

**CITY OF WOBURN
DECEMBER 4, 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 | |

The City Council observed a moment of silence in memory of President George H.W. Bush who passed away recently. The City Council observed a moment of silence in memory of former Woburn Memorial High School football coach Ronald “Rocky” Nelson who passed away recently.

VOTED to dispense with the reading of the previous meeting’s Journal and to APPROVE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

MAYOR’S COMMUNICATIONS:

ORDERED That the order of the City Council passed October 17, 2017, is hereby amended to increase the amount appropriated and to be borrowed such that the amended order reads as follows:

“That the City of Woburn appropriates the sum of One Million Three Hundred Thousand Dollars (\$1,300,000) to pay costs of constructing a playground on the site of the former Clapp School, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(1) of the General Laws, or pursuant to any other enabling authority. The amount authorized to be borrowed by this order shall be reduced to the extent of any grants or gifts received by the City on account of this project. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.”

s/Scott D. Galvin, Mayor

s/Alderman Campbell

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

ORDERED That the amount of \$45,000.00 be and is hereby appropriated as so stated to IT Department Salary Account Acct #0115451-511000 – Purpose: Hiring of an IT Operations Specialist

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

I hereby approve the above: s/David Mastronardi, Chief Innovation Officer

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

s/President Haggerty

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

ORDERED That the amount of \$180,000.00 be and is hereby appropriated as so stated to Police Department Salary Acct #0121051-519111 – Purpose: Reserve and new hire training.

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

I hereby approve the above: s/Chief Robert Ferullo, Police Department

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

s/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, 7 in favor, 0 opposed, 1 absent (Mercer-Bruen absent), 1 abstained (Concannon abstained).

ORDERED That the amount of \$45,000.00 be and is hereby appropriated as so stated to Library Salary Account Acct #0161051-511000 – Purpose: Hiring of a Facilities/Tech Manager for Library.

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

I hereby approve the above: s/Andrea Bunker, Director, Library

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

s/President Haggerty

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

ORDERED Be it Ordained by the City Council of the City of Woburn that Title 2, Administration and Personnel, of the 1989 Municipal Code, as amended, be further amended by deleting Article XVI. Data Processing Department, in its entirety, and inserting in its place the following new Article XVI to read as follows:

XVI. Information Technology Department

2-126A. Establishment.

There is hereby established an information technology department.

2-126B. Chief Innovation Officer; qualifications, appointment

The Information Technology (IT) Department shall be under the direction of the Chief Innovation Officer (CIO) who is appointed by the Mayor. The CIO shall have education and/or experience in information technology related fields, and have knowledge of information systems, data processing, networking, and telecommunications, be conversant with personal computers and issues related to their management, use, and integration with mainframe computers, and be experienced in managing budgets and the procurement of hardware, software and technical services.

2-126C. Functions of the department.

The Information Technology (IT) Department shall:

1. Provide and plan for all information technology systems and activities for the City's departments in order to best serve its citizens;
2. Develop specifications for the purchase of hardware, software and related equipment and procure IT components as necessary, subject to appropriation.
3. Provide technical and system support for all voice, text, image, audio and data needs of all City departments, board, committees and commissions and provide training to all City employees in such systems;
4. Design, construct and maintain the City's network to ensure that all City employees have access to the data needed to perform their duties in the most efficient manner; and

5. Provide hardware maintenance to all City departments, boards, committees and commissions.

2-126D. Staff

The CIO shall appoint an IT Operations Specialist who shall have education and/or experience to support the City's data-driven innovation strategy including efforts to collect, analyze, and disseminate data across City departments and to the public encouraging transparency through the use of accessible, open data; to collaborate with City departments, boards, committees and commissions and their staff; to help administer IT operations; to assist in the management of the network equipment and monitor systems to ensure the security of the City's resources; and to support the CIO and department as directed or required.

s/Alderman Concannon

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

ORDERED Be it ordained by the City Council of the City of Woburn that Title 15, Buildings and Construction, of the Woburn Municipal Code be amended as follows:

1. By deleting Section 15-5 Building Permit Fees, in its entirety, and inserting in its place the following new section:

15-5 Building Permit Fees

Building permit fees shall be as follows:

RESIDENTIAL

For construction regulated by 780 CMR – present edition of Massachusetts State Building Code: \$15 per \$1000 of estimated Construction Value Minimum Fee: \$30.00

Other: Re-Roof, Siding, Open Decks, Above Ground Pools, Solid Fuel Appliances, Sheet Metal/Mechanical

\$15 per \$1000 of estimated Construction Value
Minimum Fee: \$30.00

COMMERCIAL

For construction regulated by 780 CMR – present edition of
Massachusetts State Building Code:

\$15 per \$1000 of estimated Construction Value

\$15 per \$1000 Sheet Metal/Mechanical

Minimum Fee: \$100.00

ADDITIONAL FEES

| | |
|---|--|
| Demolition: Commercial | \$15 per \$1000 of Demo Costs Minimum Fee: \$100.00 |
| Demolition: Residential | \$15 per \$1000 of Demo Costs Minimum Fee: \$30.00 |
| Fences: | \$15 per \$1000 of Material & Installation Costs Minimum Fee: \$30.00 |
| Signs: | \$5.00 per square foot of signage Minimum Fee: \$50.00 |
| Storage Sheds up to 200 sq. ft.: | \$15 per \$1000 of Construction Value Minimum Fee: \$30.00 |
| Tents: Residential: | \$15 per \$1000; Minimum Fee: \$30 |
| Tents: Commercial: | \$15 per \$1000; Minimum Fee: \$100 |
| Temporary Certificate of Occupancy: | |
| Residential: | \$30.00 for 30 days |
| Commercial: | \$100.00 for 30 days |
| Certificate of Inspection Fee: | See Attached Schedule |
| Mobile Home, as a temporary residence | |
| Per Section 5.1(7), Note 2, Table of Use Regulations, | |
| Woburn Zoning Ordinance: | \$100.00 |

MISCELLANEOUS

- 1) Building Permit Fees are non-refundable once the permit has issued.
- 2) Estimated Construction Value: Final determination to be based on Means Cost Data and/or Building Commissioner/Inspector.
- 3) Any activity commenced without a permit: Applicant/Owner will be subject to actions allowed per 780 CMR/State Building Code.
- 4) When re-inspection is necessary due to violations or work not ready on scheduled inspection date, an additional fee of \$50.00 will be paid in advance of inspection.
- 5) Removal of Stop Work Order - \$50 Residential; \$100 Commercial
- 6) Re-issuance of lost inspection record permit card: \$50.00
- 7) Permit Renewal/Extension Residential: \$50.00 per six (6) month extension
- 8) Permit Renewal/Extension Commercial: \$200.00 per six (6) month extension
- 9) Inspections that take place outside normal hours: cost per hour, based on minimum established by union contract.

Schedule attached thereto:

Proposed Schedule for Periodic Inspection of Existing Buildings
Per 780 CMR/Present Edition Mass. State Building Code

| Use Group | Proposed Fee |
|--|--|
| A-1 Movie Theaters or theaters for performing arts | \$2 per seat |
| A-2 Restaurants, or similar uses | 0-50 seats \$100; Greater than 50 seats \$2 per seat |
| A-3 Lecture halls, churches and places of religious worship, rec centers; etc. | \$2 per occupant; Note: religious worship/churches; fee waived |
| A Special amusement buildings | \$2 per occupant; \$100 minimum fee |
| A Clubs and Function Halls associated with Clubs | Annual Fee: \$200 |
| E Educational, Daycare, Business use education | 0-50 occupants \$100; Greater than 50 \$2 per occupant; Note: Public Education: Fee waived |
| I-1 Group Home | \$100 |
| I-2 Nursing Home | 0-50 occupants: \$100 Greater than 50: \$2 per occupant |
| I-4 Adult and/or Child Care Facility | 0-50 occupants \$100 Greater than 50 \$2 per occupant |
| R-1 Hotels, Motels | \$2 per room |
| R-1 Detoxification facilities | 0-50 occupants \$100 Greater than 50: \$2 per occupant |
| R-4 Residential care/Assisted Living | 0-50 occupants: 100 Greater than 50: \$2 per occupant |

For use not specified: Minimum fee: \$100 up to 50 occupants/room
Greater than 50 occupants: \$2 per occupant/room

2. By deleting Section 15-27, Registration, in its entirety, and inserting in its place the following new section:

15-27 Registration

All Mortgagee's must register vacant, foreclosing and foreclosed residential property with the Building Commissioner on forms provided by The Commissioner. All Registrations must state the Mortgagee's (or

their agents) phone number and mailing address located within The Commonwealth as required by MA General Laws 59 sec. 57D and 156D sec 5.02. The Registration must designate and retain a local individual or local property management company responsible for maintenance of the property.

An annual registration fee of \$500.00 must be paid until property is sold to third party and no longer vacant.

s/Alderman Gaffney

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

PUBLIC HEARINGS:

On the petition by Presidential Ventures LLC, 275 Mishawum Road, 4th Floor, Woburn, Massachusetts 01801 for a special permit and site plan approval pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 12.2.4 and 8.6.2.2 to allow construction of 270+/- parking spaces, subsurface drainage structures, exterior lighting and waiver from tree requirement at 8 Presidential Way. PUBLIC HEARING OPENED. A communication dated December 3, 2018 was received from Attorney James J. Mawn, Mawn and Mawn, P.C., 275 Mishawum Road, Woburn, Massachusetts 01801 as follows:

Re: Petitioner: Presidential Ventures, LLC, 8 Presidential Way

Dear Mr. Campbell:

The Petitioner hereby requests a continuance of the public hearing to your next scheduled meeting.

Very truly yours, s/James J. Mawn

Motion made and 2nd that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Alderman Gately stated that the petitioner is still before the Conservation Commission, and that the City Engineer has not provided mitigation information. Alderman Anderson stated that the petitioner requested additional time to work on these issues. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON DECEMBER 18, 2018, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

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 November 28, 2018 with attachment was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Board recommendation on proposed zoning ordinance amendment relative to conversion of historic buildings or structures

Dear Members of the Council:

The Woburn Planning Board concluded its public hearing on the above-referenced Order last night, having conducted the hearing over the course of meetings on September 11th, October 9th, November 13th and November 27th, 2018.

Following the public hearing and subsequent discussion, members of the Board voted unanimously (6-0) to recommend to the Council that an amended version of the submitted Order be adopted.

The Planning Board's recommendations are numerous and are reflected in the attachments. One attachment (footnote entitled "11-27-18 Planning Board recommendation [suggested amendments in track change mode]") shows all Board-recommended changes for easy identification. The second attachment (footnote entitled "11-27-18 Planning Board recommendation [Board-recommended amendments incorporated]") illustrates what the Section would look like if the amendments recommended by the Planning Board were adopted.

It is worth noting that currently there are several pending zoning amendments purporting to create a new Section 29 to the Woburn Zoning Ordinance. They include this amendment, the 14/14R Federal Street 40R Smart Growth overlay district proposal, and the Woburn Mall 40R Smart Growth overlay district proposal. Planning staff recommends the Council assign actual Section numbers based on the chronological order in which some or all of the various zoning proposals are adopted.

Please feel free to contact me if you have any questions relative to this vote of the Planning Board.

