

**CITY OF WOBURN  
OCTOBER 2, 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	

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VOTED to dispense with the reading of the previous meeting’s Journal and to APPROVE, all in favor, 9-0.

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**MAYOR’S COMMUNICATIONS:**

ORDERED That the sum of \$125,000.00 be and is hereby appropriated as so stated from Fire/BLS Ambulance Acct #31359-595000 \$125,000.00 to Fire Ambulance Salary Acct #0122051-511500 \$125,000.00

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

I hereby approve the above: s/Stephen W. Adgate, Chief Fire Department

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

s/President Haggerty

Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON FINANCE, all in favor, 9-0.

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**PUBLIC HEARINGS:**

On the petition by Alderman Tedesco to amend the 1985 Woburn Zoning Ordinances, as amended, by striking the definition for “Floor Area, Gross” and inserting in its place the following: “Floor Area, Gross: The floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns and other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts.” and 2. By striking the definition for “Floor Area, Net” and inserting in its place the following: “Floor Area, Net: The actual occupied area not including unoccupied

accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms and closets.” PUBLIC HEARING OPENED. A communication dated September 12, 2018 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Proposed zoning amendment to replace existing definitions of Floor Area, Gross and Floor Area, Net in Section 2 of the Woburn Zoning Ordinance with definitions for these terms found in the 2015 Edition of the International Building Code/Alderman Tedesco

Dear Mr. Campbell:

At its meeting last night, the Woburn Planning Board commenced its public hearing on the above-referenced Order. Following a brief discussion, the Board voted to continue the public hearing to its meeting on October 9, 2018 at 7:00 p.m. so that the proponent can revise the draft definitions to address the recommendations of Building Commissioner Tom Quinn.

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 16, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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On the petition by Alderman Tedesco to amend the 1985 Woburn Zoning Ordinances, as amended, by striking Section 5.7.5.3 and inserting in its place the following: “Day time or overnight parking of passenger vehicles, except that no portion of the buffer area within fifty (50) feet of the boundary line of a Residential district may be used for the purpose of overnight parking.” PUBLIC HEARING OPENED. A communication dated September 18, 2018 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Proposed zoning text amendment to revise Section 5.7.5.3 of the Woburn Zoning Ordinance to permit daytime parking of vehicles within a mandated buffer zone to a residential zoning district/Alderman Tedesco

Dear Council:

The Woburn Planning Board conducted its public hearing on the above-referenced Order at its meeting on September 11, 2018.

After considering public testimony and following subsequent discussion, Board members voted unanimously (7-0) to recommend to the City Council that the proposed amendment not be adopted. Members acknowledged that while there may be situations and circumstances where providing a buffer poses a limitation on development of a particular parcel, the overall intent, function, and public benefit of a buffer zone generally outweighs a specific

developer's interests. As it is, the City Council is authorized to waive an applicable buffer zone requirement for properties rezoned after September 25, 2015.

The Board suggests that if imposition of the existing buffer requirement is proving problematic for some lots, amendments specific to solving those problems should be considered instead (e.g. allowing buffer requirements to be waived or varied by the City Council if alternative screening/buffering provisions are deemed equivalent in terms of effectiveness).

Aside from the Planning Board's recommendation, Planning staff wishes to note that the Section number cited in the Order (5.7.5.3) is incorrect. The section being proposed for revision is actually Section 5.7.6.3.

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Alderman Tedesco stated that he asks the matter be continued to the November meeting to allow time to meet with the Planning Director and Building Commissioner, that this ordinance was filed following comments by the Building Commissioner and it is important to hear from him, and that there will also be a discussion with the City Solicitor concerning the matter. PUBLIC COMMENTS: Chris Owen, 3 Florence Terrace stated that the proposed ordinance should be Section 5.7.6.3, that the buffer zone is to reduce adverse development impacts on neighboring residential districts, that this proposal does not reduce the impact on neighboring residential zones, that the last time the City Council had the opportunity to reduce a buffer zone requirement the buffer zone was reduced to zero feet, that this proposal will allow parking anywhere in the buffer zone at any time of the day, that this proposal will not benefit the residents, that the ordinance has been proposed to help one developer but will have a global impact, that parking is not allowed in the buffer zone under the zoning ordinances, that he does not know how parking can be allowed on open space, landscaped space or a driveway which does not count as a parking space, and that the City Council should eliminate Section 5.6.7.3 so that any parking in the buffer zone is eliminated. Alderman Mercer-Bruen stated that she spoke to the Planning Director and the Building Commissioner, that she has concerns with this proposal, that she asked the Building Commissioner to provide a list of areas that will be impacted by this change, that she expects this information will be available when the matter is reviewed in committee, that she always wants to hear from the Planning Director on this matter in committee, and that she has not heard about this proposal being for one developer but she shares some of the concerns expressed. Motion made and 2<sup>nd</sup> that a communication be sent to the Planning Director and Building Commissioner requesting their attendance at the committee meeting on this matter, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 20, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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On the petition by Alderman Tedesco to amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new Section 29 Conversion of Significant Historic Building or Structure as set forth in the City Council Journal dated August 14, 2018. PUBLIC HEARING OPENED. A communication dated September 18, 2018 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Proposed zoning text amendment to add a new Section 29 to the Zoning Ordinance entitled Conversion of Significant Historic Building or Structure/Alderman Tedesco

