

**CITY OF WOBURN
APRIL 3, 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 \$2,000,000.00 be and is hereby transferred as so stated from Overlay Reserve Acct #01-322000 \$2,000,00.00 to OPEB Trust Fund Acct #750048-483011 \$750,000.00, Assessor Appraisals Acct #0113757-571001 \$50,000.00, Personal Property Audit Acct #0113757-584043 \$25,000.00, Stabilization Account Acct #704048-48000 \$1,175,000.00, Total \$2,000,000.00

I have approved the above: s/Andrew Creen, City Appraiser

I have hereby recommend the above: s/Scott D. Galvin, Mayor

I have reviewed the above: s/Charles E. Doherty, City Auditor

s/Alderman _____

ORDERED That the sum of \$14,000.00 be is hereby transferred as so stated from Traffic Improvements E. Woburn Acct #360058-588355 \$14,000.00 to Cedar Street Ramp Study Acct #0112158-589245 \$14,000.00

I have hereby recommend the above: s/Scott D. Galvin, Mayor

I have reviewed the above: s/Charles E. Doherty, City Auditor

s/Alderman _____

PUBLIC HEARINGS:

On the petition by New Creek II LLC, 3333 New Hyde Park Road, New Hyde, New York 11042 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended to modify a special permit issued April 28, 2016 as modified August 10, 2017 allowing for 1. Medical office building, 2. Reduction in required parking from 535 parking spaces to 481 parking spaces, and 3. Alterations to petitioner's nonconforming signage be further modified by approving Snow Storage Plan dated January 24, 2018 prepared by VHB at 425 Washington Street. PUBLIC HEARING OPENED. A communication dated March 27, 2018 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Modification Petition of New Creek II LLC, 425 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of my client I respectfully request that the public hearing scheduled for April 3, 2018 be continued to May 15, 2018. At the Special Permits Committee meeting on March 26, 2018 there was a discussion about a proposed zoning amendment relative to snow storage and snow equipment. As a result, it was premature to act on my client's request.

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 285 Locust LLC, c/o Duffy Bros Management Co., Inc., Kevin Duffy, 465 Waverley Oaks, Suite 500, Waltham, Massachusetts 02452 for a special permit and site plan review pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.3c, 12.2 and 15.6(C) for the demolition of the existing commercial building and site improvements, and for the construction of a 41 unit, attached townhouse development with integrated parking, landscaping and infrastructure improvements at 285 Locust Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permit as follows: "back for action, with recommended conditions as follows: 1. Any bituminous curbing that is installed as part of the project must be maintained by the condominium association and not the city; 2. All sidewalks installed as part of the project must be made of concrete or concrete pavers; 3. Provision of an environmental report, when available, to the City Council and the Woburn Board of Health; 4. Page C2 of the Plan of Record shall be modified to reflect the island inside the development shall be bounded by sloped granite curbing, and the residential area shall be bounded by Cape Cod berm." A communication dated March 29, 2018 was received from Attorney Mark Vaughan, Riemer and Braunstein LLP, 7 District Avenue, #800, Burlington, Massachusetts 01801 with proposed amendments to the conditions underlined as follows: 1. Any bituminous curbing that is installed within the property as part of the project must be maintained by the property owner and/or condominium association and not the city; 2. All sidewalks installed within the property as part of the project must be made of concrete or concrete pavers; 3. Provision of an environmental report, when available, to

the City Council and the Woburn Board of Health; 4. Sheet C-4 of the Plan of Record shall be modified to reflect the island inside the development shall be bounded by sloped granite curbing, and the residential area shall be bounded by Cape Cod berm; 5. Minor design adjustments and site plan modifications generally associated with (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted as long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner.

On the petition by Reliable Millwork, LLC, 105 Irving Street, Framingham, Massachusetts 01702 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 11, 5.1.57a and 5.1.57b for 1. Accessory storage or parking of storage container, storage trailer, commercial trailer or semi trailer, one or more, and 2. Accessory storage or parking of commercial motor vehicles other than as provided for in Section 58, trucks, buses or contractors equipment at 16-24 Normac Road. PUBLIC HEARING OPENED. A communication dated March 27, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 16-24 Normac Road/Reliable Millwork, LLC

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks special permits pursuant to Sections 5.1 (57a) and (57b) of the Woburn Zoning Ordinance (WZO) to authorize the placement of four (4) commercial trucks and *potentially* one (1) accessory storage container onsite (although the number of proposed commercial vehicles and storage containers does not appear in the application, staff was able to confirm this information from the Petitioner’s attorney). The subject property is in an I-P (Industrial Park) zoning district, and as such the requested uses may be authorized by City Council special permit.

