

**CITY OF WOBURN
FEBRUARY 19, 2019 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Gately	Anderson

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 8 -0.

Motion made and 2nd to suspend the rules for the purposes of taking the election to fill the vacancy in the office of Alderman At Large from the table, to accept the letter from Bryan Melanson and make it part of the record, and to read the letter from Mr. Melanson into the record, all in favor, 8-0. A communication dated February 12, 2019 was received from Bryan Melanson, 5 Robertson Way, Woburn, Massachusetts 01801 as follows:

Dear President Anderson and Aldermen,

When the City Council began the process to fill the Alderman-a-Large vacancy, I offered my service to the community. I believe my experience as City Council President for two terms and Chair of the Finance Committee would benefit the City Council as well as the city. With the budget review about to begin as well as a number of important projects, my knowledge of the legislative process would allow me to get to work right away and to be productive.

I appreciate the recognition received from the Aldermen who voted for me at the last meeting and the supportive comments of those who did not. After considering the process, I have concluded that it is not in the best interests of the city to have the City Council deadlocked on this issue. The vote at last week's meeting also clearly demonstrated the need to have a full City Council of nine members.

Therefore, I am willing at this time to step aside so that the City Council can come behind one candidate and move on with the important business of the citizens of Woburn.

Respectfully, s/Bryan Melanson

President Anderson stated that there are a number of qualified candidates for the position, that he was disappointed by this withdrawal, that Mr. Melanson is a class act, and that Mr. Melanson would have been a good addition to the City Council. The City Council proceeded

to the election of an Alderman At Large by roll call vote. ROLL CALL: Campbell - Ferullo, Concannon - Ferullo, Gaffney - Ferullo, Gately - Ferullo, Higgins - Ferullo, Mercer-Bruen – Ferullo, Tedesco - Ferullo, Anderson – Ferullo. Continuing the ballot count from the preceding meeting, on the forty-second ballot, Robert J. Ferullo, Jr. received eight (8) votes. Robert J. Ferullo, Jr., having received the necessary majority vote, was declared elected to the office of Alderman At Large. The City Clerk administered the oath of office to Robert J. Ferullo, Jr. and he assumed his seat on the dais with the City Council.

I, Robert J. Ferullo, Jr. do solemnly swear that I will bear true faith and allegiance to the Commonwealth of Massachusetts and will support the Constitution thereof, so help me God.

I, Robert J. Ferullo, Jr. do solemnly swear and affirm that I will faithfully and impartially discharge and perform all the duties incumbent upon me as Alderman, according to the best of my abilities and understanding, agreeably to the rules and regulations of the Constitution and Laws of the Commonwealth, so help me God.

Robert J. Ferullo, Jr.

Sworn to, before me, by the above named Robert J. Ferullo, Jr..

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

Motion made and 2nd to suspend the rules for the purposes of taking the following matter out of order and to receive the communication from the City Solicitor and make it part of the record, all in favor, 9-0. A communication dated February 12, 2019 was received from City Solicitor Ellen Callahan Doucette requesting to speak with the City Council in Executive Session under G.L. Ch. 30A, Sec. 21(a)(3) Purpose 3 to discuss strategy relative to pending litigation in the matter of NSTAR Electric Company d/b/a Eversource Energy EFSB 19-03 as follows:

Subject: Eversource v. City Council

Would you please place the Eversource litigation matter on the agenda for the City Council's February 18 meeting? It should start in executive session and, if there is a majority in agreement on the proposed Agreement, then a vote can be taken in open meeting. I have what is likely the "final" form of the Agreement, and can have copies sent down for Tuesday.

Ellen Callahan Doucette, City Solicitor

President Anderson stated that if an open meeting was held on the matter this may have a detrimental effect on the bargaining or litigating position of the City Council. Motion made and 2nd to go into Executive Session under G.L. Ch. 30A, Sec. 21(a)(3) Purpose 3 to discuss strategy relative to pending litigation in the matter of NSTAR Electric Company d/b/a Eversource Energy EFSB 19-03, ROLL CALL: Campbell - Yes, Concannon - Yes, Ferullo – Yes, Gaffney - Yes, Gately - Yes, Higgins - Yes, Mercer-Bruen – Yes, Tedesco - Yes, Anderson – Yes, Motion Passes. President Anderson stated that the City Council would reconvene in open session following discussion of this matter. The City Council removed to the Committee Room at 7:06 p.m. This portion of the meeting was held in Executive Session. At 8:20 p.m., the City Council returned to the Council Chamber. President Anderson stated that the City Council voted to authorize the Mayor to execute the Memorandum of Understanding with Eversource that will apply in the event the EFSB decision allows the project to go forward with six Alderman in favor (Concannon, Ferullo, Gaffney, Higgins, Tedesco, Anderson in favor) and three Aldermen opposed (Campbell, Gately, Mercer-Bruen opposed) on a roll call vote.

