

**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, all in favor, 9-0.

Motion made and 2nd to suspend the rules for the purposes of taking the following four matters out of order, all in favor, 9-0.

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. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED with the condition as follows: 1. That the issuance of the Special Event Permit is conditioned on the filing of a liability insurance certificate by the petitioner, 8 in favor, 0 opposed, 1 abstained (Gaffney abstained).

Presented to the Mayor: April 19, 2018

s/Scott D. Galvin April 19, 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. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Presented to the Mayor: April 19, 2018

s/Scott D. Galvin April 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. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Presented to the Mayor: April 19, 2018

s/Scott D. Galvin April 19, 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. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

Presented to the Mayor: April 19, 2018

s/Scott D. Galvin April 19, 2018

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

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

A document was filed entitled "James L. McKeown Boys & Girls Club of Woburn 2017 Annual Carnival Report". Motion made and 2nd that the communications be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was James Haggerty, Carnival Chair, Boys and Girls Club of Woburn and he stated that the carnival will be held at the Showcase Cinema site from May 3, 2018 through May 6, 2018, that the carnival operator

is Dean and Flynn Fiesta Shows from Salisbury, Massachusetts, that this is the same carnival operator that they have used for the last forty years, and that the company is the biggest carnival operator in the state. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the condition as follows: 1. That the Planning Board recommendation be adopted as a condition of the special permit, all in favor, 9-0.

Motion made and 2nd that the following matter be taken out of order, 8 in favor, 1 opposed (Mercer-Bruen opposed).

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the petitioner seeks to alter a pre-existing nonconforming roof sign, that the property is located in the O-P zoning district, that the current sign is 57 seven feet wide by 19 feet high at its highest point, that the new sign will stay within these dimensions but will have larger surface area, that the current sign is curved and the new sign will have the corners squared off, that the word "Hilton" will appear on the sign, that the sign will be no wider or higher than the current sign but the area surface will increase due to the shape of the sign, that the light pattern will not change, that both the current sign and the new sign are lit by LED lights, that the lettering on the sign will be as shown on the plans filed at this meeting, and that the lights will not flash. Attorney Salvati offered plans entitled "Hilton, Woburn, MA" dated April 11, 2018 prepared by Lauretano Sign Group to the City Council for review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the plan of record shall be the plan entitled "Hilton, Woburn, MA" dated April 11, 2018 prepared by Lauretano Sign Group, and 2. That the lighting of the sign shall remain the same as the current lighting and the lighting shall remain steady, all in favor, 9-0.

Motion made and 2nd to return to the regular order of business, all in favor, 9-0.

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 April 17, 2018 was received from Attorney Mark Vaughan, Riemer and Braunstein LLP, 7 District Avenue, #800, Burlington, Massachusetts 01803 as follows:

Re: Special Permit Application/285 Locust Street Woburn Massachusetts

Dear William:

Please be advised that this office and the undersigned represent 285 Locust LLC (“Petitioner and/or Property Owner”), in connection with the captioned matter which is pending with the City Council and currently before the Committee on Special Permits.

Please consider this letter as the Petitioner’s respectful request for the City Council to continue the pending Special Permit hearing to May 1, 2018.

Thank you for your assistance, and please do not hesitate to contact me should you have any questions whatsoever.

Very truly yours, s/Mark T. Vaughan

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 1, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

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. A communication dated March 27, 2018 entitled “Woburn Public Schools Bus Routes 2017-2018” was received from Kerri Carpenter, Woburn Public School Department. A communication dated April 12, 2018 entitled “Authority for Submission of City’s Response to EFSB Tentative Decision” was received from City Solicitor Ellen Callahan Doucette. A communication dated April 12, 2018 entitled “NSTAR Electric Company d/b/a Eversource – Petition for Grant of Location under M.G.L. c. 166, §22” was received from City Solicitor Ellen Callahan Doucette. A communication dated April 11, 2018 entitled “Eversource Transmission Line” was received from Superintendent of Public Works John Duran. Motion made and 2nd that the communications be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was William Zamparelli, Community Relations & Economic Development Specialist, Eversource Energy and he stated that he thanked the City Council for continuing this matter to obtain further information. Chad Roland, Project Manager, Eversource Energy stated that the purpose and need for the project is for a strong electrical grid in New England, that ISO New England found a need for improvements to the grid in the greater Boston and Metro West areas, that one project identified to solve some of the issues is the 345 kV line from the Woburn substation to the Wakefield substation, that the Energy Facilities Siting Board (EFSB) approved the transmission line on February 28, 2018, that the transmission line will provide cost-effective solution to a power transmission reliability need, deliver greater levels