Dear Councilors:

The Planning Board opened its public hearing on the above-referenced Order at its meeting on September 11, 2018 and then continued the public hearing to its meeting on Tuesday, October 9, 2018. The purpose of the continuance was to enable me to send this communication to you prior to resumption of the Board's deliberations.

During the course of discussion at the public hearing, the Planning Board expressed support for creating an ordinance that allows for the productive reuse of certain historically-valuable properties. However, Board members and its staff believe the pending zoning proposal falls short of the City's needs in two respects. Aside from a host of critical technical issues yet to be fully vetted, the current proposed ordinance does not comprehensively address the subject of preservation of important historic buildings.

The pending ordinance was drafted to address the desires of a particular developer who is interested in redeveloping one particular non-conforming property for residential use. Perhaps not surprisingly then, the draft ordinance precludes consideration of numerous other buildings that Board members and staff believe are equally worthy of consideration. By way of example, the proposed requirement that an existing structure be at least 4,000 gross sq. ft. in size in order to be eligible for consideration would preclude using the ordinance to guide future use of the City-owned fire station on Main Street once it is surplus as well as several buildings that currently serve as church rectories (and which are rumored to be repurposed in the foreseeable future). Many other buildings across the City would also serve as examples.

Members of the Planning Board believe creating a comprehensive ordinance would be in the City's long-term best interests. It is also convinced the best way to develop such an ordinance is through the collaborative efforts of not only members of the Planning Board and the City Council but also members of City staff. Therefore, the Planning Board respectfully asks the Council if it is willing and able to re-establish a zoning ordinance review committee in the near term and if so, whether it would be willing to refer this proposed amendment to that new committee for broader-based discussion, consideration, and refinement. If the Council is willing to do so, the Planning Board would intend to continue its public hearing for several months (perhaps until, say December) to provide time for the committee to be created and accomplish this task.

If the Council will not be re-establishing a zoning review committee in the near term, the Planning Board will proceed with consideration of the pending amendment at its meeting on October 9<sup>th</sup> and will forward its recommendation to you shortly thereafter.

Members of the Planning Board would very much appreciate receiving a response before its next meeting on September 25<sup>th</sup>. If you have any questions about this communication, please do not hesitate to contact me.

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Alderman Tedesco stated that the Planning Board wants to continue review of this matter until the Zoning Ordinance Review Committee meets although the committee does not exist. Alderman Anderson stated that she spoke to the Planning Director and told her that the Planning Board should move forward with their review of the ordinance because it would be some time if or when the Zoning Ordinance Review Committee was reconstituted. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON NOVEMBER 20, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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On the petition by 283 Salem Street, LLC, 283 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57b and 5.1.43 to allow accessory storage and overnight parking of up to ten (10) commercial motor vehicles, vans, pick-up trucks, trucks and the like and open or outside storage of new or used building materials or equipment as relates to the operation of a fence assembly and manufacturing business at 4 Draper Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended with the conditions as follows: 1. Overnight parking of up to (10) commercial vehicles owned by Reliable Fence. (Pictures of types of vehicles to be attached); 2. All commercial vehicles to be registered in Woburn; 3. All commercial vehicles to be lettered with company name "Reliable Fence"; 4. Snow Removal plan to be submitted to building inspector; 5. No deliveries before 7AM or after 6PM; 6. A written description of materials to be stored outside kept on file in the building department; 7. All outside storage of materials to be fenced in with 8" solid fence, or chain link with mesh covering. No materials to be stored in parking areas; 8. Employees and delivery vehicles shall be encouraged to enter from Montvale Ave.; 9. Any assembly of fencing must be done inside the building; 10. Special permit is issued to 283 Salem, LLC DBA, Reliable Fence Co. of the North Shore, Inc., and shall not be transferable with the exception of a transfer to an entity of which 283 Salem Street, LLC or Reliable Fence Co. of the North Shore, Inc. is the primary or principal owner; 11. All commercial vehicles will remain in designated parking spaces and not encroach within 5 feet of the property lines (in accordance with Section 8.4.2.1); 12. No overnight parking of commercial vehicles by the "tenant". Parking spaces for the "temporary tenant" to be assigned. Tenant is office space use only; 13. All existing tenants except for Adco are to be out of the building before occupancy of 283 Salem, LLC. Inspectional Services to inspect