Presented to the Mayor: February 21, 2019

s/Scott D. Galvin February 21, 2019

MAYOR’S COMMUNICATIONS:

ORDERED That the sum of \$141,851.57 be and is hereby transferred as so stated from Mayor Salary Adjustments Acct #0112151-511019 \$141,851.57 to Police Salary Acct #0121051-511000 \$141,851.57 – Purpose: Police Contract Settlement

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

I hereby approve the above: s/Robert F. Rufo, Chief of Police

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

s/President Anderson

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

ORDERED That the sum of \$2,500.00 shall be and hereby is transferred from Election and Registration Repairs Voting Machines 0116252-524905 to City Clerk Office Supplies Account 0116254-542000.

Purpose: For binding archival records

I hereby approve the above. s/William C. Campbell, City Clerk

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

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

s/President Anderson

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

PUBLIC HEARINGS:

On the 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. PUBLIC HEARING OPENED. A communication dated February 15, 2019 was received from Superintendent of Public Works John Duran as follows:

Subject: Crescent Ave/Pine Street

The City Council has requested my opinion on the above referenced project. I have reviewed and evaluated the plans submitted. I have spoken to the applicants engineer pursuant to our design requirements for both the water and sewer connections into the municipal system. He has also been advised by the Fire Chief that this building will require a sprinkler system which will also influence the connection into the water system as it will need to be cut in with most likely a 3 way gating configuration.

The design engineer will work on getting me revised plans and we may require a meeting on fire flows etc. to make sure it is in compliance to insurance requirements. These factors all influence what my recommendation will be for pavement restoration for a recently paved Pine Street. These plans will not be ready until next week based upon our conversation today.

Based upon the foregoing, I recommend that the final decision for approval be tabled until I get revised plans and have had the chance to meet and discuss the project further with the design engineer. Approvals without an approved referenced plan of record have been a historical nightmare and I highly recommend against an approval until said plans have been properly designed and approved by DPW, Fire and Engineering.

Please feel free to call with any questions or direct the City Councilors to call me direct with any concerns on this matter.

John F. Duran III, P.E., Superintendent, Woburn Public Works

Copies of emails dated February 19, 2019 by and between John F. Duran III, P.E., Superintendent, Woburn Public Works and Jack Sullivan, Sullivan Engineering Group, LLC, P.O. Box 2004, Woburn, Massachusetts 01888 were received. Motion made and 2nd that the communications be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Brian D. McGrail, 599 North Avenue, Wakefield, Massachusetts 01880 and he stated that the petitioner met with the Committee on Special Permits, that an

outstanding issue was whether a fire sprinkler system had to be installed, that the opinion of the Fire Chief is that a fire sprinkler system has to be installed, that the petitioner will comply with that finding, and that the engineer is in the process of updating the plan in conformance with comments received. Jack Sullivan, Sullivan Engineering Group, LLC stated that he will have the revised plans available for review by the Superintendent of Public Works and the Committee on Special Permits by next week. Alderman Gately stated that another committee meeting will be held on this matter. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 5, 2019 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

Alderman Mercer-Bruen left the Council Chamber. Alderman Higgins recused herself from participating in the following matter and left the Council Chamber.

On the petition by Jackson Lumber, 10 Jefferson Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. To amend a prior special permit dated February 10, 2005 to allow for three (3) covered racks to be constructed, as an alteration of a preexisting nonconforming structure pursuant to Section 7.3; and 2. For alteration of structure and use that are presently nonconforming pursuant to Section 15.6.C.i of the Groundwater Protection District, at 36 Prospect Street. PUBLIC HEARING OPENED. A communication dated February 14, 2019 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Modification of existing special permit and plan of record for property at 36 Prospect Street/Jackson Lumber

Dear Members of the Council:

The Planning Department has reviewed the above-referenced petition submitted for property at 36 Prospect Street, which seeks approval of modifications to a previously-approved Special Permit and associated Plan of Record. The previous Special Permit was granted pursuant to the following Sections of the Woburn Zoning Ordinance (WZO) according to the Decision dated February 10, 2005:

- 5.1.42 (“for wholesale, showroom, storage space”);
- 7.3 (“for change and alteration of non-conforming structure and of non-conforming use of said structure to the extent that the structure and associated parking/loading areas are presently within the buffer zone requirements of Section 5.7”);
- 8.3.2 (“for parking on lot across Jefferson Avenue owned by applicant or entity controlled by the applicant”); and
- 15.6.C.i (“for alteration of structure and use that is presently non-conforming pursuant to Section 15.6.C.i. of the Groundwater Protection District”).

With respect to the prior Special Permit, Planning staff notes that if a special permit was indeed issued to this property previously under the provisions of Section 8.3.2, it was done in error. Section 8.3.2. of the WZO applies only to properties in the B-D Zoning District, and this property is zoned I-G. Off-site parking facilities can be authorized by Special Permit in the I-G District, but only in accordance with Section 8.3.1.

The current Petition proposes to extend and/or alter the existing, non-conforming structure and use within a Groundwater Protection District pursuant to Sections 7.5 and 15.6.C.i. of the WZO respectively by installing three (3) lumber storage shelving/racks in the northeasterly corner of the property, which is an area that appears to be used for outdoor storage currently. The subject property is located in an Industrial General (I-G) Zoning District where the outside storage of new or used building materials and equipment can be allowed by Special Permit per line 43 of Section 5.1, Table of Use Regulations. Unfortunately, the pending application does not include any such request. It is therefore Planning staff's opinion that unless the applicant can prove the proposed use is or can be legally authorized in some other way, the applicant should withdraw his current application and file a new, complete one that includes a request under Section 5.1.43 so it can be properly advertised. Alternatively, the current petition could be held in abeyance while supplemental special permit request(s) are submitted and advertised.

On a very similar note, the pending application requests a Special Permit in accordance with Section 7.5 which appears to be in error. Section 7.5 states "No nonconforming use, once changed to a use permitted in the district in which it is located, shall be changed back to a nonconforming use." Planning staff believes the applicant actually needs authorization in accordance with Section 7.3, which references authorizing extensions or alterations of non-conforming uses. A revised/corrected application and re-advertisement of the public hearing would also correct this apparent mistake.

Planning staff has several other comments for the Council's consideration:

- Despite its title, the plot plan included with the application is not technically certified in that it has not been stamped and signed by a registered professional engineer or land surveyor. A certified plot plan should be submitted as part of this Petition prior to Council action on any special permit requests.
- Staff notes that the "Proposed covered three sided storage rack" is located within the twenty-foot (20') front setback requirement along Jefferson Avenue. It is not clear why the applicant believes he does not have to observe the setback requirement. The applicant must provide a legally-persuasive argument explaining why said structures can be located with the setback or else the plan should be modified to meet the requirement or a variance obtained from the Board of Appeals (and if a variance is indeed needed then this Petition is not properly filed, per the provisions of Section 11.3.1 of the WZO).

There are multiple areas identified as existing "covered concrete pad with storage shelves". How were these areas authorized to exist within a required setback area?

- Planning staff conferred with the Building Commissioner on this application, who agrees that information on the location(s) and details of landscaping and lighting features should be incorporated into the modified site plan. The addition of exterior lighting could negatively affect abutting residents unless it is properly located and shielded.

With respect to landscaping details, there are three points:

- (i) As the plan is currently drawn, there is no way to readily confirm whether the site will in fact meet the minimum landscaped usable open space requirement. The zoning table on the plan indicates that it will but the plan should be revised to clearly show both existing and proposed areas that meet the definition of USABLE OPEN SPACE as defined in the WZO (“space...that is unoccupied by buildings, and not devoted to service driveways, off-street loading, or parking spaces and ways”).
- (ii) Similar to the above, there is no way to readily determine the change in lot coverage that will result if this project is approved. The “Zoning” table on the plan should be modified to include not only required and proposed zoning requirements but also a include existing conditions (e.g. existing area and percentage of USABLE OPEN SPACE and lot coverage).
- (iii) The applicant should be encouraged to add landscaping in appropriate locations to screen the site from view of residential abutters.