of power-import capability, contains costs and minimizes environmental and community impact by working in an existing right of way and roadways, will boost the regional economy with local jobs and increased property tax, supports regional economic health and demand for electricity for many years to come and provides enhanced storm resiliency, that the project length is 8.5 miles with 1.4 miles in Woburn, that the traffic management plans are under review by the city, and that the hours of work will be between 9:00 a.m. and 4:00 p.m. on Border Street, Cross, Street, Lake Avenue, Pickering Street and Washington Street and between 7:00 p.m. and 5:00 a.m. on Montvale Avenue. David Klinch, Epsilon Associates, Inc., 3 Mill & Main Place, Suite 250, Maynard, Massachusetts 01754 stated that there were two primary cables systems under consideration, that the high-pressure fluid cable system (HPFF) which has fluid constantly flowing to promote cooling and the cross-linked polyethylene cable system (XLPE) which does not have a fluid flow, that the XLPE will fit three lines which will meet the needs of the project, that the XLPE is less complex, less costly and easier to maintain, that there is a projected cost savings of \$34,000,000.00 to \$51,000,000.00 using the XLPE rather than the HPFF, that the HPFF would require additional land acquisition, that the HPFF requires two cables while the XLPE requires only one cable, and that there is only one supplier of HPFF. Robert Carberry stated that he is an electrical engineer retired from Eversource Energy a few years ago, that the proposed underground transmission line will completely shield the electric field, that magnetic fields are not shielded by the earth or surrounding materials but decrease in magnitude with increasing distance from the source, that people are exposed the magnetic fields (MF) by everyday sources which are sometimes higher than a transmission line but for shorter periods of time, that the MF of this transmission line will be far below established science-based guidance limits on MF exposure, that Stoneham and Winchester hired an EMF expert who concluded the project would not harm human health, that the International Commission on Non-Ionizing Radiation Protection (ICNIRP) established a health-based standard of 2000 milligauss for both short-term and long-term exposure, that the World Health Organization (WHO) endorses the ICNIRP standard. Sean Shortelle, Community Outreach Group, Eversource stated that the petitioner has done outreach in the neighborhoods and with stakeholders since the last meeting, that the petitioner has met with municipal and State officials, property owners, tenants and businesses, that the petitioner held an open house in April 2015 in the Council Chamber at Woburn City Hall, and that construction updates will be posted regularly on the project webpage including city and town specific traffic management plans. Mr. Roland stated that the petitioner would now address questions raised in previous meetings. As to the difference in EMF between a 115 kV transmission line and a 345 kV transmission line, Mr. Carberry stated that the problem to be solved is a 345 kV problem and a 115 kV transmission line would not be a solution in any event, that comparing the two lines if 200 amps are transmitted through both the 115 kV line and the 345 kV line the EMF will be three times greater in the 115 kV line, that the everyday use in the 345 kV line in the early days will be 200 amps, that the 345 kV line could be three times the operating capacity of the 115 kV line but the EMF of both would be equal, and that the capability to move power through the 345 kV line is three times higher than the 115 kV line but the EMF remains similar in both. As to the effects of the EMF on the infrastructure, Mr. Carberry stated that the lines will be in plastic ducts sealed in concrete, that there is potential for corrosion if a direct current (DC) made its way to the city infrastructure, that this system uses alternating current (AC) not DC and therefor there is no corrosive effect, that there will

be no interference with the fiber optic transmission lines, that Stoneham and Winchester hired a consultant and the petitioner hired a consultant, that the independent consultant stated that there were no health effects with this project, that a report of the consultant was filed with the EFSB and the consultant would have testified in person and perhaps by other discovery methods, that the transmission lines do not cause an audible vibrating sound, that this vibrating sound occurs by water and other contaminant on the line but does not occur with an underground line, and that the noise is caused by water being spit off the lines during wet weather. Mr. Roland stated that there is no hum or vibration with an underground line. Mr. Carberry stated that the vault is a location where the two lines are connected, that there will be no hum or vibration in the vaults. Alderman Campbell stated that there is not a simple connection at the vaults, and that people in the electrical industry have stated that there will be a hum or vibration. Mr. Carberry stated that he has been an electrical engineer for 41 years, and that the humming or vibration does not happen. Alderman Campbell asked Mr. Carberry if he disputed the WHO statement that only 3% of the world is impacted by an EMF of this level and that Woburn will now be part of this group. Mr. Carberry stated that this information is based on a 2007 report and further studies have not confirmed the health effects. Alderman Campbell stated that a California Public Utilities Commission study indicated that some health effects are evidenced at levels of EMF but that the study was unable to state at what level human cells begin to be affected by EMF. Mr. Carberry stated that the utility company does not do studies and put them in scientific literature but relies on peer reviews of these issues, that there have been more than 100 studies back to the 1980s and that others may state that cancer is caused by EMF but the peer review groups have indicated that EMF is not a cause of cancer. Alderman Gately asked how much data there was on these types of lines that are located in substandard streets with 30 to 40 foot chambers installed in the roadway, whether there is a place that the Aldermen can visit and stand on the chambers, and that these units should not be placed under a substandard road. As to tax implications, Mr. Roland stated that based on preliminary estimates the city will receive approximately \$500,000.00 in the first year the line is installed. As to mitigation funds, Mr. Roland stated that the petitioner is a regulated utility with a duty to serve, that mitigation is provided near the projects, that the petitioner will mill and overlay the effected streets with new asphalt, and that a field engineer will be assigned to the project. Alderman Concannon stated that a concern is the impact on existing utilities, that he wanted to know what conditions of the utilities will be addressed, and that if an existing utility is in need of repair due to it being near the end of its useful life would the petitioner repair the utility or leave it in that condition. Mr. Roland stated that if the petitioner damages the existing utilities the petitioner must fix the utility, that if the petitioner has to move an existing utility they will do so in consultation with the city, and that if an older pipe must be moved this section of the pipe will be replaced. As to what are the construction plans, Mr. Roland stated that the city has a copy of the plans on file, and that there could be an open house where the plans will be available. Mr. Roland offered a document entitled "Eversource – Station 211, Woburn to National Grid Wakefield Substation 345kV Line – Issued for Construction " prepared by Black & Veatch Corporation dated 09/08/15, revised 03/20/17, revised 09/11/17, revised 01/26/18 to the City Council for review. Motion made and 2nd that the plan be received and made part of the record, all in favor, 9-0. Motion made and 2nd that the plan entitled "Eversource – Station 211, Woburn to National Grid Wakefield Substation 345kV Line – Issued for Construction " prepared by Black & Veatch Corporation dated 09/08/15, revised