The applicant has submitted an 11” x 17” architect-certified site plan which identifies existing fencing as well as a proposed fenced area on the portion of the property fronting Normac Road. However, the applicant’s attorney has also indicated that none of the commercial vehicles will be placed within the fenced areas; the location of the potential storage container remains unspecified.

The applicant notes in Exhibit A that the premises is currently used as “light manufacturing.” In accordance with Section 8.2 of the WZO, the off-street parking requirement for this use is a minimum of one (1) parking space for every 400 sq. ft. of manufacturing space. It appears that there are twenty (20) parking spaces currently onsite per the site plan, but insufficient information has been provided to confirm that the special permits can be granted without creating a zoning non-conformity. Planning staff recommends the Council require the submission of the following information so that conformance with parking requirements can be confirmed:

- The manufacturing facility's square footage;
- The location and exterior dimensions of the potential storage container so that it can be determined whether some of the existing on-site parking spaces will be lost due to its placement;
- The size of all commercial vehicles that will be stored on site and the location(s) where those vehicles will be stored on premises when not in use off-site; and
- Employment data for the tenant's largest shift so that a determination can be made, as required by the Building Commissioner, as to whether there is sufficient on-site parking for personal vehicles of the drivers of the commercial vehicles, in addition to parking required for other uses/employees.

Staff has also confirmed that Building Commissioner Tom Quinn would appreciate a condition of approval that required a recorded copy of the Council's decision be filed with his office.

Details on outdoor lighting (per Section 8.5) should also be provided and evaluated for adequacy, and the locations of all exterior lighting should be incorporated into any Plan of Record.

Lastly, Planning staff recommends the Council consider imposing at least the following as a condition of approval should it ultimately decide to grant the requested special permits:

1. That, in compliance with Note 17 to the Section 5.1 Table of Use Regulations for an accessory storage container, this special permit is to be granted for a period not to exceed one (1) year.

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

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

On the petition by Hugo Moraes, 1 Middlesex Canal Park, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.28 and 5.1 Note 27 to allow rooftop dining in conjunction with a restaurant on the ground floor including all facilities associated with the rooftop dining area and conditions in Section 11.6.12 at 434 Main Street. PUBLIC HEARING OPENED. A communication dated March 26, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 434 Main Street/Hugo Moraes

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks a special permit pursuant to Section 5.1 (28), Section 5.1 (Note 27), and Section 11.6.12 of Woburn Zoning Ordinance (WZO) to authorize rooftop dining in conjunction with a full-service ground-floor restaurant. The parcel is zoned Downtown Business (B-D), which allows the requested use by City Council special permit.

Although the application references a full-service restaurant, the restaurant is not yet operational. In addition, floor plans have not been submitted with this application depicting the use of the floor immediately below the rooftop space. Though those plans may have been submitted with a previous special permit request, the Council should confirm that the use of the floor below will be residential in nature and if so, should require demonstration that there is a deed or lease/rental agreement for those units which acknowledges the unit occupant's understanding that a rooftop dining use will exist overhead (Section 11.6.12.2).

A scaled plot plan for the roof deck access provided with the application (Exhibit 8) indicates that the equipment structures, service and preparation areas, and restrooms comprise approximately 18.2% of the gross floor area, which is in excess of the 15% maximum requirement outlined in Section 11.6.12.7[c]. However, because the building predates the adoption of the rooftop dining Ordinance, the Council may authorize that higher percentage provided certain determinations/demonstrations can be made in accordance with Section 11.6.12.7(c).

Based on Exhibit 1 of the application materials, the applicant proposes to comply with the required setbacks for patrons from the edge of the building (10' from the front of the building and 4' from the sides) with a combination of walls, railing, and landscaping features. Also, according to the Exhibit 9 diagram, it appears that the proposed railing/wall structures will comply with Section 11.7.12.15(c) requiring that decorations of any kind not extend farther than eight (8) feet above the rooftop (approximately 5.5-foot in height), although the dimensions of the proposed lighting/heating fixtures are not included in this diagram and therefore the Council should confirm their compliance with this provision.

Further, staff notes a lack of information with regard to the following:

- Demonstration that the method of accessing the rooftop dining area will either be interior to the building or if not, demonstration that an exterior access can be provided with de minimus impact on surrounding properties (Section 11.6.12.3);
- Scaled elevations for the service and preparation areas, restrooms, and equipment structures have not been provided so that conformance with the maximum allowed height of ten feet (10') specified by Section 11.6.12.7[a] can be determined; and
- Information sufficient for the Council to determine compliance with Section 11.6.12.7[d].