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

Motion made and 2nd that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Alderman Tedesco stated that he will suggest revisions to the recommendations of the Planning Board, that the word "structure" is too broad and has been changed to "building", that the "Special Permit Granting Authority" has been changed to reflect the City Council, that a definition is provided for "lot of record" and that there were some grammatical changes, that this matter has been in process for four months, that Alderman Anderson, Alderman Higgins, Building Commissioner Quinn, Planning Director Cassidy and he have worked on the matter, and that Section 29.4.2

involves office use but that section needs further review. Alderman Tedesco offered the following form of Ordinance for the City Council to review:

SECTION 29
CONVERSION OF SIGNIFICANT HISTORIC BUILDING
REVISED

29.1 Purpose of District

The purpose of this overlay district shall be to promote the preservation of significant historic buildings that are neighborhood and/or city landmarks that have outlived the purpose for which they were initially constructed, and which are at risk for deterioration or loss, thereby enhancing the community's appearance and extending its common architectural legacy for future generations. The intent of this overlay district shall be to enable such buildings to be adapted to new use(s) while exerting strict control over the preservation of exterior building and site features. This provision is designed to encourage the adaptive reuse of such buildings where such reuse would more effectively promote, preserve, and enhance the architectural character of the surrounding neighborhood than would demolition of these landmark buildings and subsequent redevelopment of the site using the provisions of the underlying zoning district building.

29.2 Scope of Authority

1. In all residential and mixed-use districts, any existing building containing gross floor area of 4,000 sq. ft. or greater of which at least fifty percent (50%) of the gross floor area was constructed prior to 1918 and which has been deemed to be a Significant Historic Building by the Woburn Historical Commission using the criteria listed in Title 15, Article V, Section 15-16 of the Woburn Municipal Code may, together with the original detached accessory structures, be altered so as to contain two (2) or more dwelling units by special permit granted by the City Council provided the conditions set forth herein are met. If in a Historic District as provided in Title 19 of the Municipal Code, a Certificate of Appropriateness shall be obtained from the Historic District Commission. Municipally-owned buildings, or Municipally-owned buildings that are under agreement to be sold for the purpose of development in accordance with this Section 29, or former Municipally-owned buildings were sold for the purpose of development in accordance with this Section 29, shall be exempt from the minimum gross floor area requirement.

29.3 Uses Allowed by Right

1. Those uses permitted by right in the underlying zoning district.

29.4 Uses Allowed by Special Permit

1. Dwelling units located entirely within the building that has been deemed to be a Significant Historic Building by the Woburn Historical Commission as provided herein.
2. An office use located entirely within the building that has been deemed to be a Significant Historic Building by the Woburn Historical Commission as provided herein that legally exists, even if nonconforming, as of the date of the Petition may be allowed to continue provided (1) it is a preexisting legal use; (2) such use does not exceed 75% of the gross floor area; and (3) the continued office use together with the additional residential use shall not substantially impact the comfort, privacy, quiet enjoyment, and standard of living of residents in the property and neighborhood.

29.5 Dimensional and Density Regulations

Dimensional regulations for the “Conversion of Significant Historic Building ” shall be as follows provided, however, that the City Council may grant a Special Permit to authorize relief from some of the Dimensional Regulations set forth below so long as such relief does not allow an increase in the Maximum Building Height of the existing building or the footprint except to address ADA compliance; the addition of an exterior elevator shaft; or the addition of exterior stairwells; and porches/decks.

1. Dimensional Regulations: For purposes of this Section 29, the existing Significant Historic Building may be converted to a multi-family dwelling using the dimensions reflected in existing site conditions as of the date of adoption of this provision (December 4, 2018) including setbacks (building and parking); ground coverage; height; lot size; lot width; and landscaped useable open space. The City Council may grant relief from the setbacks, landscaped usable open space and building ground coverage regulations/requirements but may not grant additional relief for height, lot size or lot width. Municipally-owned buildings, or Municipally-owned buildings that are under agreement to be sold for the purpose of development in accordance with this Section 29, or former Municipally-owned buildings that were sold for the purpose of development in accordance with this Section 29, shall be exempt from this requirement.
2. Existing buildings on lots which are lots of record as of the date of adoption of this amendment (December 4, 2018) that are deficient in frontage, area, or lot width may be converted under the terms of this Section without a variance, but existing buildings on lots which meet or exceed the minimum required frontage, area, or lot width may not be subdivided in a manner that creates additional building lot(s) or dwelling unit(s). For purposes of this section, “lots of record” are those as shown on the most recently recorded subdivision or so-called ANR plan filed at the Middlesex South Registry of Deeds. Municipally-owned buildings, or Municipally-owned buildings that are under agreement to be sold

for the purpose of development in accordance with this Section 29, or former Municipally-owned buildings that were sold for the purpose of development in accordance with this Section 29, shall be exempt from this requirement.

3. Maximum Building Height

- a. For purposes of this Section 29, the Maximum Building Height is as is existing at each location of the building's roof, it being the intent of this section to prohibit the upward expansion of certain portions of the building to match the highest point.
- b. The maximum building height shall be no greater than the existing Building, as set forth in subparagraph (a) supra, not including appurtenant roof structures such as chimneys, service equipment, elevator machinery, spires, flag poles and the like.

4. Maximum Permitted Residential Density: Twenty (20) units per acre. Municipally-owned buildings, or Municipally-owned buildings that are under agreement to be sold for the purpose of development in accordance with this Section 29, or former Municipally-owned buildings that were sold for the purpose of development in accordance with this Section 29, shall be exempt from the maximum permitted density restriction.

29.6 Off-Street Parking Requirements

- 1. For residential uses, off street parking shall be provided in accordance with the table below. When non-residential uses are permitted in the underlying district, off-street parking for non-residential uses shall be provided in accordance with Section 8.2.5. In all other respects, the provisions of Section 8 will apply to all parking spaces.

| Type of Unit | Minimum number of parking spaces per unit |
|----------------------|---|
| Studio and 1 Bedroom | 2 spaces per unit |
| 2 Bedroom | 2 spaces per unit |
| 3+ Bedroom | 1 space per bedroom |

- 2. The City Council may require additional parking spaces to accommodate residents and/or guests on the site to minimize impact upon the neighborhood especially if there is sufficient area to accommodate additional parking spaces on site.
- 3. The City Council may grant a special permit to reduce the minimum number of required parking spaces per dwelling unit if (a) all proposed parking spaces on site are designed such that each vehicle may proceed to and from each parking

space without requiring the moving of any other vehicle; (b) the City Council finds that the proposed project will not detract from the health, safety, and welfare of the occupants and owners of surrounding properties; and (c) the City Council finds that the reduced amount of on-site parking will accommodate the projected parking demands of the site, including employees, residents, visitors and deliveries.

4. Except as provided herein, all design and screening requirements for parking spaces and parking lots in Section 8 of the Woburn Zoning Ordinance apply. Relief from those requirements may be provided at the discretion of the City Council after consideration of all relevant factors including pre-existing conditions such as setbacks and alternative screening and landscaping.

29.7 Conditions

1. The exterior façade and design shall be maintained to the maximum extent possible and maintained in perpetuity by the execution and recordation of a Façade Preservation Restriction.
2. Except as otherwise provided herein, the original building area is not increased except for minor additions and alterations made to comply with the requirements of the Americans with Disabilities Act.

29.8 Required Additional Findings for Conversion of Significant Historic Building

In granting a Special Permit under Section 29, and in addition to the required findings set forth in Section 11.5 of the Woburn Zoning Ordinance, the City Council must make the following additional findings and conditions with respect to any Special Permit for Conversion of an Historic Building:

1. That the building proposed for conversion to residential use (or, in cases where non-residential is also permitted, to mixed-use) has been deemed by the Woburn Historical Commission to be a “Significant Historic Building”. In making this finding, the Woburn Historical Commission shall use the criteria outlined in Title 15, Article V, Section 15-16 of the Woburn Municipal Code;
2. That there is community value to retaining the building and history that it represents;
3. That the amount of usable open space existing on the site as of the date of adoption of this provision (December 4, 2018) shall remain the same unless the City Council specifically authorizes an exemption;
4. That the building proposed for conversion to residential (or to mixed use, in cases where non-residential uses are also permitted) shall be restored to its’ original historic character and preserved from a historic or architectural

- perspective in perpetuity via the execution and recordation of a Façade Preservation Restriction;
5. That conversion of the historic building to residential use or mixed use facilitates preservation or improvement of the existing character of the subject property, abutting properties and the district generally;
 6. That the exterior design of the building shall not be substantially altered so as to change the character and architecture of the original design; and
 7. There shall be adequate provision for screening of and container(s) for collection and disposal of refuse.

29.9 Procedure

1. Special Permit Applications pursuant to this section shall be subject to the procedures and conditions set forth in Section 11 of the Woburn Zoning Ordinance.

29.10 Application Requirements

1. An application package for Special Permit in accordance with this Section shall contain all of the material listed in 29.10 and 29.11 and shall be delivered to the office of the City Clerk at City Hall during regular business hours.
2. A complete application package for a Special Permit for Conversion of an Historic Building shall contain all of the following:
 1. Thirteen (13) copies of a Special Permit application;
 2. Two (2) copies of a deed certifying ownership and, where applicable, a statement certifying prospective ownership of the premises involved as well as evidence that the applicant has permission of the owner to make such application if the applicant is not the owner;
 3. Legal description, street address(es) and/or other description of the location of the premises involved;
 4. Two (2) sets of mailing labels showing the names and addresses of all “parties in interest” as defined by M.G.L. Chapter 40A Section 11 (this list must be certified by the Woburn Assessors’ Office);
 5. Thirteen (13) copies of plans meeting all of the requirements of Section 29.11, at a minimum size of 24” x 36”, drawn to scale and dimensionally correct. Required plans are all those applicable to the establishment of the findings and conditions specified in this Section. Such plans shall include

building floor and façade plans, plot plans showing existing conditions and lot lines, traffic circulation, landscaping and topographical plans and shall be drawn by registered professionals in the respective trades.

6. Evidence as required to show the effects of the proposed project upon traffic, drainage, road capacity, and city utilities including studies such as traffic generation and parking utilization analyses;
7. Evidence as to the status of all permit applications to and decisions from other City, State, or Federal agencies concerning the project including the Woburn Board of Appeals, Woburn Conservation Commission, and MassDEP;
8. Any information not listed herein but which is required in order to properly consider all of the requested special permit(s) and any waiver(s);
9. A draft Façade Preservation Restriction in recordable form and which will be binding upon the developer/property owner as a condition of the Special Permit;
10. A filing fee of five hundred dollars (\$500.00) of which two hundred dollars (\$200.00) will be for advertising and three hundred dollars (\$300.00) will be for an application fee;
11. An electronic copy of the entire application package (including all documents and plans) in Word and pdf format; and
12. Satisfactory evidence that at least fifty percent (50%) of the building's gross floor area was constructed prior to 1918.

