

**CITY OF WOBURN
JUNE 19, 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:

Presentation by Powers & Sullivan, LLC relative to the June 30, 2017 Independent Auditor's Report for the City of Woburn.

PUBLIC HEARINGS:

On the petition by James Nadeau, 78 School Street, Woburn, Massachusetts 01801 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. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "back for action with the following recommended conditions: 1. That the Plan of Record shall be "Plan of Land in Woburn, Mass., Showing Proposed 25' x 36' garage;" Scale: 1"=20'; dated February 8, 2018; Prepared by Jay Jarosz, PLS; 3 Mill Street, Manchester, MA 02359; (781)-335-1880 (7 pages); 2. That no business activity or home occupation shall be conducted in/from the garage itself; 3. That the garage is for use by the residents of the property; 4. The garage is secondary to the principal use and shall not be used as a residential dwelling unit; 5. That, for additional electric service to the detached structure, power can only be obtained via existing service from the Petitioner's home to the garage; 6. That if the applicant wishes to install water/sewer to garage, it must be from existing service on private property and subject to the proper plumbing permits and compliance with 248CMR Plumbing Code (no new connections for water or sewer from public ways shall be permitted); and 7. There shall be no kitchenette within the structure."

On the petition by Montvale Land LLC, c/o Leggatt McCall Properties, 10 Post Office Square, Boston, Massachusetts 02109 to amend the Zoning Map of the City of Woburn by changing the zoning district for three parcels of land known as 0 Hill Street (54-05-04); 0

Hill Street (54-05-01); and 1 Washington Avenue (62-01-29), Woburn, Massachusetts together containing approximately 60.95 acres of land as shown on a plan entitled “Zoning Amendment Plan” dated April 25, 2018 from I-G/B-I to Technology and Business Mixed Use Overlay District (TBOD). PUBLIC HEARING OPENED. A communication dated June 13, 2018 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Board recommendation on proposed zoning amendments: To rezone three parcels of land (known as 0 Hill Street [54-05-04]; 0 Hill Street [54-05-01]; and 1 Washington Avenue [62-01-29]) from I-G/B-I to Technology and Business Mixed Use Overlay District (TBOD) and to add “Hospital, Extended Care Facility” to the list of uses allowed by Special Permit with Site Plan Review in a TBOD

Dear Councilors:

At a meeting of the Woburn Planning Board held on Tuesday, June 12, 2018, the Board conducted its public hearing on the above-referenced zoning map and text amendments.

Following the public hearing and after considering the matter, members of the Board voted 6-0-0 (Callahan, Edmonds, Ventresca, Bolgen, Doherty and Donovan in favor; with Turner absent) to forward to you a favorable recommendation on both of these proposed zoning amendments.

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

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

On the petition by Montvale Land LLC, c/o Leggatt McCall Properties, 10 Post Office Square, Boston, Massachusetts 02109 to amend the 1985 Woburn Zoning Ordinances, as amended, Section 28.6.2 Uses Allowed by Special Permit with Site Plan Review by adding the following: 9. Hospital, Extended Care Facility. PUBLIC HEARING OPENED. A communication dated June 13, 2018 was received from Tina P. Cassidy, Planning Board Director June 13, 2018, Woburn Planning Board as follows:

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Please feel free to contact me if you have any questions relative to the Board's vote.

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

On the petition by McDonald's Corporation, c/o William J. Squires, Esq., Hinckley Allen, 28 Street, Boston, Massachusetts 02109 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 9,11 and 15 as applicable to a restaurant with a drive-up service facility to: 1. Modify the existing restaurant with drive-up customer service facility; 2. Alter or otherwise change the signage for the existing restaurant with drive-up customer service facility; 3. Reconstruct or expand the existing building within the Groundwater Protection District; and 4. Construct the project within the Floodway and Flood Plain District, all at 187 Cambridge Road. PUBLIC HEARING OPENED. A communication dated June 13, 2018 was received from Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 187 Cambridge Road/McDonald's Corporation

Dear Council:

The Planning Department has completed its review of the above-referenced Petition, which proposes to modify an existing special permit by razing an existing fast-food restaurant facility containing 4,340-sq. ft. (including 130 seats and a "PlayPlace" feature) and constructing new, 4,692-sq. ft. restaurant facility (including 82 seats and a "PlayPlace" feature). Although the modified site plan proposes to increase the former building floor area by 352 sq. ft., the number of seats will in fact decrease by 48 (or approximately 37%). A reconfiguration to the drive-up customer service facility and alterations/changes to exterior signage are also proposed. The site falls within a Groundwater Protection District (Zone 2) and FEMA flood zone. In total, 4 (four) special permits are being sought, as noted in the filing, pursuant to Sections 9 (Floodway and Flood Plain District), 11 (Special Permits and Variances), and 15 (Groundwater Protection District) of the Woburn Zoning Ordinances (WZO). The property falls within a Business Highway (B-H) zoning district, and as such this continued use (Section 5.1.29 [Restaurant, fast food]) is permitted by City Council special permit.

Planning staff met with both Building Commissioner Quinn and Police Sergeant Mooney on this filing. Fundamentally, neither takes major issue with the application as proposed. For the Council's information, following are observations/suggestions made during the meeting:

DRIVE-THROUGH CONFIGURATION

- As of November 15, 2017, the Petitioner has been granted a requested variance from the Board of Appeals to permit five (5) stacking spaces before two (2) menu boards and one (1) stacking space each before two (2) pick-up windows. In addition, the drive-through itself will be comprised of two (2) parallel drive through lanes for the ordering segment, then merge into one (1) lane for the payment and pick-up segments.

ONSITE PARKING

- The Petitioner is proposing a reduction in parking from sixty (60) to fifty-two (52) spaces, which is the minimum number required, as reflected on the application's zoning analysis table (Sheet C-4). 11 compact spaces are proposed (21% of the total, which is below the 30% maximum), although these spaces will need to be identified by corresponding onsite signage in accordance with Section 8.2.3, as well as noted on a revised site plan. Additionally, staff can confirm that the parking arrangement appears to meet state requirements for accessibility (521 CMR 23).

TRAFFIC & PEDESTRIAN MOBILITY

- Staff takes no issue with the configurations for both entering and exiting the drive-through queue. Specifically, the Police Department cited no issues with queuing problems on Lexington Street relative to drive-through arrangement nor general site access/egress concerns. One-way travel restrictions and stop signs appear to be appropriately placed, enabling safer traffic flows. Maintaining open access with abutting commercial properties will also serve to ameliorate on-street traffic. Finally, staff finds that accommodations for pedestrians throughout the site are sufficient, with crosswalk markings and the connecting sidewalk (coming from Lexington Street) being maintained.
- The Petitioner has submitted trip generation and drive-through operations review data. Substantial changes in current activity are not anticipated, because the redevelopment of the site will not entail a material expansion of the business, nor its food sales offerings/operation. Planning staff recommends that the Council refer the traffic data to the Engineering Department for comment, should the Council have any questions regarding that information.

OTHER COMMENTS

- As a result of Flood Plain District status, the City Council will need to make the determination as to whether “the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the one hundred-year flood” (per Section 9.6.1).
- Comments from the Board of Health, Conservation Commission, City Engineer, and Department of Public Works should help to inform the Council's findings as to whether the Petitioner has presented sufficient information to satisfy Section 15.7.C of the Groundwater Protection District ordinance (i.e., standards of Special Permit approval).

- Provisions for lighting are found on the lighting plan (Sheet C-11) of the plan set, which would appear to satisfy Sections 8.5.1 and 8.5.2 of the WZO relative to security lighting and considerations for shielding glare.
- The proposed site plan will incorporate the same trash storage location currently found onsite and the Dumpster will continue to be enclosed.
- A comprehensive landscaping plan has been submitted as part of the site plan set (Sheets C-9 and C-10). However, it is the opinion of staff that there is an opportunity for additional plantings (no greater than 3' in height) on the plot of land fronting Lexington Street, as to better enhance aesthetics from an on-street viewpoint and to more effectively screen from view the new parking area in front of the restaurant.
- The Petitioner will need to confirm whether onsite snow storage is anticipated. 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 (none are reflected on the current proposed site plan). 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 prior to action on the special permit requests.

Staff recommends the Council consider imposing at least the following three (3) conditions on any approval of this application:

1. That all modified signage is subject to Section 13 of the WZO and final approval of Building Commissioner, and that separate building permits must be sought from the Inspectional Services Department for all signage;
2. That all other conditions of the City Council's prior special permits on this Petition remain in full force and effect to the extent still applicable, unless otherwise modified by the Council; and
3. That the special permit is issued only to the McDonald's Corporation and is not transferrable with the exception of a transfer to an entity of which either Petitioner is the primary or principal owner.

