CITY OF WOBURN
MARCH 5, 2019 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBER, WOBURN CITY HALL

Roll Call

Campbell	Gately
Concannon	Higgins
Ferullo	Mercer-Bruen
Gaffney	Tedesco

Anderson

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

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

Petition by Give2Those, 355 Littleton Road, Mailbox #A8, Westford, Massachusetts 01886 for a Special Event Permit to allow a road race at Horn Pond on October 20, 2019. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.
Presented to the Mayor: March 7, 2019 **s/Scott D. Galvin March 7, 2019**

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

MAYOR'S COMMUNICATIONS:

ORDERED That the sum of $675,117.34 be and is hereby transferred as so stated from BLS/Ambulance Acct #31359-595000 $675,117.34 to Fire Ambulance Salary Acct #0122051-511500 $180,000.0 0, Fire Overtime/Reserve Acct #0122051-513100 $200,000.00, Fire Sick Leave Buyback Acct #0122051-515400 $63,117.34, Fire Regular Salary Acct #0122051-511000 $192,000.00, Apparatus Maintenance Acct #0122054-544400 $20,000.00, Medical Attention Acct #0122054-558103 $15,000.00, Total $675,117.34

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/Stephen Adgate, Chief, Fire Department
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.

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ORDERED Be it ordained by the City Council of the City of Woburn, that pursuant to M.G.L. c.59, §38H and c.164, §1, and any other relevant authority, the Mayor, in consultation with the Board of Assessors, is hereby authorized to negotiate an agreement with Select Energy Development, LLC of Hopkinton, Massachusetts, and its successors and assigns, for a payment in lieu of taxes for the personal property associated with the privately owned and operated solar photovoltaic facility installed on the rooftop at Joyce Middle School, 55 Locust Street, Woburn shown on the Assessors Maps as Parcel 49-06-01, for a term of twenty (20) years, on such terms and conditions as the Mayor and the Board of Assessors deem in the best interest of the City, and to take all necessary action and to execute all necessary documents to implement, administer and enforce such agreement, or to take any relevant action thereto.

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 report was received from the Committee on Special Permits as follows: “back for action with the following conditions: 1. The Project shall be developed and/or constructed as shown on the Site Plan, the Architectural Plan as presented to the City Council Special Permits Committee on February 7, 2019, and the Landscaping Plan submitted to the City Council including, but not limited to, the mitigation delineated thereon. The Property as a whole including the building, landscaping and post and rail fencing shall be maintained in good condition at all times. Any dead shrubs and/or trees or damaged fencing shall be replaced immediately as weather allows.; 2. The exterior of the building shall be cedar clapboard and the height of the garage doors shall not exceed 12 feet in height.; 3. The only uses allowed on the Property is business, professional, and/or general offices for businesses including, but not limited to, businesses such as general contractors, carpenters, plumbers, electricians, sprinkler companies, and HVAC companies. At the time of recording of the Special Permit Decision at Middlesex South Registry of Deeds (the “Registry”) the Applicant shall also record a Restrictive Covenant relative to compliance with the terms of this

condition that shall run with the land and be enforceable, against the Applicant and all successors in title to the Property, by the City of Woburn. If at any time, in the opinion of the City of Woburn, there is a failure to comply with the requirements of this condition, then the City of Woburn shall have a cause of action to enforce the condition and in any such action shall be entitled to recover the reasonable value of its attorney's time and any expenses or costs incurred therein. The Woburn City Solicitor shall approve the Restrictive Covenant as to form and content. Said Restrictive Covenant when recorded at Middlesex South Registry of Deeds and shall be superior in title to any mortgages relating to the Property.; 4. There shall be no outside storage whatsoever on the Property including, but not limited to, no materials, equipment, inventory, construction type equipment such as backhoes, bobcats, trailers, boats, unregistered vehicles or the like and furthermore, no automobile, boat or any vehicle repair of any kind is allowed on the Property. At the time of recording of the Special Permit Decision at Middlesex South Registry of Deeds (the "Registry") the Applicant shall also record a Restrictive Covenant relative to compliance with the terms of this condition that shall run with the land and be enforceable, against the Applicant and all successors in title to the Property, by the City of Woburn. If at any time, in the opinion of the City of Woburn, there is a failure to comply with the requirements of this condition, then the City of Woburn shall have a cause of action to enforce the condition and in any such action shall be entitled to recover the reasonable value of its attorney's time and any expenses or costs incurred therein. The Woburn City Solicitor shall approve the Restrictive Covenant as to form and content. Said Restrictive Covenant when recorded at Middlesex South Registry of Deeds and shall be superior in title to any mortgages relating to the Property.; 5. The business operations occurring at the Property shall only be between the hours of 7 a.m. and 7 p.m., Monday through Friday, 7 a.m. and 5 p.m. on Saturday, with no hours of operation on Sunday. Notwithstanding the terms of this condition the tenants or occupants of the Property may occupy and perform work at the Property outside of the hours and days stated in the preceding sentence only if during said time no noise is generated beyond the limits of the Property lines.; 6. Vehicles parked on the Property shall be parked in the designated parking spaces and nowhere else on the Property and all parking spaces including handicap parking spaces shall be striped at all times.; 7. Separate unit numbers and parking spaces associated with said units shall be marked at all times.; 8. There shall be no signage on the Pine Street side of the building.; 9. There shall be no parking or loading on any streets abutting the Property.; 10. Any commercial vehicles owned by any of the occupants of the Property shall be registered in the City of Woburn.; 11. The building shall contain a fire sprinkler protection system as required by the City of Woburn Fire Chief.; 12. There shall be a continual annual pest control contract, with a licensed company, for the Property.; 13. The dumpster on the Property shall be fenced in and not emptied before 7AM or after 6PM.; 14. The Applicant shall complete all mitigation as required by the City of Woburn including, but not limited to, the granite curbing and cement sidewalk installation on Pine Street and as shown on the Site Plan.; 15. The Applicant shall file a snow removal plan with the City of Woburn Building Department.; 16. Any commercial vehicles exiting the Property shall be encouraged to proceed to Salem Street and not to Pine Street.; 17. Exterior lighting on the building shall be "Dark Sky Compliant" and face downward so as to not shed excessive light into the neighborhood.; 18. Construction hours shall be limited to between 7 a.m. and 6 p.m., Monday through Friday; 7 a.m. to 5 p.m. on Saturday, and no construction

on Sundays or holidays which City Hall is closed. A communication dated March 5, 2019 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Conditions for Special Permit – Pine/Crescent Avenue

The Committee on Special Permits requested that I review two (2) of eighteen (18) conditions proposed for the issuance of a special permit under Section 5.1, Table of Use Regulations, line 57b, authorizing the "accessory storage or parking of commercial motor vehicles other than as provided for in line 58, trucks, buses or contractors' equipment" on property located in the I-G zoning district at 9 Pine Street and 2 Crescent Avenue (the "Property"). The principal use proposed for the Property is a "[b]usiness, professional and general office: [u]nder 15,000 sf gfa" use which is allowed by right in the I-G zoning district.

The first of the conditions (Draft Condition no. 3) seeks to restrict the principal use to business, professional, and/or general offices through the recordation of a Restrictive Covenant. I refined the language of this Condition, see attached, but will need to see the draft Covenant in order to comment further.