29.11 Plan Content Requirements. Plans submitted as part of an application pursuant to this section shall contain the following information:

1. A locus map drawn at a scale of 1" = 800' that shows the subject property and all zoning and historic district boundary lines that lie within the locus;
2. The location and name of all streets in the immediate vicinity of the proposed project with a notation as to whether the street is a public or privately-owned right-of-way;
3. The location and dimensions of all existing buildings on the site and the general location of buildings on abutting properties;
4. Existing and proposed setbacks of all existing buildings;
5. Existing and proposed contour elevations in two foot increments;

6. A table calculating the amount of parking required for all existing and proposed uses, and the location, size and type of parking spaces, parking areas, loading and unloading and service areas;
7. Information sufficient to demonstrate that satisfactory arrangements will be made to facilitate vehicular and pedestrian movement to, from and within the site including information on driveways, parking lot aisles, walkways, and sidewalks;
8. Information on the location, size, and capacity of existing and proposed utilities which will service the project (water and sewer service, hydrant locations, drainage, electrical, cable, etc.);
9. Information on the method of surface and subsurface drainage disposal;
10. Location, size, type and number of existing and proposed landscaping features, including trees to be retained or removed;
11. Information on the type, number, and intensity of lighting;
12. A table displaying all applicable use and dimensional regulations and corresponding specifications of the proposal;
13. Provisions for refuse removal and snow removal/storage;
14. Architectural details of all existing building facades as well as any proposed changes/additions to the building facades; and including manufacturers' color codes for all exterior features; and
15. Any additional information the Special Permit Granting Authority deems necessary to evaluate the proposed project as it relates to any of the special permit or waiver requests, surrounding areas, anticipated traffic and public safety issues and the intent of the Zoning Ordinance.

President Haggerty stated that it may be worth holding this matter until the meeting in two weeks for further review of Section 29.4.2. Alderman Tedesco stated that the Planning Director said based on her schedule it would be best to hold off review of Section 29.4.2 until the new year. Alderman Campbell stated that Section 29.2 indicates that a building needs only to be 2,000 square feet prior to 1918 and may have an addition constructed after 1918 to achieve the 4,000 square foot minimum requirement, that according to the Chief Appraiser there are 304 building constructed before 1918 that were 2,000 square feet and which could have an addition constructed to get to 4,000 square feet, that there are only four buildings constructed prior to 1918 that are over 4,000 square feet, that there are houses on Arlington Road that could have additions constructed because they are historically significant due to their architecture and were along the route of the Middlesex Canal, that 2,000 square feet

could be added to these houses to then take advantage of this ordinance, that she is in favor of preserving older homes to protect the architectural integrity of the community but wants to hold action to further review the ordinance, and that where there are loopholes people can take advantage of those loopholes. Alderman Tedesco stated that the ordinance refers to existing buildings, and that the ordinance could be amended to state that the building must be existing by a certain date. Alderman Anderson stated that this raises a good issue but the intent was to allow additions to existing buildings, and that the ordinance could be amended to state that the building must be existing by December 4, 2018. Alderman Tedesco stated that the building also has to be historically significant according to the Woburn Historical Commission. Alderman Anderson stated that the addition would also have to be historically significant. Alderman Tedesco stated that you have to look at the building holistically. Alderman Campbell stated that she is concerned because the ordinance impacts properties in all residential zones in the city including the R-1 zoning district. Alderman Concannon asked how the 50% addition standard was determined. Alderman Tedesco stated that 50% would mean the majority of the building pre-dated 1918, and that Section 29.4.2 was added in the past few days after the Planning Board recommendation was issued. Alderman Anderson stated that Section 29.4.2 does not additional review as it refers to 75% of gross floor area and that should have read 25% of gross floor area. President Haggerty stated that the language in 29.2.1 is that at least 50% of the building is so significant that the city wants to save the building. Alderman Campbell stated that Alderman Anderson said the whole building has to be historically significant, and that if the intent is that the whole building has to be historically significant as written there is ambiguity in the ordinance if the whole building has to be historically significant. Alderman Concannon stated that the ordinance should indicate that 50% of the building has to be constructed before 1918 and that any addition was not so offensive as to diminish the first 50%. Motion made and 2nd to amend Section 29.2.1 by adding after the words “conditions set forth herein are met” in the first sentence the words “the entire building, original and any additions, must be deemed to be a historically significant building by the Woburn Historical Commission”, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd that Section 29.4.2 be deleted, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). President Haggerty stated that he does believe that Section 29.4.2 should be looked at further, and that a business in the building is valuable to protect a piece of property which continuing along with residential options would not be offensive. Motion made and 2nd to amend Section 29.2.1 by adding after the words “any existing building” in the first sentence the words “as of December 4, 2018”, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). PUBLIC COMMENTS: Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 stated that he represents John Flaherty who has an agreement to purchase the former Tidd Home on Elm Street, and that his client has no objections to the proposed amendments. John Flaherty, 28 West Street stated that his proposal is for studio apartments in the interior of the Tidd Home on Elm Street, and that each unit will have a four burner stove, microwave, sink and 10 cubic foot refrigerator but no dishwasher. Alderman Gately stated that he supports preserving the building. Art Duffy, 38 Alfred Street stated that he is in favor of the proposal, and that Mr. Flaherty has a record of preserving historical buildings in the city such as the Burdett Mansion, the former St. Joseph’s Church and the war memorial on Woburn Common. Motion made and 2nd to close the public hearing, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). PUBLIC HEARING CLOSED. Alderman

Anderson stated that a lot of time and effort went into preparing this ordinance, and that the ordinance was intended to apply to the Tidd Home but could apply as well to other properties in the city. President Haggerty stated that work should continue on the section relative to commercial uses of the property. Motion made and 2nd that the REVISED FOR OF ORDER be ADOPTED, AS FURTHER AMENDED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Presented to the Mayor: December 6, 2018 **s/Scott D. Galvin December 6, 2018**

On the petition by Seaver Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 for a special permit and site plan approval pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.3a, 5.7.3 and 12.2.2 to allow 41 residential townhouse units and a waiver of the required buffer zone of seventy feet between the R-3 zoned property and O-P zoned property at Hinckley Street (09-15-03), Warren-Mishawum Avenue (09-15-02), Mishawum-Dexter Avenue (09-15-01), Warren-Mishawum Avenue (09-10-01); Dexter Avenue (09-14-03), North Maple/Monks (09-09-02), Monks Street (09-09-01), Hinckley, Monks Warren (09-14-01); Monks Street (09-14-02). PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “back for action with the following conditions attached:

- 1) The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: “Site Plan East Dexter Avenue Woburn, Massachusetts, and revised on _____, Sheets 1-8 prepared by ALAN Engineering L.L.C. 110 Winn Street Suite 209 Woburn, MA 01801 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan
- 2) Prior to the issuance of an occupancy permit, temporary or permanent, the following mitigation shall be completed by the Petitioner:
 - a) A flashing speed limit sign shall be installed on the easterly side of Merrimac Street near the intersection of East Dexter Ave. and Merrimac Street at a location to be determined by the Superintendent of Public Works and Chief of Police.
 - b) Improvement to the intersection of School Street and Merrimac Street
 - c) Clean all dirt and debris from existing sanitary manholes 2 and 3 on East Dexter Avenue. Install a concrete invert utilizing the existing pipe.
- 3) This project shall not exceed 41 units.

- 4) All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting abutting properties.
- 5) A detail of lighting fixtures to be used on site shall be incorporated into the detail sheet to show the method of directing glare downward onto the site and away from abutting properties.
- 6) Lighting fixtures shall be added at approximately one hundred (100) foot intervals along the interior site driveway to provide adequate light for safe pedestrian and vehicular travel.
- 7) The proposed driveway must meet the Zoning Ordinance (the maximum width of a residential driveway is twenty-four (24) feet) per section 8.4.3 of the Zoning Ordinance.
- 8) A five (5) foot wide concrete sidewalk shall be installed along one side of the interior site driveway.
- 9) To accommodate the sidewalk and facilitate drainage, five (5) inch vertical granite curbing shall be installed along both sides of the interior site driveway.
- 10) During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways and sidewalks free and clear of all debris.
- 11) During site redevelopment and construction, all vehicles must be parked on Site. There shall be no parking on Chester Avenue, Merrimac Street Knight Street, or North Maple Street.
- 12) During site redevelopment and construction, all staging and deliveries will occur on site.
- 13) Except in the event of an emergency, construction activities on the site shall be from 7:00 am-5:00 pm Monday through Friday, and 8:00 am-4:00 pm on Saturdays. No work on site shall be permitted on Sunday or state and federal holidays recognized by the city of Woburn.
- 14) All driveways to individual units must be at least eight (18) feet long per Section 8.4.1 of the Zoning Ordinance in order for the driveway space to count toward the parking requirements for zoning purposes. Up to 30% of the parking spaces may be compact spaces, but any such spaces shall be clearly identified by signage and/or pavement markings as required by section 8.2.3 of the Zoning Ordinance.
- 15) Each townhouse unit that does not have a garage and/or driveway of its own shall be allocated at least two deeded spots, which must be clearly labeled.
- 16) All visitor parking spaces must be clearly labeled and used as such. No visitor parking spaces as indicated on the plan of record may be deeded out to property owners.

- 17) There shall be adequate pest control in place during site redevelopment and construction and reviewed and approved by the Board of Health.
- 18) All signage must comply in all respects with the provisions of section 13 of the Woburn Zoning Ordinance. All signage shall be subject to a separate application and approval process by the City of Woburn's Department of Inspectional Services.
- 19) The applicant must comply with the requirements of section 11.11 of the Zoning Ordinance (Affordable Housing Requirement) relative to the creation of six (6) affordable housing units. A copy of the Memorandum of Understanding between the Petitioner and the Woburn Housing Authority shall be submitted to the City Clerk.
- 20) The plan should identify adequate snow storage areas and the applicant must file a copy of the snow storage plan with the Director of Inspectional Services.
- 21) Water meters must be installed per direction of the plumbing inspector prior to sign-off by the plumbing inspector on any final inspection.
- 22) If irrigation is being provided, the proposed Plan of Record must be revised to show the location of the meter box.
- 23) Prior to commencement of any work on site, the developer shall provide all vendors and contractors with a map of the required truck route to the property via East Dexter Avenue from Merrimac Street.
- 24) The Buyer of each condominium unit shall execute at closing an acknowledgement that the Property abuts various commercial uses. A copy of each acknowledgement shall be filed with the Building Commissioner.
- 25) Pursuant to section 5.7.3 of the 1985 Zoning Ordinances, as amended, in waiving or varying the imposed buffer zone requirement the City Council finds that with respect to the special permit:
 - a) Existing or proposed alternative screening devices such as fences, evergreen plantings, and earthen berms will provide a reasonable buffer between incompatible land uses.
 - b) Waiving or varying the buffer zone requirement will not substantially impact the comfort, privacy, quiet enjoyment, and standard of living of residents in the property rezoned.
 - c) The nature or circumstances of the particular lot, project, or neighborhood justifies a different buffer requirement, including but not limited to topography, soils, or other site conditions which make the planting or maintenance of the buffer impractical."

A communication dated November 30, 2018 with attachment was received from Mark A. Sleger, P.E., Manager, ALAN Engineering, L.L.C., 110 Winn Street, Suite 209, Woburn, Massachusetts 01801 as follows:

Ref: East Dexter Avenue Condominium Project

Dear Councilors:

Enclosed are revised plan for the above referenced project. The Plans have been revised as follows to address the comments of the Planning, Engineering and Public Works Departments.

- All Assessor's Parcels within the subject property and their respective owners and deed references have been added to the title page of the plan set.
- The typical tree planning detail has been revised.
- The water main and drainage in front of building 3 have been revised to provide a minimum of 5 feet of separation.
- The water main connection in North Maple Street has been revised to show the connection to the existing system at the intersection of North Maple Street and Oakland Street. Additionally, the developer will replace the existing 6-inch water main from Merrimac Street to Oakland Street.

I look forward to presenting these revisions to the Council at their December 4th meeting.