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 Sports Management Services, Inc., 41 East Street, Winchester, Massachusetts 01890, an individual owning land to be affected by change or adoption, to amend the Zoning Map of the City of Woburn by changing the zoning district for two parcels of land known as Lot 69-08-07 on Garfield Avenue and Lot 69-08-08 on Garfield Avenue together containing approximately 2.92 acres of land as shown on a plan by Allen & Major

Associates, Inc. entitled “Parcel Rezoning Plan” dated November 10, 2016 from R-2/I-G to R-2.. PUBLIC HEARING OPENED.

On the petition by Seaver Properties LLC, 215 Lexington Street, 2nd Floor, Woburn, Massachusetts 01801, as an individual owning land to be affected by change or adoption pursuant to M.G.L. Ch. 40A, Sec. 5 (by its attorney), to amend the Zoning Map of the City of Woburn by changing the zoning district from R-2/O-P to R-3 for the entire parcel of land known as North Maple and Monks; Monks Street; Hinkley Monks; Warren-Mishawum Avenue; Mishawum and Dexter Avenue and Hinkley Street, Woburn, Massachusetts, to the centerlines of North Maple; Monks Street and Mishawum Avenue and Dexter Avenue, Woburn, Massachusetts containing approximately 5.988 acres of land as shown on a plan by Keenan Survey entitled “Proposed Rezoning Plan in Woburn, Massachusetts” dated May 7, 2018. PUBLIC HEARING OPENED.

On the petition by New Creek II LLC, 3333 New Hyde Park Road, New Hyde, New York 11042 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended to modify a special permit issued April 28, 2016 as modified August 10, 2017 allowing for 1. Medical office building, 2. Reduction in required parking from 535 parking spaces to 481 parking spaces, and 3. Alterations to petitioner’s nonconforming signage be further modified by approving Snow Storage Plan dated January 24, 2018 prepared by VHB at 425 Washington Street. PUBLIC HEARING OPENED.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

FINANCE:

On the Order to appropriate the \$56,000.00 from Cemetery Interest Fund to various Cemetery accounts for Fiscal Year 2019, committee report was received “ought to pass”.

On the Order to transfer the sum of \$4,000.00 Outside Survey Consultants Acct to Engineering Part Time Salary Acct, committee report was received “ought to pass”.

PERSONNEL:

On the appointment of William Pappalardo as a Member of the Woburn License Commission, committee report was received “ought to pass”.

ORDINANCES:

On the Order to amend the 1989 Woburn Municipal Code, as amended, Section 12-1 relative to naming streets in memory of veterans killed in action, committee report was received “ought to pass”.

LIAISON:

On the communication from His Honor the Mayor relative to acceptance of M.G.L. c.32B, §9E with respect to the contribution rates for retiree health insurance plans, committee report was received “back for action”.

NEW PETITIONS:

Petition by Lindsay Maus, 10 Martens Street, Wilmington, Massachusetts for a Special Event Permit to allow a road race at Horn Pond on October 20, 2018.

Petition by Shamrock Running Club, P.O. Box 602, Woburn, Massachusetts 01801 for a Special Event Permit to allow a road race at Spence Farm and area streets on July 4, 2018.

Petition by NStar Electric Company d/b/a Eversource Energy for a grant of right in a way to relocate on stub pole on Campbell Street southerly sider approximately 20 feet east of Main Street.

Petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended to modify a special permit issued August 11, 2015 as modified by Notice of Modification issued March 10, 2016 by approving a new site plan of record to be included in existing Condition 1 as Sheet C-2A entitled “Phase 1, Layout & Materials Plan dated May 1, 2015; revised May 22, 2015; revised July 21, 2015; revised December 22, 2015; revised January 13, 2016; revised February 1, 2016; revised April 26, 2018 and revised June 11, 2018, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801” at 394R Washington Street.