The second of the conditions (Draft Condition no. 4) seeks to restrict the outside storage of materials and equipment also by the recordation of a Restrictive Covenant. As to this condition, a Restrictive Covenant seems unnecessary. Under Section 5.1, Table of Use Regulations, line 43, outside storage of new or used building materials or equipment requires the issuance of a special permit in the I-G zoning district; as does automobile and truck repair (line 44). Storage of one trailer, boat or unregistered vehicle is permitted as of right but must be contained inside a building or not less than 50 feet from a street. The conduct of those activities on this property in violation of the WZO would be enforceable by the Building Commissioner without either a Restrictive Covenant or a condition to this special permit. Notwithstanding the latter comment, I have also refined the language of Draft Condition no 4. See attached. [Please note the comment regarding Draft Condition no. 1.]

I am available to discuss at the Council's convenience.

Sincerely, s/Ellen Callahan Doucette

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 Brian D. McGrail, 599 North Avenue, Wakefield, Massachusetts 01880 and he stated that he corresponded with the City Solicitor and prepared a proposed set of conditions. Mr. McGrail offered proposed conditions to the City Council for review as follows: 1. The Project shall be developed and/or constructed and maintained as shown on the following plans: a. Site Plan prepared by Sullivan Engineering Group, LLC entitled "Site Development Plan Business, Professional and/or General Office 2 Crescent Avenue & 9 Pine Street located in Woburn, Massachusetts" originally dated August 28, 2018 with a final revision date of February 21, 2019 consisting of 5 sheets as follows: i. Cover Sheet (Sheet 1 of 5); ii. Approval Not Required Plan (Sheet 2 of 5); iii. Existing Conditions Plan (Sheet 3 of 5); iv. Site Plan (Sheet 4 of 5); v. Construction Details Plan (Sheet 5 of 5); b. Architectural Plan prepared by Jozokos Architecture, Inc. dated February 7,

2019 consisting of 5 sheets.; c. Landscaping Plan prepared by Sullivan Engineering Group, LLC entitled "2 Crescent Ave + 9 Pine Street Landscaping Plan located in Woburn, Massachusetts" dated March 5, 2019 consisting of 1 sheet . This requirement includes, but is not limited to, the mitigation delineated thereon. The Property as a whole including the building, landscaping and post and rail fencing shall be maintained in good condition at all times. Any dead shrubs and/or trees or damaged fencing shall be replaced immediately as weather allows.; 2. The exterior of the building shall be cedar clapboard and the height of the garage doors shall not exceed 12 feet in height.; 3. The use of the Property is expressly limited to business, professional, and/or general offices for businesses including, but not limited to, general contractors, carpenters, plumbers, electricians, sprinkler companies, and HVAC companies. At the time of recording of the Special Permit Decision at Middlesex South Registry of Deeds the Applicant shall also record a Restrictive Covenant to ensuring the continued compliance with the terms of this condition that shall run with the land and be enforceable against the Applicant and all successors in title to the Property, by the City of Woburn. The Restrictive Covenant shall be in a form approved by the City Solicitor and shall provide for the recovery of costs and reasonable attorney's fees for the successful enforcement of a breach thereof. The Restrictive Covenant shall be referenced in all deeds in the chain of title. Said Restrictive Covenant shall be recorded at Middlesex South Registry of Deeds and shall be superior in title to any mortgages relating to the Property.; 4. No outside storage or display of any kind shall be allowed on the Property. This prohibition includes, but is not limited to, building, landscaping or other material; construction equipment such as backhoes or bobcats; inventory associated with a business use; trailers, boats, or unregistered motor vehicles. There shall be no automobile, boat or motor vehicle repair of any kind allowed on the Property.; 5. The business operations occurring at the Property shall only be between the hours of 7 a.m. and 7 p.m., Monday through Friday, 7 a.m. and 5 p.m. on Saturday, with no hours of operation on Sunday. Notwithstanding the terms of this condition the tenants or occupants of the Property may occupy and perform work at the Property outside of the hours and days stated in the preceding sentence only if during said time no noise is generated beyond the limits of the Property lines.; 6. Vehicles parked on the Property shall be parked in the designated parking spaces and nowhere else on the Property and all parking spaces including handicap parking spaces shall be striped at all times.; 7. Separate unit numbers and parking spaces associated with said units shall be marked at all times.; 8. There shall be no signage on the Pine Street side of the building.; 9. There shall be no parking or loading on any streets abutting the Property.; 10. Any commercial vehicles owned by any of the occupants of the Property shall be registered in the City of Woburn.; 11. The building shall contain a fire sprinkler protection system as required by the City of Woburn Fire Chief.; 12. There shall be a continual annual pest control contract, with a licensed company, for the Property.; 13. The dumpster on the Property shall be fenced in and not emptied before 7AM or after 6PM.; 14. The Applicant shall complete all mitigation as required by the City of Woburn including, but not limited to, the granite curbing and cement sidewalk installation on Pine Street and as shown on the Site Plan.; 15. The Applicant shall file a snow removal plan with the City of Woburn Building Department.; 16. Any commercial vehicles exiting the Property shall be encouraged to proceed to Salem Street and not to Pine Street.; 17. Exterior lighting on the building shall be "Dark Sky Compliant" and face downward so as to not shed excessive light into the neighborhood.; 18. Construction hours shall be limited to between 7 a.m. and 6 p.m., Monday through Friday; 7

a.m. to 5 p.m. on Saturday, and no construction on Sundays or holidays which City Hall is closed. Motion made and 2nd that the proposed conditions be received and made part of the record, all in favor, 9-0. Motion made and 2nd that the Landscaping Plan prepared by Sullivan Engineering Group, LLC entitled "2 Crescent Ave + 9 Pine Street Landscaping Plan located in Woburn, Massachusetts" dated March 5, 2019 consisting of 1 sheet be received and made part of the record, all in favor, 9-0. Motion made and 2nd that the Architectural Plan prepared by Jozokos Architecture, Inc. dated February 7, 2019 consisting of 5 sheets be received and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that the proposed conditions reflect what the neighbors requested, that she is pleased with the architectural plan, that she believes this will be a good addition, that the property is located in an industrial area and the petitioner is only here because of the request to park vehicles overnight, and that the covenant on the land as to the uses is an important condition as well as the reference to the architectural plans. Alderman Gately stated that the petitioner will maintain the property. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the eighteen proposed conditions be adopted as conditions of the special permit, all in favor, 9-0.

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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 was received from Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 46 Fowle St Woburn – CopyPro Special Permit

Dear Aldermen,

Request is made to continue this matter from March 5, 2019 to March 19, 2019 in order to provide additional information.

Thank you for your attention to this matter.

Very truly yours, s/Mark J. Salvati

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 19, 2019 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

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On the petition by Alderman Edward Tedesco to further amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new Section 29.4.2 as follows: 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 25% of the gross floor area; (3) is in existence as of December 4, 2018; (4) the space allocated to the office use is reduced as part of the Special Permit; and (5) 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. PUBLIC HEARING OPENED. Alderman Tedesco stated that the Planning Board met on the matter last week but have not filed a recommendation with the City Council. PUBLIC COMMENTS: Mark Ferullo, 134 Pleasant Street stated that his property abuts 132 Pleasant Street, that he wants to know how this proposal will affect 132 Pleasant Street, that the property has two residential units and two commercial units, that the building owner wants to add four additional residential units, that there will be six residential units and one commercial unit, that the building is next to single family residences, that he has no objection to the commercial use, that the building has had a commercial use for many years, that the building should not be turned into an apartment building, that the increased residential use of the building will adversely affect the comfort, privacy, quiet enjoyment and standard of living of the neighbors, and that the information concerning the property at 132 Pleasant Street was obtained from the owner of the property. Alderman Mercer-Bruen stated that the Planning Board voted against the proposed ordinance although a recommendation has not yet been received, that she has expressed her concerns about how sweeping these text changes can be, that what appears to be right is not always the case for a particular property, and that the City Council must be mindful of the impact of a proposed ordinance on each parcel. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 19, 2019, all in favor, 9-0.