Very truly yours, ALAN Engineering, L.L.C., s/Mark A. Sleger, P.E., Manager

A communication dated December 3, 2018 was received from Superintendent John Duran as follows:

Subject: Seaver Construction - East Dexter Avenue

I have reviewed the initial plans with the applicants design engineer and the plans were modified based upon our discussions. This memo summarizes comments based upon the plans prepared entitle "Site Plan, East Dexter Avenue, Woburn, Massachusetts" by Alan Engineering last revised November 29, 2018.

WATER:

- An 8" water main has been proposed from the new accepted roadway on East Dexter Avenue through the site onto North Maple Street. A new main will have to be added at the applicant's expense and be extended south easterly on North Maple. In addition, I recommended and the applicant agreed to replace the 6 inch main with a new 8 inch ductile iron main to connect at Merrimac Street to properly loop the system and provide an upgrade for this project as well as the adjacent area. Two hydrants are proposed along North Maple Street to provide an upgrade for fire protection as requested. There are 2 gates proposed to be cut in at East Dexter. There should be a third gate added unless the applicant can demonstrate that an adjacent gate is operational to the satisfaction of the

Water Superintendent. In addition, a line gate should be added in the middle of the proposed driveway between the 2 proposed hydrants on the site. Final gate configurations of the 6 inch gates for fire services and two inch domestic services will be required at the building permit level if the approval is granted for this project. All gates and shutoffs will be required to be located in bituminous or cement concrete as approved by the DPW and Water Superintendent(s).

- A fire flow test has not been scheduled at this time. This can be scheduled now if weather allows or in the spring if approved by the Fire Department. In the event that there are unsatisfactory results during the fire flow, it shall be the applicant's responsibility to design and construct additional improvements that are sufficient for fire flow requirements. Individual booster pumps may also be required for the proposed buildings and must be installed at the applicant's expense as necessary.
- As-Built Plans should be provided at the conclusion of the project to the satisfaction of the DPW, Water and Engineering Departments. I highly recommend that a pre-construction meeting be held with the utility contractor for proper permitting and understanding of the utilities prior to any excavation if in fact the City Council issues an approval for this project.

SEWER:

- The sewer system has been designed in the middle of the driveway and discharges to North Maple Street between proposed buildings 6 and 7. The new service for the connection into North Maple is very shallow and is solely to service this development. Therefore, it should be designated as owned by the applicant and subsequently the Homeowners Association (HOA) in perpetuity to SMH1 in North Maple Street.
- The engineer must verify has verified the down gradient capacity based upon record information. However, I believe this should be verified by actual field survey to prevent sanitary sewer overflow onto adjacent properties and/or wetland areas.

DRAINAGE:

The drainage collection system has been designed to discharge to an infiltration system. The design engineer did some soil testing and evaluation in the lower areas near North Maple Street. There should be confirmation tests performed as necessary to verify the soils per the design. In addition, the plans depict wetlands and flood elevations based upon city GIS data. This should be properly flagged and analyzed. The overflow pipe discharged to the lower area at North Maple. A detailed evaluation should be performed to determine if this should be hydraulically connected to avoid surcharge and flooding across North Maple Street.

A SWPPP (Storm water Pollution Prevention Plan) shall be developed prior to commencement of site clearing.

ROADWAY RESTORATION:

- I would recommend a minimum of 150 feet curb to curb restoration since the new roadway will be disturbed to allow for the new water main connection.
- There is only one sidewalk which crosses from the site to the other side as approved for a previous project. Based upon the addition of forty one (41) more units and the slope of the road, I recommend sidewalks be added to both sides so that there is are contiguous

safe ADA compliant walks extending to Merrimac Street. In the event that the existing sidewalks remain, it is imperative that the developer paint the crosswalk and add blinking yellow crosswalk signs to adequately define a safe crossing location.

Please feel free to call me with any questions or concerns pursuant to this matter.

A communication dated December 4, 2018 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Seaver Properties LLC – Special Permit Townhouse Development

I received the Committee's correspondence, copy attached, asking whether the land upon which a special permit petitioner, Seaver Properties, LLC proposes to construct 41 residential townhouses (the "Petition") has been properly rezoned from O-P/R-2 to the R-3 zoning district. In preparing this response I also received documentation from the Petitioner's legal counsel, and legal counsel for an abutter.

Though zoning amendments are subject to challenge in a court of competent jurisdiction and not, by argument to the legislative body, they are also entitled to a strong presumption of validity. The July 17, 2018 Order, as amended, appears to properly amend the zoning map with respect to 8 parcels of land (as shown on Exhibit A to the Petition to Amend the Zoning Map) from O-P/R-2 to R-3 together with the interior paper streets and to the center of exterior adjacent paper streets. [The validity of the rezoning amendment also rests upon strict compliance with the procedural requirements of M.G.L. c.40A, §5.]

In reviewing the Petition which was submitted to me as part of the Council's correspondence, I must offer additional comments because while the July 17, 2018 Order as amended removed parcel 09/14/02 (a City tax title parcel) from the zoning map amendment, that parcel reappears in the list of parcels identified in Exhibits A and B to the Petition. The Petition should therefore be amended to remove that parcel thus clarifying that it is not included in the land to be developed should the Petition be granted. This may alleviate some of the abutter's concern that not all of the lots identified in the Petition have been rezoned to R-3.

Further to this issue, once the square footage of parcel 09/14/02 and the adjacent paper street is removed from the Petition, the remaining acreage should be recalculated to ensure compliance with the 5 acre minimum lot size requirement of Section 10.4.10 which is applicable to Petitions filed pursuant to Section 5.1.3a. According to p. 3 of the site plan submitted to me by Petitioner's legal counsel, the parcel which is the subject of the Petition contains 4.905 acres of land. I respectfully suggest that this particular issue be vetted with the Petitioner and possibly, the City's Engineering Department.

Thank you for your attention to the above. Please do not hesitate to contact me if you have any additional questions.

Sincerely, s/ Ellen Callahan Doucette

A communication dated November 7, 2018 was received from Greg Rheaume, Senior Engineer, Engineering Department as follows:

Subject: East Dexter Avenue 41 Unit Development

This office is in receipt of a plan entitled "SITE PLAN, EAST DEXTER AVENUE, WOBURN, MASSACHUSETTS, dated September 10, 2018 prepared for Seaver Construction, Inc. and offer the following comments.

GENERAL

The site plan indicates the locus to be 4.905 acres of undeveloped, partially disturbed land between East Dexter Avenue and North Maple Street. The site contains two unconstructed streets (Hinckley Street and Warren Avenue). Based on the plan reference for the land owner's deeds, the site consists of a series of small lots. The deed recorded in book 16281 page 467 indicates the sum of the lot areas to be 1.15 acres. The deed recorded in book 7524 page 520 indicates the sum of the lot areas to be 0.338 acres. This leaves an area of 3.42 acres more or less of land not owned by the applicants. Included in this 3.42 acres, is the area of the unconstructed streets of 0.9 acres. Neither of the two referenced deeds refers to ownership of these street. The applicant should furnish evidence of ownership for the 3.42 acres not accounted for in the deeds.

Sheet 2 of 8 (existing conditions) of the site plan, depicts the site to be 1 parcel. Based on the development impact report, the project consists of assessor parcels 9-14-1 and 9-14-3. All parcels comprising the development should be shown on the plan with deed references along with the unconstructed streets. Abutters to this project may have rights in these streets. The rights of others in these streets, should be extinguished prior to the project moving forward.

ACCESS

The access to the project is by a private driveway exiting the recently constructed section of East Dexter Avenue. The driveway conforms to the municipal code for the maximum driveway width and minimum access lane width. As stated in a development impact statement, parking has been addressed to provide two parking spaces per unit and twelve guest spaces. Not all of the parking spaces are shown on the plan. Any space in garage units should be labeled.

The project shows a bituminous concrete walkway on one side only of the proposed driveway. Given the number of proposed units, it is recommended that a sidewalk be constructed on both sides of the driveway.

UTILITIES

SEWER

The proposed development will be serviced by an 8" SDR- 35 sewer main with 6" SDR-35 service lines to the main from the buildings. The site sewer main will exit the property onto North Maple Street to an existing sewer. The size and material of the North Maple Street sewer should be indicated on the utility plan.

Based on city records, the North Maple street sewer is an 8" asbestos cement line installed in 1968. The section of this sewer at the proposed development connection has a calculated maximum capacity of approximately 0.9 cubic feet per second or 400 gallons per minute. The applicant should demonstrate that the North Maple Street sewer has the capacity to handle the existing sewer flow, existing groundwater infiltration and the added increase in sewer flow from the proposed development.

WATER

The proposed development will be serviced by an 8" cement lined ductile iron main connecting between East Dexter Avenue and North Maple Street. Each building will be serviced with a 6" fire protection line and a 2" domestic supply line.

The Engineering department recommends a fire flow test be performed to insure sufficient pressure and volume to a multi building townhouse development.

DRAINAGE

Storm water runoff is proposed to be collected into catch basins in the proposed driveway and directed to a subsurface detention infiltration system. The department is requesting storm water runoff calculations from the engineer of record to support the design of this system.

The subsurface detention system shows an overflow outlet being directed onto the surface of the ground. This outlet should be connected to an existing drainage system or the storm water runoff calculations should show that the flow from this overflow does not adversely impact abutting properties.

The drainage network should contain a water quality structure downstream of the last drain manhole and upstream of the subsurface detention system.

It appears that buildings labelled 4, 5, 6 and 7 along the east side of the proposed driveway may have some roof runoff directed to abutting properties. This runoff should be collected by roof gutters and down spouts into properly sized subsurface infiltration systems.

Greg Rheaume, Senior Engineer, Woburn Engineering Department

A communication dated December 4, 2018 was received from John E. Corey, Jr., PE, City Engineer as follows:

Subject: East Dexter Avenue 41 Unit Development Review and Mitigation
Recommendations

This office is in receipt of a plan entitled "SITE PLAN, EAST DEXTER AVENUE, WOBURN, MASSACHUSETTS, dated September 10, 2018 and revised on November 29, 2018 to address comments raised in an engineering department memorandum dated November 7, 2018. In reference to this matter, we offer the following comments:

GENERAL

The matter of preparing an ANR plan to eliminate interior lot lines has as yet not been addressed and zoning setbacks cannot be obtained. This should be a condition of any approval relative to the project.

UTILITIES

SEWER

The applicant should demonstrate that the North Maple Street sewer has the capacity to handle the existing sewer flow from all tributary sources, including groundwater infiltration and the added increase in sewer flow from the proposed development for maximum daily flow conditions. The applicant's engineer has submitted a computation for the development, however it does not include other sewage flows from the street, nor is it for maximum daily flow conditions. This calculation should be performed.

WATER

The proposed development will be serviced by an 8" cement lined ductile iron main connecting between East Dexter Avenue and North Maple Street. Each building will be serviced with a 6" fire protection line and a 2" domestic supply line.

The Engineering department recommended a fire flow test be performed to insure sufficient pressure and volume to a multi building townhouse development. The applicant indicated that the time of year was problematic for performing a fire flow test and is using the test performed from the development recently completed. The applicant has not provided the ISO fire demand for the project so we cannot say with certainty that the fire flow is adequate. The applicant is working with the DPW to provide a new 8 inch loop from the 12 inch main on Merrimack St. to the existing 6 inch main on North Maple Ave. This would provide for two 6 inch connections and a new 8 inch connection to the 12 inch main on Merrimack St. which would markedly improve fire protection for the entire area. A verification of the required fire demand for the project and fire flow test in the spring should be a condition of any approval.