Should the Council ultimately elect to grant the special permit application, Planning staff recommends including at least the following as conditions of approval:

- That, although off-street parking is not required onsite in the B-D district for the proposed restaurant, the applicant demonstrate via submission of a scaled site plan that parking is available at a municipal lot within a 500-ft. radius of 434 Main Street to satisfy Section 8.3.2;
- That the special permit for rooftop dining is contingent upon the issuance of a building occupancy permit for the first-floor restaurant space;
- That information relative to the height of rooftop fixtures, location of rooftop access within the building, and information as to building use for each floor is supplied by the applicant and incorporated into the record or Plan of Record, as appropriate;
- That the applicant adheres to subsections 6, 7(e), 8, 9, 10, 11, and 13, and 15(b) through 15(e) of Section 11.6.12 over the course of rooftop dining operations; and
- That the special permit is issued only to 434 HM LLC and is not transferrable with the exception of a transfer to an entity of which 434 HM LLC is the primary or principal owner.

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

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

CITIZEN’S PARTICIPATION:

Petition by Laetitia Aby for citizen’s participation to discuss violations of civil and human rights.

COMMITTEE REPORTS:

PERSONNEL:

On the appointment of Joseph A. DiMatteo as a Member of the Woburn Golf and Ski Authority, committee report was received “ought to pass”.

PUBLIC SAFETY AND LICENSES:

On the petition by Woburn Bowladrome Inc. for renewal of Bowling Alley License, committee report was received “ought to pass”.

On the petition by Robson L. Dias for renewal of a Livery License, committee report was received “ought to pass with any existing conditions”.

NEW PETITIONS:

Petition by Woburn Kiwanis, P.O. Box 521, Woburn, Massachusetts 01801 for a Special Event Permit to conduct Flag Day festival on June 15, 2018 and June 16, 2018 at Library Field.

Petition by GameStop #3315, 103 Commerce Way, Suite B for renewal of License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles.

Petitions for renewal of Livery Licenses by Harmony Transportation Inc. 8 Conn Street; KPS Bhatti Inc., 28 Campbell Street #1; and Checker Cab of Woburn Inc., 289R Salem Street.

Petition for renewal of Taxi Cab License by Checker Cab of Woburn Inc., 289R Salem Street.

Petition by BlueLine Rental, 8401 New Trails Drive, Suite 150, The Woodlands, Texas 77381 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.45, 5.1.57b and 7.3 to allow for: 1. Sale or rental of construction equipment and vehicles including the outside storage of new equipment, and 2. Overnight parking of four (4) commercial vehicles at 20 Atlantic Avenue.

Petition by All-Tex Inc. d/b/a Inline Distributing Co., 14093 Balboa Boulevard, Sylmar, California 91342 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57b, 7.3 and 9 to allow for a storage container at 23 Normac Road.

Petition by Kiwanis Club of Woburn, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.75 to allow for Flag Day celebration and carnival on June 15, 2018 and June 16, 2018 at 0 Harrison Avenue (Library Park).

Petition by Diprio Construction Corp., 271 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section

5.1.57a to allow for overnight parking of three commercial vehicles and Section 5.1.57b to allow for accessory parking of one storage container at 271 Salem Street.

Petition by Diversified Construction Corp. 271 Salem 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 twelve commercial vehicles at 271 Salem Street.

COMMUNICATIONS AND REPORTS:

A communication dated March 20, 2018 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 January 2018 to February 2018: Number of violations issued 83, Numbers of violations paid 38, Number of violations outstanding 42, Amount collected and submitted to Collectors Office \$11,429.20, Parking fines referred to the Handicap Commission \$7,500.00.