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

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On the petition by Woburn (Edens) LLC, c/o Edens 21 Custom House Street, Suite 450, Boston, Massachusetts 02110 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. PUBLIC HEARING OPENED. A communication dated February 25, 2019 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Update on departmental comments on 40R Plan approval and special permit applications for Woburn Village (300 Mishawum Road)

Dear Councilors:

I thought you might appreciate a brief update on the status of City review of the above-referenced applications.

We convened a meeting at City Hall on Friday, February 22nd that was attended by representatives of all of the departments that have been asked to provide comments on the application; City Clerk Bill Campbell joined us. All departments understand that comments must be sent to the City Council by the close of business on Friday March 8th in accordance with the new 40R ordinance. Many will forward memos specific to their department, but several are expected to author a joint memorandum representing their collective thoughts.

First, I informed the attendees of the two recommendations the Council has already received relative to hiring peer review consultants to (a) confirm conformance with design standards ($4,000) and (b) review proposed water and sewer-related design issues ($16,000). At the meeting, no one suggested additional topics needing peer review in their opinion.

Second, the following is a general list of topics discussed or mentioned at Friday's meeting. All are likely to be addressed in the various departmental comment memos when you receive them, as will no doubt many other issues not listed here:

- The pending Notice of Intent filing being reviewed by the Conservation Commission;
- Storm water management;
- The need to coordinate City review of building design-related issues with the Code consultant hired by Edens and Avalon;
- The fact that VHB has been retained by the City to review traffic-related matters which will include analyses and recommendations on multi-modal (and particularly pedestrian) access with an emphasis on pedestrian safety and pedestrian-related amenities;
- Concern with plans to allow left hand turns out of the proposed "residential" driveway, and the need to provide access to all lots through the lots' frontage;
- The owners of several properties and businesses on the opposite side of Mishawum Road are interested in creating a coordinated driveway system in concert with improvements at the former Mall location;
- The need for a connection between the water line on this site and the one to the immediate north owned by Cummings, in order to create a looped water system and to improve fire flows. It is anticipated by relevant City departments that the water lines will remain in private ownership but that the City will have access to them;
- Concern that revisions are being made to some of the plan sheets but which are not being shared with other relevant departments. Although the revisions are being made in good faith as attempts to address issues raised by particular departments, it is imperative that all departments and the Council operate with the same information. The applicant should be urged to provide all revisions to all reviewers to eliminate confusion and to ensure that every one is operating with the most up to date information possible;
- The need for departments to be as thorough as possible in identifying and resolving issues prior to any Council vote, since changes to the plan after an approval are likely to require resubmission and re-review of revised plans by the City Council; and

- The plans have yet to be signed by a Registered Land Surveyor, as required.

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

A communication dated February 28, 2019 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: 300 Mishawum Road Woburn Village

Dear Councilors:

With regard to the above referenced, I have reviewed the site plans and other information provided by the City Clerk on February 6, 2019. I offer the following comments on the plans and have added a few other comments that I would ask the City Council to consider for this project:

1. Applicant should provide a certified plot plan done by a registered land surveyor that identifies all property lines, building setbacks from property lines and distances between each building on the premises.

2. Applicant should provide the City Council a list of any waivers requested per WZO Section 30 (12).

3. Applicant should also identify any ANR Plans that may create separate lots on the parcel that could be part of this project, this should also include any waivers requested per WZO Section 30 (12).

4. Sheets C-3 and C-9 of plans identifies a parking easement, this is the area west of proposed residential building, details should be provided that indicates how this will be part of the development.

5. Sheet C-8 has notation that existing sign frame to remain, currently located in landscaped area fronting on Commerce Way, applicant should provide details of intended use.

6. Sheet C-10 shows loading area for retail (B) facing east towards Commerce Way. WZO section 30.2 (5) Off-Street Parking and Loading should be reviewed to see if this location is acceptable.

7. Sheet C-11 indicates a trash enclosure southerly side adjacent to Mishawum Road, this location as well as all other trash areas should be reviewed, I would also suggest a pest management plan should be required with reports submitted quarterly to the City of Woburn.

8. Sheet C-11 shows loading area fronting on Mishawum Rd Building C (Cinema). WZO section 30.2 (5) Off-Street Parking and Loading should be reviewed to see if this location is acceptable.

9. Sheet C-12 Applicant should identify if a canopy will be over the Drive Thru for building (I) Bank.

10. Pedestrian protection (bollards) should be identified and required with details shown on plans that separate the roadways and parking areas from pedestrian gathering areas. This is a concern as Special Events can be permitted by right on the property.

11. Peer review as requested by Public Works Director and City Engineer should include review of adequate grease traps, oil water separators and to ensure water pressure for all of the proposed buildings. Applicants Building Code consultants should also be aware of this so proper coordination can occur.

12. Peer review as requested by the Planning Department should include details of all building elevations, facades, and signage, verification of materials to be used on facades and color selection for each structure, if the applicant is not able to provide this information a generic color scheme should be provided with any changes to a building or tenant space be approved per WZO Section 30 (13) Plan changes after City Council Approval. Sheet A 501 has a note that allows tenants to individualize there facades if this is acceptable to the City Council during approval process it should be documented.

13. Snow Management Plan should be prepared and approved by the City Council, the plan should include parking location and specific time allowances for equipment used in snow removal operations, location of snow storage areas and details of snow removal from the premises. In the past few years the stockpiling of snow along Mishawum Road and Commerce Way has generated complaints that the City of Woburn has had to address.

14. Applicant and all City Departments should be aware that any requested plan changes after approval by the City Council will need to follow procedures as specified by WZO section 30 (13).

15. Applicant should provide any plan changes/ revisions that may occur during City Council review process to all City Departments to ensure consistency and eliminate any confusion, this would also allow for departments to provide additional comments.

16. All structures will be subject to code/plan review as required by the State of MA Building Code to ensure compliance with all applicable codes at time of submittal for building permits.

17. Applicant should be required to provide a plan that identifies bedroom count for each dwelling unit to the Building Commissioner and Public Works Director for review and approval prior to issuance of a building permit for Building (R).

18. A phasing and sequencing plan should be provided at time of initial permitting and updated periodically that identifies areas of work with estimated time to completion,

pedestrian protection during construction and monthly written updates by applicant to the City Council and relevant City Departments.

19. City Departments should be provided with contact lists for authorized persons who can address any issues that may come up on the premises specifically nights and weekends, Market Basket and TJ Maxx will be operational during construction.