DRAINAGE

The applicant has submitted the requested storm water runoff calculations for the design of this system.

The drainage network should contain a water quality structure downstream of the last drain manhole and upstream of the subsurface detention system.

MITIGATION

The developer did not submit construction cost data for the project. Improvements to the existing water system required by the DPW would qualify as mitigation for the project.

In addition to the water system improvements, traffic mitigation on Merrimack St. at School St. would benefit the project area as a whole. Traffic mitigation would consist of reconfiguring the intersection of School St. with Merrimack St. to more closely form a perpendicular intersection. This would greatly improve driver visibility for turning movements onto Merrimack St. In order for the developer to perform the roadway improvements, the City would be required to initiate a land taking on the corner. Once the land is secured, the developer could construct the improvements. The attached sketch plan depicts the revised roadway.

Lastly, there are two sewer manholes on East Dexter that require inverts. The developer would be responsible for constructing the brick inverts.

I trust the foregoing suffices for your needs. Should you have any questions or comments, please do not hesitate to contact me.

John E. Corey, Jr., PE, City Engineer

A communication December 3, 2018 with attachments was received from Attorney Peter C. Nechtem, MacLean Holloway Doherty & Sheehan, P.C., 8 Essex Center Drive, Peabody, Massachusetts 01960 in opposition to the petition. Motion made and 2nd that the communications be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Appearing for the petitioner was Attorney Joseph R. Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that this petition has been reviewed by the Committee on Special Permits, that the memorandum from the City Solicitor indicated that eight parcels have been properly rezoned to the R-3 zoning district, and that the petitioner submitted a letter indicating withdrawal of one parcel from the rezoning petition which is reflected in the Order. Attorney Tarby offered the following communication to the City Council for review:

Re: Special Permit Petition of Seaver Properties LLC, Hinckley Street (09-15-03); Warren-Mishawum Avenue (09-15-02); Mishawum-Dexter Avenue (09-15-01); Warren-Mishawum Avenue (09-10-01); Dexter Avenue (09-14-03); North Maple/Monks (09-09-02); Monks Street (09-09-01); Hinckley, Monks Warren (09-14-01); Monks Street (09-14-02) Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of Seaver Properties LLC the applicant in the above-referenced matter, I respectfully request that the property known as Parcel No. 9-14-02 on Monk Street be removed without prejudice from the Special Permit Petition filed with your office on September 13, 2018. If 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 2nd that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Attorney Tarby requested a minor amendment to the petition by changing the reference from Section 5.1.3a to Section 5.1.3d. Alderman Concannon asked if the request for the amendment is to correct a scrivener's error. Attorney Tarby stated that the amendment is to correct a scrivener's error. Motion made and 2nd to allow an amendment to the petitioner from Section 5.1.3a to 5.1.3d, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd that the plan entitled "Site Plan East Dexter Avenue, Woburn, Massachusetts" dated September 10, 2018, revised November 29, 2018 prepared by ALAN Engineering, L.L.C. be accepted as the plan of record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Mark A. Sleger, P.E., Manager, ALAN Engineering, L.L.C., 110 Winn Street, Suite 209, Woburn, Massachusetts 01801 stated that the only significant change in the plan is a waterline on North Maple Street which did not exist, that this waterline will be installed and will connect from North Maple Street and Oakland Street, that the petitioner will upgrade the main to an eight inch main with gate valves at the intersection, that the petition will require a filing with the Conservation Commission and be reviewed under the MassDEP Stormwater Management Policy, that there will be a berm, trees and fence along the buffer zone which will in effect be by nine feet tall, that the buffer zone is measured from the center of the paper street rather than from the lot line, and that the petitioner is providing upgraded screening in the buffer zone. Alderman Campbell asked if the request is that anything outside the red line shown on the plan is a request to waive the buffer zone as she was told that only one side involved a buffer zone waiver. Mr. Sleger stated that yes a waiver from the buffer zone was being requested for the areas outside the red line on the plan. Alderman Campbell stated that the buffer zone ordinance was tightened last year. President Haggerty stated that the buffer zone ordinance was amended and the City Council can waive the buffer zone where conditions warranted, and that this amendment was adopted in conjunction with a site that was to be downzoned. Scott Seaver, Seaver Properties LLC stated that he provided a response to Alderman Campbell concerning the buffer when he did not have the plan in front of him, and that he was referring to a parcel that was removed from the proposal. Mr. Sleger stated that a buffer zone is needed from the O-P zoning district at Mishawum Avenue, and that the ordinance allows the option of more suitable screening rather than the buffer zone, and that the petitioner is providing more suitable screening. Alderman Higgins asked what the elevation was along the Mishawum Avenue line. Mr. Sleger stated that the grade slopes downward, that the elevation is about the same, that there will be a three foot berm and a six foot fence, and that bushes to be installed will be a minimum of six feet tall and three feet in diameter when planted. President Haggerty asked how much buffer relief would be required if the petitioner purchased the city owned parcel. Mr. Seaver stated that the buffer zone in that area would go away. Mr. Sleger stated that in that case the buffer zone would be eliminated.

Alderman Tedesco offered the following amended conditions for consideration by the City Council:

- 1) The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "Site Plan East Dexter Avenue Woburn, Massachusetts, and revised on _____, Sheets 1-8 prepared by ALAN Engineering L.L.C. 110 Winn Street Suite 209 Woburn, MA 01801 (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan
- 2) Prior to the applicant's request for an occupancy, temporary or permanent, for any of the structures and/or dwelling units on the premises, the following offsite mitigation shall be completed by the Petitioner and reviewed and approved by the City Engineer:
 - a) The Petitioner shall complete the water line work on North Maple Street as described in the memo from the Superintendent of Public Works and show on Sheet 8 of the site plan dated November 29, 2018.
 - b) Improvement to the intersection of School Street and Merrimac Street – Will be updated when memo from Jay Corey received.
 - c) Clean all dirt and debris from existing sanitary manholes 2 and 3 on East Dexter Avenue. Install a concrete invert utilizing the existing pipe.
- 3) This project shall not exceed 41 units.
- 4) All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting abutting properties.
- 5) A detail of lighting fixtures to be used on site shall be incorporated into the detail sheet to show the method of directing glare downward onto the site and away from abutting properties.
- 6) Lighting fixtures shall be added at approximately one hundred (100) foot intervals along the interior site driveway to provide adequate light for safe pedestrian and vehicular travel.
- 7) The proposed driveway must meet all requirements of Section 8 of the Zoning Ordinance ((including the 24 foot maximum width limitation for a residential driveway.

- 8) A five (5) foot wide concrete sidewalk shall be installed along one side of the interior site driveway.
- 9) To accommodate the sidewalk and facilitate drainage, five (5) inch vertical granite curbing shall be installed along both sides of the interior site driveway.
- 10) During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways and sidewalks free and clear of all debris.
- 11) During site redevelopment and construction, all vehicles must be parked on Site. There shall be no parking on Chester Avenue, Merrimac Street Knight Street, or North Maple Street.
- 12) During site redevelopment and construction, all staging and deliveries will occur on site.
- 13) Except in the event of an emergency, construction activities on the site shall be from 7:00 am-5:00 pm Monday through Friday, and 8:00 am-4:00 pm on Saturdays. No work on site shall be permitted on Sunday or state and federal holidays recognized by the city of Woburn.
- 14) All driveways to individual units must be at least eight (18) feet long per Section 8.4.1 of the Zoning Ordinance in order for the driveway space to count toward the parking requirements for zoning purposes. Up to 30% of the parking spaces may be compact spaces, but any such spaces shall be clearly identified by signage and/or pavement markings as required by section 8.2.3 of the Zoning Ordinance.
- 15) Each townhouse unit that does not have a garage and/or driveway of its own shall be allocated at least two deeded spots, which must be clearly labeled and reserved for use by those specific units.
- 16) All visitor parking spaces must be clearly labeled and used as such. No visitor parking spaces as indicated on the plan of record may be deeded out to property owners.
- 17) There shall be adequate pest control in place prior to commencement of any site disturbance and maintained throughout all site redevelopment and construction phases. No site work may commence and no building permit shall be issued until the Board of Health is provided with a pest control plan it finds satisfactory and acceptable.
- 18) All signage must comply in all respects with the provisions of section 13 of the Woburn Zoning Ordinance. All signage shall be subject to a separate application and approval process by the City of Woburn's Department of Inspectional Services.
- 19) The applicant must comply with the requirements of section 11.11 of the Zoning Ordinance (Affordable Housing Requirement) relative to the creation of six (6) affordable housing units. A copy of a fully executed Memorandum of Understanding between the Petitioner and the Woburn Housing Authority relative to the sale and

monitoring of the affordable units shall be submitted to the City Clerk prior to the issuance of a building permit.

- 20) Prior to the issuance of a building permit, the developer shall submit a snow storage plan to the City Council's Special Permits Committee for review and approval, which plan shall identify adequate snow storage areas deemed satisfactory by the Committee . The applicant must file a copy of the approved snow storage plan with the Director of Inspectional Services within ten (10) days of its approval by the Committee
- 21) Water meters must be installed per direction of the plumbing inspector prior to sign-off by the plumbing inspector on any final inspection.
- 22) If irrigation is being provided, the proposed Plan of Record must be revised to show the location of the meter box.
- 23) Prior to commencement of any work on site, the developer shall provide all vendors and contractors with a map of the required truck route to the property via East Dexter Avenue from Merrimac Street.
- 24) The Buyer of each condominium unit shall execute at closing an acknowledgement that the Property abuts various commercial uses. A copy of each acknowledgement shall be filed with the Building Commissioner.
- 25) In approving the Plan of Record cited in Paragraph #1 above, the City Council waives the buffer requirement otherwise required by Section 5.7.3 of the 1985 Zoning Ordinances, as amended, and in so waiving or varying the buffer zone requirement the City Council finds that with respect to the special permit and Plan or Record:
 - a) Existing or proposed alternative screening devices such as fences, evergreen plantings, and earthen berms will provide a reasonable buffer between incompatible land uses.
 - b) Waiving or varying the buffer zone requirement will not substantially impact the comfort, privacy, quiet enjoyment, and standard of living of residents in the property rezoned.
 - c) The nature or circumstances of the particular lot, project, or neighborhood justifies a different buffer requirement, including but not limited to topography, soils, or other site conditions which make the planting or maintenance of the buffer impractical.”