03/20/17, revised 09/11/17, revised 01/26/18 be scanned and posted to the city's website, all in favor, 9-0. Mr. Roland stated that the petitioner can send a PDF of the plans which will eliminate the need to scan the document. As to why either Interstate Route 93 or Route 128 were not used, Mr. Klinch stated that MassDOT has utility accommodation policy, that transmission lines are not permitted in a travel lane on a limited access interstate highway, that this is a hard no by MassDOT, that MassDOT does allow some installations in the right-of-way but not in the travel lanes, that the petitioner would have to obtain some private land to accommodate such an installation, and that such a route would cost more and require construction through rock and ledge. As to the question whether there are alternatives that would allow installation on an overhead line, Mr. Klinch stated that there are overhead lines out of the Woburn substation but there is no direct line from the Woburn substation to the Wakefield substation, that the line could go from the Woburn substation into Reading and onto the Reading Municipal Light right-of-way and then go back underground through Wakefield to the Wakefield substation, that these alternatives were presented to the EFSB but were not found as good or comparable as the preferred route, that these are long and circuitous routes with work in the roads in Reading and Wakefield, that the costs per mile for underground, overhead and transitioning from underground to overhead have been estimated, and that the line would be longer overall at eleven to twelve miles by using the existing overhead wires. Alderman Campbell asked whether he thought the EFSB believed Woburn was in support of the proposal and therefore did not give consideration to the other routes. Mr. Klinch stated that this would be conjecture. Jamil Abdullah, Lead Engineer, Eversource Energy offered a plan entitled "NSTAR Electric Company d/b/a Eversource Energy, New England Power Company d/b/a National Grid, EFSB 15-04/D.P.U. 15-140/15-141, Attachment CUR-1-29g)(1) showing transmission lines to the City Council for review. Motion made and 2nd that the plan be received and made part of the record, all in favor, 9-0. Mr. Abdullah stated that there is a short 345 kV transmission line outside the Bourne substation and in four other sections in Massachusetts, that the other four sections are in substations, that one section exits the substation and then goes overhead, that there are several double cable systems in Connecticut, and that the Bourne transmission line is .07 miles long. Alderman Campbell stated that there appear to be four lines within a substation and one short length of line in Bourne but not one of comparable length that the city could look at. Mr. Abdullah said there is not a line of comparable length. Mr. Roland stated that he is not aware of any 345 kV transmission line that has been denied in New England. Mr. Abdullah stated that there are not projects with a 345 kV transmission line under construction yet. Alderman Concannon asked if this project is a good idea he wanted to know why it had not been constructed elsewhere yet. Mr. Abdullah stated that there are different factors that resulted in this solution to the issue, that the last large scale project was a 22 mile double circuit and 14 single circuit transmission line through Stoughton, and that the line is a 345 kV underground cable. Alderman Campbell stated that the EFSB website indicated that the Stoughton line was 115 kV, and that Mr. Abdullah just stated that there were no 345 kV projects under construction. Mr. Abdullah stated that these are fluid filled pipe type cables, and that this was the last significant project. Alderman Campbell stated that this is different this is a different technology and the Woburn project would have a higher EMF. Alderman Anderson asked how many miles of overhead cable go through Woburn. Mr. Roland stated that he does not have that information available. As to the question of the estimate cost to bury the transmission line as opposed to an overhead route, Mr. Roland stated that there is