COMMUNICATIONS AND REPORTS:

A communication dated June 13, 2018 was received from City Clerk William C. Campbell as follows:

Re: Inflammable Licenses

By April 30th of each year, flammable license holders must file a registration certificate with the Office of the City Clerk and pay the annual registration fee established in the Municipal Code. The City Council has the authority to revoke an inflammable license for failure to file the registration certificate after holding a public hearing with notice to the inflammable license holder. Attached is a proposed Order for holding such a hearing.

s/William C. Campbell, City Clerk

Attached thereto was the following Order:

ORDERED That pursuant to Massachusetts General Laws Chapter 148, Section 13, the City Clerk shall schedule a public hearing before the City Council for the purposes of revoking the following Inflammable Licenses for the reasons stated:

1. 8 Jefferson Realty Trust, 26 Jefferson Avenue – not registered
2. 31 High Street Realty Trust, 31 High Street – not registered
3. Shannon Farm Development LLC, 298 Lexington Street – not registered, no longer active
4. Draper Management LLC, 8 Draper Street – not registered, no longer active

Further, that the City Clerk shall give notice by certified mail return receipt requested to the license holder to the last known address of license holder and by causing notification of the hearing to be published once in a newspaper of general circulation in the City at least ten (10) days prior to the hearing.

s/Alderman _____

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the City of Woburn accept Clause 56 of G.L. c. 59, § 5, which would allow members of the Massachusetts national guard or military reservists who are on active duty to obtain a reduction of all or part of their City of Woburn real and personal property taxes for any fiscal year they are serving in a foreign country, to be effective beginning in fiscal year 2019.

s/President Haggerty, Alderman Gately and
Alderman Campbell

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1989 Municipal Code, as amended, be further amended by deleting Paragraph B, of Section 12-56, Considerations, in its entirety, and inserting in its place the following new Paragraph B:

12-56. Considerations

B. The Applicant shall provide proof of liability insurance with the minimum coverage(s), naming the City as an “Additional Insured” as outlined below:

1. General Liability of at least \$1,000,000 each occurrence and \$3,000,000 General Aggregate.
2. Automobile Liability (applicable for anyone who has an automobile operating on City Property) of at least \$1,000,000 Combined Single Limit.
3. Umbrella Liability of at least \$2,000,000 each occurrence and \$2,000,000 in the aggregate.
4. Liquor Liability (applicable for any Liquor Exposure – served or sold at any event held on City Property) of at least \$1,000,000 each occurrence and \$3,000,000 aggregate.

The City Council shall not waive the minimum insurance coverage(s) as outlined above.

s/Alderman Tedesco

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended by adding Paragraph 12, Maximum Residential Density, to Section 23, Commerce Way Corridor Overlay District (CWCOD), as set forth below:

12. Maximum Residential Density

The maximum residential density in the CWCOD shall not exceed 25 residential units per acre unless the structures in the development, not including parking structure, are comprised of uses permitted as of right as set forth in Section 5.1, Table of Use Regulations, and which uses:

- a. At a minimum, make up 60% of the total gross floor area of all such uses in the entire development in which case, the maximum number of residential units per acre may exceed 25 but in no event, shall be more than 35 residential units per acre; or

- b. At a minimum, make up 65% of the total gross floor area of all such uses in the entire development in which case, the maximum number of residential units may exceed 25, but in no event, shall be more than 40 residential units per acre.

The maximum residential density of 25 units may only be exceeded pursuant to sections (a) and (b) above provided the City Council finds the following:

- a. That the proposed development shall not have an adverse effect on underground utilities, drainage, and storm water management; and
- b. That the vehicular and pedestrian ways, or proposed changes to the vehicular and pedestrian ways, have the capacity to accommodate the increase in residential units and provide safe ingress and egress to the property and proposed structures thereon and uses thereof with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and emergency access in case of fire, emergency or catastrophe.

This density limitation shall not apply to Assisted Living, Assisted Living/Continuing Care, Congregate Elderly Apartments, General and Special Hospitals and Extended Care facilities.

s/Alderman Anderson and Alderman Tedesco

RESOLVED Whereas, there presently exists a baseball field, park, basketball court, public swimming pool, and an open field at Ferullo Field located along Main Street in North Woburn; and

Whereas, there presently exists a plan to create a Flag Park at Ferullo Field; and

Whereas, the City has designed a plan and received a grant funding for the creation of a dog park at Ferullo Field; and

Whereas, there presently exists a lack of benches at Ferullo Field;

Now, Therefore, let it be Resolved that His Honor the Mayor direct the Superintendent of Public Works to include Ferullo Field as a location for the commemorative bench program.

s/Alderman Anderson and Alderman Tedesco

Motion made and 2nd to ADJOURN.