Alderman Anderson stated that the only parcel in question is the property in tax title which is landlocked. Mr. Seaver replied that is correct. Mr. Sleger stated that 450 feet of water main is being replaced and 350 feet of new pipe is to be added, and that the total area of the locus is 4.905 acres. Alderman Higgins asked Attorney Tarby if he conferred further with the City Solicitor as without additional comment from the City Solicitor as to the questions raised in her memorandum she is not comfortable voting on the matter, and that she wants to obtain additional information from the City Solicitor. Attorney Tarby stated that if this were a cluster development under Section 10 then then petitioner would need ten acres of land but

the petitioner is not proceeding with a cluster development. Alderman Higgins stated that she would vote in the negative without additional information from the City Solicitor. Alderman Campbell stated that 25.6 feet and 20 feet is halfway into the paper street, and that the petitioner appears to be looking for relief of 25 feet on Mishawum Avenue. Mr. Sleger stated that the buffer zone is 70 feet plus the side setback of 25 feet which would be a buffer of 95 feet and therefore the petitioner is requesting a waiver of 50 feet. Alderman Campbell stated that it is clear that there would need to be a request for a waiver from the buffer along Mishawum Avenue. Mr. Sleger stated that this is correct. Mr. Seaver stated that on Mishawum Avenue the property in the R-2 zoning district does not require a buffer zone by the O-P zoning district property does require a buffer. Attorney Tarby stated that except for the 150 foot curb to curb restoration the petitioner has no issues with the recommendations of the Superintendent of Public Works. Alderman Higgins stated that the language in Condition 2 regarding improvements at the intersection of School Street and Merrimac Street and if relief is needed in the future the petitioner can come back to the City Council and make that request. Alderman Concannon stated that the request to improve the intersection of School Street and Merrimac Street does not involve a problem made worse by this project and depends upon the city taking the land to allow the improvement to be made, and that the city should not hold up the occupancy permit if the city cannot take the land to make the improvement. Alderman Anderson stated that care should be taken in drafting this language in the event the city cannot obtain the land. President Haggerty stated that the language should put the onus on the city taking the land or the petitioner will no longer be obligated to perform the work. Alderman Anderson stated that the city could be required to obtain the land by June 30, 2020 with the work to be completed by the petitioner by June 30, 2021. Alderman Concannon stated that if the city does not perform a taking of the land by a certain date the petition could be required to put money in reserve until the work is done. Mr. Seaver stated that the value would have to be determined. Mr. Sleger stated that there will be a block wall three to four feet high with a fence and spruce trees on North Maple Street and Mishawum Avenue where the buffer is not met. Alderman Campbell stated that Monk Street does not appear to be an issue because one small parcel is involved. Mr. Seaver stated that there is wetland on North Maple Street. Motion made and 2nd to add the word "permit" in Condition 2 after the word "occupancy", 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd to amend Condition 2(a) to read as follows: "The Petitioner will replace the 6" water main with an 8" ductile iron main to connect at Merrimac Street to properly loop the system as described in the Superintendent of Public Works memo dated December 3, 2018 and to his satisfaction," 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd to amend Condition 2(c) to be Condition 2(b), 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd to add a new Condition 2(c) as follows: "2(c) A fire flow test shall be completed prior to the issuance of a building permit. In the event of unsatisfactory results during the fire flow, the Petitioner shall design and construct all necessary improvements that are sufficient for fire flow requirements. If necessary, the Petitioner must also install any individual booster pumps that may be required for the buildings on the site," 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd to add a new Condition 2(d) as follows: "2(d) The Petitioner must also paint a crosswalk connecting the two sidewalks on East Dexter Avenue and install blinking yellow cross signs to allow for a safe crossing location as described in the Superintendent of Public Work's memo dated December 3, 2018," 8 in favor, 0 opposed, 1 absent (Mercer-Bruen

absent). Motion made and 2nd to add a new Condition 2(e) as follows: “2(e) The Petitioner shall perform one hundred fifty (150) feet curb to curb restoration on East Dexter Avenue to allow for the installation of the new water main connection,” 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd that Condition 25 be renumbered as Condition 30, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd to add a new Condition 25 as follows: “25. The new sewer service for the connection into North Maple shall be owned by the Petitioner and subsequently by the Townhouse Association, or similar association, once its legal rights have been vested in the development,” 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd to add a new Condition 26 as follows: “26. A Stormwater Pollution Prevention Plan shall be developed prior to the commencement of site clearing,” 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd to add a new Condition 27 as follows: “27. As-built plans shall be provided at the conclusion of the project to the satisfaction of the DPW, Water, and Engineering Departments,” 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd to add a new Condition 28 as follows: “28. Subject to the City obtaining the required land takings by June 1, 2020 at the intersection of Merrimac Street and School Street, the Petitioner shall construct a perpendicular intersection at Merrimac Street and School Street as described in the City Engineer’s memo dated December 4, 2018 and done to his satisfaction by June 1, 2021. In the event the City is not able to complete the required land takings by the aforementioned date, the Petitioner shall pay \$_____,” 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd to add a new Condition 29 as follows: “29. The Townhouse association, or similar association, shall be responsible for maintaining the trees and bushes on site,” 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd to amend Condition 13 by deleting the words “construction activities” and replacing same with the word “work”, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Motion made and 2nd that a communication be sent to the City Engineer asking for a cost estimate to make improvements at the intersection of School Street and Merrimac Street, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Mr. Seaver stated that there will be irrigation on the property. Alderman Campbell stated that there should be a requirement that the trees be maintained. President Haggerty stated that the situation should be addressed if the paper street is developed. After the amendment, the proposed Conditions are as follows:

- 1) The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: “Site Plan East Dexter Avenue Woburn, Massachusetts, and revised on November 29, 2018, Sheets 1-8 prepared by ALAN Engineering L.L.C. 110 Winn Street Suite 209 Woburn, MA 01801 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan

- 2) Prior to the applicant's request for an occupancy permit, temporary or permanent, for any of the structures and/or dwelling units on the premises, the following offsite mitigation shall be completed by the Petitioner and reviewed and approved by the City Engineer:
 - a) The Petitioner will replace the 6" water main with an 8" ductile iron main to connect at Merrimac Street to properly loop the system as described in the Superintendent of Public Works memo dated December 3, 2018 and to his satisfaction.
 - b) Clean all dirt and debris from existing sanitary manholes 2 and 3 on East Dexter Avenue. Install a concrete invert utilizing the existing pipe.
 - c) A fire flow test shall be completed prior to the issuance of a building permit. In the event of unsatisfactory results during the fire flow, the Petitioner shall design and construct all necessary improvements that are sufficient for fire flow requirements. If necessary, the Petitioner must also install any individual booster pumps that may be required for the buildings on the site.
 - d) The Petitioner must also paint a crosswalk connecting the two sidewalks on East Dexter Avenue and install blinking yellow cross signs to allow for a safe crossing location as described in the Superintendent of Public Work's memo dated December 3, 2018.
 - e) The Petitioner shall perform one hundred fifty (150) feet curb to curb restoration on East Dexter Avenue to allow for the installation of the new water main connection.
- 3) This project shall not exceed 41 units.
- 4) All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting abutting properties.
- 5) A detail of lighting fixtures to be used on site shall be incorporated into the detail sheet to show the method of directing glare downward onto the site and away from abutting properties.
- 6) Lighting fixtures shall be added at approximately one hundred (100) foot intervals along the interior site driveway to provide adequate light for safe pedestrian and vehicular travel.
- 7) The proposed driveway must meet all requirements of Section 8 of the Zoning Ordinance ((including the 24 foot maximum width limitation for a residential driveway.
- 8) A five (5) foot wide concrete sidewalk shall be installed along one side of the interior site driveway.
- 9) To accommodate the sidewalk and facilitate drainage, five (5) inch vertical granite curbing shall be installed along both sides of the interior site driveway.
- 10) During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways and sidewalks free and clear of all debris.

- 11) During site redevelopment and construction, all vehicles must be parked on Site. There shall be no parking on Chester Avenue, Merrimac Street Knight Street, or North Maple Street.
- 12) During site redevelopment and construction, all staging and deliveries will occur on site.
- 13) Except in the event of an emergency, work on the site shall be from 7:00 am-5:00 pm Monday through Friday, and 8:00 am-4:00 pm on Saturdays. No work on site shall be permitted on Sunday or state and federal holidays recognized by the city of Woburn.
- 14) All driveways to individual units must be at least eight (18) feet long per Section 8.4.1 of the Zoning Ordinance in order for the driveway space to count toward the parking requirements for zoning purposes. Up to 30% of the parking spaces may be compact spaces, but any such spaces shall be clearly identified by signage and/or pavement markings as required by section 8.2.3 of the Zoning Ordinance.
- 15) Each townhouse unit that does not have a garage and/or driveway of its own shall be allocated at least two deeded spots, which must be clearly labeled and reserved for use by those specific units.
- 16) All visitor parking spaces must be clearly labeled and used as such. No visitor parking spaces as indicated on the plan of record may be deeded out to property owners.
- 17) There shall be adequate pest control in place prior to commencement of any site disturbance and maintained throughout all site redevelopment and construction phases. No site work may commence and no building permit shall be issued until the Board of Health is provided with a pest control plan it finds satisfactory and acceptable.
- 18) All signage must comply in all respects with the provisions of section 13 of the Woburn Zoning Ordinance. All signage shall be subject to a separate application and approval process by the City of Woburn's Department of Inspectional Services.
- 19) The applicant must comply with the requirements of section 11.11 of the Zoning Ordinance (Affordable Housing Requirement) relative to the creation of six (6) affordable housing units. A copy of a fully executed Memorandum of Understanding between the Petitioner and the Woburn Housing Authority relative to the sale and monitoring of the affordable units shall be submitted to the City Clerk prior to the issuance of a building permit.
- 20) Prior to the issuance of a building permit, the developer shall submit a snow storage plan to the City Council's Special Permits Committee for review and approval, which plan shall identify adequate snow storage areas deemed satisfactory by the Committee . The applicant must file a copy of the approved snow storage plan with the Director of Inspectional Services within ten (10) days of its approval by the Committee

- 21) Water meters must be installed per direction of the plumbing inspector prior to sign-off by the plumbing inspector on any final inspection.
- 22) If irrigation is being provided, the proposed Plan of Record must be revised to show the location of the meter box.
- 23) Prior to commencement of any work on site, the developer shall provide all vendors and contractors with a map of the required truck route to the property via East Dexter Avenue from Merrimac Street.
- 24) The Buyer of each condominium unit shall execute at closing an acknowledgement that the Property abuts various commercial uses. A copy of each acknowledgement shall be filed with the Building Commissioner.
- 25) The new sewer service for the connection into North Maple shall be owned by the Petitioner and subsequently by the Townhouse Association, or similar association, once its legal rights have been vested in the development.
- 26) A Stormwater Pollution Prevention Plan shall be developed prior to the commencement of site clearing.
- 27) As-built plans shall be provided at the conclusion of the project to the satisfaction of the DPW, Water, and Engineering Departments.
- 28) Subject to the City obtaining the required land takings by June 1, 2020 at the intersection of Merrimac Street and School Street, the Petitioner shall construct a perpendicular intersection at Merrimac Street and School Street as described in the City Engineer's memo dated December 4, 2018 and done to his satisfaction by June 1, 2021. In the event the City is not able to complete the required land takings by the aforementioned date, the Petitioner shall pay \$_____.
- 29) The Townhouse association, or similar association, shall be responsible for maintaining the trees and bushes on site.
- 30) In approving the Plan of Record cited in Paragraph #1 above, the City Council waives the buffer requirement otherwise required by Section 5.7.3 of the 1985 Zoning Ordinances, as amended, and in so waiving or varying the buffer zone requirement the City Council finds that with respect to the special permit and Plan or Record:
 - a) Existing or proposed alternative screening devices such as fences, evergreen plantings, and earthen berms will provide a reasonable buffer between incompatible land uses.
 - b) Waiving or varying the buffer zone requirement will not substantially impact the comfort, privacy, quiet enjoyment, and standard of living of residents in the property rezoned.

- c) The nature or circumstances of the particular lot, project, or neighborhood justifies a different buffer requirement, including but not limited to topography, soils, or other site conditions which make the planting or maintenance of the buffer impractical.”

