20(b) disclosing interest in a contract to allow personal snow plowing and power washing services to city by Thomas M. Skeffington. Motion made and 2nd that the MATTER be APPROVED, all in favor, 9-0.
Presented to the Mayor: November 22, 2017 s/Scott D. Galvin Nov. 22, 2017

****

A communication dated October 31, 2017 was received from Shaun W. Briere, Hackett Feinberg, 155 Federal Street, 9th Floor, Boston, Massachusetts 02110 as follows:

Re: Special Permit Decision (Volume 58, Page 610)(the "Special Permit") – Melanson Development Group, Inc. (the "Applicant) – 165 Cambridge Road, Woburn (the "Property")

Dear Mr. Campbell:

As you know this office represents the Applicant, with respect to its proposed redevelopment of the above referenced Property (the "Project").

With respect to the Special Permit issued by the City Council on December 24, 2015 (copy attached hereto as Exhibit A), the Applicant respectfully requests and extension of said special permit pursuant to Section 11.3.10 of the City of Woburn 1985 Zoning Ordinances, as amended through March 1, 2017 (the "Ordinance"), to December 24, 2019. Pursuant to Section 11.3.10, "[t]he City Council may grant an extension [for] good cause and shall grant an extension if the delay has been caused by the need to seek other permits."

Good Cause

The Applicant is currently under contract to purchase the Property from Eileen Marsan. However, due to unforeseen medical circumstances, Ms. Marsan has been physically unable (i) to vacate the Property or (ii) to proceed with the sale of the Property to the Applicant. While both the Applicant and Ms. Marsan fully intend to consummate the sale and proceed with the Project once Ms. Marsan has fully recovered, they are unable to do so prior to the expiration of the Special Permit.

Need to Seek Other Permits

Since the grant of the Special Permit on December 24, 2015, the Applicant proceeded with appropriate diligence to obtain all other necessary permits and approvals, such permits and their issuance dates attached hereto as Exhibit B for your reference.

Additionally, during the course of permitting the Project, it became known that the proposed access to the Project over Old Lexington Street was not owned in fee simple by Ms. Marsan. While Ms. Marsan enjoyed rights of access to that portion of Old Lexington Street, the underlying fee simple estate remained owned by the City of Woburn. This necessitated a previously unanticipated municipal disposition process, including a Request for Proposals, pursuant to M.G.L. Chapter 30B. The Applicant was awarded the bid and signed a Purchase and Sale Agreement in March of 2017. However, consummation of the Applicant's purchase of that portion of Old Lexington Street is anticipated to occur simultaneously with the Applicant's purchase of the Property, which is subject to Ms. Marsan's convalescence as described above.

In consideration of the above described circumstances, the Applicant respectfully requests that the City Council approve an extension of the Special Permit to December 24, 2019. Such extension would allow sufficient time for (1) Ms. Marsan to fully convalesce, (2) her to vacate the Property, (3) to consummate the purchase of the Property and the Access by the Applicant, (3) to demolish the existing single family home located on the Property, and (4) for the Applicant to begin construction of the Project.

Kindly file same in your usual course and place this matter on the agenda for the next scheduled meeting of the City Council. Thank you very much for your assistance in this matter.

Very truly yours, s/Shaun W. Briere

Motion made and 2nd that the two year extension of the special permit issued on December 24, 2015 to Melanson Development Group, Inc. for the property located at 165 Cambridge Road be approved up to and including December 24, 2019, all in favor, 9-0.

****

Petition by NStar Electric Company dba Eversource Energy and Verizon New England Inc. for a grant of right in a way on Highland Avenue to install one joint occupancy pole 549/4 southwesterly side approximately 267 feet southeast of Playstead Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

****

Petition by NStar Electric Company dba Eversource Energy for a grant of right in a way on Gill Street to install conduit easterly from pole 582/6 approximately 740 feet southeast of Sixth Road, a distance of about four (4) feet. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

****

Petition by Little Egg Realty, 5 Hancock Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57b and 7.3 to modify Condition 7 of a special permit issued May 10, 2012 to read as follows: "7. That the garage shall be limited to one story with no attic but a pitched roof is acceptable with no attic. It will be acceptable to cover the ceiling joists as necessary for the fire rating." at 5 Hancock Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

