

**CITY OF WOBURN
APRIL 17, 2018 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by Boys and Girls Club of Woburn, Charles Gardner Lane, Woburn, Massachusetts 01801 for a special permit to allow carnival from May 3, 2018 to May 6, 2018 at 25 Middlesex Canal Parkway. PUBLIC HEARING OPENED. A communication dated April 10, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit petition to conduct a fundraising carnival from May 3-May 6, 2018 at 25 Middlesex Canal Park/Boys and Girls Club of Woburn

Dear Council:

The Planning Department has reviewed the above-referenced application for the requested use pursuant to Section 5.1.75 of the Woburn Zoning Ordinances, as amended (WZO). The property in question is zoned B-I (Interstate Business) and the requested use is allowed by City Council Special Permit in accordance with Section 5.1.75.

The Planning Department takes no exception to this request but recommends the Council require, as a condition of any Special Permit, that the applicant comply with the requirements of Note 14 to Section 5.1.75, Table of Use Regulations of the WZO. Note 14 limits the hours of operation on Sundays and other days and sets certain applicable insurance and minimum notification requirements.

Please feel free to contact me if you have any questions or concerns regarding this recommendation.

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

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.

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

On the petition by Hilton Hotel, 2 Forbes Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 7.3 to allow for the alteration of a preexisting nonconforming structure to change a roof sign at 2 Forbes Road. PUBLIC HEARING OPENED. A communication dated April 11, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 2 Forbes Road/Hilton Hotel

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit application submitted by Hilton Hotel to allow for the alteration of a pre-existing, non-conforming structure pursuant to Section 7.3. The applicant intends to replace the existing non-conforming roof sign with another roof sign.

Planning staff has consulted with the Building Commissioner on this application who takes no issue with the proposal. However, Planning staff notes the proposed sign appears to be much larger than the existing sign it would replace. The application does not include the size of the existing roof sign but does indicate the new sign face will be 500+ sq. ft. in size

mounted on a sign “frame” nearly 1,100 sq. ft. in size. Planning staff recommends the applicant provide the Council with the area of the existing sign and that the Council evaluate whether the new sign is appropriate given its size.

We further recommend the Council require the applicant to provide information on any lighting that will be used for the sign and this information incorporated into the Plan of Record. At a minimum, the Zoning Ordinance requires any sign illumination to be steady/stationary.

Finally, Planning staff recommends the Council consider imposing a condition on any approval stating that the special permit is issued only to Hilton Hotel and is not transferrable with the exception of a transfer to an entity of which Hilton Hotel is the primary or principal owner.

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

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

On the petition by Adam Quinn, Quinn Management, Inc., 360 Route 101, Unit 4B, Bedford, New Hampshire 03110 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.29 and 18.3.4 to allow reuse of a portion of building for a 2,000 square foot Dunkin Donuts store at 130 Commerce Way. PUBLIC HEARING OPENED. A communication dated April 10, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Special Permit applications for 130 Commerce Way/Adam Quinn, Quinn Management, Inc.

Dear Council:

The Planning Department has completed its review of the above-referenced Petition, which proposes to reuse a portion of an existing warehouse facility (2,000 sq. ft.) located at 130 Commerce Way to build-out a Dunkin Donuts store pursuant to Sections 5.1 (29) (Restaurant, Fast Food) and 18.3.4 (Site Mitigation) of the Woburn Zoning Ordinances (WZO). The property is zoned Industrial Park Two (IP-2), which allows the requested use by City Council special permit. However, the proposal is also subject to Site Plan Review requirements (Section 12, see Notes to Section 5.1, Table of Use Regulations) but the application does not request that approval.

Planning staff offers the following comments:

- The proposed use requires both a special permit in accordance with Section 5.1(29) of the Zoning Ordinance as well as site plan review in accordance with Section 12 (see Notes to Section 5.1, Table of Use Regulations). The application references the required special

permit but does not specifically request site plan review/approval. Staff recommends the application/request be revised to incorporate all needed approvals.