PUBLIC COMMENTS: Attorney Peter C. Nechtem, MacLean Holloway Doherty & Sheehan, P.C., 8 Essex Center Drive, Peabody, Massachusetts 01960 stated that he represents John Devine and John Devine Realty Corp., that Me. Devine owns property in the area of the project, that two of the eight parcels the petitioner wants to use have not been rezoned, that it is impossible to determine from the Order what parcel is referred to which calls into question the entire Order, that the statement that there is 5.988 acres of land is incorrect, that the effect is that this proposed development is not allowed, that a townhouse is not allowed in the O-P zoning district and 18 acres of land is required in the R-2 zoning district for townhouses, that the City Council cannot waive the buffer zone requirement, that the buffer zone can be waived when industrial, office or business interstate zoned property is rezoned to residential but that is not the case here, that the petition must be denied, that the 70 foot buffer cannot be waived, that the trigger to waive the buffer zone is rezoning from industrial, office park or business interstate, that he does not believe the buffer can be waived at all because the property was not rezoned and if it was rezoned it was not rezoned from industrial, office park or business interstate, that if the property was rezoned from the R-2 zoning district to the R-3 zoning district there is no trigger to waive the buffer zone, that it is impossible from the face of the order to determine which of two particular parcels was included, and that he does not have a position on the correction of the scrivener's error. Anthony Cieri, 1 North Maple Street stated that he does not want buildings being constructed and someone making an issue that he has construction trucks operating nearby, that there are four contractors operating in that area and they have to be able to get out over North Maple Street. Joe Constantino, 1 Oakland Street stated that he is concerned about people buying the residential units and then complaining that there are construction trucks operating nearby, that he is in favor of the project but is concerned about the impact on his business, that the intersection is difficult without the new houses being developed in the area, and that he is concerned that the trees along the buffer zone will not be cared for. Chris Owen, 3 Florence Terrace stated that the red line on the plans shows where the buffer zone is to be, that he is not certain that a ten foot tall fence is permitted, that the fence will not solve the buffer issue, and that the petitioner assumed that the rezoning went down the middle of the paper streets but that is not always the case. President Haggerty asked the petitioner's response to the statement that there was no trigger to allow the buffer zone to be waived. Attorney Tarby stated that the issue was not raised before but that he will have a response for the next meeting. Mr. Seaver stated that if the property is between residential zoning districts then no buffer is required and therefore would not need to be waived. Alderman Concannon stated that not every situation is listed in Section 5.7.3, that there are other conditions that are silent in the ordinance, and that he believes the City Council has the authority to waive the buffer zone requirement. Alderman Anderson stated that part of the land was in the O-P zoning district and is now in the residential zoning district and therefore the City Council has the authority to waive the buffer zone requirement. President Haggerty stated that a review can be made as to what the parcels zoning district were. Alderman Higgins stated that she will speak to the City Solicitor concerning the opinion about whether the cluster development requirement apply. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR

MEETING OF THE CITY COUNCIL ON DECEMBER 18, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

On the petition by Copy Pro, 46 Fowle Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Section 7.3 to alter a pre-existing nonconforming structure by adding a separate 1500 square foot garage; 2. Section 5.1.57b to allow for overnight parking of eight commercial vehicles; and 3. Section 15(C)(i) to allow for enlargement of an existing use that does not conform to the Groundwater Protection District, at 46 Fowle Street. PUBLIC HEARING OPENED. A communication dated November 28, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 46 Fowle Street/Copy Pro

Dear Council:

The Planning Department has completed its review of the above-referenced Petition, which seeks special permits to allow (a) alteration of “a pre-existing non-conforming structure by adding a separate 1,500 square foot garage” pursuant to Section 7.3 of the Woburn Zoning Ordinances (WZO); (b) overnight parking of eight (8) commercial vehicles pursuant to Section 5.1 (57b) of the WZO; and (c) a special permit to allow for “...enlargement of and (sic) existing use that does not conform to the Groundwater Protection District”, pursuant to Section 15.6(c)(i) of the WZO. The property falls within an Industrial-General (I-G) District. A review of the GIS mapping database shows that the parcel does not fall within an area of contaminated soils, floodplain or a flood zone. An Approval Not Required (ANR) plan creating a contiguous parcel for the subject property has been approved by the Planning Board and recorded, although the applicant still needs to ensure that corresponding references (Bk. 02017/ Pg. 480) are added to the property’s deed.

Planning staff notes that, with respect to the Groundwater Protection District (GPD) special permit request, the Council will need to first ascertain in what way the proposed construction does not conform to the WZO; second, will need to make a determination that the proposed construction meets the threshold standards for Special Permit approval stipulated in Section 15.7(c) of the WZO; and lastly, the applicant amend the site plan to reflect the GPD boundary prior to Council action. Staff also calls attention to Sections 15.7(a) and (b) which require the application and site plan to be forwarded to the Board of Health, Conservation Commission, City Engineer and the Department of Public Works for an opportunity to comment on this matter.

With respect to the non-conformity special permit, the proposed structure is described as a “three (3)-bay garage with a mezzanine” on the site plan which, according to the application, will equate to altering “a pre-existing non-conforming structure”. No information is provided to support the notion that constructing a new building is the equivalent of

constructing an addition to an existing non-conforming one. No information is provided describing or proving the existing non-conformity was validly and legally established as required by Section 7.3 of the WZO. No information is provided relative to use of the mezzanine space on the second floor of the proposed garage (in the form of a floor plan designating intended uses, either. Of additional note is that the applicant must comply with a seventy (70)-foot buffer requirement (in addition to the minimum rear/side setbacks), pursuant to Section 5.7. However, this information is not acknowledged in the application, nor is it observed on the site plan. Once all of this information is provided to the Council it will need to make a determination that the proposed extension or alteration of the non-conformity will not be substantially more detrimental to the neighborhood than the existing one (the “impact criteria” are listed in Section 7.3, Extension or Alteration of Non-conforming Uses).

Staff notes the height of the garage doors is not indicated anywhere in the application so the Council will need to confirm they do not exceed 8-feet in height per Section 5.1, Table of Use Regulations, of the WZO. If they do, an additional special permit will be required. As for the Petitioner’s request for overnight parking, the site plan parking summary indicates that 23 parking spaces are located onsite, which is one (1) space in excess of the required 22 spaces (and staff confirmed with the Petitioner’s attorney that the proposed garage will not reduce any of the currently used parking area on the premises). However, the location of the eight (8) proposed overnight parking spaces is not reflected on the plot plan provided. Also with respect to the proposed overnight parking, further information should be provided to ensure there are sufficient parking spaces on site for the personal vehicles of the employees who will be using the 8 commercial vehicles as required by the Building Inspector to ensure full zoning compliance. Sufficiency of parking spaces may well be an issue. As many as eight (8) parking spaces may be needed but the site plan indicates there is only one (1) space more than zoning requires (before accounting for parking needs associated with commercial vehicle storage). Lastly, the Petitioner should provide information on the type and size (dimensions) of the vehicles proposed to be parked on site overnight. Not only is this information needed in order to have a clear understanding of the overall impacts of granting the commercial vehicle parking special permit, it will also allow the Council to determine whether the commercial vehicles will actually fit into the parking spaces designated for their use.

The plans do not specifically note the dimensions for the parking spaces, driveway and parking lot aisles, and building and parking setbacks so conformance and sufficiency of all cannot be verified. Staff notes that the plan was not prepared by a Registered Professional Surveyor or Engineer and although the scale of the plan could allow for approximation of measurements, approximations are insufficient for a Plan of Record in staff’s opinion. Revised plans stamped and signed by a registered professional that notes specific dimensions should be provided for review. Finally, the site plan lacks information about parking lot lighting (required for lots used at night, per Section 8.5.1), as well as snow storage locations or provisions for its removal (per Section 8.5.8). Information on these items should be provided as well.

If the Council ultimately decides to grant the requested special permits after receiving all outstanding information, Planning staff recommends imposing the following as conditions of approval:

- That the revised (to be submitted) site plans be cited in the Special Permit decision;
- That the Petitioner be required to file the revised Plan of Record with the Office of Inspectional Services as a condition of any Special Permit; and
- That the special permits shall be issued to Copy Pro and shall not be transferrable with the exception of a transfer to an entity of which Copy Pro 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

A communication dated November 30, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Correction to Planning Department's comment letter relative to special permit application for garage construction on property located at 46 Fowle Street

Dear Council:

Please be advised that the Planning Department's November 28, 2018 recommendation letter to you on the above-referenced subject contains a factual error.

The Department's comment letter stated that the applicant should provide information relative to the height of the proposed garage doors as to ensure compliance with Section 5.1, Table of Use Regulations, of the Woburn Zoning Ordinances (limiting door height to 8-feet). However, this requirement only pertains to residentially-zoned properties, as opposed to the industrial property in question. We apologize for any inconvenience/confusion our oversight may have caused you or the applicant.

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

A communication dated December 3, 2018 was received from Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Subject: Fowle St

Please accept this email as request to continue the hearing 46 Fowle Street. We would ask for the second meeting in January.

Mark Salvati

Motion made and 2nd that the communications be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Appearing for the petitioner was Attorney Robert Tedesco, 88 Main Street, Woburn, Massachusetts 01801 and he stated that the petitioner requests the matter be continued to the second meeting in January, that the Planning Department report was received late last week, and that the petitioner needs time to address the issues raised by the Planning Department. Alderman Gately stated that the petitioner has to file a plan of the building, utilities, the doors, and if there are any changes water and sewer service, that there is a major drain system that goes through that property, that this project might be near the drainage system. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 22, 2019, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

On the petition by Scrub-A-Dub Auto Wash Center Inc., P.O. Box 2058, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.46b and 5.1.37 to amend a prior special permit to allow for alteration of an existing self-serve gas station and car wash at 295 Mishawum Road. PUBLIC HEARING OPENED. A communication dated November 29, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 295 Mishawum Road/Scrub-A-Dub Auto Wash Center Inc.

Dear Council:

The Planning Department has completed its review of the above-referenced Petition, which proposes to modify an existing special permit by altering an existing self-service gas station/car wash facility by: (a) relocating an existing vehicle vacuuming area, (b) incorporating car wash lane restriping and divider installation, and (c) relocating the car wash bay access lane. Special permits have previously been granted for this site relative to car wash (Section 5.1 [37]) and self-service gas station (Section 5.1 [46b]) uses.

Planning staff's review of the revised site plan has raised several questions/comments for the Council's consideration.

ZONING CONFORMANCE

- The B-I District requires at least 15% of a site to be landscaped usable open space. The site is currently non-conforming in that regard with a lot coverage presently of 13.3%. The proposed site plan modification would reduce the amount of landscaped usable open space to 10%. A footnote on the modified site plan makes reference to an approved November 13, 1996 site plan that showed only 10% landscaped usable open space. Planning staff has not verified whether the 1996 plan in fact depicted only 10% but questions whether it is material in any event, given that more than twenty years have passed without the applicant having exercised any right to the lower lot coverage

percentage. Staff recommends the Council seek legal guidance as to whether it can in fact authorize a reduction in the amount of required landscaped usable open space below current conditions.

- The zoning summary and parking summary charts on Sheet C-2 should be amended by including a column specifying pertinent zoning requirements from the Table of Dimensional Requirements (Section 6.1) and Section 8.2.5, respectively, for ease of comparison/conformance.

CAR WASH/VACUUM AREA CONFIGURATION

- Staff notes that the two (2), eleven (11)-foot car wash lanes will be reduced to two (2), nine (9)-foot lanes, with a twenty-two (22)-foot circulation aisle for two-way traffic in the car wash/vacuuming area. Both dimensions fall short of safety standards for eighteen (18)-foot interior driveway width for one-way travel and twenty-four (24)-foot interior driveway width for two-way travel.

