

**CITY OF WOBURN
MARCH 6, 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, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

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 #012201-511500 \$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/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

ORDERED That the sum of \$26,000.00 be and is hereby appropriated as so stated from Fire/BLS Ambulance Acct #31359-595000 \$26,000.00 to Fire Ambulance Maintenance Acct #0122054-544300 \$15,000.00, Fire/Medical Attention Acct #0122054-558103 \$10,000.00, Fire/Computer Maintenance Acct #0122054-544500 \$1,000.00, Total \$26,000.00

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/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

ORDERED That the sum of \$700,000.00 be and is hereby transferred as so stated from Unreserved Fund Balance Acct #01-356000 \$700,000.00 to Road Improvements Acct #0112158-589526 \$700,000.00

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

s/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

ORDERED That the sum of \$1,265,637.68 be and is hereby appropriated as so stated from Mayor Salary Adjustments Acct #0112151-511019 \$1,265,637.68 to Fire Salary Acct #0122051-51100 \$1,265,637.68 – Re: Union contract settlements

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/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

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 report was received from the Committee on Special Permits as follows: “Back for action with the following conditions: 1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit

entitled: “Site Development Plans for Mixed Use Development 32 Cabot Road, Woburn, MA dated June 8, 2017; revised August 23, 2017; revised September 12, 2017; revised December 8, 2017; revised December 11, 2017; revised January 10, 2018; revised January 22, 2018; revised February 23, 2018; Sheets 1; ABB-1; ABB-2; C-1; C-2; C-3; C-4; C-5A-C-5C; C-6; C-7A; C-7B; C-8; D-1 to D-10 prepared by Allen & Major Associates, 100 Commerce Way, Woburn, MA 01801 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.; 2. A snow plow removal plan shall be filed with the Building Commissioner prior to occupancy.; 3. All dumpsters and waste containers shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinance.; 4. The Petitioner will install all landscaping substantially in conformance with Sheets C-5A; C-5B and C-5C of the Site Plan. Plants on the premises shall be maintained in perpetuity, and any dead or diseased plants shall be removed.; 5. Mitigation for this Special Permit shall be: a. an overlay of Cabot Road; b. new handicapped ramps at Cabot Road/Commerce Way; and c. impressed crosswalk connecting the ramps.; 6. The petitioner shall comply with any conditions imposed by the Conservation Commission.; 7. All mitigation shall be executed by the developer; 8. No occupancy permit, temporary or otherwise, shall be issued until all mitigation work is finished.” A communication dated March 5, 2018 with attachments was received from Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 along with a copy of a plan entitled “Off-Site Mitigation Exhibit Plan” dated March 6, 2018 and a document with Proposed Conditions to Special Permit dated as of March 6, 2018 as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: “Site Development Plans for Mixed Use Development 32 Cabot Road, Woburn, MA dated June 8, 2017; revised August 23, 2017; revised September 12, 2017; revised December 8, 2017; revised December 11, 2017; revised January 10, 2018; revised January 22, 2018; revised February 23, 2018; Sheets 1; ABB-1; ABB-2; C-1; C-2; C-3; C-4; C-5A-C-5C; C-6; C-7A; C-7B; C-8; D-1 to D-10 prepared by Allen & Major Associates, 100 Commerce Way, Woburn, MA 01801 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by

the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.

2. A snow plow removal plan shall be filed with the Building Commissioner prior to occupancy.
3. All dumpsters and waste containers shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinance.
4. The Petitioner will install all landscaping substantially in conformance with Sheets C-5A; C-5B and C-5C of the Site Plan. Plants on the premises shall be maintained in perpetuity, and any dead or diseased plants shall be removed.
5. Mitigation for this Special Permit as shown on the Off-Site Mitigation Exhibit Plan (the "Mitigation Plan") dated March 6, 2018 prepared by Allen & Major Associates Inc., 100 Commerce Way, Woburn, MA 01801-8501 shall consist of the following:
 - a. Installation of new handicapped ramps at Cabot Road and Commerce Way;
 - b. Installation of impressed crosswalk;
 - c. Dedicated left and right turn lanes;
 - d. 14,500 square feet more or less of roadway reconstruction of existing Cabot Road Three Hundred Forty (340) feet, more or less, from Commerce Way, as shown on the Mitigation Plan;
 - e. Pavement overlay of approximately 35,500 square feet, more or less, of existing Cabot Road as shown on the Mitigation Plan.
6. The petitioner shall comply with any conditions imposed by the Conservation Commission.
7. All mitigation shall be executed by the developer.
8. No occupancy permit, temporary or otherwise, shall be issued until all mitigation work is finished.

Motion made and 2nd that the communications be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Gaffney absent). Appearing for the petitioner was Attorney Joseph R. Tarby and he stated that condition 5 has been revised to reflect the mitigation report, that the petitioner has no objection to a condition requiring the dumpster comply with the Woburn Zoning Ordinances, and that the petitioner has conducted test borings and is anxious to get started with the project. Tim Williams, Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that there will be a dedicated left turn and right turn lane onto Commerce Way from Cabot Road, that the first 200 feet along Cabot Road will be widened which will allow the establishment of the right turn lane for a distance of 200 feet, that the left turn lane will be maintained, that the petitioner will grind and repave the first 340 feet of Cabot Road and overlay the roadway down to the proposed curb cut, that the petitioner will raise the structures and catch basins, that this will be a workable intersection with sufficient queue length on Cabot Road to accommodate the traffic, that there is no taking issues with the widening as the area is already part of the right of way, that the snow storage plan does not show heavy equipment or containers being stored on site, that the 112 parking spaces on site will meet parking needs even with snow storage, and that there is a sign listing tenants on the north side of the curb cut which will be relocated as it blocks the line of sight. Alderman