not a comparison of an overhead route versus a line buried underground. As to the impact on the Scalley Dam, Mr. Roland stated that the project does not go under the Scalley Dam, that the line goes under the culvert, that the Department of Public Works and City Engineer asked to have the line moved off Lake Avenue and to go between the roadway and the Scalley Dam, that the petitioner is looking at that alternative, that the current plans are for the transmission line to go through the culvert under the roadway, that this would be the same line but underground, and that there are construction methods with horizontal drilling that will allow installation to go under obstacles such as this. Alderman Gately stated that the plans submitted show the work going under the roadway, that the Superintendent of Public Works was brought into the project review recently, and that the Superintendent of Public Works should have been brought into the process earlier. Mr. Roland stated that the petitioner met with the Superintendent of Public Works John Duran many times, that Superintendent Duran made the request to move the line in January 2018, and that the survey was completed after the nor'easter storms. Alderman Gately stated that the plans have been changing. Mr. Roland stated that the petitioner had to present something to get the discussion moving, that the plans were submitted in December 2017, and that the petitioner has been discussing the plans with Superintendent Duran since that time. As to the question of protection of the existing utilities, Mr. Roland stated that an engineer will be on board, and that there will be a determination as to the existing utilities. President Haggerty asked how the city can be certain that improvements in the future can be made safely with the transmission line in place. Mr. Roland stated that this is part of the discussion with the Superintendent of Public Works and the City Engineer as to what they want to assure future access to existing utilities, and that there will be instances when the city's utilities may be above or below the transmission line. Alderman Anderson stated that once a right in a way is granted other utilities can often use the same line for other utilities and he wanted to know if that was the case here or if the grant of right in a way would be exclusive to Eversource. Mr. Roland stated that he would have to obtain further information to answer that question. As to the question of installing the vault in Pickering Street, Mr. Roland stated that there will have to be an engineered plan reviewed by the City Engineer before work can take place, that the petitioner will not relocate and reuse an aging existing line, and that in that case a new replacement will be installed. As to the potential impact to foundations of homes along the route, Mr. Roland stated that a typical cross-section has little vibration, that if rock is encountered there will be more vibration, and that landowners can request preconstruction photo or video documentation to document preconstruction conditions. As to the impact of the project on the surface temperature of the road above the lines, Mr. Roland stated that the change in temperature would be negligible, and that the lines will be deep enough to make any change in temperature negligible. As to the question of impact on the roadway integrity, Mr. Roland stated that the impact would be negligible because of the depth of the line. As to the work schedule, Mr. Roland stated that the schedule is not certain but construction will last approximately ten months, and that it will depend on the conclusion of the grant of right in a way process, weather and other factors. President Haggerty stated that the construction schedule is important to know whether a resident will be impacted for two weeks or two years. Mr. Roland stated that the entire 8.5 mile construction route is projected to be twelve to fourteen months in total, that manholes will be installed and then the duct bank will be installed between the manholes, that different situations will have different timelines, and that twenty to 40 feet installation per day is typical. President Haggerty stated that he wants

to know how long each street will be impacted during construction, and that he wants an estimate of the impact on each street. Alderman Higgins stated that she would prefer a visual presentation of the timeline. Mr. Roland stated that Mike Hager of Eversource Energy will be the new Project Manager for the project. President Haggerty stated that the petitioner should be prepared to answer constituent questions at the end of the meeting. Alderman Mercer-Bruen stated that she is frustrated with this presentation, that the presentation is not different than the earlier presentation, that answers to questions have been vague, that the City Council has not received input from the Superintendent of Public Works or the City Engineer and always receives such input on grant of right in a way petitions, that the outreach by the petitioner has been weak, that the members of the public are at this meeting because of the efforts of the Alderman notifying the residents, that she is frustrated why the other right of way solution is not better and it appears to be profit over people, that rather than fixing existing utilities the petitioner should use the money for the longer route, that only the petitioner's representatives are stating there will be no health issues, and that the plan presented to the City Council to vote on will not likely be the plan actually used. Alderman Tedesco stated that he want to know the status of the grant of locations in Stoneham, Winchester and Wakefield. Mr. Roland stated that Winchester has not approved the project yet. Alderman Concannon stated that it was mentioned there will be agreements with the Superintendent of Public Works and City Engineer about work to be done, that he asks if the petitioner understands that the Superintendent of Public Works and City Engineer have veto authority, and that if the Superintendent of Public Works and City Engineer say that something has to be replace with new material then it must be replaced with new material. Mr. Roland stated that those are big terms, hat each situation has to be taken case by case, that the parties must work as a team to find solutions, that he cannot state if the city will have final say on what infrastructure work is done, that there are common solutions, that a section near a duct bank that needs to be replaced will be replaced, and that he cannot commit to a statement than any industry standards would be followed in all instances. Alderman Higgins stated that she wants to know the length of the line each of the other communities. Mr. Roland stated that the Wakefield line will be constructed by National Grid, that they anticipate obtaining the grant of right in a way in the next month or two, and that the grant of right in a way has not been obtained yet. Alderman Higgins stated that the Superintendent of Public Works asked for information and the City Council asked for information a month ago, and that the information provided should not be delayed. Mr. Roland stated that there were two instances with test boring data that he thought had been submitted to the Department of Public Works but had not been submitted. Alderman Gately stated that there will be trouble during construction as many of the city's underground utilities are older, that the water lines are at the same depth as the proposed transmission line, that the city has to protect the people, their land and their health, that the City Council will not be doing its job if this project is allowed as is, that his is not a project affecting a few houses but a large project affecting the lower end of the city, and that even the plan now is different than the plan from three weeks ago. PUBLIC COMMENTS: Brian Carpenter, 70 Washington Street stated that everything he has heard tonight says this is industrial infrastructure that does not belong in the neighborhoods, that the existing underground utilities are up to sixty years old, that there will be interruptions and costs to homeowners, that it is not right to put the transmission line underground, that the EMF is a real issue, that children of the city became sick because business was allowed to do what it wanted in the past, that having this transmission line is

