

**CITY OF WOBURN
DECEMBER 19, 2017 – 6:30 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: None.

PUBLIC HEARINGS:

On the petition by President Richard Haggerty and Alderman Michael Anderson to further amend the 1985 Woburn Zoning Ordinances, as 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.” with the conditions as set forth in the petition. PUBLIC HEARING OPENED. A communication dated December 13, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

Re: Proposed zoning text amendment relative to Section 11.3.11 of the Woburn Zoning Ordinances (procedures for special permits)

Dear Councilors:

At a meeting of the Woburn Planning Board held on Tuesday, December 12, 2017, members of the Planning Board voted 5-0-0 (Bolgen, Turner, Doherty, Ventresca and

Edmonds in favor; Callahan, and Donovan absent) to recommend adoption of the following proposed zoning amendment, as drafted:

To amend 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”.

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

On the petition by Alderman Michael Anderson to further amend the 1985 Woburn Zoning Ordinances, as amended, Section 11, Special Permits and Variances, 11.3 Procedures for Special Permits, subparagraph 11, by deleting “six (6) months” and replacing same with “twelve (12) months”. PUBLIC HEARING OPENED.

On the 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. PUBLIC HEARING OPENED. A communication dated December 14, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

Dear Council:

Re: Special Permit application for construction of residential garage with doors exceeding eight (8) ft. in height at 101 Forest Park Road/Shawn K. Marsh

This office has reviewed the above-referenced petition which seeks authorization for the construction of a detached, two-bay accessory garage on residential property (zoned R-1) located at 101 Forest Park Road. The applicant is seeking a special permit in accordance with Section 5.1.56, Note 15, to construct a 900 sq. ft. detached garage (which is the maximum floor area permitted), with both proposed garage doors being ten (10) feet tall and therefore exceeding the eight (8) foot maximum door height permitted by Woburn Zoning Ordinances (WZO).

The Planning Department recommends that if the City Council votes to grant this special permit it consider imposing the following as conditions of approval:

1. That the Plans of Record shall include both the Certified Plot Plan and Elevation/Layout Drawings submitted with the Petitioner’s application;
2. No business activity or home occupation shall be conducted in/from the garage;

3. The plan does not show any utility services to the building. If there are to be any utility connections, they must be meet applicable building and zoning codes and be subject to separate applications; and
4. The garage may not be used as a dwelling unit.

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

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

On the 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. PUBLIC HEARING OPENED. A communication dated December 14, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

Dear Council:

Re: Planning Department comments on Special Permit application for 275 Salem Street/Michael R. Celatta II

The Planning Department has reviewed the plan and special permit application for the above-referenced property, in accordance with Section 5.1.45 (sale or rental of automobiles, trucks, truck trailers and motorcycles, including accessory repair and storage facilities). The property is zoned I-G (Industrial General District) according to the City's GIS database and the Petitioner's application, although it listed as Residential Four (R-4) in the Assessors' Database. Such a use is permitted in the I-G district by City Council special permit although not permitted on R-4 property. Planning staff recommends the Council independently reconcile the zoning inconsistency with the Petitioner.

There will be no new construction or exterior building changes as a result of the proposed ancillary use. There are two existing buildings onsite totaling approximately 25,726 square feet in size related to the primary use of an automobile repair shop. Planning staff has spoken with Building Commissioner Thomas Quinn who confirmed that the parking plan is sufficient as presented relative to parking capacity and setbacks and raised no further zoning-related concerns. Per the "Off-Street Parking Summary" provided on the parking plan, a total of 67 spaces are provided, whereas 64 are required. The plan indicates Central Automotive Sales will be utilizing the three (3) excess existing parking spaces onsite for the display of vehicles available for purchase, located in front of the building.

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

1. That the "Parking Plan" be incorporated into the Plan of Record;
2. That the Petitioner is successfully granted a City of Woburn license for the sale of automobiles from the Licensing Commission;
3. That if the Petitioner intends to use the property during nighttime hours for automobile sales, sufficient lighting is provided on the parking lot in accordance with Section 8.5 and a revised parking plan is submitted;
4. That the Petitioner confirm that a snow storage plan is on file for this property with the Building Commissioner, and that the three (3) parking spaces dedicated to Central Automotive for sales purposes would not conflict with the snow storage plan; and
5. That the special permit is only for Central Automotive and is not transferrable with the exception of a transfer to an entity of which Central Automotive is the primary or principal owner.

Please feel free to this office with any questions regarding this recommendation.

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

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

On the petition for renewal of First Class Motor Vehicle Sales License by Gordon Colonial, Inc. dba Colonial Cadillac, committee report was received "ought to pass".

On the petitions for renewal of Second Class Motor Vehicle Sales Licenses by Enterprise Rent-A-Car Company of Boston, LLC; and Joseph P. Mahoney Company, Inc., committee reports were received "ought to pass".

FINANCE:

On the request by the Northeast Metropolitan Regional Vocational School District for approval to establish a Regional School District Stabilization Fund, committee report was received “ought to pass that the City Council support the creation of a stabilization fund for the construction of a new Northeast Metropolitan Regional Vocational School.”

NEW PETITIONS:

Petitions for renewal of Second Class Motor Vehicles Sales Licenses by Cambridge Road Auto Service, Inc. dba Woburn Plaza Shell; Capelo’s Auto Service, Inc. dba Capelo’s Auto Sales; and Capelo’s Auto Service, Inc. dba J.C. Auto Sales.