Mercer-Bruen stated that she wants condition 2 relative to the snow storage area amended to prohibit heavy equipment or containers from being store on site, that she wants condition 3 amended so that the dumpster comply with the Woburn Zoning Ordinances as they are amended from time to time, that the snow removal plans until recently did not include storage of heavy equipment or storage of salt or sand on site, that it appears the city is looking to change this policy, that once the equipment is on site there is a question as to who will police the matter to be certain equipment is removed after the snow season, that the Building Department staff is pressed for time already, that she agrees the issue of equipment in the snow storage area can remain silent, that if there is to be storage of equipment on site a special permit is required, that there may be equipment stored at other areas but not in high visibility retail areas, and that she does not want the equipment parked on site and being used for other nearby locations. President Haggerty stated that the equipment could be stored on site for a defined period such as November 15th to March 15th. Alderman Concannon stated that the equipment could be allowed to be stored on site for the duration of a storm, that the special permits and zoning code allow the Building Commissioner some discretion, and that although the zoning code is silent on the issue of storing snow removal equipment in the snow storage area the Building Commissioner may consider the equipment as part of the snow storage plan if there is no clarification on the issue. Alderman Campbell stated that snow removal equipment could be stored on site for the duration of a storm but this opens up the possibility of the equipment being stored on site for the long term, that there could be an ordinance requiring that the equipment be screened and landscaped as dumpsters are, and that snow storage plans never included the storage of snow removal equipment. Alderman Anderson stated that the matter could be left silent, that if the petitioner wants to store equipment on site a special permit would have to be obtained, that the Building Commissioner could allow the equipment to remain on site during the duration of a storm, and that a definition could be added to the zoning code that the snow storage area is the place where the snow is stored. Alderman Gately stated that some of the snow removal equipment is not roadworthy, that some of the equipment has to be hauled to the site, that it is expensive to move the equipment with a trailer, that many locations have equipment left on site which is used when needed and remains on site, that except for a small amount of sand there should not be a large amount of sand stored on site, that the expense of moving the equipment would not warrant doing so as there would be no profit in the work, that he has never heard a problem in the past with storing the snow removal equipment on site, and that the time could be limited from November 1st to March 1st. Alderman Tedesco stated that he would not want to see snow removal equipment stored on site for months, and that he is concerned about establishing rules through every special permit issued. Alderman Higgins stated that if there is to be regulation of the snow removal equipment it should not be done through the special permit process but through a zoning code amendment, and that it is difficult to deal with snow in the Northeast. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Gaffney absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "Site Development Plans for Mixed Use Development 32 Cabot Road, Woburn, MA dated June 8, 2017; revised August 23, 2017; revised September 12, 2017; revised December 8, 2017; revised December 11, 2017; revised January 10, 2018; revised January 22, 2018; revised February 23, 2018; Sheets 1; ABB-1; ABB-2; C-1; C-2; C-3; C-4; C-5A-C-5C; C-6; C-7A; C-7B; C-8; D-1 to D-10 prepared by Allen & Major Associates, 100 Commerce Way, Woburn, MA 01801 (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. A snow plow removal plan shall be filed with the Building Commissioner prior to occupancy.
3. All dumpsters and waste containers shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinance and the removal of trash shall conform with the Woburn Zoning Ordinance as it is amended from time to time.
4. The Petitioner will install all landscaping substantially in conformance with Sheets C-5A; C-5B and C-5C of the Site Plan. Plants on the premises shall be maintained in perpetuity, and any dead or diseased plants shall be removed.
5. Mitigation for this Special Permit as shown on the Off-Site Mitigation Exhibit Plan (the "Mitigation Plan") dated March 6, 2018 prepared by Allen & Major Associates Inc., 100 Commerce Way, Woburn, MA 01801-8501 shall consist of the following:
 - a. Installation of new handicapped ramps at Cabot Road and Commerce Way;
 - b. Installation of impressed crosswalk;
 - c. Dedicated left and right turn lanes;
 - d. 14,500 square feet more or less of roadway reconstruction of existing Cabot Road Three Hundred Forty (340) feet, more or less, from Commerce Way, as shown on the Mitigation Plan;
 - e. Pavement overlay of approximately 35,500 square feet, more or less, of existing Cabot Road as shown on the Mitigation Plan.
6. The petitioner shall comply with any conditions imposed by the Conservation Commission.
7. All mitigation shall be executed by the developer.
8. No occupancy permit, temporary or otherwise, shall be issued until all mitigation work is finished.
9. If the Conservation Commission imposes any conditions inconsistent with this special permit then said special permit shall be reviewed by the Committee on Special Permits to determine if the special permit needs to be modified.

8 in favor, 0 opposed, 1 absent (Gaffney absent).

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 report was received from the Committee on Special Permits as follows: "back for action pending comments from the Building Commissioner and Fire Chief." A communication dated March 2, 2018 was received from Fire Chief Stephen Adgate as follows:

Subject: 375 Main Street

In reference to the request from the Special Permits Committee for an opinion regarding the fire safety codes according to the new development plan at 375 Main Street, Woburn, the Fire Department has no issues.

Thank you, s/Chief Stephen Adgate

A communication dated March 2, 2018 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

With regard to the above referenced address, I have reviewed plans prepared by Khalsa Design Inc. dated February 27, 2018 and will offer the following:

1. The proposed rear egress staircase as shown on pgs. A-101 & A-300 does not meet the minimum code requirements for width and headroom.
2. The separation distance at the rear above the first story of 371-375 Main Street and 385 Main Street as shown on pg. A 300 detail 5 is greater than the minimum code requirement.

I will also advise that the plans provide do comply with the sections of the building code that were reviewed, however a more detailed set of plans would need to be provided for a formal review to ensure compliance with all applicable code requirements prior to the issuance of a building permit for construction.

s/Thomas C. Quinn, Jr., Building Commissioner

Motion made and 2nd that the communications be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Gaffney absent). Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the petitioner has made an agreement with the abutter Sean Coakley regarding the proposal and offered a document with the following document to the City Council for

review. A communication dated March 6, 2018 was received from Attorney Mark J. Salvati as follows:

Dear President Haggerty and Aldermen,

The following are the proposed conditions for a Special Permit at 375 Main Street for 7 residential units above a commercial building in BD zone:

1. The Plan of Record shall be entitled “371-375 Main Street” for Leo Realty Holdings LLC dated February 27, 2018 by KHALSA Design Inc., 7 Ivaloo St., Suite 400, Somerville, MA, 02143.
2. The hours of operation of the additional space in the restaurant shall be identical to those of the Brickyard.
3. The height of the building shall not exceed 40 feet or three stories per Table 6.1 of the Woburn Zoning Ordinance.
4. The area between the subject property and 385 Main Street shall be kept clear of excess snow and debris and shall be the responsibility of the petitioner.
5. Deliveries to the restaurant shall occur only between the hours of 7:00 AM and 5:00 PM.
6. Constructions shall only be allowed between the hours of 7:00 AM and 5:00 PM Monday through Friday and between the hours of 8:00 AM to 4:00 PM Saturday. There shall be no construction on Sundays or Federal holidays.
7. During the site development and construction phases, the petitioner shall maintain all roadways and sidewalks free and clear of all debris.
8. All lighting shall be arranged and shielded so as to prevent glare from the light source to adjacent streets and properties.
9. No trash receptacles shall be left on Main Street for an extended period of time.
10. All signage must comply in all respects with the provisions of Section 13 of the Woburn Zoning Ordinance.
11. Petitioner shall pay \$63,000.00 into the Downtown Parking Enhancement Fund pursuant to Section 8.3 of the Woburn Zoning Ordinance prior to the issuance of a certificate of occupancy.
12. This Special Permit shall be exclusive to Leo Realty Holdings LLC and shall not be transferable.
13. The petitioner and the owner of 385 Main Street shall enter into an mutually agreed upon agreement regarding any damage caused by the razing and construction of 375 Main Street.