not good, that this is a money issue for the petitioner, that there are alternatives, that MassDOT does not want the transmission line under their travel lane, that Washington Street is a travel lane, that he asks why the transmission line can be installed in Washington Street but not in the highway, and that it is better to install the transmission line along the existing easement for three additional miles rather than bury the line under neighborhood streets. William Ladas, 216 Montvale Avenue stated that he is concerned about how city officials will vote on this issue, that he is concerned about the safety of the children and how the Aldermen will vote, and that this project will affect the children in the schools. Cassy Wilson, 30 Lake Avenue stated that her house is ten to twelve feet from the road, that she asks what the EMF will be at her home which is less than twenty feet from the street, that she asks how this will affect people in lower levels of houses below grade such as the hum, vibration or otherwise, that if the homes are harmed who will be responsible after for the financial burden, that she asks whether there will be a cap on how much money will be available to make repairs, and that she wants to know how close the petitioner's other lines are to houses to make a true comparison as to the effect on those houses. Phyllis Mahoney, 5 Lee Road stated that the city should have an independent specialist to determine the effects of the transmission line installation, that there should be an analysis of using shielding designs to lower the EMF, that there have been enough occurrences of cancer in Woburn residents, that Woburn should not be subjected to an experiment, that the Mayor should hire someone to do this work, and she asks what the city gains from this project. Robert Borelli, 17 Green Street stated that if the transmission line is installed it creates a battery effect which will corrode any pipes near the line, that it will cost more than \$500,000.00 to repair everything that is corroded, and that when he does a project at his house he must have a definitive plan to obtain the permit but the petitioner does not have a definitive plan of the proposal. Sandra Nestor, 66 Washington Street stated that the petitioner continues to study the project but wants to begin construction in the Summer 2018, that the only positive benefit of the project is to the petitioner, that there will be no savings because the residents have to pay for the project, that she did not hear about this project earlier, that she saw signs in Winchester but was not aware the project would be passing through Woburn as well, that any possibility of cancer occurring is not acceptable, that the vault is bigger than a manhole cover, that this is an enormous project, that the impact on Washington Street will be great, that the project will also impact the side streets and access to Winchester hospital, that the city does not need the project, that the petitioner's representatives have not been able to answer many questions at this meeting, and that this is not a good project. Claire Murphy, 5 Pickering Street stated that her property is fifteen feet from the center of the street, that she has no confidence in the studies as they have not been done for the people who will be affected but for businesses, that she has committed her life to the city and the community, and that the residents should be able to live in peace and comfort and with the knowledge of not jeopardizing their lives. Debbie Gerety, 47 Washington Street stated that the project impacts her home, that her home is across the street from a park, that the vault will be across the street from her house, and that the petitioner did soil testing including jack hammering at 2:00 a.m. Sue Klawans, 7 Pickering Street stated that her house is less than 20 feet from the center of the street, that the petitioner discussed sixteen criteria for route selection at the last meeting but these did not include human health and safety, that the city can look at what Connecticut put in place to protect residents, that there is a statute in Connecticut that controls where transmission lines can be placed, that Connecticut also has a requirement of

what EMF was calculated and what was seen after construction is completed, that she wants to know who will be accountable for injuries that may occur once the line is installed, that only a small amount of the world is exposed to these levels of EMF, that the Environmental Protection Agency states research cannot confirm or not the effect of EMF on health and therefore recommends limiting exposure, and that she is unable to limit her exposure if the transmission line is installed in the ground outside her house. Joseph Schena, 71 Washington Street stated that he has lived in his home over fifty years, that he tries to protect his family, and that he does not want this to be the next Grace project. Dennis Scott, 21 Washington Street stated that he has been a resident of the city for 64 years, that the Mayor supports this project, that the City Council does not want to vote for this because of the issues that may arise in the future, that he wants to know how the power gets to Wakefield, that the XLPE costs less money and the HFPP is more expensive, that the petitioner should spend the extra money, that if the transmission line is not installed there will be no EMF exposure, that Washington Street is a State road and can be used for the project but the highway cannot be used, that if damage is done to the water line this could result in brown water as there was in the past, that all of the water lines under Washington Street are original lines and every break will cause brown water, that he wants to know how EMF is detected, that downstairs in his home is 25 feet from Washington Street, that he wants to know if an EMF detector can be purchased like other hazard detectors in houses, that a number of basic questions cannot be answered by the petitioner's representatives, that the City Solicitor said the city should accept the project, and that the city should use any method available to protect the public and not save the money for Eversource. Paula Murphy, 22 Lake Avenue stated that her house is fifteen feet from the street, that her children are playing in her yard they will be next to the vault, that when the students wait for the school bus they will be standing on the vault, that history is littered with what turned out to be bad decisions as things evolved, that the city should not repeat the past, that the city has benefitted by business with jobs and revenue but has had costs in lives, and that the city must look at the social and cultural torture this city has suffered. Kevin Connolly, 6 Pickering Street stated that he is a lifelong resident of the city, that he will have a vault on his street, that his house is seven feet from the curb line, that other houses in the area are equally close to the street, that there is safer technology but it is more costly, that the experts will say the EMF risks do exist or do not exist, that the city should err on the side of caution, that the benefit of the project is to New England but not to Woburn, that the preferred route was on Green Street but it was changed to Pickering Street, that the EMF on Green Street would affect the Shamrock School and the Goodyear School, that the residents can deal with the construction and impact on home values but it is difficult to deal with the impacts of EMF, and that if the city can prevent a situation that is unneeded and exposes the residents to EMF then the city should. Rachel Willett, 23 Lake Avenue stated that she wants to know who was notified of the open house in 2015, that she has lived in her home for twenty years and was not notified, that she is not aware of the petitioner knocking on doors in the neighborhood, that the only notice she has received was from the Alderman and from the city, that if the petitioner had responsibility to notify the residents then they should demonstrate how they complied, that she wants to know if the fluid filled system is being used in Wakefield, that she is concerned about an explosion underground and the impact on other utilities and otherwise, and that she wants to know who has final say if the project will move forward. Alderman Campbell stated that if the petition is denied the matter would likely go to the utility board and ultimately to court, and that the City Council

