CITY OF WOBURN
JULY 16, 2019 – 6:30 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.

MAYOR'S COMMUNICATIONS: None.

NEW PETITIONS:

Petition by New England Orienteering Club, Inc., 9 Cannon Road, Woburn, Massachusetts 01801 for a Special Event Permit to allow an orienteering event on August 25, 2019 at Horn Pond.

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Petition by Body Mind Systems, 263 Main Street, Stoneham, Massachusetts 02180 for a Special Event Permit to allow teaching at tai chi sessions on July 20, August 10, August 17 and August 24, 2019 at Ice House Park on Sturgis Street.

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A communication dated July 2, 2019 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: 4-K Realty Trust, 27 Montvale Avenue, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent 4-K Realty Trust in connection with a Landowner's Decision and Notice of Special Permit issued by the City Clerk on August 14, 2003, as amended by a Landowner's Confirmatory Decision and Notice of Special Permit issued by the City Clerk on January 12, 2004, as extended by Notice of Extension of Special Permit issued by the City Clerk on June 14, 2005, May 21, 2007, May 6, 2009, June 9, 2011, July 18, 2013, July 26, 2015 and June 27, 2017 (the "Special Permit") which Special Permit was extended to August 14, 2019.

On behalf of the Petitioner, I respectfully request that the City Council further extend the time period for the Petitioner to exercise its rights under the Special Permit for an additional two (2) year period to August 14, 2021.

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

Very truly tours, s/Joseph R. Tarby, III

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Petition by for renewal and change of name of Livery License from KPS Bhatti Inc. to AKPS One Transportation Inc.

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Petition by Arista Development, LLC, 450 South Station Avenue, South Yarmouth, Massachusetts 02664 pursuant to 1985 Woburn Zoning Ordinances, as amended, for special permits as follows: 1. Section 8.6.3 to allow for an exception to area and landscaping requirements, 2. Section 8.7.1.6 to allow a loading door in place of a loading bay, and 3. Section 7.3 for alteration of nonconforming structure to allow for retail pharmacy not to exceed 8,000 square feet of total retail use area at 506 Main Street.

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A communication dated July 11, 2019 with attachments was received from Attorney Mark T. Vaughan, Riemer & Braunstein LLP, 700 District Avenue, Burlington, Massachusetts 01803-5008 as follows:

Re: 300 Mishawum Road/Woburn Village

Dear President Anderson and Members of the City Council:

Please recall that this firm and the undersigned represent Woburn (Edens), LLC (Property Owner) as the owner of the property located at 300 Mishawum Road (Premises) formerly known as the Woburn Mall.

On May 21,2019, the City Council granted Plan Approval and Special Permit approval to permit the redevelopment of the former Woburn Mall into a mixed-use development ("Project") in accordance with the provisions of the Smart Growth Overlay District(s) Zoning adopted under Section 30 of the Woburn Zoning Code. Following the Permit approval, the Property Owner and Project abutter, MHP Realty, LLC (the owner of the properties located at 10 and 18 Commerce Way), acting upon the prior suggestion of the City Engineer, have had further discussions regarding the feasibility of providing a gated vehicular access connection which would eliminate the need for any residential traffic from the Project having to utilize the northern unsignalized site driveway on Commerce Way behind Market Basket.

As a result of these discussions, the Property Owner and MHP Realty, LLC have agreed to provide a gated access connection in the rear northwest corner of the Premises along the

common property line which would allow residential traffic only to access the existing driveway to Commerce Way which also serves 10 and 18 Commerce Way. This gated connection would also allow tenants and employees of the 10 and 18 Commerce Way buildings the ability to travel thru the Premises to access Mishawum Road as well. This would allow the use of the northern unsignalized site driveway to be limited to commercial truck traffic and for limited employee parking. We believe this modification will improve safety and circulation by segregating traffic and will also address the stated desire of allowing vehicles the option to avoid the Commerce Way/Mishawum Road intersection.