Thank you for your consideration in this matter and please call with any questions.

Very truly yours, s/Mark J. Salvati

Motion made and 2nd that the document be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Gaffney absent). Attorney Salvati stated that many of the conditions were borrowed from a special permit issued in 2015 for 434 Main Street, that the Building Department will monitor the use of the Walnut Street parking lot area for

construction equipment and materials but will not allow the use for an extended period of time, that the last project of the petitioner used approximately two parking spaces, that he would rather leave this to the discretion of the Building Commissioner, that it would hurt the petitioner's business if the construction equipment and materials were spread out too much, and that there is no objection to prohibiting trash receptacles from being placed on Main Street. Alderman Campbell stated that she wants a condition that the special permit to be reviewed in one year, that this review is already allowed but she wants it to be clear to the petitioner, that she is concerned about the storage of equipment or material in the area during construction, that she wants a condition that no more than four parking spaces in the Walnut Street parking lot could be used for construction equipment and materials, and that she wants to make sure that the storage of construction equipment and materials are spread out to the detriment of others using the parking area. Alderman Anderson stated that the placement of the dumpster, equipment and supplies could be coordinated with the Superintendent of Public Works and the Building Commissioner. Alderman Gately stated that construction work should not be conducted from the sidewalk or street for an extended period of time, that there should be warning signs and a staging tunnel to protect pedestrians, that the petitioner has to understand that there is not set parking for anyone even though a payment is being made to the Downtown Parking Enhancement Fund, that construction equipment and materials will by necessity be stored in the back parking lot at times, and that such storage of construction equipment and materials will be confined. President Haggerty stated that no trash receptacles should be stored on Main Street, and that there should be a condition that the petitioner is not guaranteed parking. PUBLIC COMMENTS: Sean Coakley, 385 Main Street stated that he is satisfied with the adjustments made to the plan, that his property gained natural light and fire department access to the back of the building, that if the agreement referred to in the conditions is not signed he reserves his right to appeal, and that his engineer will inspect the property and the agreement will provided that any damage caused during construction will be fixed. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Gaffney absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows:

1. The Plan of Record shall be entitled "371-375 Main Street" for Leo Realty Holdings LLC dated February 27, 2018 by KHALSA Design Inc., 7 Ivaloo St., Suite 400, Somerville, MA, 02143.
2. The hours of operation of the additional space in the restaurant shall be identical to those of the Brickyard.
3. The height of the building shall not exceed 40 feet or three stories per Table 6.1 of the Woburn Zoning Ordinance.
4. The area between the subject property and 385 Main Street shall be kept clear of excess snow and debris and shall be the responsibility of the petitioner.
5. Deliveries to the restaurant shall occur only between the hours of 7:00 AM and 5:00 PM and subject to the same conditions, if any, of the existing special permit that applies to the Brickyard.
6. Constructions shall only be allowed between the hours of 7:00 AM and 5:00 PM Monday through Friday and between the hours of 8:00 AM to 4:00 PM Saturday. There shall be no construction on Sundays or Federal holidays.

7. During the site development and construction phases, the petitioner shall maintain all roadways and sidewalks free and clear of all debris.
8. All lighting shall be arranged and shielded so as to prevent glare from the light source to adjacent streets and properties.
9. No trash receptacles shall be left on Main Street.
10. All signage must comply in all respects with the provisions of Section 13 of the Woburn Zoning Ordinance.
11. Petitioner shall pay \$63,000.00 into the Downtown Parking Enhancement Fund pursuant to Section 8.3 of the Woburn Zoning Ordinance prior to the issuance of a certificate of occupancy.
12. This Special Permit shall be exclusive to Leo Realty Holdings LLC and shall not be transferable.
13. The petitioner and the owner of 385 Main Street shall enter into a mutually agreed upon agreement regarding any damage caused by the razing and construction of 375 Main Street and provide a letter confirming an agreement to the Building Commissioner before construction begins.
14. During construction, deliveries, storage of equipment, materials and a dumpster shall be coordinated with the Superintendent of Public Works and the Building Commissioner.
15. The special permit shall be reviewed one year after the date of the issuance of the occupancy permit.
16. Prospective tenants of the apartments be made aware the municipal lot where parking may be provided is slated to be metered in the future, and parking may be limited or unavailable throughout any given day.

8 in favor, 0 opposed, 1 absent (Gaffney absent).

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 February 27, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit modification for 425 Washington Street/New Creek II LLC

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit modification submitted by New Creek II, LLC. The modification request, pursuant to Section 11.3.12,

seeks approval of a modified site plan that incorporates proposed locations for snow storage.

Planning staff has spoken to Building Commissioner Tom Quinn who recommends the plan be revised to clearly show which of the proposed snow storage areas on the site will be used to store equipment and materials related to snow removal operations. Mr. Quinn indicates that such things as snowplows, vehicles and sanding/de-icing materials may be stored in a designated “snow storage” location on a seasonal basis. For that reason, Planning staff recommends the plan be revised to show which of the proposed snow storage areas will also serve as outside equipment/storage area(s) related to snow removal. Planning staff also recommends the Council consider specifying the time period during which a snow removal area can be used to store snow removal related equipment. The period from December 1 to March 31st may be appropriate.

Interestingly, the application shows a loss of fifty-two (52) parking spaces in order to create the proposed snow storage areas. The site currently contains 481 parking spaces even though zoning requires a total of 535 parking spaces. If the applicant is allowed to further reduce the number of parking spaces on the site, only 429 parking spaces will be available whenever all snow storage areas are in use. This will be a total of 106 less parking spaces than the Woburn Zoning Ordinance requires.

In response, the applicant has provided a VHB parking utilization analysis that measured average and peak season parking demand. According to the analysis, there is a maximum demand for 320 spaces (or 75% of 429 spaces) on the site at any time during the year. VHB takes the position that this supply is still “more than adequate” based on the engineering standard of 85-90% parking lot occupancy considered to be near “functional capacity.”

Staff conferred with Commissioner Quinn on this point as well and he defers to/concurs with VHB’s analysis based on his personal observations and experience with this site. However, Planning staff is concerned that future tenant changes could wipe out any perceived parking “surplus” on the property. Specifically, one of the current retailers on site might be replaced in the future with a tenant that generates more parking demand (like The Paper Store). For that reason, it would seem unwise to permit a further reduction in required site parking. At a minimum, it would be valuable to include a condition in the City Council’s decision that expressly authorizes the Building Commissioner to unilaterally mandate that either snow or snow removal-related equipment be removed from the property in order to ensure the availability of adequate site parking should the need to do so arise during the Winter season.