OTHER SITE PLAN COMMENTS

- The modified site plan will maintain the same exterior lighting and trash storage locations currently found onsite (with the dumpster continuing to be enclosed).
- A comprehensive landscaping plan has been submitted as part of the site plan set (Sheet L-1). To accommodate the new site design, the applicant proposes to reduce the number of trees on site from eleven (11) to six (6). This appears to satisfy the requirement of Section 8.6.2.2 that at least one (1) tree be provided for every ten (10) parking stalls, although one interior planting area does not contain a tree as required by Section 8.6.2.2. Additionally, the applicant will need to confirm that all interior landscaped areas are at least twenty (20) square feet in size (per Section 8.6.2.2).
- No snow storage areas are shown on the proposed plan. The Petitioner will need to confirm whether onsite snow storage is anticipated and if so, should be required to revise the plan to show adequate proposed snow storage areas for the Council's information and for the record.
- Staff notes that the site plan contains a references the installation of a modular block retaining wall in the rear of the parcel, although no detailed information is included in the plan set. The applicant should revise the plan to include details about the proposed retaining wall and confirm that what will be constructed will be of the same dimensions as the one it will replace.

Staff recommends the Council consider imposing at least the following four (4) 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 new signage;
2. That the applicant must replace any currently damaged/missing traffic signage within sixty (60) days of the Council's decision;

3. 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
4. That the special permit modification is issued only to the Scrub-A-Dub Auto Wash Center Inc. and is not transferrable with the exception of a transfer to an entity of which Scrub-A-Dub Auto Wash Center Inc. 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

Motion made and 2nd that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Appearing for the petitioner was Attorney Robert Tedesco, 88 Main Street, Woburn, Massachusetts 01801 and he stated that a special permit was issued for this property in 1996, that the petitioner is seeking to make alterations to the property, that the drive lanes will be widened and the vacuum units replaced, that there will be a better flow of vehicles through the building, that if the property is sold as a car wash this should be permitted under proposed Condition 4 received from the Planning Department, that 15% useable open space is now required for the lot but the requirement was 10% when the petition was approved in 1996, that 10% useable open space was allowed under the 1996 special permit but the petitioner had 13% useable open space and now wants to have 12.2% useable open space, and that he believes the site benefits from the 1996 requirements of 10% useable open space. Jocelyn, Mayer, PE, VHB, 101 Walnut Street. Watertown, Massachusetts 02471 stated that there is a 7,200 square foot building on the site, that there are currently six vacuums and these will be replaced with eight head-in vacuum spaces, that the head-in vacuums will be safer than the parallel parking vacuums, that there will be two nine foot travel lanes, new automated gates, expanded pavement limits, increased southern drive aisle from 16 feet to 18 feet, and increased landscaped open space from 10% to 12.2%, that the location of the vacuums have been adjusted to provide a three foot clearance at the request of the Fire Department, that the petition was originally approved in 1996 with 13.3% useable open space which will now be 12.2%, that the parking will be reduced from sixteen parking spaces to twelve parking spaces which exceeds the eight parking spaces required, that the plan of record is dated December 4, 2018, that the vacuums on the easterly side of the property will remain, that the six vacuums on the westerly side will be moved by creating eight head in spaces with a dedicated 22 foot wide travel lane, and that the wall will be designed to current guidelines. Ms. Mayer offered a plan entitled "ScrubADub Minor Site Modification, 295 Mishawum Road, Woburn, Massachusetts" dated December 4, 2018 prepared by VHB to the City Council for review. Motion made and 2nd that the document be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Ronald Gemellaro, Vice President Operations stated that there is room for the interior detail bay. Matthew Paisner, Director of Business Development stated that representatives of the Fire Department visited the site, that the new vacuums are six inches in diameter and not like the current vacuum style, and that a significant amount of time was spent examining the lot to increase the useable open space. Dan Paisner, President stated that landscaping is important to the petitioner, that the building and gasoline service canopy are not changing,

that the petitioner wants to improve efficiencies and provide safer on-site conditions, that with the size of the lot they have to trade-off between travel lanes and concerns expressed by the Fire Department, that they looked at the issue of useable open space, and that 12.2% of useable open space was the compromise. President Haggerty stated that he has been on the site many time, and that he was concerned about cars queuing up for detail work. Alderman Haggerty stated that eliminating the islands opens the lot and provides more space for parking, that there will be no more queuing of vehicles on Mishawum Road, that there will be a dedicated lane for the vacuums, that this is a good plan, that he visited the site with the Ward Five Alderman, that a plan of the wall should be provided, that there is a sewer line that runs through the lot, and that the wall height should be consistent. Alderman Higgins stated that vehicles should not be queued up on the parcel, that widening the lane is important for the customers and the Fire Department, and that painting the travel lanes as opposed to curbs will work well. Alderman Concannon stated that since the parcel is being modified it would appear that the current standards should be used for the useable open space. Alderman Tedesco stated that he would be comfortable approving the petition with the first three conditions recommended by the Planning Department and not approving the fourth condition recommended by the Planning Department. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). PUBLIC HEARING CLOSED. Motion made and 2nd that SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 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 new signage; 2. That the applicant must replace any currently damaged/missing traffic signage within sixty (60) days of the Council's decision; 3. That all other conditions of the City Council's prior special permits on this Petition not in conflict with this special permit shall remain in full force and effect to the extent still applicable, unless otherwise modified by the Council; 4. That the plan of record shall be the plan entitled "ScrubaDub Minor Site Modification, 295 Mishawum Road, Woburn, Massachusetts" dated December 4, 2018 prepared by VHB, and 5. The City Council makes the finding that the expansion, alteration or modification of the property has been determined to be less detrimental, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

ORDINANCES:

On the Order to amend 1989 Woburn Municipal Code, as amended, Title 3, Section 3-25 Senior Citizen Property Work-Off Program, committee report was received "ought to pass pending receipt of a report from the City Solicitor". A communication dated November 29, 2018 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Proposed Order – Revision of Title 2, Revenue and Finance, Article V. Tax Assistance Programs

In response to the November 27, 2018 request from the Clerk of Committees, as stated in the Mayor's correspondence the maximum annual tax reduction for veterans was raised from \$1,000 to \$1,500 effective November 7, 2018. Please note the highlighted provisions of the attached copy of M.G.L. c.59, §5N.

As to the eligibility of city employees for either tax assistance program, please see Section 3-25(E)(7) and Section 3-25A(E)(7) respectively, of the proposed ordinance which specifically prohibits current city employees from participating in the programs.

Thank you for your attention to the above. Please contact me if you require further information.

Sincerely, s/Ellen Callahan Doucette

Motion made and 2nd that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent). Alderman Concannon stated that he is in favor of the order, that he communicated with the City Solicitor concerning the issue of the eligibility of current municipal employees participating in the program, that it would be difficult for a current municipal employee to participate because of the income requirements and ethics law restrictions but if a city employee did qualify he would hope the municipal employee could take advantage of the program, and that he wants to strike the language prohibiting current city employees from participating in the program and leaving the burden on those employees to meet the requirements of they wish to do so. Alderman Anderson stated that he is opposed to permitting current municipal employees from participating in the program, that the program is intended for people who are retired and in financially difficult situations, and that a full-time city employee should not be eligible to participate in the program. Alderman Gately stated that there last time the program was active there were not enough people interested in participating. Alderman Concannon stated that there may not be city employees participating in the program but if city employees are qualified to participate in the program then they are the people the program is intended to benefit. Alderman Campbell stated that if the city employee cannot meet the financial requirements then they cannot participate in the program, that if the city employee can meet the financial requirements then they are in need, and that the city employee should not be excluded if they meet the requirements. Alderman Anderson stated that city employees already receive benefits from the city, and that this benefit should be given to someone else. Alderman Gately stated that there are positions in the city such as cafeteria workers where a city employee may meet the requirements. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the amendment as follows: That Section 3-25(E)(7) and Section 3-25A(E)(7) be deleted, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Presented to the Mayor: December 6, 2018

s/Scott D. Galvin December 6, 2018

NEW PETITIONS:

Petitions for renewal of First Class Motor Vehicle Sales Licenses by Lannan Chevrolet, Inc., 40 Winn Street; and Lawless Inc., 196 Lexington Street. Motion made and 2nd that the MATTERS be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Gordon Colonial, Inc. dba Colonial Cadillac, 201 Cambridge Road; Joseph P. Mahoney Company, Inc., 293 Salem Street; McSheffrey Auto Sales, Inc., 878 Main Street; Murray's Enterprises, Inc. dba Murray's Auto & Truck Sales, 89 Winn Street; Southside Associates, Inc. dba Burke's Garage, 71 Main Street; Francis Garbino dba Tom's Auto Body, 10R Green Street; and Woburn Gas & Service, Inc., 545 Main Street. Motion made and 2nd that the MATTERS be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Petition by Primaira LLC, 225 Wildwood Avenue, Woburn, Massachusetts for a special permit pursuant to 1989 Woburn Zoning Ordinances, as amended, Section 5.1.57a to allow for placement of three shipping containers at 225 Wildwood Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Petition by Heritage Builders, Inc. and Joseph Surianello and Christine A. Surianello, Trustees of Surianello Realty Trust, c/o Attorney Brian D. McGrail, 599 North Avenue, Wakefield, Massachusetts 01880 for a special permit pursuant to 1989 Woburn Zoning Ordinances, as amended, Sections 5.1.57b and 11 to allow accessory storage or parking of commercial motor vehicles in conjunction with six unit business, professional and general office building at 9 Pine Street, Pine Street Lot and 2 Crescent Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

COMMUNICATIONS AND REPORTS:

A communication dated November 21, 2018 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging meeting for the month of October 2018. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

A communication dated November 9, 2018 was received from Joanne F. Campo, Deputy General Counsel, Massachusetts Office of Consumer Affairs and Business Regulation, 501 Boylston Street, Suite 5100, Boston, Massachusetts 02116 advising that office conducted an

audit of motor vehicle sales dealerships. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated November 28, 2018 was received from His Honor Mayor Scott D. Galvin as follows:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Richard Clancy, 183 Place Lane, as an alternate member to the Woburn Board of Appeals, with a three-year term to expire December 31, 2021.

Respectfully, s/Scott D. Galvin Mayor

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

A communication dated November 28, 2018 was received from His Honor Mayor Scott D. Galvin as follows:

By the power vested in me as Mayor of the City of Woburn, I hereby re-appoint the following individuals, with 3-year terms to expire Dec. 31, 2021, to the Woburn Council on Aging; subject to approval by the City Council: Joanne Cahill, 122 Green Street; Margaret Casey, 23 Wade Avenue; Eleanor Collins, 19 Squanto Road; Jack Kelly, 20 Barbara Circle.

Respectfully, s/Scott D. Galvin Mayor

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

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Committee on Special Permits meet with representatives of Seaver Properties LLC to review the special permit issued June 8, 2017 relative to the property located at 285 Lexington Street, 287 Lexington Street and 299 Lexington Street.

s/Alderman Higgins

Alderman Higgins stated that there have been issues with work on a holiday and a Saturday, and the request is to meet with the special permit holder to discuss the issues. Motion made and 2nd that the ORDER be ADOPTED, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Motion made and 2nd to ADJOURN, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).
Meeting adjourned at 9:37 p.m.

A TRUE RECORD ATTEST:

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