CITY OF WOBURN
JANUARY 2, 2018 - 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	

_____

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

_____

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of $125,000.00 be and is hereby appropriated as so stated from Fire/BLS Ambulance Acct #31359-595000 $125,000.00 to Fire Ambulance Salary Acct #0122051-511500 $125,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/Stephen W. Adgate, Chief Fire Department
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/Alderman _____

****

ORDERED That the sum of $1,403,985.67 be and is hereby appropriated as so stated from Mayor Salary Adjustments Acct #0112151-511019 $1,403,985.67 to Union Contract Settlements $1,403,985.67, Purpose: Union Contract Settlements

I hereby recommend the above: s/Scott D. Galvin, Mayor
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/Alderman _____

****

ORDERED Be it ordained by the City Council of the City of Woburn that the Mayor be and is hereby authorized to enter into a ten (10) year lease to operate and maintain the O'Brien Ice Rink located at 55 Locust Street to a

qualified non-profit organization for the provision of skating programs for the benefit of Woburn residents and other rink users.

s/Alderman _____

_____

PUBLIC HEARINGS:

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 December 28, 2017 with attachment was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Madison Woburn Holdings LLC, 369 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find for filing the following in connection with the above-referenced Special Permit Petition:

1. Ten (10) copies of revised Sheets C-2A and C-2B entitled “Layout & Materials Plan” dated August 7, 2014; revised September 24, 2014; October 14, 2014; November 21, 2014; December 16, 2014: December 31, 2014; May 1, 2015: May 28, 2015; July 2, 2015; March 28, 2016; March 29, 2016; May 27, 2016, June 8, 2016; June 17, 2016; August 5, 2016; July 21, 2017: October 12, 2017; December 21, 2017; and December 27, 2017 (the “Modified Layout & Materials Plan of Record’).

The revised plan shows the elimination of the proposed Blaze Pizza with the 2,823 square foot space being shown as a proposed restaurant.

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

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

****

On the 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. PUBLIC HEARING OPENED. A communication dated December 28, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit applications for 71 Pine Street/Vecna Technologies, Inc.

Dear Council:

The Planning Department has reviewed the above-referenced applications which seek Special Permit pursuant to Sections 5.1 (57a) for the allowance of accessory storage/parking of six (6) storage containers for manufacturing-related materials for the onsite tenant. The property is zoned Industrial General (I-G), which allows the aforementioned use by City Council special permit. A review of environmental mapping on the City's GIS system reveals that the parcel does not fall within a local floodplain, Groundwater Protection District (GPD), or an area of contaminated soils. This parcel does fall within 150' of a wetland boundary line. However, no new construction or increase in impervious surface area is proposed in connection with this application.

Although a specific use is not cited by the applicant as to the onsite tenant, "manufacturing" is referenced in the application description section. Staff has confirmed with the Building Commissioner that this application does not raise any issues with respect to the storage trailers serving as an accessory use for the tenant. However, a plot plan should be required/provided so that compliance with zoning setback requirements for the storage containers (no closer than five [5] feet from the lot line, in accordance with Sec. 8.4.3) can be ascertained.

It is assumed that the property would continue to meet the parking requirements of the Zoning Ordinance if the trailers are permitted on the site, since the area proposed to house them appears to be paved area near the loading docks. The applicant should be required to provide calculations of both the number of off-street parking spaces needed to satisfy zoning requirements for all uses on site as well as a calculation of the number of parking spaces actually provided.

Additionally, the City Council may want to require the revised plan to include details on exterior lighting in accordance with Sec. 8.5. It should be noted that the location of exterior lighting is depicted on an 8.5" x 11" sketch plan included with the application but not on an engineered plot plan. The sketch plan indicates the lighting will be located on the building itself (not pole-mounted) but there is no information in the application regarding details of site lighting (style/appearance, number of lumens, etc.). This information should be required.

Although the information necessary to completely review this application has not been fully provided, Planning staff recommends the Council consider imposing at least the

following as minimum conditions, should the Council ultimately decide to approve the application:

- That the Special Permit shall be granted for a period to not exceed one (1) year, per Note 17 to Section 5.1 Table of Use Regulations; and

- That the special permit is issued only to Vecna Technologies, Inc. and is not transferrable with the exception of a transfer to an entity of Vecna Technologies, Inc. is the primary or principal owner.