On a side note, Planning staff intends to recommend in all subsequent special permit comment letters that snow storage plans be submitted to the City Council for review prior to final action on a special permit filing. The practice of allowing applicants to provide snow storage plans to the Building Inspector after City Council approval leaves no room for evaluation and modification of the snow storage plan should it be judged inadequate.

Finally with respect to this application, Planning staff recommends the imposition of a condition stating that all other conditions contained in the City Council's April 28, 2016 Special Permit Decision letter remain in full force and effect unless otherwise modified by the Council.

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

In response to a request from the City Council for a report on the status of any zoning violations at 425 Washington Street, a communication dated February 14, 2018 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

Re: 425 Washington Street

With regard to the above referenced, I will advise that on January 16, 2018 there was a fine issued for non-compliance with the Woburn Zoning Ordinances Section 5.1 Table of Use Regulations line 57A.

The issue was resolved on February 13, 2018 with the understanding that all equipment used during the winter months for snow removal shall be located in the designated snow storage area identified on the site plan of record.

Additionally, I have spoken with Mr. John O'Rourke who is the new property manager for this site to advise him of previous concerns that had to be addressed, special permitted uses on the site and the conditions and requirements that must be complied with.

As always if I have any further issues or concerns with this site I will keep you updated.

s/Thomas C. Quinn, Jr., Building Commissioner

Motion made and 2nd that the communications be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Gaffney absent). Appearing for the petitioner was Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that a condition of the special permit requires a snow storage plan be submitted to the Building Commissioner, that the petitioner is seeking to modify the plan to show new snow storage locations, that the petitioner submitted a parking update of the previously approved special permit allowing a reduction in parking from 535 parking spaces to 481 parking spaces not a new request to reduce parking, that the petitioner would not object to a condition providing for a period of time during which snow storage was permitted and a condition that if additional parking is required because of the amount of snow stored on site that the petitioner would remove the snow from the site, that the Building Commissioner has determined that a snow storage plan includes the storage of snow removal equipment on site, that the petitioner can provide a list of the snow removal equipment stored on site as well as information on who owns the equipment, that

the Building Commissioner did not issue citations for violations after the petitioner filed the petition for a special permit, and that the petitioner is looking to change the snow storage plan including where the snow removal equipment is stored on site. Patrick Dunford, Senior Project Manager, VHB, 101 Walnut Street, Watertown, Massachusetts 02472 stated that the parking study was updated to reflect the loss of 52 parking spaces for snow removal areas, that after analysis the parking lot was never at 75% of capacity even with the 52 parking spaces lost to the snow storage areas and there will still 109 parking spaces available to customers, that the site can lose 52 parking spaces and still have sufficient parking, that the area of the Title 1 Boxing facility and Dollar Tree store combined is equivalent to the size of a national pharmacy building, that even cutting the 109 parking spaces in half there is still sufficient parking, that unless there was a unique use which would very likely require city approval there will be sufficient parking available, that the plan shows the snow storage areas, that there is a front end loader parked on three or four parking spaces in anticipation of an impending storm, and that he is the traffic engineer and not the civil engineer for the project but his understanding is that the drainage is sufficient and he can bring additional information to address that issue. Alderman Mercer-Bruen stated that that petition was prompted because on December 8, 2017 she reported to the Building Commissioner that heavy equipment, a container and salt was stored outside at the locus along the property line and that this was during the holiday shopping season, that from Thanksgiving until the second week in January the parking lot is often at peak capacity, that she was concerned about the loss of parking during the holiday season and along the street line, that this is a large parking lot but is often near capacity, that if there is a change in uses there may be an increase in the parking needs, that she still has concerns about the proposal, that the equipment has been on site since December 8, 2017 although it was moved to another location on site, that the petitioner was fined for having the equipment on site and paid the fine, that the petitioner has not sought a special permit to allow parking of the equipment on site, that there is nothing in the zoning code that would allow the Building Commissioner discretion to allow equipment to be stored on the locus, that she cannot find anything in the zoning code that addresses snow storage by there is a path to obtain a special permit under the zoning code to allow the petitioner to park the equipment, that the petitioner was fined only one day, that she has photographs of the equipment, that if the City Council permits the equipment to be stored the city should know what is stored on site, that there is an issue as to where the equipment is stored, that the Department of Public Works does not store snow removal equipment all over the city, that the Department of Public Works stores the equipment at the City Barns, that the Building Commissioner cannot just say that equipment can be stored as part of the snow storage plan, that another petition could state that the snow removal equipment will be stored on site as part of the snow storage plan, that a landscaper is storing equipment on site and she is concerned the site is being used as a staging area for snow removal activities at other nearby sites, that storage containers are strictly regulated and only allowed to remain on site for one year, that this special permit can be approved without the equipment, that she does not believe anyone was aware that a snow storage plan included storage of heavy equipment and storage containers as well, that the petitioner has a right to apply for a special permit for storage of equipment or containers on site, and that she has never seen equipment stored on site in the past. Alderman Anderson stated that nothing in the proposal requests authorization

for the storage of containers or equipment on site, that he has no issue with equipment stored on site for an impending storm but the equipment should not be stored on site for an extended period, that he wants to know the type of equipment on site and who owns the equipment, that he wants to know the location of catch basins, and that there is not a request for the storage of equipment on site before the City Council. Alderman Gately stated that he has never heard about a fine being issued for equipment stored on a site for snow storage, that he does not believe that a large quantity of sand or salt or a container should be stored on site, that the site should not be used as a staging area for other locations, that the equipment stored on site should one be used on the site, and that the issue before the City Council is the snow storage plan. President Haggerty stated that the Building Commissioner could be asked to attend a meeting to explain how he determined that equipment is part of the snow storage plan, that he does not want this petitioner to have to abide by different rules than other property owners, that the petitioner received a fine because they stored snow in another area on site, and that a communication could be sent to the Building Commissioner for his interpretation of the issue. Alderman Concannon stated that there are rules related to storage containers, overnight parking of commercial vehicles and snow storage plans, that if the equipment is commercial vehicles and storage containers then a special permit is required and should be required here, that the storage of equipment should not be part of the snow storage plan discussion, and that a snow storage plan envisions a pile of snow. Alderman Campbell stated that if the City Council is looking at snow storage on the site that is one issue but if this includes equipment being stored on site based on the interpretation of the Building Commissioner there may have to be additional language, and that there is a question as whether this matter is before the City Council because the petitioner is changing the snow storage area on site or because of issues raised by the Building Commissioner's determination of what a snow storage area includes. Alderman Higgins stated that if the Building Commissioner's determination of what is a snow storage plan is an issue then there should be a discussion with the Building Commissioner and an amendment of the ordinances if necessary, and that she does not want this petitioner to be treated differently than the other property owners in the city. PUBLIC COMMENTS: Jon O'Rourke, Regional Property Manager, Kimco Realty stated that he took over the role as property manager of this location in January 2018, that there was a personnel change which resulted in no oversight of the snow removal contractor, that the contractor is a landscaping company, that it is clear the contractor did not follow the directions of the petitioner, that the petitioner was cited by the Building Commissioner and the fine was paid, that he will be available to address issues on a reasonable basis, that he was told if there was a snow storage area that snow removal equipment could be stored in that area, that he will see that the container is removed, that a front end loader and skid-steer have always been on site for snow removal, that the snow removal equipment is not owned by the petitioner, and that snow removal agreements generally allow snow removal equipment to be store on site for use on the site only. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 3, 2018, THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS and that a communication be sent to the Building Commissioner to attend the next meeting on the matter to discuss his