Assuming satisfaction of the issues outlined above, the Planning Department recommends the City Council consider imposing the following as conditions of any approval:

- That any subsequent site plan submitted for the Council’s review, further modified and certified, is adopted as part of the Plan of Record;
- That the applicant is prohibited from erecting any new signage facing residential properties on Garfield Avenue;
- That any Special Permit be issued to only to Jackson Lumber and not be transferrable with the exception of transfer to an entity of which Jackson Lumber is the primary or principal owner; and
- That all other conditions of the February 10, 2005 Special Permit decision shall remain in full force and effect, unless specifically modified by this decision.

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

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26,

Woburn, Massachusetts 01801 and he offered a memorandum dated February 15, 2019, a list of proposed conditions dated February 15, 2019 and a plan entitled "Certified Plot Plan Proposed Covered Lumber Racks located in Woburn, Mass. #10 Jefferson Ave., #36 Prospect St., #40 Prospect St." dated 2/15/18 and prepared by Christiansen & Sergi, Inc. to the City Council for review. Motion made and 2nd that the document be received and made part of the record, 7 in favor, 0 opposed, 2 absent (Higgins, Mercer-Bruen absent). The five proposed conditions were as follows: 1. That the site plan of record be "Certified Plot Plan Proposed Covered Lumber Racks" by CSI and dated 2/15/18; 2. That no new signage will be erected facing residential properties on Garfield Avenue; 3. That all conditions of the February 10, 2005 special permit remain in full force and effect, unless specifically modified by this decision; 4. That the special permit be limited to Jackson Lumber and Millwork and not be transferrable with the exception of transfer to an entity of which Jackson Lumber and Millwork is the primary or principal owner; 5. All building construction, and site plan development shall be in substantial conformance with the Application Documents and shall conform with the additional Conditions of the Special Permit Decision, 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. Attorney Salvati stated that the petitioner moved the rack in twenty feet to meet the setback on Jefferson Avenue, that the proposal already meets the setback requirement on Garfield Avenue, and that building materials have already been stored on site since Barker Lumber located there 130 years ago. Alderman Gately stated that the new plan of record is date February 15, 2019, that the proposal will have no impact on parking or truck traffic, and that there is plenty of room for the rack. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 7 in favor, 0 opposed, 2 absent (Higgins, Mercer-Bruen absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the five conditions proposed by the petitioner be adopted as conditions of the special permit, and 2. That the date of the plan in the proposed Condition 1 be amended to 2/15/2019, 7 in favor, 0 opposed, 2 absent (Higgins, Mercer-Bruen absent).

Alderman Higgins returned to the Council Chamber.

On the 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. PUBLIC HEARING OPENED. Appearing for the petitioner was Karen Benedek and she stated that she owns the petitioner, that the company moved from Commerce Way to this location, that

the three containers are used for testing, that she did not understand the process and apologized for missing the last meeting, that the petitioner uses these containers to test products in correct environmental conditions, that these are twenty foot long insulated containers, that the dimensions are eight feet by eight feet by twenty feet, that the containers are made by the government, that there is HVAC integrated within the system and included in the twenty foot length, that the containers are not on wheels, that the petitioner has been in business in the city for ten years, that they moved the business to this new location, that she would not know what to do if the trailers are not permitted, that someone saw the trailers and told her a special permit is needed for the trailers, that the trailers are needed for the business operation, that other businesses in the city have trailers on site, that these trailers are not for storage purposes, that the trailers are a separate space needed for testing that is too large and difficult to incorporate into the building, that the petitioner had these containers at their last location in Woburn at 30 Commerce Way, that the petitioner had the containers at the former location for more than ten years, that these are not storage containers but functional test facilities for testing and engineering, that the trailers are independent from the building but powered from the building, that the units are not visible from the street, that the electric service to the trailers has been inspected by the Building Department, and that she assumes the Fire Department reviewed the trailers during the Building Department review. MS. Benedek offered a plan entitled "Primaira LLC, 225 Wildwood Ave, Woburn, MA 01801 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). Alderman Gately stated that he visited the site and saw the units, that the units appeared to have electric service and air conditioning and were not on wheels, that a special permit for a storage container is only valid for one year, and that the petitioner would have to build a permanent structure. Alderman Anderson stated that permanent storage containers are not permitted under the zoning ordinances, that the special permit can be approved for one year, and that from the testimony it appears this special permit should be under a different section of the zoning ordinances. Alderman Higgins stated that the special could be approved and the petitioner reapply after one year but the City Council generally does not grant extensions. Alderman Concannon stated that he wanted to know whether the Building Department and Fire Department approved the units. Alderman Tedesco stated that a special permit under Section 5.1.57d of the zoning ordinances may be appropriate, and that the petitioner should check with the Building Commissioner on this issue. Alderman Campbell stated that she does not believe storage containers is the correct section for the units. 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 the SPECIAL PERMIT be GRANTED, AS AMENDED with the condition as follows: 1. That the special permit shall be reviewed in one year, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