****

Petition by Michael R. Celatta II, 275 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.45 to sell used automobiles and for a Second Class Motor Vehicle Sales License at 275 Salem Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

****

Petition by Vecna Technologies, Inc., 36 Cambridgepark Drive, Cambridge, Massachusetts 02140 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 57a to allow six storage containers at 71 Pine Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

****

Petition by Shaun K. Marsh, 101 Forest Park Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5 Note 15 to allow new 900 square foot garage with two ten foot doors at 101 Forest Park Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

****

Petition by Petrogas Group New England Inc., 168 N. Main Street, Suite B, Andover, Massachusetts 01810 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 7.3, 11.5, 5 Note 16 to allow the addition to and renovation of an existing building currently used as gasoline service station and convenience store at 325 Washington Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

_____

COMMUNICATIONS AND REPORTS:

A communication dated October 31, 2017 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging meeting for the month of October 2017. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

****

A communication dated October 18, 2017 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 Jan. 2017 to September 2017: Number of violations issued 564, Numbers of violations paid 238, Number of violations outstanding 240, Amount collected and submitted to Collectors Office $49,566.29, Parking fines referred to the Handicap Commission $12,000.00.

There is a backlog of 1,585 tickets dating from January 2004 to September 2017. 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.

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A communication dated November 7, 2017 with attachments was received from City Solicitor Ellen Callahan Doucette relative to the Attorney General's Revised Open Meeting Law Regulations and revised City of Woburn Remote Participation Policy. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

****

A communication dated November 15, 2017 was received from City Solicitor Ellen Callahan Doucette relative to meeting with the City Council in executive session relative to pending litigation of NAI Entertainment v. Woburn City Council. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

****

A communication was received from Office of Environmental Analysis, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001 notifying of the availability of the Final Scope of Study for the New England Transrail Environmental Impact Statement. Alderman Tedesco stated that this process could take up to two years, and that as communications are received they will be forwarded to the Aldermen. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated November 2, 2017 was received from the Surface Transportation Board relative to the Notice of Availability of Final Scope of Study for the New England Transrail, LLC Environmental Impact Statement. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

****

A copy of a communication dated October 17, 2017 with attachment to Mayor Scott Galvin was received from Heather Maguire, Executive Director, Woburn Business Association, 10 Tower Office Park, Woburn, Massachusetts 01801 with a list of recommendations formulated by their Government Committee relative to the Montvale Avenue street widening project. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

****

A communication dated November 8, 2017 was received from Elaine Sutherlin, 29 South Bedford Street, Woburn, Massachusetts 01801 alleging a violation of the Open Meeting Law at the City Council meeting on October 17, 2017. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON, all in favor, 9-0.

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UNFINISHED BUSINESS OF PRECEDING MEETING: None.

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APPOINTMENTS AND ELECTIONS:

A communication dated October 27, 2017 was received from Leonard Burnham, Jr., 12 Tedesco Drive, Woburn, Massachusetts 01801 as follows:

I hereby accept the appointment as set forth above.

s/Leonard Burnham, Jr.

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, 7 in favor, 2 opposed (Gaffney, Gately opposed) 9-0.

_____

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas, the water pipes have been cement lined, gas lines installed and curbing and sidewalk installed, the Superintendent of Public Works complete the project by resurfacing Conn Street from Main Street to Fowle Street to improve public safety and convenience.

s/Alderman Gately

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

Presented to the Mayor November 22, 2017 and ten days having elapsed without same being approved, said Resolve became effective without his signature on December 5, 2017.

****

RESOLVED Whereas, the condition the roadway is poor, the Superintendent of Public Works resurface Bryant Street from Conn Street to Carter Street to improve public safety and convenience.

s/Alderman Gately

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor November 22, 2017 and ten days having elapsed without same being approved, said Resolve became effective without his signature on December 5, 2017.

****

RESOLVED Whereas, the conditions of the roadway have deteriorated and in the interest of public safety, the Superintendent of Public Works resurface Highland Street from Mt. Pleasant Street to the dead-end taking into consideration the proper level of catch basins near driveways along the roadway.

s/Alderman Gately

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor November 22, 2017 and ten days having elapsed without same being approved, said Resolve became effective without his signature on December 5, 2017.

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RESOLVED That the Mayor and Superintendent of Public Works provide the City Council with an update on the water line work on Montvale Road, Munroe Avenue and Elm Avenue; the status of connecting dry wells for drainage; and the paving plan.