As always if I can be of further assistance to the Council on this project do not hesitate to contact me.

s/Thomas C. Quinn Jr., Building Commissioner, City of Woburn

A communication dated February 26, 2019 was received from City Solicitor Ellen Callahan Doucette relative to procedure for obtaining peer review for the Woburn Mall Smart Growth application. Motion made and 2nd that the communication from the City Solicitor be received made part of the record, 8 in favor, 0 opposed, 1 absent (Concannon absent). Motion made and 2nd that the communication from the Planning Board Director be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Concannon absent). Motion made and 2nd that the communication from the Building Commissioner be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Concannon absent). Motion made and 2nd that the communications regarding peer review services from Weston & Sampson and MAPC be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Concannon absent). A communication dated march 5, 2019 was received from City Clerk William C. Campbell as follows:

Re: WZO Section 30 – Scrivenir's Error

In preparing the revised zoning ordinance book, an apparent error was noted in Woburn Zoning Ordinances, as amended, Section 30.2.1.2.e Allowed and Prohibited Uses. In the second column of the row for "Restaurant, Fast Casual" the following appears: "Permitted By-Right ~~if no Drive Up Customer Service Facility~~".

After consulting with the Planning Board Director and City Council President, who was Chair of the Committee of Ordinances at the time the ordinance was deliberated, the strikethrough of "if no Drive Up Customer Service Facility" was in error and that such words should remain in the ordinance. The intent of the ordinance was to allow a fast casual restaurant by-right use in the Woburn Mall Smart Growth Overlay District provided that such use did not have a drive up customer service facility. Therefore, this correction will not affect the intent or substance of the ordinance.

This serves as notice pursuant to Woburn Zoning Ordinances, as amended, Section 3.4 Administrative Correction of Scrivener's Errors. Pursuant to that section, the matter is before the City Council to accept the change as a scrivener's error.

s/William C. Campbell, City Clerk

Motion made and 2nd that the communication be accepted as noticed of the corrected error, 8 in favor, 0 opposed, 1 absent (Concannon absent). Appearing was Keith Hague of Woburn (Edens) LLC and he stated that the petitioner is the owner of the Woburn Village project, that Avalon Bay is the residential development partner, that there are benefits of a vibrant mixed use village, that this will be a gathering place for the community that does not currently exist, that this will compete with similar developments in Burlington and Lynnfield, that 60 construction jobs will be created over a 2½ year period, that $1,300,000.00 new tax revenue will be generated, that permanent employment will be created, that 25% of the housing units will be affordable, that this is 88 units out of 350 total units, that all 350 units will count towards the city's Ch. 40B quota, that the city is currently at 8.7% affordable housing, that the project eliminates Ch. 40B filings for ten years, that the city's current Ch. 40B safe harbor expires in August 2019, that DHCD will pay $350,000.00 to the city upon approval of the project, that additional funds will be paid by DHCD upon approval and issuance of the building permit, and that city infrastructure improvements will have preferential treatment for MassWorks grants. Attorney Mark Vaughan, Riemer and Braunstein LLP, 700 District Avenue, Burlington, Massachusetts 01803 stated that considerable time was spent on adopting the ordinance and regulations as well as the development impact statement, that the project is the same as the concept plan shown during the ordinance adoption process, that the project complies with the design standards, that all proposed uses are by-right except the drive-thru element of the proposed bank, that the bank will be located where the ATM is currently located, that a drive-thru use is an essential element of a bank, that vehicle stacking has been designed for the bank drive-thru, that peer review will be conducted for utilities, traffic and conformance with the design standards, that traffic is a big element of any project, that there are concerns with the effectiveness of mitigation, that a traffic peer review is being conducted by the city, that the New Boston Street bridge is estimated to be constructed in 2021 or 2022, and that an operational New Boston Street bridge was not included in the traffic calculations but will have a beneficial impact when constructed. Mr. Hague stated that the streetscape will have a pedestrian environment, that the green space is appropriately sized for outdoor functions, that there will be a reduction in floor area by 600,000 square feet, that there will be new restaurants, retail, cinema and fitness uses, that the Market Basket will stay exactly where it is currently located, that the outbuilding in the parking field will stay in the current location, that the TJ Maxx Home Goods store will move to a new location, that there will be a new HomeSense store building, that DSW Shoes store will locate in a new building, that the larger box stores will be located on one end with pedestrian elements at the west end of the parcel, that there are restraints on modifying the parking lot, that the parking lot will remain much as it currently is, that there will be a six-story garage for residential uses, that there will be a pedestrian area near the cinema and restaurants which extends up to the abutting Cummings property, that the project would connect to a future Aberjona River walk, that the project will have a fire pit and dog run amenities, that there will be parking under the cinema at grade, that there will be a two-story cinema building, and that there will be rooftop dining. Julia Wynyard, Director, Development, Avalon Bay Communities, Inc., 600 Atlantic Avenue, 20th Floor, Boston, Massachusetts 02210 stated that they have 85,000 apartments under management nationally, that they have a 25-year record in this region, that they handle exclusively residential dwellings, that there will be a club room fitness center, mail room, maintenance shop, loading dock for residents moving in and out, and trash and recycling service, that they will operate the building as a private community, that there will be 24-hour

maintenance for residents, that there will be a retail component so there is retail on both sides of the street, that there will be 350 apartment units, that there will be mostly five stories except for a sixth story above the retail use, that the units will be one, two and three-bedroom units, that 25% of the units will be affordable at 80% of AMI, that the 350 units are organized around three outdoor courtyards including a pool courtyard and a play courtyard with children's play equipment and a game area, that there will be a precast 445 space parking garage and surface parking around the building for exclusive use of the residents, and that there will be 1.5 parking space per unit. Pawel L. Honc, Studio Director, AMENTA/EMMA Architects, 280 Summer Street, Boston, Massachusetts 02210 stated that they are the architects for the project, that the proposed building materials have an industrial aesthetic with materials to add warmth, that there will be a canopy entrance to bring down the height of the façade, that there will be a brick veneer from the pedestrian level up eight feet, that they created a material palette that the tenants can work with for their unit, that the petitioner will request a waiver from some design guidelines, that a waiver for tree uplighting will be requested, that uplighting is prohibited under the design guidelines except for flagpoles, that they want to create a dramatic effect with uplighting captured by the tree canopy to minimize light pollution, that the pedestrian area lighting must be between fourteen and seventeen feet high, that they will request a waiver to allow twelve foot high pedestrian area lighting to bring down the height impact, and that they will ask for a waiver from parking landscaping requirements as there is a parking area tied to previous agreements with Market Basket that cannot be modified. Stephen Martorano, Branch Manager, Bohler Engineering, 45 Franklin Street, 5th Floor, Boston, Massachusetts 02110 stated that he met with the City Engineer and Superintendent of Public Works concerning the water, sewer and drainage, that the water is well served in this area, that there are sixteen and twenty-four inch pipes that were set up for these uses, that the peer review consultant will do some modeling to confirm the findings, that the Conservation Commission is reviewing a notice of intent relative to the storm drainage, that there is ample capacity in the sewer system, that the area is well served for water, sewer and drainage, and that there is adequate capacity to support the project. Alderman Gately stated that the flow report indicated that two fire hydrants were in opposition and a third fire hydrant was not operational, that the report about the failed fire hydrants was not turned over to the city, that this was three main fire hydrants used for fire suppression that were off or nonoperational, that these conditions should have been reported to the city rather than looking for another operating hydrant, and that the report was done in August 2018 and the fire hydrants were out of service all that time until just the other day when he contacted the Department of Public Works. Judi Barrett, Barrett Planning Group LLC, 1500 Tremont Street, Duxbury, Massachusetts 02332 stated that she is a planner with thirty years experience, that the question she researched was whether this project would generate revenue to offset the costs of the project to the city, that the project will have net revenue of $1,200,000.00, that the estimate of service costs when operational is $850,000.00, that this is a conservative estimate, that there will be a net revenue increase of $400,000.00 on an annual basis, that they try to estimate costs on the high side, that she is comfortable with the revenue number, and the costs are not underestimated. Alderman Mercer-Bruen asked if new teachers and public safety officers have to be hired whether their legacy costs have been included in the cost estimate. Ms. Barrett stated that these legacy costs were included, that they looked at data from other communities for demands from multifamily developments, that there is an additional police annual cost of $54,700.00 for the residential