If you have any questions relative to this communication, please do not hesitate to contact me.

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

****

On the petition by Subhadraben Patel, 18 Westgate Drive, Apt. T-5, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.29 to allow fast food restaurant at 902 Main Street. PUBLIC HEARING OPENED. A communication dated December 27, 2017 was received from Tian P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 902 Main Street/Subhadrben Patel

Dear Council:

The Planning Department has reviewed the above-referenced special permit application which requests permission to operate a fast food restaurant (5.1 [29]) at the above-referenced location. The property is zoned Highway Business (B-H) and therefore such use is permitted by City Council special permit, subject to Site Plan Review requirements (Section 12). The application references the required special permit but does not specifically request Site Plan Review/approval.

Planning staff offers the following questions and comments for the Council's consideration:

- No exterior construction appears to be proposed in connection with this application. However, the Building Commissioner indicates that the applicant has not yet received a determination as to whether the planned work will constitute "substantial alteration". This determination should be made before any Decision on the Special Permit application is rendered by the Council, since this determination will indicate whether Section 18 (Development Mitigation) is applicable to this proposal. The Commissioner recommends the applicant meet with him as soon as possible to review the scope of work so that the determination can be made;

- The applicant should be required to submit a site plan that includes a locus plan as an inset and notes the building location and any off-street parking spaces/exterior site features;

- The applicant should be required to submit floor plans that are drawn to scale;

- No information has been provided relative to parking. Fast food restaurants require twelve (12) parking spaces for every 1,000 sq. ft. of net floor area, per Section 8.2.5. No computation of net floor area is provided, nor is there any computation as to how much parking this use will need. The existing space (currently vacant) was formerly an electronics repair/sales establishment. Would the restaurant be "grandfathered"? If so, perhaps a request for a Special Permit under Section 7.3 should also have been filed. On the other hand, if the fast food use requires additional parking be provided, how many spaces will be needed and where will they be located?

- The issue of trash storage and its regular pickup seems particularly important given that food will compose a significant portion of the business's trash. However, no plan for trash storage/refuse removal has been submitted. If there is to be an exterior Dumpster its location should be shown on the to-be-submitted site plan and the plan referred to the Fire Department for review and comment (the Fire Department is the entity charged with regulating Dumpsters in accordance with Title 8, Article VII, Section 8-17 of the Woburn Municipal Code, general regulations for Dumpsters). If instead trash will be stored inside the building, the floor plans should be modified to identify the location of receptacles and referred to the Board of Health for comment;

- The application does not provide information as to the expected delivery arrangements (loading and unloading of stock and foodstuffs). It appears the only option for delivery trucks will be to park on Main Street and traverse the sidewalk (Minot Street is posted "No Parking Here to Corner" and would therefore seem not to be an option). The Council should consider imposing a condition on any approval prohibiting delivery-related activities from interfering with use of the sidewalk by pedestrians (i.e. blocking the sidewalk with boxes or dolly ramps). There should also be a condition prohibiting stock and foodstuffs from being delivered through the front door if possible, in order to further lessen the possibility/extent of sidewalk conflict. The Council should also consider restricting/limiting the hours of deliveries to those that are outside of peak pedestrian times, if in fact deliveries will be made via a truck parked on the street;

- Unless authorized by a subsequent Special Permit, the hours of operation of this establishment must be 6:00 a.m. to 11:00 p.m. in accordance with Note 16 to Section 5.1, Table of Use Regulations; and

- The application contains no information relative to signage. The Council should consider imposing a condition noting that no exterior signage is being approved as part of the Special Permit, and that a separate sign application package will need to be filed with the Inspectional Services Department in the future for any signage.

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

Respectfully, s/Tina P. Cassidy, Planning Director

****

On the petition by Leo Realty Holdings LLC, 17 Concord Avenue, Cambridge, Massachusetts for special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.5 to 1; allow for eight (8) residential units above first floor story in commercial structure at 375 Main Street; and 2. To amend a prior special permit to allow for an addition to 371 Main Street. PUBLIC HEARING OPENED. A communication dated December 26, 2017 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit application for 371-375 Main Street/Leo Realty Holdings, LLC

Dear Council:

The Planning Department has reviewed the above-referenced special permit application submitted by Leo Realty Holdings filed pursuant to Section 5.1.5 (dwelling units above first story in a commercial structure). The subject property is zoned downtown business (B-D), which allows the aforementioned use by City Council special permit. This mixed-use project represents a "reconditioning" of the 375 Main Street façade for first-floor commercial use and a vertical addition to the rear portion of the existing structure to accommodate eight (8) new residential units. The project is partially intended as an expansion of "The Brickyard" full-service restaurant business, located at 371 Main Street, into the abutting property. The Petitioner has submitted a Mixed-Use Project Plan, including site plan, floor plan and exterior elevations as part of the application materials.