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.
Presented to the Mayor November 22, 2017 and ten days having elapsed without same being approved, said Resolve became effective without his signature on December 5, 2017.

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ORDERED That the City Council Regular Meeting scheduled for December 19, 2017 shall begin at 6:30 p.m.

s/President Haggerty

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

****

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 425 Main Street; and

WHEREAS, at the exterior conditions of said building or buildings have deteriorated;

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. 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.

s/President Haggerty

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor November 22, 2017 and ten days having elapsed without same being approved, said Order became effective without his signature on December 5, 2017.

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ORDERED That the Committee on Special Permits meet with the representatives of Wendy's located at 303 Montvale Avenue regarding trash and trash disposal at the site.

s/Alderman Mercer-Bruen

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

****

ORDERED That the Committee on Infrastructure and Public Lands meet with the City Engineer and the Superintendent of Public Works relative to the ongoing drainage issues in the area of the Four Corners.

s/Alderman Gately and Alderman Higgins

Alderman Gately stated that conditions in the Four Corners area have become progressively worse, that a pipe collapsed, that a plan has to be prepared to address the situation, that the city needs to acquire a thirty foot construction easement through the parking lot, hire a consultant to study the retention areas and determine what size box culvert will suffice for the whole area, that this project will likely require a five foot or six foot box culvert, that a three inch rain storm closes the area, that it used to be that a six inch rain storm closed the area, and that the issue must be addressed. Alderman Higgins stated that she is looking forward to meaningful progress on this issues, and that the cracked pipe must be addressed. President Haggerty stated that the Mayor is open to having a conversation as to the steps that need to be taken to address the issue. 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 that the Mayor and the Conservation Commission be and are hereby authorized to accept conservation restrictions for the properties located at 124 Lexington Street and 130 Lexington Street; and that the City Council indicate their approval by executing each conservation restriction.

s/Alderman Campbell

Attached thereto were the following two conservation restrictions:

A Conservation Easement and Restriction was received from John D. Marotto, Trustee of 124 Lexington Street Realty Trust pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws granting to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land containing approximately 2,410 square feet of land shown on a plan as "Conservation Restriction Area" on a plan entitled "Conservation Restriction Plan 124 & 130 Lexington Street, Woburn Mass" prepared by Edward Farrell PLS dated August 12, 2017 to be recorded at the Middlesex South District Registry of Deeds herewith.

A Conservation Easement and Restriction was received from John D. Marotto, Trustee of 130 Lexington Street Realty Trust pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws granting to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land containing approximately 24,731 square feet of land shown on a plan as "Conservation Restriction Area" on a plan entitled "Conservation Restriction Plan 124 & 130 Lexington Street, Woburn Mass" prepared by Edward Farrell PLS dated August 12, 2017 to be recorded at the Middlesex South District Registry of Deeds herewith.

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: November 22, 2017 s/Scott D. Galvin Nov. 22, 2017

****

ORDERED Be it Ordained by the City Council of the City of Woburn, that that the Mayor be and is hereby authorized to enter into an Easement Agreement with Madison Woburn Holdings LLC which Easement Agreement will grant a perpetual, non-exclusive access and utility easement to Madison Woburn Holdings LLC over the property owned by the City of Woburn and identified as Parcels A and B on the attached Approval Not Required Plan which is recorded at the Middlesex South Registry of Deeds as Plan No. 486 of 1983.

s/President Haggerty

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

****

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. By deleting Title 8, Article VII, Section 8-17(J) in its entirety and replacing same with the following: "Any owner of property on which a dumpster is located and on which a violation of this Section shall occur shall be subject to a fine of $300.00 for each offense and a separate offense shall be deemed committed on each day on which a violation occurs or continues."

2. By deleting Title 8, Article VII, Section 8-17(K) in its entirety and replacing same with the following: "It shall be the responsibility of the Inspectional Services Department to enforce the provisions of this section."

s/Alderman Mercer-Bruen

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

****

ORDERED Be it Ordained by the City Council of the City of Woburn that Section 11.3 of the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

1. By adding a new paragraph 11.3.13 as follows: <u>Minimum Mandatory Conditions.</u> In addition to any other conditions that may be required pursuant to Section 11.3 it shall be a material condition for such Special Permits that any construction manager, general contractor or

other lead or prime contractor, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person or entity that is engaged to perform the construction work on the property that is the subject to such Special Permit shall comply with all laws applicable to the compensation of workers, including but not limited to the provisions of G.L. c. 149 (Labor and Industries) , G.L. c. 152 (Workers Compensation) and Chapter 58 of the Acts of 2006.