has a lot of authority. Ms. Willett stated that the information provided by the petitioner at this meeting was the same as last month. President Haggerty asked if the petitioner has answers to the questions raised by the residents. Mr. Roland stated that the petitioner would like time to compose answers and provide the answers at the next meeting. Alderman Campbell stated that there is no need for another meeting, that she wants to close the public hearing, that the City Council has obtained sufficient information to make a decision, that the petition should be denied for many reasons, that she has prepared a list of 45 reasons to deny the grant of right in a way, that not all of the reasons concern EMF but this is an issue, that she is disappointed that 90% of the information presented at this meeting was presented at the last meeting, that she appreciates the answers to the questions provided by the petitioner, that the Superintendent of Public Works said that he did not get answers to his questions and the location of the line near the dam is now changing, that breaches at the dam have caused over \$26,000,000.00 of damage in Woburn and Winchester over the years, that damage to the dam caused by this project could cause property damage and personal injury, that holding another meeting will not result in answers because the plan is not ready, and that if the petitioner gets more information then they can come back with a new petition. Alderman Tedesco stated that he does not see how the findings can be made on the impact on the underground utilities without comments from the Superintendent of Public Works. Alderman Higgins stated that she also wants to see a report from the Superintendent of Public Works, that she wants more time to review the proposed 45 reasons that they are correct, and that she would have liked to receive this information earlier. Alderman Campbell stated that she could not give the information earlier to avoid Open Meeting Law issues, and that the City Council can take the next twenty minutes to review the reasons. Alderman Mercer-Bruen stated that she agrees that the City Council should move forward with the vote, that this process is wearing down the residents, that the Superintendent of Public Works said that more information is needed, and that she wants to be certain there is support for the vote. Alderman Anderson stated that there is no need to rush the decision, that he wants there to be a good record, that he does not want to close the public hearing, that any decision must stand up to strict scrutiny, and that the matter is under appeal in other communities. Alderman Concannon stated that if the local community makes a decision that cannot be defended the city will lose, that any denial should be done carefully and not present areas that can be challenged, that the City Council should tread lightly and do this in the right way before closing the public hearing, and that the public hearing is not ready to be closed. President Haggerty stated that he is not prepared to close the public hearing, that he wants a decision that can be defended, and that he supports the residents but the City Council must do this right. Alderman Campbell stated that the City Council must make certain that the reasons for denial are not arbitrary or capricious. Motion made and 2nd that the proposed reasons for denial prepared by Alderman Campbell be made part of the record, all in favor. The list of proposed reasons for denial of the petition for a grant of right in a way prepared by Alderman Campbell was as follows:

Eversource – Reasons for denial

Motion that based on the general discretion of the Woburn City Council and the following specific reasons, the Woburn City Council hereby denies the petition by NSTAR Electric Company d/b/a Eversource Energy for a grant of right in a public way pursuant to Massachusetts General Laws Chapter 166, Section 22 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 2,275 linear feet), and Montvale Avenue (approximately 2090 linear feet) (hereinafter “the Project”):

1. A portion of the Project will be constructed under the Horn Pond Brook at the Scalley Dam.
2. The roadway at the Scalley Dam has been subject to settling during washouts.
3. The Scalley Dam has been reconstructed a number of times over the years to ensure the integrity of the dam to protect the safety and welfare of the residents and property owner downstream from the dam.
4. The most recent reconstruction of the Scalley Dam was completed in 2017 at a cost of approximately \$1,000,000.00.
5. Past breaches of the Scalley Dam have caused millions of dollars of property damage in Woburn and Winchester over the years.
6. Further breach of the Scalley Dam caused by construction of or the impact from the operation of the 345 kV transmission line over time may result in additional property damage as well as potential personal injury.
7. Even during the 2017 reconstruction of the Scalley Dam a breach occurred that indicates the uncertainty of the stability of controlling the flow of water from Horn Pond to the Horn Pond Brook downstream.
8. The 2017 reconstruction of the Scalley Dam was performed to address known risks to future deterioration of the dam based on existing conditions at the time of construction.
9. Plans provided by Eversource do not include construction details including the impact of the 345 kV transmission line on the Scalley Dam or other infrastructure.
10. Possible breach of the Scalley Dam could cause millions of dollars of property damage in both Woburn and Winchester.
11. A breach of the Scalley Dam in the future would undermine Lake Avenue and any infrastructure under the roadway including the 345 kV transmission line.
12. The area of the Project on Lake Avenue is a heavily used passive recreation area with hundreds of pedestrians walking along the street on any given day.
13. A parking lot that is used for access to the Horn Pond recreation area is along the route of the Project.
14. Lake Avenue is a heavily traveled roadway connecting Woburn with Winchester and Arlington.
15. Many passenger vehicles and commercial vehicles, including tractor-trailer trucks, pass along Lake Avenue each day.
16. The extended period of construction and future maintenance work on the Project will cause disruption in the flow of traffic, impact residents and pedestrians, and be a continuing source of such disruption as the ground is dug up to make repairs as needed.
17. Pickering Street is a narrow street with small house lots and numerous residences constructed with little or no setback from the street.