interpretation of snow storage plan and to provide insight on the issue, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

On the petition by Ionic Materials Inc., 10 Commerce Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57a and 60 to allow outside storage of pod at 10 Commerce Way. PUBLIC HEARING OPENED. A communication dated February 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 10 Commerce Way/Ionic Materials, Inc.

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks a special permit pursuant to Section 5.1 (57a) of Woburn Zoning Ordinance (WZO) to authorize the placement of three (3) accessory storage containers on site. The subject property is in an I-P (Industrial Park) zoning district. Accordingly, the requested use may be authorized by City Council special permit. The application also cites Section 5.1 (60), to allow “accessory outside storage necessary to the operation of conduct of a permitted business or industrial use,” as a by right use.

The applicant has submitted an 8½” x 11” architect-certified plot plan and location detail plan with the application, which indicate that the 3 storage (POD) containers will be located at the rear of the existing facility. The dimension of each container is 8’ x 20’; however, as all three are to be located in a non-parking area, parking conditions will remain unaffected. In compliance with Note 6 to the 5.1 Table of Use Regulations, an 8’ tall fence has been erected with the intent to surround the storage container area as screening.

Staff has also confirmed that Building Commissioner Tom Quinn takes no issue with the application as proposed, although he would appreciate a recorded copy of the Council’s decision being filed with his office.

Planning staff recommends the Council consider imposing at least the following as conditions of approval should it ultimately grant the requested use:

1. That the architect-certified plot plan and location detail plan are adopted as the Plans of Record;
2. That, in compliance with Note 17 to the Section 5.1 Table of Use Regulations, 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

Motion made and 2nd that the communication be received and made part of the record 8 in favor, 0 opposed, 1 absent (Gaffney absent). Appearing for the petitioner was Ted Caswell and he stated that the petition is for three storage pods at the rear of 10R Commerce Way, that he was not aware that there was an issue with storage pods, that the storage pods are essential to the petitioner's operations, that a fence surrounds the storage pods and the mechanical and HVAC equipment, that the storage pods are not visible from any abutting property, that the petitioner wants to keep the storage pods on site for as long as possible, that photographs submitted with the petition were taken during construction, that there is a minimum three foot clearance when the doors are open, that there is no forklift, that the material is moved by hand or a dolly, that there is no flammable items stored in the storage pods, that any flammable items would be stored inside the building, that the equipment would be stored as cold storage and moved when needed, that the petitioner wants to use the storage containers for the length of their lease which is about four more years, and that this is a growing business. President Haggerty stated that storage containers are limited to one year on site, and that he is willing to support the containers for one year. Alderman Mercer-Bruen stated that storage containers are limited to one year on site so that the petitioner has time to expand, that storage containers are temporary solutions, and that she is willing to support the storage container use for one year but there will have to be another solution after one year. Alderman Anderson stated that he is only authorized to allow storage containers for one year, and that this gives the petitioner time to resolve storage issues. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Gaffney absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the two Planning Board recommendations be adopted as conditions of the special permit, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

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 5.1.57a to allow outside storage of three containers at 71 Pine Street. PUBLIC HEARING OPENED. A communication dated March 5, 2018 was received from Dan Orr, City Planner/Grant Writer as follows:

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

Dear Council:

The Planning Department has reviewed the above-referenced application which seeks a Special Permit pursuant to Section 5.1 (57a) for the allowance of accessory storage/parking of three (3) storage containers. The containers will be used to temporarily store office furniture and fixtures to make room in the warehouse for manufacturing-related materials associated with an upgrade to Veterans' Administration

hospitals across the country. The pending request for three (3) storage containers represents a reduction from the six (6) storage containers originally proposed in the Petitioner's November 2017 application.

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, as with the previous application, no new construction or increase in impervious surface area is proposed. In addition, the applicant has confirmed that no delivery truck traffic will be generated by use of the storage containers.

Staff previously 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; this would still apply to the new application. Although an engineer-certified plot plan has not been provided, the Petitioner's sketch plan indicates that each of the proposed storage containers will comply with 5' lot line setbacks in accordance with Sec. 8.4.3.

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. Staff previously noted that the applicant should be required to provide calculations of 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. Unfortunately, this information has still not been provided so it is not clear that the site/use will meet the parking requirements of zoning if the permission is granted. The Building Commissioner should be consulted with respect to zoning conformance.

Similarly, staff noted in their previous comment letter that the Council may want to require a revised plan to include details on exterior lighting in accordance with Sec. 8.5. The location of exterior lighting is depicted on an 8.5" x 11" sketch plan included with the application and photographs of existing pole-mounted and building-mounted lighting fixtures have been provided. However, it is not clear whether additional lighting will be added to the site; in any event, Planning staff recommends the Plan of Record be revised to show the location of all pole-mounted and building-mounted lighting whether existing or proposed.

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

Appearing for the petitioner was Attorney James Camire, General Counsel, Vecna Technologies, Inc. and he stated that the petitioner found a permanent solution for the storage of the items, and that he sent a letter seeking withdrawal of the petition. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Gaffney absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

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 communication dated February 27, 2018 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 285 Locust Street/285 Locust LLC (c/o Duffy Brother Management Co. Inc.)

Dear Council:

Planning staff does not yet have written comments and recommendations on this project. Given the relative scale of the project and the attendant level of review required, Planning staff is in the process of scheduling a multi-department review meeting for the week of March 5th. The intent of the meeting is to gather feedback from all departments relative to zoning compliance, site layout, vehicle and pedestrian mobility, environmental compliance and public health and safety.

We expect this meeting will allow us to submit more complete and informed comments to the Council which we will endeavor to submit as soon as possible.

Thank you for your patience. If you have any questions or concerns regarding the foregoing please feel free to contact me.

