

**CITY OF WOBURN
FEBRUARY 20, 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: None.

PUBLIC HEARINGS:

On the petition by 36 Cabot Road LLC, 36 Cabot Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.30b, 5.1.42, 9 and 12 to allow construction of new building containing approximately 49,600 square feet of gross floor area more or less for 1. Wholesale establishment, warehouse and distribution use (approximately 17,360 square feet of gross floor area, more or less), 2. Office use (approximately 24,800 square feet of gross floor area, more or less), and 3. Light manufacturing use (approximately 7,440 square feet of gross floor area, more or less), at 32 Cabot Road. PUBLIC HEARING OPENED. A communication dated February 7, 2018 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 36 Cabot Road LLC, 32 Cabot Road, Woburn, MA

Dear Mr. Campbell:

On behalf of my client 36 Cabot Road LLC, I respectfully request that the public hearing scheduled for February 20, 2018 be continued to March 6, 2018.

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

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

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 petition. PUBLIC HEARING OPENED. A communication dated February 7, 2018 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 February 20, 2018 be continued to March 6, 2018. If you have any questions, please do not hesitate to contact me. Thank you.

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

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. A communication dated February 7, 2018 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 February 20, 2018 be continued to March 6, 2018. If you have any questions, please do not hesitate to contact me. Thank you.

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

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 report was received from the Committee on Special Permits as follows: “back for action with

conditions as follows: 1.) No vending or ice machines outside the building; 2.) A snow removal plan must be submitted to the city's Building Dept.; 3.) The on-site dumpster must be enclosed within a fence and the fence must be maintained; 4.) Signage for employee parking must be posted for the employee parking spaces in the back of the building; 5.) The sign indicating the handicapped-accessible parking space must be maintained and the handicapped-accessible parking space itself must be painted and maintained; 6.) Trash removal must be in accordance with the municipal code and there shall be no trash removal before 7 a.m.; 7.) There shall be no used car sales on the lot; 8.) The landscaping must comply with the plan of record dated January 26, 2018; 9.) The parking lot must be kept clean and free of trash; 10.) Hours of operation shall be from 5 a.m. to 12 a.m., Sunday-Thursday and 5 a.m. to 1 a.m. on Friday and Saturday; 11.) Parking spaces must be striped and maintained as indicated on the plan of record; and 12.) There shall be no sales of wine and beer.”

On the 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. PUBLIC HEARING OPENED.

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. A communication dated January 10, 2018 with

attachment was received from Tina P. Cassidy, Planning Board Director, Planning Board as follows:

Re: Petition to amend Section 11.3 of the Zoning Ordinance (Special Permits and Variances) by adding minimum mandatory conditions for special permits and attendant compliance and remedies/Alderman Haggerty and Higgins

Dear Councilors:

At a meeting of the Woburn Planning Board held on Tuesday, January 9, 2017, members of the Planning Board voted to unanimously (7-0-0) to recommend DENIAL of the above-referenced zoning amendment.

Denial of the proposed zoning amendment was predicated on the points raised by City Solicitor Ellen Callahan Doucette in the attached memorandum to the Planning Board dated January 9, 2018.

Please feel free to contact me if you have any questions relative to the Planning Board’s vote on this matter.

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

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Loan Order to appropriate the sum of \$700,000.00 to pay the costs of the labor, materials and equipment required for the project known as Ned O’Brien Ice Rink Refrigeration Equipment & Mechanical Room Renovation and all other expenses incidental and related thereto, committee report was received “ought to pass”.

On the Order to transfer the sum of \$4,090,214.26 from Unreserved Fund Balance Account to Various Capital Projects, committee report was received “ought to pass, as amended, with the amendments as follows: 1. Delete “Road Improvements \$700,000.00”, and 2. Delete “Replace (2) 1997 6-wheel dumps” and insert in its place “Replace (1) 1997 6-wheel dump”.

PUBLIC SAFETY AND LICENSES:

On the petition by Wassim (Sam) Nicolas dba Woburn Square Mobil for renewal of Second Class Motor Vehicles Sales License, committee report was received “ought to pass with existing conditions.”

On the petition by Velozo Enterprises, Inc. dba Rogers Radiator for renewal of Second Class Motor Vehicles Sales License, committee report was received “ought to pass, as amended with the conditions as follows: 1. Limit of fifteen (15) vehicles, and 2. The striping of the parking lot must be maintained.”

On the petition by Sams Liv Express, LLC for renewal of Livery License and increase to three (3) vehicles, committee report was received “ought to pass, as amended with the conditions as follows: 1. The license is limited to three (3) vehicles, and 2. All existing conditions shall remain in effect.”

NEW PETITIONS:

Petition by Camargo Chauffeur Service LLC, 35 Dix Road Ext. for renewal of Livery License.

Petition by TransAction Corporate Shuttles, Inc., 5 Wheeling Avenue for renewal of Common Carrier License and increase in number of vehicles.

Petition by ecoATM, LLC, 296 Mishawum Road for renewal of License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles.

COMMUNICATIONS AND REPORTS:

Request from City Solicitor to meet with City Council in Executive Session such meeting in executive session under Purpose 3, G.L. Ch. 30A, Sec. 21(a)(3) relative to pending litigation of NAI Entertainment v. Woburn City Council.

A communication dated February 14, 2018 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 January 2018.

A communication dated February 14, 2018 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Woburn Council on Aging Annual Report for the time period January 1, 2017 to December 31, 2017.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated February 15, 2018 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Thomas C. Quinn, 6 Newbridge Avenue, to serve on the Housing Authority Board, with term to expire March 31, 2023; subject to confirmation by the City Council.

Mr. Quinn's appointment fills the seat of Kevin Feeney, whose term has expired.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas, the City Council granted a Special Permit on February 6, 2018 to Shaun K. Marsh, 101 Forest Park Road, Woburn, Massachusetts pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5, Note 15 to allow a new 900 square foot garage with two ten foot doors, in addition to the existing garage, at 101 Forest Park Road; and

Whereas, it was the intent of the City Council to allow Mr. Marsh to continue to use the existing garage; and

Whereas, the plans presented to the City Council reflect the fact that the existing garage is to remain unchanged; and

Whereas, it is prudent to clarify this point;

Now, therefore, let it be Resolved that a communication be sent to the Building Inspector stating that it was the understanding and intent of the City Council that the existing garage at the location would remain unchanged and subject to the continued use as a garage.

s/Alderman Anderson and Alderman Tedesco

Motion made and 2nd to ADJOURN.