use and $189,000.00 for the commercial use, that fire and emergency medical costs are $173,500.00 per year for the residential use and $67,000.00 for the commercial uses, that the annual school cost was approximately $341,000.00, that approximately seventy children will live in the development, that typically these will be elementary aged school children, that there will be approximately 46 elementary school students, that they focus on elementary school students as high school students could be readily absorbed into the student population, and that there will be gross revenue of $2,280,000.00. Daniel J. Mills, Principal Traffic Engineer, MDM Transportation Consultants, Inc., 28 Lord Road, Suite 280, Marlborough, Massachusetts 01752 stated that the study follows the design guidelines, that he consulted with the City Engineer, that the intersection at Mishawum Road and Commerce Way is under MassDOT jurisdiction, that there is not a lot of residential use in the area, that because a residential use is being introduced the project must accommodate pedestrians using the development as well as neighboring uses, that there will be pedestrian connections onsite, that they reviewed five years of crash data, that the main site drive onto the Mishawum Road and Commerce Way ramp have higher incidences of crashes, that they looked at the weekday morning peak hour from 7:00 a.m. to 9:00 a.m., the afternoon peak hour of 4:00 p.m. to 6:00 p.m and the Saturday midday peak hour from 11:00 a.m. to 1:00 p.m., that the highest traffic counts were during these periods, and that they counted the vehicles entering and exiting the site in April 2018. Alderman Mercer-Bruen wanted to know what week in April 2018 the traffic count was conducted. Mr. Mills stated that these are actual counts, that the residential component will generate more traffic that does not exist now, that the current mall represents what would be the total retail use onsite, that 250,000 square feet of retail will be retained, that the study was conducted based on 400 residential units although only 350 residential units will be constructed, that there was a 120,000 square foot vacancy in the commercial use at the time of the traffic study, that there are two access points on Mishawum Road and two access points on Commerce Way with direct access to Route I-95/128, that they looked at if the project was not built and the mall was fully leased, that the residential and cinema peak hours are different than normal peak hours, that there will be virtually no change from current conditions, and that there will be the same driveway configuration at the Market Basket. Alderman Higgins stated that currently the queueing of vehicles at the Market Basket entrance goes down Commerce Way, and that the traffic signals are working but the queued traffic builds up onto Commerce Way. Alderman Mercer-Bruen stated that she was under the impression that Market Basket has a strong lease and that no improvements in the parking field could be made. Mr. Hague stated that he agrees there is a bad situation in the parking lot, and that they have worked with Market Basket to negotiate a change but Market Basket needs the Commerce Way access to operate. Mr. Mills stated that to make the intersection more efficient more storage by way of travel lanes would be beneficial. President Anderson stated that there will still be issues with vehicle queueing at this location. Alderman Mercer-Bruen stated that with adaptive traffic control signals that traffic flow on Washington Street has improved and she wants to know if adaptive traffic control signals have been considered for this location. Mr. Mills stated that adaptive traffic control signals have been considered for Mishawum Road. Alderman Gately stated that he does not envision bicycles on Commerce Way or Mishawum Road. Mr. Mills stated that accommodations are being made for residents by installing bicycle racks. Alderman Gately stated that when a traffic report concludes that everything will be fine with the traffic it will not be fine with the traffic, and that rideshare uses will also generate more traffic. Mr. Hague stated that they are in support

of a riverwalk along the Aberjona River, that the project would connect to such an walk, and that they will work with the city to help facilitate the development of that riverwalk. Alderman Mercer-Bruen stated that the traffic in the Boston area is the worst in the country, and that this project will generate more traffic than what has been generated by the underutilized mall for a long time. Mr. Mills stated that the petitioner will work with MassDOT, the city and conduct a road safety analysis to identify safety improvements to the two intersections with above statewide crash rates. Mr. Hague stated that as to the construction schedule they are currently seeking a demolition permit, that the mall is mostly vacant, that there is one tenant remaining, that they want to start construction in the summer of 2019 with first retail uses completed in winter 2020 and the residential use completed in the first quarter of 2021, and that the first phase would be the bigger box stores adjacent to the Market Basket. Alderman Mercer-Bruen stated that there cannot be several revisions of the plans in circulation, that if there is any revision of a plan then the revised plan must be submitted to every department along with an explanation of the revision, and that she wants to know that the tenants can only use the approved design materials. Mr. Hague said that yes only the approved design materials can be used. Alderman Mercer-Bruen stated that there are benefits of the project with meeting the Ch. 40B quota and cost benefits, that she would prefer not residential units but 350 residential units at this location is better than in a single-family neighborhood, and that if the traffic count numbers do not come in well then the project could be in jeopardy. Ms. Wynyard stated that the intention is to stay managing the residential project. Alderman Gately stated that further review of this matter in committee should be Sitting as a Committee of the Whole. PUBLIC COMMENTS: Jason Pino stated that he is the franchisee of the Dunkin Donuts at 305 Mishawum Road across the street from the mall, that he is concerned about traffic in the area, that there was no data in the report about traffic at 1:00 p.m. which is when the mall is busiest as well as the number of customers at this restaurant, and that he is in favor of revitalization but not to the detriment of the travelers in the area. Lauren Rogers, Linear Retail, 299 Mishawum Road stated that they are concerned about traffic on Mishawum Road which can back up to the traffic control signal at Washington Street, that it is difficult for customers to take a left into their property, and that she wants there to be a hard look at this issue. Alderman Mercer-Bruen stated that there are traffic issues now which will be exacerbated by this development. Alderman Tedesco stated that the Traffic Commission is looking at this issue. Alderman Mercer-Bruen stated that there is a tight timeline for review, and that she wants assurances that if the review period is extended the petitioner will cooperate with the extensions. The following motions were made and 2nd and adopted, 8 in favor, 0 opposed, 1 absent (Concannon absent):

Whereas the City Council deems peer review of the petition by Woburn (Edens) LLC as appropriate:

I move that the City Council retain a peer review consultant for the purpose of reviewing compliance with the design guidelines of Woburn Zoning Ordinances Section 30 and for the purpose of providing peer review regarding the proposed development and whether it can be adequately served by the existing infrastructure;

That the City Council accept the proposals of MAPC and Weston & Sampson on file in the Office of the City Clerk for providing peer review service with respect to the development;

That the Mayor and City Council President be and are hereby authorized to execute any documents necessary to secure the peer review services; and

That the City Clerk communicate with the applicant to obtain funds in the sum of $20,000.00, and additional sums as necessary, for said peer review and that the funds shall be deposited with the City Auditor to be held in an account pursuant to M.G.L. Ch. 44, Sec. 53G.