CITIZEN'S PARTICIPATION:

Petition by June Mackenzie, 20 Mt. Pleasant Street for Citizens Participation Time relative to banning plastic bags in the city. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

COMMITTEE REPORTS: None.

NEW PETITIONS:

Petition by Boston Xclusive, 400 TradeCenter, Suite 5900, Woburn, Massachusetts 01801 for a new Livery License for one vehicle. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

A communication dated February 13, 2019 was received from James D. Haggerty, III, Carnival Chair, James L. McKeown Woburn Boys and Girls Club, Charles Gardner Lane, Woburn, Massachusetts 01801 as follows:

Dear President Anderson and Aldermen:

The Boys and Girls Club recently obtained a special permit for a carnival to be operated at the Showcase Cinema site May 7, 2019 through May 12, 2019. We have just learned that the carnival equipment may not be available that week. We are requesting the City Council amend the special permit to allow the carnival to operate from May 15, 2019 through May 19, 2019. We would further request that this be deemed a minor modification. All other aspects of the carnival will be identical as presented at the public hearing with the exception of the dates of operation.

Thank you for your consideration of this request.

Respectfully, s/James D. Haggerty, III, Carnival Chair

Motion made and 2nd that the communication be accepted and the dates of the carnival be changed to May 15, 2019 through May 19, 2019, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent)

Petition by 318 LLC, 274 Woodland Road, Alton Bay, New Hampshire for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended to amend a special permit dated November 10, 2016 as follows: Replace the Site Plan of Record entitled "Proposed Site Plan, 314 and 318 Montvale Avenue, Woburn, Massachusetts" dated August 30, 2016, revised October 10, 2016, Sheets 1-6 with the plan "Site Plan Amendment, 318 Montvale Ave., Woburn, MA" dated February 11, 2019 prepared by ALAN Engineering, L.L.C. to remove reference to "Retail Addition" to allow use on property permitted as a matter of right and by special permit at 318 Montvale 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 Seaver Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 for a special permit to allow modification of special permit dated June 8, 2017 (“Decision”) to allow for: 1. Installation of five (5) permanent underground 1,000 gallon propane tanks and one (1) permanent 120 gallon propane tank in Phase 1 of proposed development as shown on plan entitled “Propane Tank Location Plan, Shannon Farms, Lexington Street, Woburn, MA” dated February 11, 2019 prepared by ALAN Engineering, L.L.C. (“Propane Plan”); 2. Installation of six (6) temporary above ground 1,000 gallon propane tanks in Phase 2 of proposed development as shown on Propane Plan; 3. Approval of plan entitled “Retaining Wall Modification Plan, Approved Layout Shannon Farms Woburn, MA” dated February 12, 2019 prepared by ALAN Engineering, L.L.C. (“Retaining Wall Plan”); and 4. That Propane Plan and Retaining Wall Plan be made part of the “Site Plan” referenced in Condition 1 of the Decision, at 299 Lexington Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Petition by Seaver Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 for Inflammable License to allow six (6) temporary 1,000 gallon propane tanks in Phase 2 as shown on plan and five (5) permanent 1,000 gallon propane tanks and one (1) permanent 120 gallon propane tank in Phase 1 as shown on plan, at 299 Lexington Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Petition by 5 Hancock Street LLC, 5 Hancock Street, Woburn, Massachusetts 01801 for an Inflammable License to allow storage of 25,000 gallons of #2 Heating Oil at 5 Hancock Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).

Petition by Prochamp Realty LLC, 13 Johnson Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 7.3 to alter a preexisting nonconforming structure and use to convert and industrial use to a two-family use at 951 Main Street. 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 February 12, 2019 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

Re: Special Permit 5 Hancock Street

On the above referenced, I will advise that this time there are no outstanding zoning issue on the premises. I also received a snow storage plan on February 6, 2019 for the site.