the site to confirm all tenants are gone, and site is cleaned up and report sent to the Special Permits Committee; 14. Dumpsters to be enclosed and not to be emptied before 7am or after 6pm; 15. Rodent control measures shall be in place year round; 16. Hours of operation 6 am – 6 pm Monday - Friday and 7am - 5pm Saturdays. No Sundays. No tractor-trailer deliveries before 7 a.m.; 17. The southerly parking area must be maintained and 2 1/2 inches of crushed stone must be laid; 18. The landscaping must be maintained in a neat manner; 19. The front of the building must be numbered; 20. A key to the security gate must be provided to the DPW; 21. The head wall must be clear and free of obstruction; 22. The plan of record is dated September 17, 2018.” Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Robert W. Tedesco, Tedesco Law Offices, P.C., 88 Main Street, Woburn, Massachusetts 01801 and he stated that the petitioner has no objections to the committee report recommendations, that Condition 1 should be amended to read “Pictures of types of vehicles to be maintained by Building Department), and that Condition 7 should be amended to read “8 feet” rather than 8 inches. Alderman Gately stated that the two amendments are acceptable, that this use will clean up the property and keep it maintained, that the easements and access to the pumping station will be maintained, that there has been a lot of trouble at the site over the years, and that this use will improve the conditions at the locus. Alderman Mercer-Bruen stated that the petitioner is a good business, and that the use will go a long way to improving the property and the conditions. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the 22 conditions recommended in the committee report as amended be adopted as conditions of the special permit, 2. That Condition 1 be amended to read “Overnight parking of up to (10) commercial vehicles owned by Reliable Fence. (Pictures of types of vehicles to be maintained in Building Commissioner’s office)”; and 3. That Condition 7 be amended to read “All outside storage of materials to be fenced in with 8 foot solid fence, or chain link with mesh covering. No materials to be stored in parking areas”, all in favor, 9-0.

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On the petition by Monroe Tractor & Implement Co., Inc., 1001 Lehigh Station Road, Henrietta, New York 14467 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Sections 5.1.44, 8.2.5 and 11.6.5 to allow automobile and truck repair garage and a reduction in total number of required parking stalls for tractor and equipment repair and service at 192 New Boston Street. PUBLIC HEARING OPENED. A communication dated September 26, 2018 was received from Dan Orr, City Planner/Grant Writer, Planning Board as follows:

Re: Planning Department comments on special permit application for 192 New Boston Street/Monroe Tractor & Implement Co., Inc.

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks authorization for an “automobile and truck repair garage” to service tractors and other compact commercial equipment (limited to skid steers, truck loaders,

tractor/loader/backhoes, mini-excavators, and wheel loaders) pursuant to Section 5.1(44). The business also intends to sell vehicle parts as a “Business Service and Business Sales” establishment, which would be a by-right use at this property in accordance with Section 5.1(27). The Petitioner also seeks a one-third reduction in the number of required off-street parking spaces pursuant to Sections 8.2.5 and 11.6.5, the latter of which requires a finding that the hours of parking needs for individual uses will sufficiently differ so that a lower number of parking spaces than normally required will serve the operating needs of the establishment.

The subject property is zoned Industrial-Park (I-P) and based on review of the GIS mapping system, the property does not lay within a Groundwater Protection District nor an area of contaminated soils. It is however classified as an “area of minimal flood hazard.”

Planning staff conferred with Building Commissioner Tom Quinn who indicated that he takes no issue with the Petitioner claiming use of the property as a “Business Service and Business Sales” establishment. As such, staff understands that no additional parking needs to be provided for retail use purposes. Per the off-street parking summary included with the site plan, the Petitioner proposes twenty-nine (29) parking spaces, which is thirteen (13) spaces fewer than the required forty-two (42) and represents a 31% reduction from the parking requirement (less than the one-third reduction “ceiling”). However, relative to the requested parking reduction, the Petitioner will need to demonstrate that the parking needs for its proposed mix of individual uses “will sufficiently differ so that a lower number of parking spaces than normally required will serve the operating needs of the development” (per Section 11.6.5). Further, it is important to note that dimensions of vehicles that will be parked on site (presumably, flatbed trucks, tractors and the like) are not provided in the application. It is unlikely any such equipment would be able to utilize the proposed parking spaces on site given that the proposed parking spaces are standard dimensions (9’ x 18’). Information on vehicle dimensions, in addition to whether the equipment slated for repair will be stored on the interior or exterior of the premises, should be provided to the Council so that it can determine whether the parking spaces are of adequate size to meet expected demand. If they are not, the parking spaces will have to be enlarged and the site plan modified to reflect that.