Motion made and 2nd that a communication be sent to the Planning Director and the City Engineer asking 1. What adjustments can be made to the plan to ensure pedestrian access from the mall to the Anderson Transportation Center, and 2. What is the city doing to establish a pedestrian path from the mall to Anderson Transportation Center, 8 in favor, 0 opposed, 1 absent (Concannon absent). Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON APRIL 2, 2019 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, SITTING AS A COMMITTEE OF THE WHOLE, 8 in favor, 0 opposed, 1 absent (Concannon absent).

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Alderman Concannon returned to the Council Chamber.

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

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President Anderson called the meeting to order.

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On the petition by Ronnie DeSilva, 63 School Street #2, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to allow overnight parking of two commercial vehicles at 36 Montvale Avenue. PUBLIC HEARING OPENED. A communication dated February 26, 2019 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 36 Montvale Avenue/Ronnie DeSilva

Dear Council:

The Planning Department has reviewed the above-referenced Petition which seeks a special permit to allow overnight parking of two (2) 16’ long trucks at 36 Montvale Avenue pursuant to Section 5.1 (57b) of the Woburn Zoning Ordinance (WZO). A review of the GIS mapping database shows that the parcel is zoned B-D (Downtown Business) and does not fall within an area of contaminated soils, floodplain or a flood zone.

This filing raises a number of issues and concerns:

1. It is not at all clear that the Council can grant this special permit. There is nothing to demonstrate that the trucks in question are related in any way to the owner's use or to a tenant's use of the property. The Petitioner (Mr. DeSilva) is not the property owner and it is not clear that he is a tenant at 36 Montvale Avenue. At present, the trucks seem to be stored in a residential zoning district, at Mr. DeSilva's residence on School Street. (The Special Permit checklist mentions "Victoria's Decorations and Function Hall"; "Victoria's Decorations" had a business license – now expired – with a business address of __ School Street.) Unless the trucks are owned/operated by an entity with an established business at 36 Montvale Avenue, the truck storage may not be considered an accessory use as required by Section 5.1(57b) and would therefore be prohibited. Building Commissioner Tom Quinn should be consulted on this point as soon as possible.

2. The Council should require the Petitioner to provide plans drawn to scale by a Registered Professional Engineer or Registered Land Surveyor that accurately depict the locations and dimensions of all parking spaces, parking lot travel aisles and site features such as Dumpsters and building entrances. The use of the hand-drawn, not-to-scale plan the Petitioner submitted is problematic on a number of levels including the following:

    a. The two plans submitted with the Petition provide conflicting information. The "Do NOT Park In This Area" sketch shows 21 parking spaces adjacent to the "Woburn Bowladrome" building (with one space being occupied by a Dumpster) and a total of 36 spaces on site. The untitled plan submitted with the Petition indicates but does not show a total of 34 cars, a 28' long addition to the building that was not shown on the other plan, and no Dumpster.

    b. The Petitioner has shown two 16' long trucks that would have a total length of 32' purportedly fitting into two parking spaces totaling 17' in width (though the person who drew the plan does show the trucks overhanging by some unknown distances into both a third parking space and into an adjacent travel aisle).

3. The Petitioner must be required to submit a parking table that calculates the number of parking spaces on this property today; the number of parking spaces required by the various uses of the building at 36 Montvale in accordance with Section 8 of the WZO; the accurate number of parking spaces that will be "lost" to the storage of these two trucks if the Special Permit is granted; and the net number of parking spaces that will be left on site and available for customer and employee parking if the trucks are permitted to be stored here. The Petitioner should also be required to provide evidence that there are sufficient parking spaces on-site for the personal vehicles of any employees who will be using the two trucks, again to ensure full zoning compliance. A zoning violation might otherwise be created if the building at #36 Montvale Avenue is left without a sufficient number of conforming parking spaces (or if the Special Permit reduces the already non-conforming number of parking spaces without further relief).

If the Petitioner intends to substitute the adjacent municipal parking lot for some number of required off-street parking spaces, a Special Permit would be required from the City Council. Planning staff is not aware that any such Special Permit has been previously granted.

4. The plan submitted with the application 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.

5. If the Council determines it can and will grant the requested Special Permit, it should consider trying to negotiate a less visible and perhaps more appropriate location for the truck's storage.

The Planning Department would be happy to review any revised plans or additional information that may be submitted, and to provide further comment if the Council so desires.

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. No one appeared for the petitioner. Alderman Gately stated that no one is allowed to rent parking spaces in the Walnut Street parking lot, that this is the first time he can remember anyone seeking to park trucks overnight in the Walnut Street parking lot, that if these trucks are allowed to be parked in his lot then there will be many more requests to do so. PUBLIC COMMENTS: None. Alderman Concannon stated that he was concerned about closing the public hearing with a presentation by the petitioner. Alderman Higgins stated that she would prefer to continue the meeting to see if the petitioner appears. Alderman Campbell stated that public hearings have been continued in the past if the petitioner did not appear, and that this practice should continue. President Anderson stated that he agrees with the concerns about permitting this use but continuing the public hearing for one meeting may not be a bad decision. Alderman Mercer-Bruen stated that the petitioner should be given the opportunity to be heard but she does not believe there will be evidence to support granting the special permit. Alderman Gately stated that the City Council does not have the authority to allow someone to rent parking spaces in a municipal parking lot, that there could be conflicts with vehicles parked in these assigned parking spaces, and that the City Council should not waste time with this petition. Alderman Tedesco stated that he would generally agree to continue the public hearing but he agrees with the comments against allowing parked spaces in a municipal parking lot to be rented. Alderman Concannon stated that the Planning Board raised genuine issues with the petition, that the City Council should give the petitioner time to present the issue, and that if no one appears at the continued public hearing the City Council could act. Motion made and 2nd to close the public hearing, 4 in favor, 5 opposed (Campbell, Concannon, Ferullo, Gately, Higgins opposed). Motion made by Alderman Gately to reconsider his motion to close the public hearing, 2nd by Tedesco, all in favor, 9-0. Motion made and 2nd to close the public hearing, 5 in favor, 4 opposed (Campbell, Concannon, Higgins, Ferullo opposed). Motion made and 2nd that the SPECIAL PERMIT be DENIED for the following reasons: 1. The petition is contrary to Sections 5.1, 7.3 and 8.2 of

the 1985 Woburn Zoning Ordinances, as amended; 2. For the reasons set forth in the recommendation from the Planning Department dated February 26, 2019; and 3. Due to concern about the effect on the municipal parking lot if the parking spaces are rented, 7 in favor, 2 opposed (Campbell, Concannon opposed).