Respectfully, s/Tina P. Cassidy, Planning Director

A communication dated March 6, 2018 was received from Tina P. Cassidy, Planning Board Director as follows:

Re: Proposed townhouse development at 285 Locust Street/285 Locust LLC (c/o Duffy Bros. Management Co.)

Dear Council:

The Planning Department has reviewed the above-referenced application dated January 30, 2018, which seeks special permits pursuant to Sections 5.1.3(c) [townhouse development], 5.1 Note 20 [townhouse developments in R-3 and R-4 Districts), 11.3.2. [procedures for Special Permits], 12.2.2. [site plan review for townhouses], 12.3.2 [City Council special permit and site plan review authority], and 15.6 (c) [Groundwater Protection District] for the construction of 41 townhomes on roughly 4.94 acres with frontage on Locust Street.

The Department also attended a March 5, 2018 meeting of City Hall departments which was scheduled at the Planning Department's request for the purpose of reviewing the application. The following comments were provided by the City departments that attended the meeting (Engineering, Fire, Inspection Services and Police Departments and the Conservation Commission and Board of Health).

ZONING ISSUES

- As currently drawn, the plan does not require relief from the Woburn Zoning Ordinances (WZO) relative to frontage, setbacks, height, building coverage, and landscaped usable open space. However, the design is just barely meeting the lot coverage requirement (24.9% where 25% maximum is allowed) so the Building Inspector encouraged the applicant to double-check the calculations and assumptions behind them to ensure compliance.
- The Petitioner has indicated that signage will be sought for the project and has shown a proposed location for a sign at the Locust Street entrance. Permitted signage is relatively restrictive given that the property is located in a residential zoning district; variances would be required for any sign exceeding the allowed maximum of ten (10) square feet in this zoning district.
- Section 11.3.1. of the Zoning Ordinance states that no special permit application "...shall be accepted or considered complete that does not have any necessary variances required from the Board of Appeals..." (or, in the event of a dispute as to whether a variance is needed, resolution of the dispute by the Board of Appeals). If this application requires zoning relief from the Board of Appeals that relief must be obtained before consideration of the special permit application may proceed.

DESIGN ISSUES

- A boulevard-style entrance to the development is proposed, with two (2) twelve foot (12') one-way travel lanes serving as means of traffic entrance and egress divided by a center island. Although the project architect has indicated this configuration will reasonably accommodate fire apparatus, the Fire Department has expressed concern that it may not accommodate the trucks as well as the applicant believes. The Department will continue to work with the developer on this point to ensure the design meets the appropriate turning radii. The Inspection Services and Engineering Departments maintain that the roadway width/curb cut may be potentially widened by three to four additional feet, at the discretion of the Council by special permit, to better accommodate fire vehicles.

On this point staff notes that the proposed driveway already exceeds 24' in width and that is the maximum allowable residential driveway width as stated in Section 8.4.2. Although Section 8.4.2. authorizes the City Council to allow a residential driveway wider than 24', no such request has yet been made.

- 6" vertical granite curbing is proposed only at the locations where the project's interior roadways will intersect with Locust Street. The remainder the site's interior roadways are proposed to have 6" bituminous concrete curbing. 6" vertical curbing should be required throughout the development.
- If trees are being planted in the grass strips, the grass strips should be at least 6' wide. Otherwise, trees should be planted 5'-10' behind the sidewalk or curb.
- Lighting has been provided throughout the interior of the development, with lighting fixture detail also provided on Sheet SL-1. Although locations of interior street lights are shown on the plans, the location of existing proximate street lighting on Locust Street should be added to the plan for continuity.
- Snow storage areas have been depicted on the plan (Sheet C-4). The Building Commissioner has determined that snow removal-related equipment can be stored in snow storage areas. For that reason, Planning staff recommends the Council consider identifying the specific storage area(s) on site that can be used for such "related equipment" storage. Planning staff further recommends that any such areas be located at least 150' away from any resource area under the jurisdiction of the Conservation Commission and that equipment storage be limited to a certain time period such as December 15th through March 30th.

TRAFFIC

- Engineering staff maintains that although traffic impacts as a result of the project will be minimal overall, the Department will be recommending the developer contribute mitigation funds to traffic improvements at the problematic intersection of Locust Street and Cambridge Road (a traffic signal upgrade is needed). A redesign effort in

partnership with the Town of Burlington is currently in its infancy. The Engineering Department noted that the developer has not yet submitted to it the estimate of project cost as required by Section 18 of the Zoning Ordinance; it should be submitted as soon as possible so that the Engineering Department can finalize its comments.

PARKING

- As currently designed, the unit styles will be delineated by “wider” (15 units) and “narrower” (26 units) styles, with each having four (4) and two (2) parking spaces respectively (when accounting for garage and driveway spaces). While this amount of unit-based parking helps to alleviate concerns about visitor parking to some extent, the site plan appears to warrant at least several more dedicated visitor parking spaces. Currently, only six (6) visitor parking spaces are proposed for the site. Based on feedback from multiple departments, the developer agreed to explore the possibility of incorporating more dedicated visitor parking on the site. In addition, the developer expressed a willingness to consider accommodating any “overflow” parking needs on the abutting 111 Locust Street lot.

UTILITIES

- The Engineering Department believes the proposed drainage system is more than sufficient to handle the proposed development, particularly due to the dramatic decrease in impervious surface area on site and the introduction of storm water detention areas.
- The applicant has conducted flow tests to determine whether there is adequate water pressure for domestic service and firefighting capability, as included in the Utility Impact Assessment submitted with the application. The developer will continue to work with the Engineering, Fire and Public Works Departments to finalize details of utility systems. The locations of all proposed fire hydrants are still being reviewed by the Fire Department and should be agreed upon before the plan is finalized and becomes the Plan of Record.

OTHER COMMENTS

- The interior roadway in this project should be assigned a name and unit numbers assigned. A system that relies solely on both building and unit numbers/letters would be difficult for emergency responders and should be avoided. Further, the applicant should be required to propose a street name now, for review and approval by the Police and Fire Departments prior to any approval of the project.
- The applicant is proposing to provide four (4) units of affordable housing units in accordance with the version of Section 11.11 of the Zoning Ordinance that was in effect at the time the special permit application was submitted. This number of affordable units being proposed in this project (10% of the total) is less than the fifteen percent (15%) of units now required by the Zoning Ordinance. Any

exemption from the recent zoning amendment requiring more affordable units is dependent upon the applicant filing a definitive subdivision plan with the Planning Board by April 29, 2018.