In addition to the above, the following are site plan deficiencies identified by staff regarding vehicle mobility concerns and other zoning considerations:

- Fundamentally, staff has strong reservations about drive aisle widths and potential turning radii given the lack of vehicle dimension information and cannot recommend the Council’s approval of the site plan as drafted. Specifically, the drive aisle widths do not uniformly allow for sufficient circulation of what will likely be larger-scale trucks. Given that a minimum pavement width of 18 feet is the widely-accepted standard for safe passage of emergency and passenger vehicles in a one-way setting, the current proposal would be deficient by as much as 6-feet (specifically, along the drive aisle facing North Maple Street);
- Further discussion/thought should be given to the interaction of large vehicles with the surrounding roadways and onsite parking facilities. More information regarding

entrance/egress points for large vehicles, or where/how they will be parked for unloading purposes, should be requested from the Petitioner. Depending on the anticipated size of vehicles used during operations, staff noted a potential challenge with a left turn into the site from North Maple Street. In addition, it appears that any vehicle in excess of 18' in length should be restricted from the parking space closest to Torrice Drive due to what appears to be insufficient space for reversing/exiting the parking space;

- In addition to general discussion of truck activity generated by the Petitioner's proposed use, considerations should be made regarding how traffic generated from other onsite tenant uses (the Carriage Trade Service Co. and Dan-Kar Corp.) will be coordinated to avoid "choke points";
- Staff notes that the amount of onsite landscaped usable open space is non-conforming in its existing form (15% versus the required 30%). It is unclear based on the site plan whether the proposed parking layout improvements would reduce the existing amount of landscaped usable open space. No further reduction in the open space would be permitted without a variance, so the Council should confirm that the percentage will not change post-construction;
- It is unclear whether the parking setback line has been consistently applied throughout the site's property boundaries. Specifically, the Petitioner should confirm that the parking spaces fronting on North Maple Street are at least 5' from the property line (in accordance with Section 8.4.2.1) and note the actual distance(s) on a modified site plan;
- The current site plan identifies trash storage with the wording "approximate dumpster," which is insufficient for the purpose of the site plan. A modified plan should reflect the exact location of the dumpster and include required screening mechanism(s); and
- The Petitioner has not included snow storage locations on the plan which is necessary to ensure consistent/sufficient traffic flows and vehicular safety throughout the year.

If the Council elects to grant the special permits after clarifying the above matters, Planning recommends at least the following conditions be imposed:

1. That the site plan (once modified as noted above) submitted with this application is adopted as the Plan of Record;
2. That all commercial vehicle activity will be limited to the hours between 8:00 am and 6:00 pm Monday through Friday and between 8:00 am and 5:00 pm on Saturdays, with no activity permitted on Sundays;
3. That only trucks, tractors and other similar compact commercial equipment may be repaired on site and no automotive repair shall be conducted on the premises;
4. That a copy of the modified site plan/Plan of Record be submitted to the Inspectional Services Department; and
5. That the special permits shall be issued to Monroe Tractor & Implement Co., Inc. and shall not be transferrable with the exception of a transfer to an entity of which Monroe Tractor & Implement Co., Inc. is the primary or principal owner.