- The 8.5"x11" sheets of paper depicting aerials of the site are no substitute for engineer-certified site plans. The Council should require full-sized, engineered drawings at a reasonable scale so that the proposed site changes can be evaluated for conformance with the Zoning Ordinance. Will the new parking spaces and parking lot aisle meet the minimum requirements? Will the additional thirteen (13) spaces along the northerly property line interfere with any truck deliveries to the remainder of the building or conflict with existing loading docks? How much narrower will the driveway around the building become when the new spaces are added along the northerly property line? Will that width provide enough room for two-way traffic including truck deliveries or should the traffic pattern be one-way with pavement markings and signage?
- Staff contact with both the Building Commissioner and City Engineer confirm that this project is subject to mitigation requirements (per Sections 18.3.3 and 18.3.4). To date, the applicant has not submitted a required Development Impact Statement with this application (per Section 18.5) nor has he yet spoken with the Engineering Department on this topic. Staff recommends the Council require this submission immediately so that it can obtain feedback from the Engineering Department.
- The applicant's attorney cites generalized traffic data sourced from the Institute of Transportation Engineers Trip Generation Manual, which suggest traffic volume estimates of "90 vehicle trips during the morning peak and about 50 trips during the evening peak," mostly from existing pass-by traffic (the proposed fast food restaurant does not include a drive-through component). The generalized traffic data does not entail a specific traffic assessment of the 130 Commerce Way site specifically and therefore ignores the two significantly-sized development projects recently approved across the street and nearby (120 Commerce Way and 200 Presidential Way). We recommend a more detailed traffic assessment be conducted in conjunction with the Development Impact Statement referenced above and in consultation with the City Engineer.
- A total of twenty-four (24) parking spaces are required for the site in conjunction with a fast food restaurant use (12 spaces/1,000 sq. ft. of net floor area), whereas a total of twenty-seven (27) parking spaces are proposed per the applicant's Exhibit B (the existing parking lot is to be re-striped according to the application). The application also contains an existing pavement/parking conditions plan (Exhibit C) which purports to "support parking for 60-70 vehicles in standard parking stalls." However, the application does not reference the remainder of the facility's uses and attendant required parking for those uses. Staff recommends the applicant be required to provide a complete analysis of the number of parking spaces required by the Zoning Ordinance for all of the various uses/tenants on the site as well as the number of parking spaces that will be provided. This information is critical to insuring compliance with the parking requirements of the Zoning Ordinance. The Council should also require that all approved parking spaces be

striped and marked in the field (the plan appears to show an intent to have both striped and informal unstriped spaces).

- The issue of trash storage and its regular pickup seems particularly important given that discarded food/packaging will compose a significant portion of the business's trash. Currently, the application does not contain any indication about the placement of an onsite dumpster or any information as to how often it will be serviced. Staff recommends this information be added to the plan for review and comment by the Fire Department since the Fire Department is the entity charged with regulating Dumpsters in accordance with Title 8, Article VII, Section 8-17 of the Woburn Municipal Code (general regulations for Dumpsters).
- The plan does not depict any snow storage areas. If a previously-granted special permit Plan of Record for this site shows snow storage areas, they should be added to this plan for the Council's information and for the record. If there are no previously-approved snow storage areas for this site, the applicant should be required to add them to the engineered plan for review.

Staff also recommends that the Council require the applicant to provide or complete the following prior to the Council's discussion of/decision on this application:

- Submission of an engineer-certified site plan indicating floor plans of the interior of the building. In addition to the general information such plans would provide, this information will help ensure compliance with any condition relative to the maximum number of establishments allowed on site and will permit an evaluation as to whether the proposed site plan meets the parking requirements;
- That the locations of all site lighting be added to the proposed site plan to ensure adequacy of security lighting that is shielded and arranged so as to prevent glare onto adjacent streets and properties (Section 8.5.1 and 8.5.2). The submitted plan provides none of this information.

Finally, staff recommends the Council consider imposing at least the following two (2) conditions on any approval of the application:

1. That, in accordance with Section 13.10.2.4, which specifies sign regulations for awnings in the IP district, the lettering for the proposed awning shall not occupy more than twenty (20) percent of the awning area;
2. That, unless authorized by a subsequent Special Permit, the hours of operation of this establishment must be 6:00 a.m. to 11:00 p.m. in accordance with Note 16 to Section 5.1, Table of Use Regulations.

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

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

On the petition by President Haggerty, Alderman Michael Anderson, Alderman Higgins, Alderman Tedesco, Alderman Mercer-Bruen, Alderman Gately and Alderman Campbell to amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new Section 5.2.1.5 as follows: "The maximum residential density on any parcel in all districts, except for B-D, shall not exceed 20 units per acre." PUBLIC HEARING OPENED. A communication dated March 28, 2018 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Proposed zoning text amendment to establish maximum residential density requirement of twenty (20) units per acre for all zoning districts except B-D (Downtown Business) District (Alderman Haggerty, Anderson, Higgins, Tedesco, Mercer-Bruen, Gately and Campbell)

Dear Mr. Campbell:

At a meeting of the Woburn Planning Board held on Tuesday, March 27, 2018, members of the Board voted unanimously (6-0-0) to continue the public hearing and discussion on the above-referenced petition to the Board's April 24, 2018 meeting at 7:00 p.m.