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On the petition by Alderman Tedesco to amend the 1985 Woburn Zoning Ordinances, as amended, by striking Section 5.7.5.3 and inserting in its place the following: "Day time or overnight parking of passenger vehicles, except that no portion of the buffer area within fifty (50) feet of the boundary line of a Residential district may be used for the purpose of overnight parking." PUBLIC HEARING OPENED. Alderman Tedesco stated that the Building Commissioner will attend the public hearing to discuss this matter. Alderman Mercer-Bruen stated that needs to know the impact of this proposed ordinance beyond the three parcels discussed. Alderman Tedesco stated that there will be one more committee meeting on this matter and then the matter will be ready for action, that the Building Commissioner has additional information, and that this process has gone on long enough. PUBLIC COMMENTS: Chris Owen, 3 Florence Terrace stated that he wants assurances that this matter will not be voted on at this meeting, that to his knowledge no new information has been supplied by the Building Commissioner or the Planning Director, that he heard this proposal is for three property owners, that there are miles of residential property along commercial property lines, that this proposal is hostile to the residents, that the ordinance will allow parking anywhere in the commercial zones, that the proposal will create lighting issues, that this has been an effort over many years to reduce the buffer zone, and that if the issue is enforcement between daytime and nighttime parking then the city should eliminate parking in the buffer area at all times. Alderman Higgins stated that she had an email discussion with the Planning Director and Building Commissioner concerning this matter, that the they are intent on attending a meeting on this matter, that a meeting was not called recently because of a schedule conflict, and they will attend the next committee meeting on the matter. Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 stated that a waiver of the buffer zone could be granted by special permit under certain conditions. Attorney Tarby offered proposed amendments to the ordinance for the City Council to review as follows: In Paragraph 6.3 the following shall be added after "Overnight": "and daytime parking of passenger vehicles, except that no portion of the buffer area within fifty (50) feet of the boundary line of a Residential district may be used for such purposes." A new Paragraph shall be added: 8. The City Council may waive or vary the imposed buffer zone requirement by Special Permit if it determines that: 1. Existing or proposed alternative screening devices such as fences, evergreen plantings and earthen berms will provide a reasonable buffer between incompatible uses; 2. 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; and 3. 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. Motion made and 2nd that the proposed amendments be received and made part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that she would not support this amendment, and that opening this issue to the special permit process will result in many petitions. Motion made and 2nd that the

PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON MARCH 19, 2019 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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CITIZEN'S PARTICIPATION: None.

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COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

Alderman Mercer-Bruen recused herself from participating in the following matter.

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On the petition by Kerlen Ken Yegoyan dba Boston Xclusive, 400 TradeCenter, Suite 5900 for a new Livery License, committee report was received "ought to pass, as amended with the condition as follows: 1. The vehicle shall be registered in the City of Woburn with proof of registration provided to the City Council". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, AS AMENDED with the condition as follows: 1. Subject to receipt of the proof of registration of the vehicle in Woburn, 8 in favor, 0 opposed, 1 abstained (Mercer-Bruen abstained).
Presented to the Mayor: March 7, 2019 s/Scott D. Galvin March 7, 2019

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FINANCE:

On the Order to transfer the sum of $141,851.57 from Mayor Salary Adjustments Acct to Police Salary Acct, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 7, 2019 s/Scott D. Galvin March 7, 2019

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On the Order to transfer the sum of $2,500.00 from Election and Registration Repairs Voting Machine Acct to City Clerk Office Supplies Acct, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 1 abstained (Campbell abstained).
Presented to the Mayor: March 7, 2019 s/Scott D. Galvin March 7, 2019

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LIAISON:

On the Resolve relative to a request that the State Legislature amend M.G.L. Ch. 54 and all other regulations or laws thereunder regarding the redemption of empty bottles and containers in order to extend the law to include "nip" bottles, committee report was received "ought to pass". Alderman Tedesco stated that Woburn voted against the bottle bill, that

almost $30,000,000.00 of unclaimed bottle money is turned into the General Fund with no beneficial impact on the environment, that the bottle bill is outdated, and that a one cent tax could be placed on each bottle to be used for grants to communities to expand single stream recycling. Alderman Mercer-Bruen stated that she agrees with the statements about the bottle bill but she does often hear from constituents about this trash, and those who throw these bottles away might pick them up to have for funds to purchase more of these bottles. Alderman Higgins stated that a communication could be sent to the Mayor asking that recycling receptacles be placed in the city and in public buildings. Alderman Concannon stated that this resolve is asking the Legislature to expand the bottle bill, and that the voters of Woburn voted no on a question to expand the bottle bill. President Anderson stated that the recent question to expand the bottle bill was specifically as to water bottles. Motion made and 2nd that the RESOLVE be ADOPTED, as amended with the amendment as follows: That a communication be sent to the Mayor requesting that recycling receptacles be placed in public places in the city and in public buildings 4 in favor, 5 opposed (Gately, Ferullo, Tedesco, Concannon, Mercer-Bruen opposed), Motion Fails.

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NEW PETITIONS:

Petition by Woburn Bowladrome Inc., 32 Montvale Avenue for renewal of a Bowling Alley License at 32 Montvale Avenue. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by Mourad Djiar dba ABCE Taxi of Woburn, 165M New Boston Street, Suite 42 for renewal of a Taxi Cab License. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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A communication dated February 25, 2019 was received from Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 120 Commerce Way

Dear President Anderson and Council,

Request is made to extend the Special Permit issued for 120 Commerce Way to June 29, 2020, which is 1 year from the date of expiration of the current special permit. The petitioner has experienced delays in obtaining EPA approval of the redevelopment of this site, but has recently cleared this hurdle. Further, some minor changes have been made and are being submitted to the Building Department for approval pursuant to the language of the Special Permit. The intent is to apply for a building permit soon and begin construction this summer.

Thank you and please call with any questions.

Very truly yours, s/Mark Salvati

Alderman Mercer-Bruen stated that the petitioner has been working with the EPA, that this is the reason an extension in needed, and that the petitioner should be aware some of the changes that may be required to the plans will not be minor. President Anderson stated that the petitioner may have to refile to amend the petition. Motion made and 2nd that the communication be accepted and the TIME TO EXERCISE RIGHTS UNDER THE SPECIAL PERMIT ISSUED ON JUNE 29, 2017 TO CABOT, CABOT & FORBES LLC FOR THE PROPERTY AT 120 COMMERCE WAY be EXTENDED UP TO AND INCLUDING JUNE 29, 2020, all in favor, 9-0.

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

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Petition by 10 Presidential Way Associates, LLC, 10 Presidential Way, Woburn, Massachusetts 01801 to amend the 1985 Woburn Zoning Ordinances, as amended as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOBURN that the 1985 City of Woburn Zoning Ordinance as amended be further amended as follows:

1. Amend Section 13, Sign Regulations as follows:

   Amend Section 13.3.1 by adding the following language after "billboards": "except as allowed under Section 31 of this Ordinance."

   Amend Section 13.4.10 by adding the following language after "ordinance": "and Section 31, Billboards."

   Amend Section13, by adding the following new subsection: "13.13 Billboards – Billboards shall be allowed and regulated by Section 31 of this Ordinance. The Dimensional Regulations for billboards shall be regulated by Section 31 of this Ordinance.

   Amend the 1985 City of Woburn Zoning Ordinance as amended by adding a new Section 31 entitled: "Billboards" as follows:

SECTION 31
BILLBOARDS

A. <u>Purpose and Intent</u>

The purpose of this section is to preserve and promote the public health, safety, and welfare and to provide sighting criteria standards, orderly, effective and reasonable control of billboards, thereby halting sign proliferation, reducing distractions to drivers, enhancing the visual environment, minimizing the adverse visual impact of billboards on nearby properties and residential neighborhoods. Furthermore, it is the intent and

purpose to establish reasonable and uniform guidelines that will prevent any unreasonable concentration of billboards within the City of Woburn and that any billboard will provide a substantial benefit to the public good. The provisions of this section have neither the purpose nor the effect of imposing limitations or restrictions on content of any billboard.