- The applicant has filed an application with the Conservation Commission due to the resource area located at the rear of the subject property; the Commission's administrator urged the applicants to ensure the plans filed with/approved by the Commission are identical to those approved by the City Council.
- Inspection Services staff recommend the applicant ask the Council to include its now-common condition of approval authorizing the Building Commissioner to accept "minor modifications" to the approved Plan of Record.
- The developer anticipates that the units will be serviced by weekly private trash collection and that all trash barrels and recycling bins will be stored in the garage of each unit. The applicant should be encouraged to provide collection of recyclable material in addition to trash. Also, the Council should consider whether the applicant should be required to include a provision in either the rental agreement or in home owners association documents requiring tenants/unit owners to store trash and recycling receptacles inside the units or garages versus storing them outside the units where they are visible to all.
- The developer is amenable to making exterior on-site accommodations for pets and related waste collection.
- The site has a known history of environmental contamination. The applicant is in the process of assessing the current status of conditions on site and will need to coordinate those efforts with the Board of Health/Health Department.

Please feel free to contact me if you have any questions about these comments/recommendations.

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

Motion made and 2nd that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Gaffney absent). Appearing for the petitioner was Attorney Mark T. Vaughan, Riemer and Braunstein LLP, 700 District Avenue, Burlington, Massachusetts 01803 and he stated that the locus is a five acre parcel on the north side of Locust Street, that the petitioner acquired the property in June 2017, that the locus was used as a Verizon trucking terminal and for storage, that the property is now vacant, that the property is in the R-3 zoning district, that the site is fully paved, that the prior use was nonconforming, that the proposal is for a 41 unit development, that the use is allowed in the R-3 zoning district with a special permit, that the proposal complies with all dimensional requirements of the R-3 zoning district, that there will be a 24 foot wide roadway through the site, that the roadway circles around the locus, that there will be driveway access to each unit, that each unit has garage parking and parking in the

driveway, that there are some additional parking spaces, that two parking spaces per unit are required which is a total of 82 spaces, that the petitioner will be providing 118 parking spaces, that there is more than enough parking, that there will be significant aesthetic improvements to the site, that there will be an increase in green space, that there will be better aesthetics along Locust Street, that the central green area will have a gazebo, that there will be a buffer along the periphery of the lot, that a neighborhood meeting was held last week, that plantings including ornamental grasses and flowering shrubs are planned for the landscaping, that there will be 85 new evergreen trees, 77 deciduous trees, 436 shrubs, 358 perennials and 59 ornamental grasses, that the petitioner will work with the Fire Department to address concerns about fire apparatus access, that the project cost has not yet been determined, that the petitioner has gathered some soil samples but is not concerned about contamination issues with the site, that the petitioner would not have purchased the property if this was a concern, that the roadway will be wider than the roads in some subdivisions, that vehicles parked on the circle roadway would not impede traffic flow, that the petitioner can arrange for overflow parking at the Tudor Glen development, that the petitioner is proposing four units of affordable housing, that the petitioner purchased the property knowing the zoning ordinance which was in place at the time, that the petitioner submitted the subdivision plan to freeze the zoning at 10% affordable housing, that the petitioner did not receive a waiver to 24 foot width from the Planning Board but the Planning Department staff reviewed the plan and expressed no concern with the 24 foot wide street, that a project in Burlington impacts the intersection of Cambridge Road and Bedford Road, that the intersection may be improved without the necessity of takings, that the petitioner is in discussions as to how the petitioner can assist with that project, that 41 units will generate 25 additional morning peak hours trips, that the project will have a low impact on traffic but the petitioner will cooperate with the city on providing a fair share of work, and that the development impact statement has not been completed by the City Engineer yet. Brian timm, RJ O'Connell and Associates, Inc., 80 Montvale Avenue, Stoneham, Massachusetts 02180 stated that he is the surveyor and civil engineer for the project, that the proposal will reduce the impervious surface by approximately two acres on a five acre site, that the petition complies with the dimensional regulations in the zoning code, that the building is offset one-half foot from the dimensional requirements, that there will be a 24 foot wide bituminous concrete roadway, that there will be a sidewalk along the roadway, that there is an intermittent stream, that the petitioner is proposing to revegetate the buffer zone which is currently paved, that the matter is before the Conservation Commission for review, that the site is flat, that some subtle high and low points have been added around the roadway, that the catch basins will transport water through a water quality basin, that the drainage will be connected into a fifteen inch on-site pipe and then to the municipal main on Locust Street, that the City Engineer reviewed the sewer, water and drain issues and has no comments, that there was some discussion if the width of the entrance had to be expanded beyond 24 feet which is the maximum allowed under the zoning code and which the City Council could do through this special permit decision, that he does not believe a gazebo is included in the building ground coverage calculation, that he will make sure the building ground coverage does not exceed 25%, that the roadway will have a twelve foot wide travel lane in each direction for a total width of 24 feet, that having the roadway as one way of travel was considered but it is not realistic

that all residents would abide by the one way travel restriction, that there is a possibility of additional visitor parking if needed, that each units will have its own water, sewer and gas line going into each unit, that the units will be rental but there is an option to convert to condominiums in the future and the individual utility connections will serve this, that all runoff will drain to the infiltration chamber, that there will be an eight inch main, two hydrants and ten feet of separation between the water and sewer mains, that transformers will be installed, that there will be vertical granite curb along a portion of the roadway and the remaining will have bituminous berm, that there will be twelve foot ornamental streets light with dark sky screens, that there will be lights along the interior island as well as along the entrance wall, that the wall will be less than three feet in height, that there will be no decks, that there will be at grade patios, and that the City Engineer reviewed the utility report but did not see any detrimental impact on the utility infrastructure. Michael Dennis, Architect stated that the Type A townhouse will clapboard siding with some shingle style siding at the ends and some architectural accents on the gables, will be 2,000 square feet, have three bedrooms, 2½ baths, a two car garage and an unfinished basement for storage, that all townhouses will have individual patios at the rear, and that the Type B townhouse will have clapboard siding, shingle style siding and architectural accents at the gables, will be 1,770 square feet, have three bedrooms, 2½ baths and a one car garage with an unfinished basement for storage. Kevin Duffy stated that the construction phase from issuance of the building permit to completion will be approximately sixteen to eighteen months, that all of the pavement will be removed, the building will be razed and the utilities capped, that the transformers will be on pads protected by bollards, and that there would be granite curb at the turn into the development and bituminous berm in the other areas. Alderman Campbell stated that the petitioner met with the City Engineer, Fire Chief, Police Chief, Conservation Administrator, Alderman Higgins and herself, that there was a good discussion and the Planning Department comments document the issues raised, that there were proposals of up to 150 units being constructed at this location which was not acceptable, that to have 41 proposed units that complies with zoning is refreshing to the neighbors, that a 150 unit development would have been devastating to the neighborhood and traffic on Cambridge Road, that the Building Commissioner wants to be certain the petitioner does not go over the 25% building ground coverage limit, that the Fire Chief was concerned about the width of the entrance driveway, that the City Engineer raised the issue of traffic impact, that the City Engineer wanted a mitigation proposal but this is dependent on the estimated project cost, that the City Engineer wants the mitigation to go towards the Cambridge Road/Bedford Road intersection, that there is a tentative agreement with Burlington to improve this intersection, that there was some issue with a history of contamination at the site, that she wants to keep any vehicles from parking on Locust Street, that there will be an agreement for overflow parking at the adjoining parcel at Tudor Glen Village, that the City Engineer stated that mitigation funds would go to the design of the intersection at Cambridge Road and Bedford Road, that there will be 296 new vehicles trips throughout the day, that this may be minimal but is still an additional 148 vehicle trips in and out each day which will likely use Cambridge Road, and that the mitigation money would therefore apply at that intersection. Alderman Higgins stated that the locus is in a residential area which will require control of the construction vehicles, that she would not object to a wider driveway width than 24 feet to accommodate the Fire Department