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

On the petition by Alderman Edward Tedesco to amend the 1985 Woburn Zoning Ordinances, as amended, 1. By deleting from Section 5.1.56 the words "private garage" and inserting in their place the words "any accessory building" so that the section reads as follows: "Any accessory building for use of residents of the premises"; 2. By adding to Section 5.1.55 under "Notes; other sections" the following: "Note 15"; 3. By deleting from Section 5.1, Note 15 the words "any private garage" and inserting in their place the words "any accessory building" and by deleting the word "per" and inserting in its place the words "pursuant to" so that the section reads as follows: "Any accessory building, attached or detached, to be constructed as an accessory use of the residents of the premises in excess of 900 square feet or with a garage bay door in excess of eight feet in height, shall require a special permit pursuant to section 11 of the City of Woburn 1985 Zoning Ordinance as amended. This note shall not apply to detached private garages in the S-2 Zoning District." PUBLIC HEARING OPENED. A communication dated April 11, 2018 with attachment was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Board recommendation on proposed zoning text amendments relative to accessory buildings and structures (Section 5.1)

Dear Councilors:

At a meeting of the Planning Board held on Tuesday April 10, 2018, members of the Board conducted and concluded a public hearing on the Order referenced above which was sponsored by Alderman Tedesco. The amendments would broaden the special permitting requirement to all accessory structures larger than 900 sq. ft. and/or with garage doors in excess of eight feet (8') in height. The amendment would revise two lines in Section 5.1, Table of Use Regulations as well as Note 15 to Table 5.1.

The Board supported the change sought by the Order, which is to ensure that all large-scale accessory structures – not just garages – are required to obtain special permits from the Council. The current ordinance is too narrowly worded to apply to structures other than garages, and some of those “other” structures if permitted would conceivably be no less objectionable than a garage of the same size.

Following the public hearing the members of the Planning Board voted unanimously to recommend to the City Council that it adopt the suggested amendments reflected on the attachment. The Board’s recommendation includes a number of additional revisions to the zoning sections currently under consideration. The revisions are reflected on the attachment and would do several things above and beyond accomplishing Alderman Tedesco’s intended purpose:

1. Replaces the word “building” with the more apt term “structure”. The Woburn Zoning Ordinance defines buildings as being above-ground and structures as being above *and* below ground; therefore, a swimming pool, which is a permitted accessory use, is a structure and not a building;
2. Inserts the term “security gatehouse” and uses the word “occupant” instead of “residents” to make it clear that lines 5.1(55) and 5.1(56) apply to both residential and non-residential accessory structures;
3. Amends the Table to authorize accessory structures 900 sq. ft. in size or less in the I-P, IP-2 and IG zoning districts. Taken together as currently worded, Section 5.1.55 and Note 15 combine to prohibit accessory structures less than 900 sq. ft. in size in these three districts; and
4. Deletes the existing exemption from the special permitting requirement for the S-2 zoning district. The last sentence of Note 15 exempts the S-2 District from the special permitting requirement. The amendments reflected on the attachment eliminate the need for Note 15 to Table 5.1 but if the Note is stricken the exemption is too. Deleting the exemption would conceivably affect the Inwood development (the only designated S-2 District in the City) which has relatively large 4-6 bay garages.

Losing the exemption may have no practical impact though because the Inwood garages are already constructed. However, any additional garages the owners may want to build in the future would have to obtain a special permit if they exceeded 900 sq. ft. in size or had doors taller than 8'. Even that may not be problematic though; if building a garage in the future would require Inwood to seek a modification of the previously-granted special

permit Plan of Record, the accessory structure special permit application process would require no additional steps.

Please feel free to contact me if you have any questions about the Planning Board's recommendation.

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

On the petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the 1989 Woburn Zoning Ordinances, as amended by adding a Section 31 Federal Street Smart Growth Overlay District (FS/SGOD) in accordance with the purposes of G. L. Chapter 40R as set forth in the petition. PUBLIC HEARING OPENED. A communication dated April 10, 2018 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed amendment to Zoning Map of the City of Woburn/Jamieson Properties LLC, 14 and 14R Federal Street, Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of my client Jamieson Properties LLC, I respectfully request that the public hearing scheduled for April 17, 2018 be continued to May 15, 2018. As you know, the City Solicitor issued an opinion to the City Council Committee on Ordinances on February 26, 2018 that certain steps, including a public hearing held by the Mayor, must be held before the City Council can take further action on this matter.