18. The construction and future maintenance of the Project will cause severe disruption and annoyance for the residents and property owners along Pickering Street and will prohibit the flow of vehicles along the roadway and access to the homes.
19. Border Street is a narrow street with small house lots and numerous residences constructed with little or no setback from the street.
20. The construction and future maintenance of the Project will cause severe disruption and annoyance for the residents and property owners along Border Street and will prohibit the flow of vehicles along the roadway and access to the homes.
21. The water lines, sewer lines and other underground infrastructure in the area of Lake Avenue, Pickering Street and Border Street will be disturbed and could be jeopardized by the extensive construction and future maintenance of the Project.
22. The areas of Lake Avenue, Pickering Street and Border Street are among the oldest settled areas in the city and the extensive construction and maintenance of the Project could jeopardize the integrity of the many homes and buildings along the roadways which have rubble stone basements and older construction methods.
23. The water service from the pumping station to the city passes along Lake Avenue.
24. The Project runs along Washington Street which is a heavily traveled corridor connecting Woburn and Winchester.
25. Ambulance service uses Washington Street for access to Winchester Hospital on a constant basis.
26. Upon completion of the widening of Washington Street and Montvale Avenue, the Washington Street corridor will absorb additional heavy traffic volume.
27. Upon completion of the widening of Washington Street and Montvale Avenue, the Montvale corridor will absorb additional heavy traffic volume.
28. The intersection of Washington Street and Montvale Avenue is one of the most congested intersections in the city.
29. Montvale Avenue is a heavily traveled roadway connecting Woburn to Interstate Route 93.
30. The proposed transmission line will be constructed along Montvale Avenue including the section that passes over the Aberjona River.
31. The proposal to excavate in, around and/or under the Aberjona River would have a negative impact upon the city of Woburn. It is well-established that the sediment in and around the wetlands and riverbed of the Aberjona river is potentially contaminated as a result of the numerous Superfund sites in the area. The disruption and movement of this potentially contaminated settlement prohibits approval of the proposal.
32. The line of the Project on Washington Street will pass an established playground with baseball fields, football fields, a street hockey rink, a seasonal swimming pool, children's playground equipment and is a place of gathering for children and their families year round.
33. The construction and future maintenance of the Project along Washington Street will severely disrupt travel and cause additional inconveniences and annoyances to the residents and traveling public along the roadway.
34. The construction and future maintenance of the Project along Montvale Avenue will severely disrupt travel and cause additional inconveniences and annoyances to the residents and traveling public along the roadway.

35. The majority of the Project will run through single and two family residential neighborhoods.
36. The impact of the electromagnetic field (EMF) emitted from the Project creates public health concerns.
37. In the final decision of the Energy Facilities Siting Board (EFSB), the EFSB ordered Eversource to continue to evaluate the mitigation of the EMF indicating that the mitigation proposed to date is not sufficient to alleviate public health concerns.
38. In the final decision of the EFSB, the EFSB recognized the existing EMF impact from construction and operation of the Project.
39. The property value of residences along the route of the Project may be diminished due to the location of the Project.
40. The vaults along Lake Avenue, Pickering Street, Washington Street and Montvale Avenue will have high levels of EMF exceeding those determined to have effect on human health by the World Health Organization.
41. The 90° turn at the intersection of Lake Avenue and Pickering Street will have high levels of EMF exceeding those determined to have effect on human health by the World Health Organization.
42. The 90° turn at the intersection of Pickering Street and Border Street will have high levels of EMF exceeding those determined to have effect on human health by the World Health Organization.
43. The 90° turn at the intersection of Washington Street and Montvale Avenue will have high levels of EMF exceeding those determined to have effect on human health by the World Health Organization.
44. The evidence presented including plans, documents and testimony at the public hearing shows a significant incommoding of the public during construction and future operation of the 345 kV transmission line and therefore the petition for a grant of right in a way must be denied.
45. Although the review of the petition for a grant of right in a way by the City Council is limited to the incommoding of the public and that the plans, documents and testimony provided as evidence clearly demonstrates a significant incommoding of the public during construction and future operation of the 345 kV transmission line, the City Council noted during testimony by the petitioner that a route along an existing utility easement controlled by the petitioner exists which would relieve that public of the significant incommoding presented in the proposed petition for a grant of right in a way.