There is a backlog of 1,543 unpaid tickets dating from January 2004 to December 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

A communication dated March 21, 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 February 2018 and March 2018.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated March 29, 2018 was received from His Honor the Mayor as follows:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Chris Irving, 8 Cerqua Street, Woburn, to serve on the Woburn Golf & Ski Authority, with a term to expire December 31, 2020, subject to approval by the City Council. Mr. Irving's appointment fills the unexpired term of Santo Bernardo, who has resigned.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

From the Traffic Commission:

ORDERED That the 2016 Woburn Traffic Code, as amended, be further amended as follows:

1. Pursuant to Massachusetts General Laws Chapter 4, Section 4, the City of Woburn hereby accepts Massachusetts General Laws Chapter 90, Section 18B relative to establishment of designated safety zones for ways in the city.
2. By adding to Title 1 Definitions the following:

Section 1-35 Vulnerable Location(s): Locations in the City, either within roadway rights of way or adjacent to roadway rights of way, where a significant number of individuals may be considered vulnerable because of their use or an alternative mode of transportation (such as bicycling or walking) or because of their age or abilities (such as children, senior citizens, and persons with disabilities). Vulnerable location(s) deemed likely to attract children, senior citizens and/or persons with disabilities may include parks, playgrounds, schools, day care facilities, senior centers and senior housing complexes, public safety facilities and libraries.

3. By adding to Title 1 Definitions the following:

Section 1-36: Area(s) of Potential Conflict: Location(s) in the City, either within roadway rights of way or adjacent to roadway rights of way, where a significant number of individuals may be considered vulnerable and where there exist one or more areas of potential conflict (such as driveways, crosswalks and intersections) between motorized vehicles and vulnerable road users.

4. By adding to Title 7 Operation of Vehicles the following:

Section 7-23 Criteria for Designating Safety Zones

1. The area to be designated is outside of an established School Zone but is adjacent to a land use that is likely to create an Area of Potential Conflict and/or a Vulnerable Location; and
 2. The area to be designated has one or more areas of unusually significant conflicts between motor vehicles and vulnerable road users that warrant(s) a reduction in speed; or
 3. The area to be designated has unique characteristics that cause unsafe road conditions which warrant a reduction in speeds. Unique characteristics include areas with steep grades, poor lines of sight, challenging roadway configurations, extraordinary levels of pedestrian traffic and blind curves.
 4. The minimum length of a Safety Zone should be at least one quarter (.25) mile and should not extend more than 500 feet beyond a Vulnerable Location or Area of Potential Conflict.
 5. Safety zones are designated in Schedule 10.
5. By adding a new Schedule 10 Safety Zones as follows:
1. Salem Street – starting at the intersection with Wade Avenue northeasterly distance of 1,569 feet in both directions.
 2. Campbell Street – starting at the intersection with Wade Avenue easterly to the intersection with Montvale Avenue in both directions.
 3. Montvale Avenue – starting at the intersection with Campbell Street easterly a distance of 856 feet in both directions.
 4. Harrison Avenue – starting at the intersection with Winn Street westerly to the intersection with North Warren Street in both directions.
 5. Pleasant Street – starting at the intersection with Warren Avenue northeasterly to the intersection with Winn Street in both directions.
 6. Common Street – the entire length starting at the intersection with Pleasant Street southeasterly to the intersection with Main Street.
 7. Myrtle Street – the entire length starting at the intersection with Main Street southwesterly to the intersection with Warren Avenue in both directions.

8. Summer Street – the entire length starting at the intersection with Main Street southwesterly to the intersection with Warren Avenue in both directions.
9. Central Street – starting at the intersection with B Street northerly to the intersection with Erie Street in both directions.
10. Erie Street – starting at the intersection with Central Street easterly to the intersection with Washington Street in both directions.
11. Washington Street – starting at the intersection with B Street northerly to the intersection with Erie Street in both directions.

RESOLVED Whereas, autism spectrum disorder is known to be a complex developmental disability which impacts communication and social interaction, resulting in significant impairment of an individual’s ability to interact with the world around them; and

Whereas, autism spectrum disorder is a lifelong neurobiological disability and is the third most common developmental disability in the United States of America; and

Whereas, autism can often affect the individual’s ability to learn in the same manner as other individuals do, in part due to their over-sensitivity to sight, sound, smell and touch; and

Whereas, although a cure has not been found for autism spectrum disorders, research for cause, prevention, cure and early diagnosis, appropriate educational services and support services are vital to the development of each individual to reach sometimes, astounding potential and to be valuable members of our community. In Woburn, we have many children and adults with Autism living in our community and being important members of it;

Now, therefore, the City Council of the City Woburn hereby honors April 5, 2018 to be Autism Awareness Day and April to be Autism Acceptance Month and we urge all of our citizens to be cognizant of this important day and support this very important cause.

s/Alderman Tedesco, President Haggerty, Alderman Concannon,
Alderman Campbell, Alderman Gately, Alderman Gaffney,
Alderman Anderson, Alderman Mercer-Bruen, Alderman Higgins

Motion made and 2nd to ADJOURN.