Upon receipt of the recorded Special Permit Decision an additional site visit will be conducted to ensure the property is in compliance.

s/Thomas C. Quinn, Jr., Building Commissioner

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 January 30, 2019 was received from Michael P. Shea, Manager, Operations Programs Support, USPS Greater Boston District, 25 Dorchester Ave, Boston, MA 02205 as follows:

Re; Garvey Road – Mode of Mail Delivery

Dear Woburn City Council,

This letter is in response to the concern raised regarding the decision to install centralized delivery on Garvey Rd.

The Postal Service is directed by statute to provide reliable and efficient service. Centralized Delivery fulfills our responsibility to establish safe, efficient delivery for both the customer and Postal Service as we move into the 21st Century. Postal Operations Manual (POM) section 631.2 reflects the guidelines used by local postal managers in determining the mode through which such delivery is to be provided, including type of equipment and location of boxes.

It has been a long standing requirement that developers contact their local Post Office during the planning stages of projects so as to receive authorization and approval on the mode of mail delivery. The centralization focus has been prevalent throughout the country for several years now, with Postal Officials attending NAHB conventions to speak with builders and developers regarding centralization. The USPS has also created a growth related website to guide builders and developers: <https://about.usps.com/what-we-are-doing/current-initiatives/delivery-growth-management/welcome.htm>

I appreciate the City Council's interest in this matter and after having taken your points into full consideration am denying the request for special consideration. This process is one that typically takes place between the developer and the postal service. Any developer that wishes to appeal a decision by their local post office can send a written appeal directly to me at the address listed below.

Sincerely, Michael P. Shea, Manager, Operations Support, USPS Greater Boston District

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:

Status update on petition by Woburn (Edens) LLC for Plan Approval and Special Permit Approval to permit the redevelopment of the existing Woburn Mall property into a mixed-use residential and commercial development in accordance 1985 Woburn Zoning Ordinances, as amended, Section 30, Subsections 30.1 and 30.2 and the applicable Woburn Mall Smart Growth Overlay District Design Standards at 300 Mishawum Road. Alderman Anderson stated that departments were asked to advise the City Council by this meeting what resources they needed to review the petition, that a communication was received from the Planning Board Director stating MAPC could be engaged for a Design Standards peer review, and that the Superintendent of Public Works and City Engineer indicated they wanted to engage Weston and Sampson to conduct peer review. Motion made and 2nd that the communication be accepted and made part of the record, 7 in favor, 0 opposed, 1 abstained (Concannon abstained), 1 absent (Mercer-Bruen absent). Motion made and 2nd that a communication shall be sent to the City Solicitor requesting that: (1) She outline the appropriate procedure and vote to engage various consultants for the purposes of conducting Peer Reviews of several aspects of the petition by Woburn (Edens) LLC for the redevelopment of the Woburn Mall; (2) Whether the City Council could engage MAPC (re: Design Standards) and Weston & Sampson (re: Water and Sewer and Infrastructure) to conduct Peer Review in accordance with the correspondence received from MAPC and Weston & Sampson to date, without need for additional action under MGL Chapter 30B; and further; (3) If the City Council cannot or declines to hire MAPC and/or Weston & Sampson, how do we move forward? With an RFP to procure those services? What would be the process and timing?, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent)

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That pursuant to 1989 Woburn Municipal Code, as amended, Title 3, Article I, Section 3-6 the Board of Health is hereby authorized to dispose of the following vehicles which the Board of Health has determined is of no value to the department and which no other department has expressed an interest in obtaining.

<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
2000	Chevrolet – Sedan	2G1WF52E6Y9274067
2011	Chevrolet – Sedan	2G1WF52E719220461

s/President Anderson

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

Presented to the Mayor: February 21, 2019

s/Scott D. Galvin February 21, 2019

ORDERED That pursuant to Massachusetts General Laws Chapter 148, Section 13, the City Clerk shall schedule a public hearing before the City Council for the purposes of revoking the Inflammable License held by Madico, Inc. at 64 Industrial Parkway at the request of the license holder.

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

s/President Anderson

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

Presented to the Mayor: February 21, 2019

s/Scott D. Galvin February 21, 2019

Motion made and 2nd to ADJOURN, 8 in favor, 0 opposed, 1 absent (Mercer-Bruen absent).
Meeting adjourned at 8:53 p.m.

A TRUE RECORD ATTEST:

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