Alderman Campbell stated that if there is no support to close the public hearing then the hearing should remain open, and that the City Council should take steps to be certain the decision is as tight as possible to be successful in court. Alderman Gately stated that he wants to close the public hearing but wants to be certain the City Council is in a position to defend the appeal, that he will not support the project, and that as a member of the City Council he is the judge of the impact of the project on the city. Alderman Higgins stated that she wants the proposed reasons to be available to the public. Motion made and 2nd that the proposed list of reasons for denial be posted by the City Clerk, all in favor, 9-0. Alderman Mercer-Bruen stated that there needs to be guidelines, that the petitioner has to present answers and the City Council has to be ready to act by the next meeting, and that if the Superintendent of Public Works does not receive the information requested from the petitioner he has to say the

project is not recommended because of lack of information. Alderman Gaffney stated that if the public hearing was closed he would vote to oppose the project, and that the City Council must follow due process and be certain the information available will withstand scrutiny on appeal. Alderman Tedesco stated that if the Superintendent of Public Works said he has not received the information requested by the next meeting he would be ready to act at that time. Motion made and 2nd that a communication be sent to the towns of Winchester and Stoneham to request if there is an executive summary of the EMF report that they can share with Woburn, all in favor, 9-0. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING ON MAY 1, 2018, all in favor, 9-0. Motion ma

Motion made and 2nd for a two minute recess, all in favor, 9-0.

President Haggerty called the meeting back to order.

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

A communication dated April 17, 2018 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Correction to Planning Department's recommendation letter relative to special permit application for Dunkin Donuts at 130 Commerce Way

Dear Council:

Please be advised that the Planning Department's April 10, 2018 recommendation letter to you on the above-referenced subject contains a factual error.

The Department's comment letter stated that the applicant did not request Site Plan Review from the City Council which review is required for this type of development in addition to a Special Permit.

Please be advised that although Section 11 (Site Plan Review) is not mentioned on the application form itself, the developer's legal counsel did specifically include a reference to the need/request for Site Plan Review in her March 15, 2018 letter to President Haggerty which was part of the application package.

We apologize for any inconvenience/confusion our oversight may have caused you or the applicant.

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

A communication dated April 17, 2018 was received from Attorney Pamela J. Brown, Brown & Brown, P.C., 110 Great Road, Bedford, Massachusetts 01730 as follows:

Re: Dunkin Donuts Proposal – 130 Commerce Way – Continuation Request

Dear Mr. Haggerty & Members of the Council:

On behalf of Quinn Management Inc., we hereby request a continuation of the hearing scheduled for this evening. We are in receipt of the Planning Board's request for additional information and engineered site plans. In addition, Dunkin Donuts is changing their image and we will have revised elevations. While we had originally hoped this would be a first meeting to introduce the plan for a Dunkin Donuts at 130 Commerce Ave., we feel your time is better spent if we defer until we have a more complete permitting package for your review.

We look forward to presenting the proposal at an upcoming meeting of the City Council in mid-May.

Best Regards, s/Pamela J. Brown, Esq. FAICP

Motion made and 2nd that the communications be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING

be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 15, 2018, all in favor, 9-0.

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Alderman Anderson stated that he is working with the Planning Director and the City Solicitor to tighten the language of the proposed ordinance. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 15, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Alderman Tedesco stated that the proposal has been reviewed by the Building Commissioner, City Solicitor and the Planning Director, and that an additional amendment will be filed to eliminate Note 15 which will no longer be necessary. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the ORDER be ADOPTED, AS AMENDED with the amendments as follows: 1. That the recommendations of the Planning Board be adopted as amendments to the Order, all in favor, 9-0.

Presented to the Mayor: April 19, 2018

s/Scott D. Galvin April 19, 2018

Motion made and 2nd that the public hearing on the following two matters be held collectively, all in favor, 9-0.

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 15, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MAY 15, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: April 19, 2018 **s/Scott D. Galvin April 19, 2018**

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”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: April 19, 2018 **s/Scott D. Galvin April 19, 2018**

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”. Motion made and 2nd that the COMMITTEE REPORTS be ADOPTED, all in favor, 9-0.
Presented to the Mayor: April 19, 2018 **s/Scott D. Galvin April 19, 2018**

On the petition by Checker Cab of Woburn Inc. for renewal of Taxi Cab License, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: April 19, 2018 **s/Scott D. Galvin April 19, 2018**

NEW PETITIONS:

Petitions for new Livery Licenses by Roman Limousine, Inc., 2 Gill Street; and Logan Way, 76 Mill Street #4. Motion made and 2nd that the MATTERS be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Woburn Cab Co. Inc., 100 Ashburton Avenue for renewal of Taxi Cab License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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

Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated March 22, 2018 was received from Paul D. Stedman, 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

Alderman Mercer-Bruen stated that she understands what Director Stedman says about Phase II but she is not certain how this helps with the queuing issue. President Haggerty stated that another communication could be sent to MassDOT asking that the traffic control signals be evaluated. Motion made and 2nd that an additional communication be sent to MassDOT to further request assistance with this matter and that President Haggerty and Alderman Mercer-Bruen draft the communication, all in favor, 9-0.

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 that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 10:10 p.m.

A TRUE RECORD ATTEST:

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