Petition by Benchmark Senior Living, 201 Jones Road, Suite 300, West Waltham, Massachusetts 02451 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.19a to amend a special permit issued September 4, 2014 to confirm that “Future Reserve Parking” area consisting of 10 additional parking spaces as shown on site plan and referenced in Condition 13 is not necessary and to allow for the construction of a bocce court in this area at 1 Cedar Street.

A communication date December 14, 2017 with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Request for Minor Modifications, Madison Woburn Holdings LLC
369 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent Madison Woburn Holdings, LLC. On July 14, 2016, your office issued a Landowner’s Decision and Notice of Special Permit to Madison Woburn Holdings LLC (the “Decision”).

Enclosed please find the following:

1. Ten (10) copies of the Landowner’s Decision and Notice of Special Permit to Madison Woburn Holdings LLC dated July 14, 2016.
2. Ten (10) copies of 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 21, 2014; May 1, 2015; May 28, 2015; July 2, 2015, March 28, 2016; March 29, 2016; June 8, 2016; and June 17, 2016 (the “Layout & Materials Plan of Record”).
3. Ten (10) copies of 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 21, 2014; May 1, 2015; May 28, 2015; July 2, 2015,

March 28, 2016; March 29, 2016; June 8, 2016; June 17, 2016; and December 13, 2017 (the “Modified Layout & Materials Plan of Record”).

The building plans submitted to the Building Commissioner for construction of the dual hotel building show 235 hotel rooms to be constructed. The Layout & Materials Plan of Record contains a note on the hotel building that the hotel contains 250 rooms. The Building Commissioner has requested that the Layout & Materials Plan of Record and the building plans be consistent before he issues the building permit for the construction of the hotel.

As a result, we are requesting that the Layout & Materials Plan of Record Sheets C-2A and C-2B be replaced with Sheets C-2A and C-2B of the Modified Layout & Materials Plan of Record which plan corrects the number of hotel rooms shown on the Plan of Record from 250 hotel rooms to 235 hotel rooms.

The proposed minor revision to the Decision by replacing the current C-2A and C-2B with the modified C-2A and C-2B of the plan approved in the Decision does not result in any change or modification to the location of the building nor does it change any of the conditions contained in the Decision.

Further, the proposed minor modification does not result in a substantive amendment which changes the result of the Decision or which grants relief different from that originally granted.

On behalf of my client, I respectfully request approval by the City Council of the minor modification to Sheets C-2A and C-2B.

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

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

COMMUNICATIONS AND REPORTS:

A communication dated December 8, 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 November 2017: Number of violations issued 702, Numbers of violations paid 292, Number of violations outstanding 309, Amount collected and submitted to Collectors Office \$55,493.29, Parking fines referred to the Handicap Commission \$13,300.00.

There is a backlog of 1,575 unpaid tickets dating from January 2004 to November 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

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the Police Chief is hereby authorized to dispose of the following vehicles which the Police Chief has determined is of no value to the department and which no other department has expressed an interest in obtaining.

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2011	Ford Crown Vic	2FABP7BV2BX172434
2008	Ford Expedition	1FMFU16508LA86620
2007	Dodge Charger	2B3KA43G67H648407
2007	Dodge Charger	2B3KA43G67H648405
2010	Ford Crown Vic	2FABP7BV4AX110600
2008	Ford Crown Vic	2FAFP71V28X147724

s/Alderman _____

ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the Parks Superintendent is hereby authorized to dispose of the following vehicles which the Parks Superintendent has determined is of no value to the department and which no other department has expressed an interest in obtaining.

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2001	Chev Silverado 1500	1GCEC14W612136101

s/Alderman _____

ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the Superintendent of Public Works is hereby authorized to dispose of the following vehicles which the Superintendent has determined is of no value to the department and which no other department has expressed an interest in obtaining.

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2006	Ford Crown Vic	2FAFP71WX6X110071
1996	Ford F-250	1FTHF26HHCA65327
2005	Chev 2500HD utility	1GCHKZ4U15E163952
1997	International 4900 Dump	1HTSCAARXVH460555
2002	Dodge Ram Van 3500	2B7LB31262K12595

s/Alderman _____

ORDERED Whereas, that after public hearings held on October 17, 2017 at 6:30 p.m., November 21, 2017 at 7:00 p.m. and December 5, 2017 at 7:00 p.m. all in the Council Chambers in Woburn City Hall, 10 Common Street, Woburn, Massachusetts, pursuant to Massachusetts General Laws Chapter 139, Section 1, relative to the real estate located on West Street and identified on Assessors Map as parcel 23-05-37, Woburn, Massachusetts, all parties in interest having been duly notified; and

Whereas, on December 5, 2017 it being Ordered by the City Council of the City of Woburn that the real property located on West Street and identified on Assessors Map as parcel 23-05-37, Woburn, Massachusetts, be declared a nuisance to the neighborhood and dangerous as such terms are used in Massachusetts General Laws Chapter 139, Section 1, et. seq.; and

Whereas, the City Council further prescribes the disposition, alteration or regulation of the real estate located on West Street and identified on Assessors Map as parcel 23-05-37, Woburn, Massachusetts;

NOW, THEREFORE, IT IS ORDERED by the City Council of the City of Woburn pursuant to Massachusetts General Laws Chapter 139, Section 1, et. seq., that the property located on West Street and identified on Assessors Map as parcel 23-05-37, Woburn, Massachusetts shall be brought into decent standard by the landowner within twenty-one (21) days of service of this notice in accordance with the following conditions:

1. That the wooden fence around the property be removed.
2. That the large pine tree on the property be removed.

3. That all garbage and debris be removed from the property.
4. That all shrubbery hanging over neighboring property be trimmed back.
5. That any dead trees be removed.

s/Alderman Tedesco

Motion made and 2nd to ADJOURN.