vehicles, that there should be more vehicle parking, that the petition provides four units of affordable housing which is 10% of the units, that it must be determined what affordable housing calculation would apply to the project, that the City Engineer stated that using the mitigation funds at the Cambridge Road and Bedford Road intersection will assist with intermittent queues which will assist vehicles exiting from Locust Street to Cambridge Road, and that a study needs to be completed to make these changes. Alderman Anderson stated that likes the amount of parking provided but is concerned about a one car garage with parking also in the driveway meeting the parking needs by stacking, that if the road was made one way travel this could open the street for parking, that he understands he residents of the development may not want to have to drive around the whole development, that any arrangement for overflow parking with the abutting property would have to be in perpetuity, and that there should be more visitor parking. Alderman Gately stated that he has always advocated for a 26 foot wide street, that the units will require individual utility connections if the units are sold, that bituminous berm is not generally accepted but rather granite curb, and that he opposed bituminous berm as the berm does not last and gets damaged by plows. President Haggerty stated that he wants to be cautious about taking a lump sum of money for any mitigation, that if money is taken he wants a clear outline of how and when the funds would be used, that the Cambridge Road/Bedford Road intersection is dangerous, and that he would rather mitigation work be done than taking money because of the poor track record of the city in spending those funds. Alderman Mercer-Bruen stated that she is concerned about taking mitigation money and not having work done, that she wants to know if the City Engineer has created a development statement, that she is concerned about the traffic impact of the project, and that she will not support bituminous berm curbing. Alderman Concannon stated that the mitigation ordinance has a process that needs to be followed, and that the city should not plan on spending mitigation money before a determination of the required mitigation is made. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 3, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the appointment of Thomas C. Quinn as a Member of the Woburn Housing Authority, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor: March 8, 2018

s/Scott D. Galvin March 8, 2018

PUBLIC SAFETY AND LICENSES:

On the petition by Camargo Chauffeur Service LLC for renewal of a Livery License, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor: March 8, 2018 **s/Scott D. Galvin March 8, 2018**

On the petition by TransAction Corporate Shuttles, Inc. for renewal of a Common Carrier License, committee report was received “ought to pass with the existing conditions.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED to allow for 90 vehicles with no more than 43 parked on site, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor: March 8, 2018 **s/Scott D. Galvin March 8, 2018**

On the petition by ecoATM, LLC for renewal of a License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles, committee report was received “ought to pass with the existing conditions.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor: March 8, 2018 **s/Scott D. Galvin March 8, 2018**

NEW PETITIONS:

Petition by Woburn Bowladrome Inc., 32 Montvale Avenue for renewal of Bowling Alley License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Petition by Mourad Djiar dba ABCE Taxi of Woburn, 165M New Boston Street, Suite 241 for renewal of Taxi Cab License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Petition by Gevorg Melikyan dba Milano Jewelry, 494B Main Street for renewal of License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Petition by M&L Transit Systems Inc., 60 Olympia Avenue for renewal of Common Carrier License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

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. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

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. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

COMMUNICATIONS AND REPORTS:

A communication dated February 16, 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 Jan. 2018: Number of violations issued 58, Numbers of violations paid 23, Number of violations outstanding 33, Amount collected and submitted to Collectors Office \$7,339.60, Parking fines referred to the Handicap Commission \$4,800.00.

There is a backlog of 1,554 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

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order to transfer the sum of \$4,090,214.26 from Unreserved Fund Balance Account to Various Capital Projects with the committee report “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’.” Motion made and 2nd to take the matter from the table, 8 in favor, 0 opposed, 1 absent (Gaffney absent). Motion made and 2nd that the COMMITTEE REPORT be ADOPTED with the total transfer of \$3,390,214.26 and replacement of one 6-wheel dump at Department of Public Works, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

Presented to the Mayor: March 8, 2018

s/Scott D. Galvin March 8, 2018

APPOINTMENTS AND ELECTIONS:

A communication dated February 23, 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 reappoint Joseph A. DiMatteo, 1 Revere Road, to the Woburn Golf and Ski Authority, subject to confirmation by the City Council, with a term to expire Dec. 31, 2023.

Respectfully, s/Scott D. Galvin, Mayor

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PERSONNEL, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That the Committee on Special Permits review the special permit issued to Wendy’s International. Inc. on December 30, 2004 relative to continuing violation of condition 10 regarding dumpsters

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED and refer to Committee on Special Permits, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

RESOLVED That the Committee on Special Permits review the special permit issued to Speedway LLC on May 12, 2016 relative to violations of the existing special permit.

s/Alderman Mercer-Bruen

Motion made and 2nd that the RESOLVE be ADOPTED and refer to Committee on Special Permits, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

RESOLVED That a communication be sent to Paul Stedman, Operations Manager, MassDOT, District 4, requesting a meeting to discuss the on-going concerns with the timing of the traffic control signals at 394 Washington Street at the entrance to Woburn Foreign Motors as the timing of the lights continues to cause severe back-ups and queuing of vehicles.

s/Alderman Mercer-Bruen and President Haggerty

Alderman Mercer-Bruen stated that the traffic control signals continue to be an issue, and that the issue needs to be addressed by MassDOT. Motion made and 2nd that the RESOLVE be ADOPTED, 8 in favor, 0 opposed, 1 absent (Gaffney absent).

The City Council observed a moment of silence in memory of former St. Anthony Parish Pastor Fr. Leo X. Lynch who passed away.

Motion made and 2nd to ADJOURN, 8 in favor, 0 opposed, 1 absent (Gaffney absent). Meeting adjourned at 9:28 p.m.

A TRUE RECORD ATTEST:

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