2. By adding a new paragraph 11.3.14 as follows:
Compliance/Remedies. If any person or entity that is subject to the foregoing Special Permits fails to comply with any such laws applicable to work on the project and the Building Commissioner is notified of, and confirms such failure, the Building Commissioner or his designee shall take such steps as are reasonably necessary, up to and including the issuance of a stop work order, directed to the party so failing or to the general contractor, relative to all work on the project, in order to achieve expedited compliance. Such stop work order shall remain in effect until full compliance is achieved.

s/President Haggerty and Alderman Higgins

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

****

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

1. By adding the following to Section 2 (DEFINITIONS) after Retail Use Area and before Roof Top Wind Energy Facility:

"Rooftop Dining: The use of a structure's roof, by a Full-Service Restaurant, for assembly or the consumption of food or beverages."

2. By adding "Note 27" to the column in Section 5.1 Table of Uses entitled "Notes; other sections" for line 28.

3. By adding the following to the end of Section 5.1, Table of Uses:

"27. Rooftop dining may be authorized by Special Permit from the City Council in the B-D (Downtown Business) zoning district if the conditions outlined in Section 11.6 are met."

4. By adding the following to Section 11.6 (SPECIAL PERMITS AND VARIANCES, Additional Conditions for Special Permits for Specific Uses and Conditions):

"12. Rooftop Dining in the B-D District.

1. The rooftop dining area shall be associated with a Full-Service Restaurant establishment doing business within the same building.

2. The floor immediately below the rooftop area must either be occupied by a non-residential use or a provision inserted into the deeds or lease/rental agreements for each dwelling unit disclosing the existence of and general details about the rooftop dining operation and conditions associated with it (i.e. authorized business hours, occupancy limit, noise, customary activity levels, etc.).

3. The preferred main access to the rooftop shall be from the interior space of the Full-Service Restaurant establishment doing business within the same building, provided an exterior access may be permitted upon demonstration of a de minimus impact on surrounding properties.

4. The rooftop dining use shall comply with the minimum twenty-foot (20') buffer requirement set forth in Section 5.7.1.

5. Use of the rooftop shall not occur unless the Full-Service Restaurant establishment doing business in the same building is also open;

6. Use of the rooftop shall not exceed the hours of operation for the Full-Service Restaurant establishment doing business within the same building but in no event shall the rooftop be open and/or occupied later than 10:30 p.m.

7. Equipment and structures associated with an elevator providing access to the rooftop area, restroom facilities required by State Building Code, and any service areas, preparation stations or similar facilities associated with the rooftop dining use shall:
   a. Not exceed ten feet (10') in height;
   b. Not be included in the calculation of the Height of a Building or subject to the setback requirements of section 12 below;
   c. Not occupy more than fifteen percent (15%) of the gross area of the roof, except that for buildings that existed at the time of adoption of this Ordinance, the City Council may allow a greater percentage of roof coverage if it can be demonstrated that existing roof features require or justify such an increase. If

the applicant can demonstrate that there is a pre-existing structure that applicant must design around and therefore requires applicant to exceed this limitation to provide adequate service and sanitary area, then the City Council may increase this percentage limitation;

d. To the extent practical be located in a manner that minimizes or prevents their visibility from street level; and
e. Be properly locked and secured at the end of each business day.

8. Live entertainment, music, speakers, televisions, or public address systems shall not be permitted on the rooftop unless the City Council so authorizes. The windows and doors to areas where such noise originates shall be closed (except when being used as permitted means of egress) or such areas must be sound-proofed so as to prevent sound from being heard at the street level of the building.

9. Service areas, preparation stations and similar facilities shall be ancillary in nature as determined by the City Council and shall service the rooftop dining area only.

10. No food shall be stored on the rooftop except during the hours the rooftop dining area is in use. No alcohol shall be stored on the rooftop unless it is properly locked and secured at the end of each business day.