B. Definitions

1. Billboard- a freestanding sign structure that advertises, promotes or calls attention to any business, article, substance, idea or any other thing or concept that is on or off the premises on which it stands.
2. Development Agreement- an agreement between the City Council and the applicant that identifies mutually agreed upon terms and requirements, including but not limited to public benefit.
3. Highway- Limited access Interstate Highway such as I-93.
4. Sign face- The surface area of a sign on which advertising messages are displayed.
5. Public Benefit [benefit to the public good]: public benefit shall include but is not limited to, monetary [i.e. lease agreement, development agreement with the City of Woburn], informational, [public service announcements] and/ or to provide emergency communication information [i.e. Amber Alerts, Weather Information etc.]

C. Applicability/ Eligibility Requirements

1. Billboards, as defined in section B, shall be allowed in the OP93 and I-P2 zoning districts abutting 1-93.
2. All billboards shall require a special permit from the City Council pursuant to the requirements of Section 11 and this Section 31.
3. All billboards allowed by the City Council by Special Permit shall comply with all Federal and State Statutes.
4. Billboards shall be exempt from the requirements of Section 13.

D. Location Requirements

1. Billboards shall comply with any applicable rules and regulations of the Massachusetts Outdoor Advertising Board 711 CMR 3.00.
2.
   a. Billboards shall not be located within 600 feet of another billboard on the same side of the road it is intended to face.
   b. Billboards shall not be located on, or projected over, any public property or right of way, except with the written consent of owner or approvals of the municipality.
   c. Shall not be located further than 200 feet of the edge of the highway it is intended to face.
   d.

E. Dimensional Standards

1. The maximum sign face area shall not be greater than 700 sq. ft. per permitted side.
2. Temporary extensions up to 5 feet on the top of the billboard and no greater than 2 feet on either side of the billboard may be allowed provided that such extensions are not the full length or height of the billboard.
3. The maximum height of a billboard shall be the maximum height allowed for a building in the corresponding zoning district.

F. Design Standards

1. Lighting: lighting shall be located at the bottom of the sign face and shined up towards the sign face so that no lighting glares into oncoming traffic or surrounding area below.
2. Types:
   a. Bulletins and changeable message signs are permitted.
   b. Single and two sided billboards are permitted.
   c. Back to back and v-type billboards are permitted.
   d. LED and/or internally lit type billboards are permitted.
3. Orientation:
   a. Back to back shall be parallel and no more than 7 feet apart.
   b. V-type billboards shall have an angle between faces of not more than 60 degrees. Billboards shall not have more than one sign face on each side of the sign structure.
   c. Billboards may not be stacked on top of each other or placed side by side visible to the same direction of traffic.
4. Duration of Message
   Duration of each display on a changeable message display or LED billboard shall be no less than ten (10) seconds. The entire message shall change at once and/or no scrolling of messages.
5. Appearance:
   Exposed back of signs, poles and other support structures may be required to be painted in order to present an attractive and finished appearance which will reasonably blend with the natural surroundings.
6. Landscaping/Fencing:
   a. Supporting structures shall have adequate landscaping or fencing around the base of the pole. Any fencing shall be not less than eight (8) feet in height with the exception of entrances and exits.
   b. Existing vegetation should be properly preserved when trimmed.

G. Maintenance:

   a. All billboards, including the sign faces, supporting structures, lights and landscaping shall be kept in good repair and free from rust.
   b. Display material that is torn or faded shall be replaced in an expeditious manner.

H. Application:

The application for Special Permit shall be accompanied by structural drawings stamped by an engineer, a site plan and a letter from the property owner stating that he/she has consented to the installation of a billboard on the subject property. A filing fee of $1,000.00 shall accompany the application for Special Permit.

s/Petition by 10 Presidential Way Associates, LLC, 10 Presidential Way, Woburn, Massachusetts 01801, as an individual owning land to be affected by change or adoption pursuant to M.G.L. Ch. 40A, Sec. 5 (by its attorney)

Alderman Campbell stated that since at least 1970 billboards have been prohibited in the city under the zoning code, that the new billboard on I-95/Route 128 shows what the billboards look like, and that the billboard is unsightly. Alderman Mercer-Bruen stated that the MBTA forced that billboard on the city, and that two years ago the city rejected a proposal for billboards. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, 8 in favor, 0 opposed, 1 absent (Tedesco absent).

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Alderman Tedesco returned to the Council Chamber.

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Petition by Horn Pond Plaza LLC, c/o Gravestar, Inc., One Broadway, Cambridge, Massachusetts 02142 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.17b, 5.1.23, 5.1.69, 7.3, 8.2.5, 12, 13.5 and 15 to modify special permits issued December 9, 2004, June 30, 2005, August 10, 2006 and December 29, 2011 to allow modifications to approved site plan including existing landscaping, portions of parking areas, alteration of existing nonconforming pylon sign, alteration of existing building sign on former Toys R Us building (the Building), use of the Building for fitness center and indoor commercial playground, and to allow 671 parking spaces, at 350 Cambridge Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by 285 Locust LLC, c/o Duffy Bros Management Co., Inc., Kevin Duffy, 465 Waverley Oaks, Suite 500, Waltham, Massachusetts 02452 under an Order of Remand issued by the Land Court No. 18-MISC-000322(RBF) to reconsider condition no. 11 of the Decision of the City Council dated June 7, 2018 issuing a special permit for land at 285 Locust Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated February 22, 2019 was received from Charles O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,

In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. Figures cited below are for the Month of January 2019: Number of violations issued 112, Numbers of violations paid 34, Number of violations outstanding 69, Amount collected and submitted to Collectors Office $5,869.20, Parking fines referred to the Handicap Commission $2,100.00.

There is a backlog of 1,529 unpaid tickets dating from January 2004 to December 2018. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

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

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

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A communication dated February 21, 2019 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 months of December 2018 and January 2019. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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UNFINISHED BUSINESS OF PRECEDING MEETING: None.

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APPOINTMENTS AND ELECTIONS: None.

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MOTIONS, ORDERS AND RESOLUTIONS:

From the Traffic Commission:

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

HIGHLAND STREET – One handicapped accessible parking space on the westerly side at 29 Highland Street.

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 7, 2019 s/Scott D. Galvin March 7, 2019

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From the Traffic Commission:

ORDERED STURGIS STREET – No parking northerly side from the intersection with Water Street easterly a distance of 125 feet.

Alderman Campbell stated that the petitioner had requested three parking spaces be eliminated along Sturgis Street but this did not appear feasible, and that this Order eliminates one parking space near the petitioner's driveway. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 7, 2019 s/Scott D. Galvin March 7, 2019

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From the Traffic Commission:

ORDERED That the 2017 Woburn Traffic Code, as amended, be further amended by adding to Schedule 8 School Zones the following:

Shamrock Elementary School, Green Street

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor: March 7, 2019 s/Scott D. Galvin March 7, 2019

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ORDERED Pursuant to the provisions of M.G.L. Chapter 20A, Section 22, the minutes of the City Council meetings held on January 8, 2019 and February 19, 2019 and the minutes of the City Council Committee on Liaison meetings held on August 20, 2018 and September 10, 2018 in executive session relative to litigation in the matter of NSTAR Electric Company d/b/a Eversource Energy EFSB 19-03 shall be released as the litigating, negotiating or bargaining position of the city is no longer jeopardized by such disclosure.

s/President Anderson

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

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ORDERED That the Committee on Liaison meet with the School Committee for a status report on school issues.

s/Alderman Concannon

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

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Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:55 p.m.

A TRUE RECORD ATTEST:

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