Planning staff has conferred with the Building Commissioner about this application, who did not indicate any zoning issues of note. Aspects such as maximum ground coverage, lot width minimum, minimum street frontage, and maximum building height are in compliance with the Woburn Zoning Ordinance (WZO). Parking requirements for the non-residential (commercial) space in the renovated structure at 375 Main Street will be satisfied by the nearby Walnut Hill parking lot because it is located within five hundred (500) feet of the use it will serve. There is no off-street parking provided on site, so all parking requirements for the residential units will require a Special Permit from the City Council in accordance with Section 8.3; the application fails to request that needed Special Permit.

In addition, sixteen parking spaces are required to service the eight (8) proposed residential dwelling units. Because the applicant will rely solely on nearby off-street municipal lots to provide this parking, the applicant will be required to pay $72,000.00

into the Downtown Parking Enhancement Fund, per Section 8.3.4 of the WZO (11 units at 2 spaces per unit times $4,500 per space).

Should the Council choose to grant the Special Permit for this application, Planning staff recommends at least the following as potential conditions of approval:

1. That the applicant shall assume full responsibility for maintenance of the elevator located in the building at 371 Main Street as well as the attendant telephone line. This elevator provides essential access between the Walnut Hill municipal parking lot and Main Street, particularly for those with physical disabilities;

2. That the Site Plan, Floor Plan and Elevations plan set be revised to reflect the location of all municipal parking lots within five hundred (500) feet of the proposed project and that the revised plan is incorporated into the Plan of Record; and

3. That the special permit is issued only to Leo Realty Holdings, LLC, and is not transferrable with the exception of a transfer to an entity of which Leo Realty Holdings, LLC is the primary or principal owner.

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

****

On the 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. PUBLIC HEARING OPENED. A communication dated December 26, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Special Permit applications for 325 Washington Street/Petrogas Group New England, Inc.

Dear Council:

The Planning Department has completed its review of the Petition, which seeks to modify an existing Special Permit for the subject property (pursuant to Sec. 11.3.12), an extension or alteration to a pre-existing, non-conforming use and structure relative to a proposed 720 sq. ft. building addition (pursuant to Sec. 7.3), and to extend the current hours of operation, from the current 6:00 am until 10:00 pm (Monday through Saturday) and 6:00 am until 8:00 on (Sundays only), to the proposed 5:00 am until 12:00 am (Sunday through Thursday) and 5:00 am until 1:00 am (Fridays and Saturdays only), pursuant to Section 5 (Note 16). The Petitioner is also proposing the installation of new

freestanding, wall and directional signage, which requires a variance from the Board of Appeals. The existing non-conformities (lot area, front pavement setback and open space coverage) will not change as a result of the proposed site alterations.

The applicant has submitted information relative to vehicular and pedestrian flows, utilities, parking, refuse collection, lighting, landscaping and neighborhood impacts as part of the application. In reviewing this material, Planning staff note that the Petitioner has taken these aspects into due consideration and that the vast majority of the site will remain the same. The Petitioner also maintains that traffic patterns and utility capacity will not be substantially different with the proposed addition, particularly given that the Dunkin' Donuts establishment is being removed. Relative to the request to extend the business hours of operation, the Council may want to consider asking the applicant for more information (no reasoning has been provided in the application materials and as such Planning staff have no comment on this specific request).

Staff have also confirmed that the Building Commissioner takes no major zoning issues with the proposed application, aside from the required aforementioned sign variances. In addition, the Building Commissioner recommends that the Petitioner confirm that the arrangement of parking space #12 on the Site & Landscape Plan, in front of the dumpster enclosure, will not conflict with refuse storage access.