11. All lighting associated with the rooftop dining area shall be designed to effectively eliminate glare, shall not be directed toward property lines and shall be turned off when the area is not in use.

12. Walls or railings to prevent patron encroachment within the set backs as provided herein shall comply with applicable Massachusetts Building Code requirements and shall be set far enough back from the edge of the building to provide safe conditions for both restaurant employees, patrons and the public, in the opinion of the City Council. These walls or railings shall, in concert with other structures and/or landscaping, provide a setback to prevent patron access from the edge of the building. At a minimum, the set back from the edge at the front of the building shall be ten (10) feet and the setback from the edge at the side and rear (if not abutting the wall of another building), shall be four (4) feet. The side and rear setback from the edge of the building does not apply to the Service and sanitary structures, if any.

13. Rooftop dining areas shall be kept free of trash, debris and food waste. All trash, debris, and food waste shall be properly stored while the rooftop dining area is in use and all trash, debris and food waste shall be removed from the rooftop entirely at the close of each business day.

14. Special Permits for rooftop dining shall be issued only to the applicant and shall not be transferrable without prior approval from the Woburn City Council.

15. The following restrictions shall apply:
    a) Propane heaters, landscaping, ornamental trees or other permanent decorative items shall be shown on the plan of record.
    b) Hot tubs shall not be allowed.
    c) Decorations of any kind shall not extend farther than 8 feet above the rooftop.
    d) Banners or signage shall not be allowed on or hanging over the rooftop.
    e) Neon signs or signs advertising adult beverages shall not be allowed.

s/President Haggerty and Alderman Anderson

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

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From Traffic Commission:

ORDERED That the 2016 Woburn Traffic Code, as amended, be further amended by amending Schedule 2 Turning and Moving Restrictions as follows:

UNION STREET – One-way easterly starting at a point 140 feet easterly from the intersection with Main Street to the intersection with Montvale Avenue.

Alderman Campbell stated that this was approved at the last Traffic Commission meeting, and that the City Engineer stated that this is the best solution for the new parking lot. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: November 22, 2017 s/Scott D. Galvin Nov. 22, 2017

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From Traffic Commission:

ORDERED That the 2016 Woburn Traffic Code, as amended, be further amended by amending Schedule 2 Turning and Moving Restrictions as follows:

CAMPBELL STREET - One-way easterly starting at a point 125 feet easterly from the intersection with Main Street to the intersection with Wade Avenue.

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: November 22, 2017 s/Scott D. Galvin Nov. 22, 2017

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From Traffic Commission:

ORDERED MT. PLEASANT STREET – That a stop sign restriction be established on Mt. Pleasant Street at the intersection with Prospect Street.

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor November 22, 2017 and ten days having elapsed without same being approved, said Order became effective without his signature on December 5, 2017.

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RESOLVED Whereas, Thomas C. "Tucker" Quinn demonstrated extraordinary dedication and devotion to the citizens of the City of Woburn during his distinguished career in the Department of Public Works and the Woburn School Department; and

Whereas, Thomas C. Quinn was sought out by Mayors, Aldermen, department heads, city and school department staff, and members of the public for his help and assistance in addressing countless issues to improve public safety and the quality of life in the community in an efficient and effective manner; and

Whereas, Thomas C. Quinn was appointed by the Woburn City Council as Deputy Superintendent of Public Works on September 3, 2002;

Whereas, in that capacity he managed multiple tasks and constant demands on the department, managed his staff in a manner that instilled confidence and respect in his abilities, acted quickly when an issue arose in a neighborhood to assist in finding a resolution, worked tirelessly for the residents and businesses of the community, served as point person in coordinating numerous civic and social events throughout the community, was always willing to lend a hand when help was needed, and never sought out recognition for his good works.

Now, therefore, the City Council of the City of Woburn hereby recognizes the long and distinguished career of Thomas C. Quinn and his many accomplishments and contributions in improving the quality of life for the citizens of the City of Woburn, thanks him for his service to the city, and extends the best wishes of the community for a long, happy and well-deserved retirement.

s/President Haggerty

Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.Motion made and 2nd that Thomas Quinn be invited to attend the next City Council meeting.
Presented to the Mayor November 22, 2017 and ten days having elapsed without same being approved, said Resolve became effective without his signature on December 5, 2017.

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Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:58 p.m.

A TRUE RECORD ATTEST:

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