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

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



Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Frederick Gilgun, Nicholson, Sreter & Gilgun P.C., 33 Bedford Street, Suite 4, Lexington, Massachusetts 02420 and he stated that the petitioner sells and services tractors and equipment in New England and New York, that the primary business at the locus will be the sale of equipment, that the petitioner wants authority to service equipment as well, that the largest piece of equipment to be serviced on site will be a backhoe 15 feet by 8 feet by 8 feet, that the five conditions recommended by the Planning Department are acceptable to the petitioner, that only parts will be sold onsite for tractors and equipment, that no vehicles will be sold on the locus, and that the repairs of equipment will be inside the building. Tim Williams, Allen and Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that the property is 1.25 acres, that there is an existing building that has a gross floor area of 20,000 square feet, that the parking lot is not currently striped, that approximately twenty existing parking spaces are being used onsite, that there are three existing curb cuts with two on North Maple Street and one on Torrice Drive, that the parking lot will be striped as the parking lot is currently being used, that there will be three uses on site, that 10,000 square feet of the building will be used by the petitioner and the front of the remaining building will be used by Carriage Trade and the rear half of the remaining building will be used by Dan Kar, that 42 parking spaces are required, that only 29 parking spaces can be accommodated onsite, that the parking requirement can be reduced for a mixed use, that there is an existing nonconformity with respect to the landscaping and the parking setback, that the prior tenant used to park by entering off North Maple Street, that the parking lot has been reconfigured and the curb cut was altered over the years, that 29 parking spaces are more than sufficient for the current uses on the property, that vehicle movement onsite should not be an issue, that there are three giant curb cuts and clockwise traffic circulation onsite, that there will be 8,200 square feet of snow storage and excess snow can be hauled off site, that the dumpster can be located for all three uses, that currently the dumpsters are not enclosed and are located at different places on the lot for the three uses, that the parking lot currently functions adequately, and that the petitioner will show the location and screening for the dumpsters for all three tenants on the plans to be submitted as part of the building permit application. Chuck Miller, General Manager stated that there are five employees, that the petitioner will only repair tractors, equipment and compact equipment onsite, that some hydraulic and engine oil will be stores on site, that the petitioner will have 200 gallons of oil stored in five gallon pails, and that the hours of operation in the recommended conditions is acceptable. Frank Cieri, The Cieri Group, LLC, 329 Washington Street, Woburn, Massachusetts 01801 stated that there is sufficient space at the back of the building to store snow, that the snow can be stacked and if the snow is too high to stack the excess snow will be removed from the site, that there are currently three dumpsters onsite, that the petitioner's dumpster will be located inside the building, that an electrical company is installing new lights in the space and when this is completed they will install LED lights in the parking lot, that no neighbors would be impacted by the exterior lights, and that the hours of operation recommended in the committee report are acceptable. Alderman Anderson asked whether the plan will be updated to show the parking for the tenants. Mr. Cieri stated that no tenant has dedicated parking onsite, that Dan Kar has four employees, Carriage Trade has four employees and the petitioner has five employees, that neither Dan Kar or Carriage Trade has customers come to the site, and that Carriage Trade picks up and repairs shopping carts

and delivers the repaired shopping carts to the customers. Alderman Tedesco stated that he had no issue with the proposed uses, and that the petitioner has cleaned the site with landscaping and by fixing the façade the past few weeks. Alderman Gately stated that the petitioner cannot repair automobiles. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the five conditions recommended by the Planning Department be adopted as conditions of the special permit; 2. That any dumpster to be located outside shall be coordinated with the Building Department for both location and screening; 3. That a snow storage plan shall be filed with the Building Department and any excess snow must be removed from the lot; 4. That rodent control shall be in place year round; and 5. Condition 3 shall be amended to read “That only tractors and other similar compact commercial equipment may be repaired on site and no automotive repair shall be conducted on the premises”, all in favor, 9-0.

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Alderman Tedesco recused himself from participating in the following matter and left the Council Chamber.

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On the petition by Cellco Partnership d/b/a Verizon Wireless for a grant of right in a way to locate a small cell wireless antenna, radio unit, meter, AC/DC converter, 60A disc., RGS conduit, ground rod, power and fiber, together with sustaining and protecting fixtures as may be necessary in accordance with a plan entitled “Woburn MA SC60” dated August 10, 2017, at 550 Main Street, one pole, #178/1. PUBLIC HEARING OPENED. A communication dated October 1, 2018 was received from Attorney Elizabeth Mason, McLane Middleton, 300 TradeCenter, Suite 7000, Woburn, Massachusetts 01801 as follows:

Re: Request for continuance of public hearing – Petition for grant of right in a way to attach small cell antenna and supporting equipment to existing utility pole – Applicant; Cellco Partnership d/b/a Verizon Wireless (“Verizon”) – Address: Existing utility pole #178/1 located in public right of way on Main Street, Woburn (adjacent to 550 Main Street)

Dear Members of the City Council and City Clerk Campbell:

I respectfully request that the City Council continue the public hearing that is scheduled for tomorrow evening, Tuesday, October 2, 2018 at 7:00 pm, regarding VZW’s July 31, 2018 Petition for a Grant of Right in a Way to install, operate and maintain a “small cell” wireless communication antenna and supporting equipment (together, the “Small Cell”) on the above-referenced utility pole. I further respectfully request that the City Council continue such public hearing to its scheduled hearing on October 16, 2018. This should provide sufficient time for VZW to meet with the City’s Building Commissioner to discuss the proposed location of the Small Cell.

Thank you for your attention to this matter.

Very truly yours, s/ Elizabeth F. Mason

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Tedesco absent). PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 16, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, 8 in favor, 0 opposed, 1 absent (Tedesco absent).