Should the City Council choose to grant the Special Permit, the Planning Department recommends imposing the following as conditions of approval:

1. That the Proposed Site Improvement Plan, dated November 14, 2017, is adopted as part of the Plan of Record;

2. That the Petitioner successfully obtains a variance from the Board of Appeals relative to the proposed freestanding, wall and directional signage; and

3. That the special permit is issued only to Petrogas Group New England, Inc. and is not transferrable with the exception of a transfer to an entity of which Petrogas Group New England, Inc. is the primary or principal owner.

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

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

****

On the 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. PUBLIC HEARING OPENED. A communication

dated December 26, 2017 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 5 Hancock Street/Little Egg Realty

Dear Council:

The Planning Department has reviewed the above-referenced special permit application which requests modifications to condition number seven (7) of the Council's Decision, rendered at its April 17, 2012 meeting. By way of background, records of the City Council's meeting on this Petition indicate a previous modification to an existing special permit for accessory storage or parking of commercial motor vehicles (Sec. 5.1 [57b]), as well as the extension or alteration of a non-conforming use (Sec. 7.3). However, the nature of the purported non-conformity is not referenced in the current application. The property is zoned as Industrial General (I-G), which allows such use by City Council special permit.

Upon review of the rationale for modifying the special permit, Planning staff take no exception to this request. The proposed new condition #7 language appears to reasonably accommodate both the requirements of the Building Code and interpretation of same by Building Department staff.

Should the City Council ultimately vote to approve this request, the Planning Department recommends considering imposing at least the following as conditions of approval:

1. That the elevation drawing included in the application, Sheet A2, dated 4/10/2017, be incorporated in to the Plan of Record; and

2. That all other conditions referenced in the Council's previous Decisions for this Petition remain in full force and effect, unless otherwise amended.

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

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

****

On the petition by President Richard Haggerty and Alderman Lindsay Higgins to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By adding a new paragraph 11.3.13 as follows: Minimum Mandatory Conditions. 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. PUBLIC HEARING OPENED.

_____

CITIZEN'S PARTICIPATION: None.

_____

COMMITTEE REPORTS: None.

_____

NEW PETITIONS:

Petition by Petrogas Group New England Inc., 168 N. Main Street, Suite B. Andover, Massachusetts 01810 for change of holder of Inflammable License from Washington Street Getty to Petrogas Group New England Inc. dba BP at 325 Washington Street.

****

Petition for renewal of Second Class Motor Vehicle Sales License by Murray's Enterprises, Inc. dba Murray's Auto & Truck Sales, 88 Winn Street.

****

Petition by NSTAR Electric Company d/b/a Eversource Energy for a grant of right in a public way to allow installation of a new subsurface 345 kilovolt transmission conduit duct bank with appurtenant communication/signal wires beneath Lake Avenue (approximately 1485 linear feet), Pickering Street (approximately 475 linear feet), Border Street (approximately 540 linear feet), Cross Street (approximately 365 linear feet), Washington Street (approximately 2,375 linear feet), and Montvale Avenue (approximately 2090 linear feet). The duct bank is comprised of four (4) eight-inch (8") HDPE conduit and two (2) four-inch (4") and two (2) two-inch (2") PVC conduit. The conduit is encased in thermal duct bank concrete.

****

Petition by Unified Construction Group LLC, 29 Draper Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to allow for the overnight parking of petitioner's commercial vehicles (two (2) box trucks and six (6) cargo vans) at 29 Draper Street.

_____

COMMUNICATIONS AND REPORTS:

A communication dated December 14, 2017 was received from Catherine Dazé, 200 Bedford Road, Apartment 6E, Woburn, Massachusetts 01801 relative to the traffic and pedestrian safety issues at the intersection of Cambridge Street and Bedford Road.

_____

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

_____

APPOINTMENTS AND ELECTIONS: None.

_____

MOTIONS, ORDERS AND RESOLUTIONS:

From the Traffic Commission:

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

CLINTON STREET – No turn on red westerly at the intersection with Main Street.

****

From the Traffic Commission:

ORDERED That the 2016 Woburn Traffic Code, as amended, be further amended by adding to Schedule 3 Stop Signs the following:

SACHEM ROAD – Stop sign northeast at the intersection with Samoset Road.

****

From the Traffic Commission:

ORDERED That the Traffic Code as set forth in the November 16, 2017 minutes of the Traffic Commission together with any further traffic regulations adopted by the Traffic Commission between October 19, 2017 and December 14, 2017 be adopted as the 2017 Woburn Traffic Code.

_____

Motion made and 2nd to ADJOURN.