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

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

On the petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 14 Federal Street and 14R Federal Street containing approximately 11,325.6 square feet of land from the B-D zoning district to the FS/SGOD zoning district. PUBLIC HEARING OPENED. A communication dated April 10, 2018 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed amendment to Zoning Map of the City of Woburn/Jamieson Properties LLC, 14 and 14R Federal Street, Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of my client Jamieson Properties LLC, I respectfully request that the public hearing scheduled for April 17, 2018 be continued to May 15, 2018. As you know, the City Solicitor issued an opinion to the City Council Committee on Ordinances on February 26, 2018 that certain steps, including a public hearing held by the Mayor, must be held before the City Council can take further action on this matter.

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

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

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the appointment of Chris Irving as a Member of the Woburn Golf & Ski Authority, committee report was received "ought to pass".

PUBLIC SAFETY AND LICENSES:

On the petition by GameStop #3315 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".

On the petitions for renewal of Livery Licenses by Harmony Transportation Inc.; KPS Bhatti Inc.; and Checker Cab of Woburn Inc., committee reports were received "ought to pass".

On the petition by Checker Cab of Woburn Inc. for renewal of Taxi Cab License, committee report was received "ought to pass".

NEW PETITIONS:

Petition by Blues for Veterans Association, P.O. Box 6, Woburn, Massachusetts 01801 for a Special Event Permit to allow a music concert fundraiser at Library Field on September 15, 2018.

Petition by North Suburban YMCA, 137 Lexington Street, Woburn, Massachusetts 01801 for a Special Event Permit to allow a road race at Horn Pond and area streets on May 19, 2018.

Petition by St. Anthony Church, 851 Main Street, Woburn, Massachusetts 01801 for a Special Event Permit to allow a community and church festival on June 2, 2018.

Petition by The International School of Boston, 45 Matignon Road, Cambridge, Massachusetts 02140 for a Special Event Permit to allow a run and walk at Horn Pond on June 12, 2018.

Petitions for new Livery Licenses by Roman Limousine, Inc., 2 Gill Street; and Logan Way, 76 Mill Street #4.

Petition by Woburn Cab Co. Inc., 100 Ashburton Avenue for renewal of Taxi Cab License.

Petition by James Nadeau, 78 School Street, Woburn, Massachusetts for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1 Note 16 to construct a detached garage with doors having a height of eight (8) feet six (6) inches at 78 School Street.

COMMUNICATIONS AND REPORTS:

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

Re: Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of the Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of January 1, 2018 thru March 31, 2018.

There have been no properties that have required any action within the time frame specified above.

If you have any questions as always do not hesitate to contact me.

s/Thomas C. Quinn, Jr., Building Commission, City of Woburn

A communication dated March 22, 2018 was received from Paul D. Steman, District Highway Director, MassDOT, 519 Appleton Street, Arlington, Massachusetts 02476 as follows:

Dear Mr. Campbell:

This is in response to your letter of March 9, 2018 regarding traffic signal operations at the entrance to Woburn Foreign Motors, 394 Washington Street, and queuing of vehicles through the area. I understand the City Council is requesting a meeting to discuss the issue in more detail.

There is an adaptive signal system comprised of six locations on Washington Street, Mishawum Road and Commerce Way. MassDOT has been working closely with the City Engineer, the developers of the Woburn Landing and Woburn Foreign Motors projects, and Ocean State Signal of Smithville, RI, supplier of the adaptive signal system, over the past few years to implement, maintain and adjust the system. Admittedly, there have been traffic flow and queuing problems at various times, which the parties have addressed to the extent possible.

Woburn Landing is constructing their improvements in two phases. Phase I, an interim condition, has been completed. It provided for the installation of the adaptive system and the integration of the Woburn Foreign Motors signal work into the system. Phase II of the project will include the widening of Washington Street at the I-95 Northbound Ramps and Tower Park Drive to provide a second left turn lane onto the ramp. Also included will be minor reconstruction of the traffic signal to ensure it functions properly with the new lane configuration. It is anticipated once Phase II is completed that traffic flow will be greatly improved with decreased chances of queuing.

I suggest holding a meeting upon completion of Phase II of the Woburn Landing project, if necessary. Please rest assured that MassDOT will continue to work with the City and the developers to improve traffic operations in this area. Should you have any further questions on this matter, please contact me.

Sincerely, s/Paul D. Stedman, District Highway Director

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, Section 11.6.12 Rooftop Dining in the B-D District be further amended by deleting 7(a) in its entirety and inserting in its place the following:

7(a). Not to exceed ten feet (10') in height. Equipment and structures associated with an elevator providing access to the rooftop area may be authorized by the Special Permit Granting Authority to exceed the height limitation in order to provide access to the rooftop dining to the extent reasonably necessary.

s/President Haggerty and Alderman Anderson

Motion made and 2nd to ADJOURN.