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Alderman Tedesco returned to the Council Chamber.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to transfer the sum of \$700,000.00 from General Stabilization Acct to Road Improvements Acct, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: October 4, 2018**                      **s/Scott D. Galvin October 4, 2018**

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On the Order to transfer the sum of \$2,439,000.00 from Stabilization Fund Acct to Various Capital Projects, committee report was received "ought to pass". Alderman Gately stated that a huge sum of this money will be going to the library, that over \$800,000.00 is going to the library, that the city already put a parking lot in for the library, that the library wanted more money and was cut to \$800,000.00, that there is less than \$200,000.00 left in the contingency fund, and that the library will need additional money. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: October 4, 2018**                      **s/Scott D. Galvin October 4, 2018**

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**NEW PETITIONS:**

A communication dated September 25, 2018 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 99 High Street, Boston, Massachusetts 02110 as follows:

Dear Mr. Campbell:

Please be advised that I represent 4 Montvale Avenue Realty Trust in connection with its Landowner's Decision and Notice of Special Permit issued by the City Clerk on December 14, 2016 as modified by Notice of Modification of Special Permit dated December 22, 2016

(the "Special Permit"). My client has commenced the building permit process but will not be under construction by December 14, 2018.

Therefore, on behalf of the Petitioner, I respectfully request that the City Council extend the time period for the Petitioner to exercise its rights under the Special Permit for an additional two (2) year period to December 14, 2020.

Should you need any further information, please do not hesitate to contact me. Thank you.

Very truly yours, s/Joseph R. Tarby III

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT ISSUED TO 4 MONTVALE AVENUE REALTY ON DECEMBER 22, 2016 be EXTENDED UP TO AND INCLUDING DECEMBER 14, 2020, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

A communication dated September 20, 2018 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. Figures cited below are for the Month of January 2018 to August 2018: Number of violations issued 313, Numbers of violations paid 138, Number of violations outstanding 130, Amount collected and submitted to Collectors Office \$25,849.20, Parking fines referred to the Handicap Commission \$10,500.00.

There is a backlog of 1,516 unpaid tickets dating from January 2004 to December 2017. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

Respectfully submitted, s/Charles O'Connor, Parking Clerk

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

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**UNFINISHED BUSINESS OF PRECEDING MEETING:** None.

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

RESOLVED That His Honor the Mayor direct the Superintendent of Public Works to install a sidewalk on Ryder Drive.

s/Alderman Higgins

Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor October 4, 2018 and ten days having elapsed without same being approved, said Resolve became effective without his signature on October 16, 2018.**

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From the Traffic Commission:

ORDERED Be it ordered that Schedule 5 Special Speed Limits of the 2017 Woburn Traffic Code, as amended, be further amended by deleting the special speed limits for Pearl Street and inserting in their place the following:

PEARL STREET – 25 m.p.h. in both directions the entire length.

Alderman Tedesco stated that there are three speed limits currently on this street, that 80% of the road is 25 m.p.h. and the remaining 20% is 20 m.p.h. and 30 m.p.h., and that from an enforcement perspective having the consistent 25 m.p.h. was the better alternative. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: October 4, 2018 s/Scott D. Galvin October 4, 2018**

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From the Traffic Commission:

ORDERED Pursuant to M.G.L. Ch. 85, Section 2, the 2017 Woburn Traffic Code, as amended, shall be further amended by adding to Schedule 8 School Zones the following:

Hurld-Wyman Elementary School – Wyman Street and Lowell Street

Restrictions Monday through Friday during the normal school year from 7:30 a.m. to 8:30 a.m., 11:00 a.m. to 12:00 noon, and 2:30 p.m. to 3:30 p.m.

Conditions: Effective only during such times that official traffic signs and pavement markings are installed and maintained as required by official standards.

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: October 4, 2018                      s/Scott D. Galvin October 4, 2018**

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From the Traffic Commission:

ORDERED    Be it ordered that Schedule 2 Turning and Moving Restrictions of the 2017 Woburn Traffic Code, as amended, be further amended by adding the following:

INDUSTRIAL PARKWAY – No turn on red easterly at the intersection with Ryan Road when indicated.

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, 8 in favor, 1 opposed (Mercer-Bruen opposed), 0 absent.

**Presented to the Mayor: October 4, 2018                      s/Scott D. Galvin October 4, 2018**

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From the Traffic Commission:

ORDERED    Be it ordered that Schedule 1 Parking Restrictions of the 2017 Woburn Traffic Code, as amended, be further amended by adding the following:

BLUEBERRY HILL ROAD – No parking southerly side beginning at a point 403 feet from the easterly sideline of Holton Street westerly a distance of 163 feet.

And that the cost of improvements in Figure 2 of a report entitled “Traffic Study – Blueberry Hill Road in Woburn, Massachusetts” prepared by Vanasse & Associates, Inc. dated September 19, 2018 shall be paid to the city by E.A. Spry & Co., Inc.

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

**Presented to the Mayor October 4, 2018 and ten days having elapsed without same being approved, said Order became effective without his signature on October 16, 2018.**

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ORDERED    That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in the State Election to assemble at the polling places in the City of Woburn as designated herein, on TUESDAY, the SIXTH DAY OF NOVEMBER, 2018 from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the State Election for the candidates for the following offices and questions at the following polling places:

SENATOR IN CONGRESS.....	FOR THIS COMMONWEALTH
GOVERNOR AND LIEUTENANT GOVERNOR .....	FOR THIS COMMONWEALTH
ATTORNEY GENERAL.....	FOR THIS COMMONWEALTH
SECRETARY OF STATE .....	FOR THIS COMMONWEALTH
TREASURER.....	FOR THIS COMMONWEALTH
AUDITOR .....	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS.....	FIFTH DISTRICT
COUNCILLOR .....	THIRD DISTRICT
SENATOR IN GENERAL COURT .....	4 <sup>TH</sup> MIDDLESEX DISTRICT
REPRESENTATIVE IN GENERAL COURT ...15 <sup>th</sup>	MIDDLESEX DISTRICT (Wards 1, 7 )
REPRESENTATIVE IN GENERAL COURT ...30 <sup>th</sup>	MIDDLESEX DISTRICT (Wards 2, 3, 4, 5, 6)
DISTRICT ATTORNEY.....	NORTHERN DISTRICT
CLERK OF COURTS .....	MIDDLESEX COUNTY
REGISTRAR OF DEEDS.....	MIDDLESEX SOUTHERN DISTRICT

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 2, 2018?

**SUMMARY**

This proposed law would limit how many patients could be assigned to each registered nurse in Massachusetts hospitals and certain other health care facilities. The maximum number of patients per registered nurse would vary by type of unit and level of care, as follows:

- In units with step-down/intermediate care patients: 3 patients per nurse;
- In units with post-anesthesia care or operating room patients: 1 patient under anesthesia per nurse; 2 patients post-anesthesia per nurse;
- In the emergency services department: 1 critical or intensive care patient per nurse (or 2 if the nurse has assessed each patient’s condition as stable); 2 urgent non-stable patients per nurse; 3 urgent stable patients per nurse; or 5 non-urgent stable patients per nurse;
- In units with maternity patients: (a) active labor patients: 1 patient per nurse; (b) during birth and for up to two hours immediately postpartum: 1 mother per nurse and 1 baby per nurse; (c) when the condition of the mother and baby are determined to be stable: 1 mother and her baby or babies per nurse; (d) postpartum: 6 patients per nurse; (e) intermediate care or continuing care babies: 2 babies per nurse; (f) well-babies: 6 babies per nurse;
- In units with pediatric, medical, surgical, telemetry, or observational/outpatient treatment patients, or any other unit: 4 patients per nurse; and
- In units with psychiatric or rehabilitation patients: 5 patients per nurse.

The proposed law would require a covered facility to comply with the patient assignment limits without reducing its level of nursing, service, maintenance, clerical, professional, and other staff.

The proposed law would also require every covered facility to develop a written patient acuity tool for each unit to evaluate the condition of each patient. This tool would be used by nurses in deciding whether patient limits should be lower than the limits of the proposed law at any given time.

The proposed law would not override any contract in effect on January 1, 2019 that set higher patient limits. The proposed law’s limits would take effect after any such contract expired.

The state Health Policy Commission would be required to promulgate regulations to implement the proposed law. The Commission could conduct inspections to ensure compliance with the law. Any facility receiving written notice from the Commission of a complaint or a violation would be required to submit a written compliance plan to the Commission. The Commission could report violations to the state Attorney General, who could file suit to obtain a civil penalty of up to \$25,000 per violation as well as up to \$25,000 for each day a violation continued after the Commission notified the covered facility of the violation. The Health Policy Commission would be required to establish a toll-free telephone number for complaints and a website where complaints, compliance plans, and violations would appear.

The proposed law would prohibit discipline or retaliation against any employee for complying with the patient assignment limits of the law. The proposed law would require every covered facility to post within each unit, patient room, and waiting area a notice explaining the patient limits and how to report violations. Each day of a facility's non-compliance with the posting requirement would be punishable by a civil penalty between \$250 and \$2,500.

The proposed law's requirements would be suspended during a state or nationally declared public health emergency.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect. The proposed law would take effect on January 1, 2019.

**A YES VOTE** would limit the number of patients that could be assigned to one registered nurse in hospitals and certain other health care facilities.

**A NO VOTE** would make no change in current laws relative to patient-to-nurse limits.

## **QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 2, 2018?

### **SUMMARY**

This proposed law would create a citizens commission to consider and recommend potential amendments to the United States Constitution to establish that corporations do not have the same Constitutional rights as human beings and that campaign contributions and expenditures may be regulated.

Any resident of Massachusetts who is a United States citizen would be able to apply for appointment to the 15-member commission, and members would serve without compensation. The Governor, the Secretary of the Commonwealth, the state Attorney General, the Speaker of the state House of Representatives, and the President of the state Senate would each appoint three members of the commission and, in making these appointments, would seek to ensure that the commission reflects a range of geographic, political, and demographic backgrounds.

The commission would be required to research and take testimony, and then issue a report regarding (1) the impact of political spending in Massachusetts; (2) any limitations on the state's ability to regulate corporations and other entities in light of Supreme Court decisions that allow corporations to



assert certain constitutional rights; (3) recommendations for constitutional amendments; (4) an analysis of constitutional amendments introduced to Congress; and (5) recommendations for advancing proposed amendments to the United States Constitution.

The commission would be subject to the state Open Meeting Law and Public Records Law. The commission's first report would be due December 31, 2019, and the Secretary of the Commonwealth would be required to deliver the commission's report to the state Legislature, the United States Congress, and the President of the United States.

The proposed law states that, if any of its parts were declared invalid, the other parts would stay in effect. The proposed law would take effect on January 1, 2019.

**A YES VOTE** would create a citizens commission to advance an amendment to the United States Constitution to limit the influence of money in elections and establish that corporations do not have the same rights as human beings.

**A NO VOTE** would not create this commission.

### **QUESTION 3: REFERENDUM ON AN EXISTING LAW**

Do you approve of a law summarized below, which was approved by the House of Representatives and the Senate on July 7, 2016?

#### **SUMMARY**

This law adds gender identity to the list of prohibited grounds for discrimination in places of public accommodation, resort, or amusement. Such grounds also include race, color, religious creed, national origin, sex, disability, and ancestry. A "place of public accommodation, resort or amusement" is defined in existing law as any place that is open to and accepts or solicits the patronage of the general public, such as hotels, stores, restaurants, theaters, sports facilities, and hospitals. "Gender identity" is defined as a person's sincerely held gender-related identity, appearance, or behavior, whether or not it is different from that traditionally associated with the person's physiology or assigned sex at birth.

This law prohibits discrimination based on gender identity in a person's admission to or treatment in any place of public accommodation. The law requires any such place that has separate areas for males and females (such as restrooms) to allow access to and full use of those areas consistent with a person's gender identity. The law also prohibits the owner or manager of a place of public accommodation from using advertising or signage that discriminates on the basis of gender identity.

This law directs the state Commission Against Discrimination to adopt rules or policies and make recommendations to carry out this law. The law also directs the state Attorney General to issue regulations or guidance on referring for legal action any person who asserts gender identity for an improper purpose.

The provisions of this law governing access to places of public accommodation are effective as of October 1, 2016. The remaining provisions are effective as of July 8, 2016.

**A YES VOTE** would keep in place the current law, which prohibits discrimination on the basis of gender identity in places of public accommodation.

A **NO VOTE** would repeal this provision of the public accommodation.

Ward-Precinct   Polling Place Location

1-1	Joyce Middle School, 55 Locust Street
1-2	Joyce Middle School, 55 Locust Street
2-1	Shamrock Elementary, 60 Green Street
2-2	Shamrock Elementary, 60 Green Street
3-1	Hurd Elementary School, 75 Bedford Road
3-2	Hurd Elementary School, 75 Bedford Road
4-1	Wyman Elementary School, Main Street and Eaton Avenue
4-2	White Elementary School, 36 Bow Street
5-1	Goodyear Elementary School, 41 Central Street
5-2	Goodyear Elementary School, 41 Central Street
6-1	Altavesta Elementary School, 990 Main Street
6-2	Altavesta Elementary School, 990 Main Street
7-1	Reeves Elementary School, 240 Lexington Street
7-2	Reeves Elementary School, 240 Lexington Street

s/Alderman Anderson

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: October 4, 2018**

**s/Scott D. Galvin October 4, 2018**

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 7:43 p.m.

A TRUE RECORD ATTEST:

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