In accordance with the Section 30.13 Plan Changes After Approval by City Council. Subsection 1. Minor Plan Changes of the Woburn Zoning Code, the Property Owner petitions the City Council for review and approval of this proposed modification. We believe that this modification qualifies as a minor change in that it would not affect the overall build out of the site and will not impact the Project's compliance with the minimum dimensional standards and will result in an overall safety improvement. For your consideration of this request we have enclosed one full size and ten (10) 11" x 17" size plans detailing the proposed modification, a traffic memorandum prepared by MDM Transportation Consultants, Inc., and a current Certificate of Treasurer/Collector. We understand that this matter will be scheduled for consideration by the City Council on July 16, 2019.

If in the interim you need any additional information please do not hesitate to contact me.

Very truly yours, s/Mark T. Vaughan

PUBLIC HEARINGS:

On the petition by Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 15 Highland Street, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED.

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On the petition by New Cingular Wireless PCS, LLC (AT&T), c/o Michael R. Dolan, Esq., Brown Rudnick LLP, 10 Memorial Boulevard, Providence, Rhode Island 02903 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.80a, 3.1.2.1, 5.6, 6.2.8.a and Section 11 to construct 30 foot above ground level free-standing utility pole extending 33 feet above ground to the highest appurtenance, install one canister antenna at 32 feet above ground antenna centerline together with related amplifiers, cables, fiber and other associated antenna equipment, including, without limitation, remote radio heads, surge arrestors, and global positioning system antennas with associated electronic equipment, and other appurtenances at height of at least eight feet at 130 Commerce Way. PUBLIC

HEARING OPENED. A report was received from the Committee on Infrastructure and Public Lands as follows: “That the grant of right in a way be approved.”

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On the petition by President Anderson, Alderman Higgins, Alderman Mercer-Bruen and Alderman Gately to amend the 1985 Woburn Zoning Ordinances, as amended by amending Sections 18 Development Impact Mitigation, by deleting Section 19 Traffic, by amending Section 20.6 relative to mitigation and by amending Section 23.11 relative to mitigation, all as set forth in the Journal of the City Council Regular Meeting dated April 2, 2019. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “ought to pass, as amended, as follows:

Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

1. By deleting Section 18 Development Impact Mitigation in its entirety and replacing same with the following:

SECTION 18
DEVELOPMENT IMPACT ASSESSMENT AND MITIGATION

18.1 Purpose - The purposes of these provisions are to:

1. Assess proposed development and certain land uses to protect the health, safety and general welfare of the inhabitants of the City of Woburn;

2. Secure the safety, adequacy and reliability of Woburn’s roads, utilities, services and facilities for pedestrians, residents, employees and motorists alike;

3. Identify the direct impacts a development or certain land uses will have upon the City’s public facilities and services and ensure that the burden of those direct impacts upon public infrastructure are addressed and minimized, including the maintenance and upgrading of infrastructure in a responsible manner consistent with State and Municipal law and to the extent necessary to service public needs; and

4. Ensure that any mitigation required to address the development’s impact(s) is/are proportionately borne by the development or land use that creates them via the imposition of reasonable mitigation requirements.

18.2 Scope of Study - The direct impacts that must be considered and assessed shall include, but not be limited to, impacts upon:

1. The public health, safety and general welfare of the residents of the City;
2. The surrounding natural environment;
3. Parks, playgrounds, and other recreational and open spaces;

4. Storm water management and drainage ways;
5. Roadways, streets and other public ways;
6. Motor vehicle traffic including public transit, passenger and truck traffic;
7. Non-motorized vehicular traffic, including pedestrian movement and safety and bicycle travel;
8. Public utilities, including water and sewer supplies and demand, gas, electric, telephone and the like;
9. Sanitary waste disposal; and
10. Trash.

18.3 Definitions – The following definitions shall apply to this Section 18.

IMPACT AREA: Area surrounding the proposed development that may be impacted including, but not be limited to, intersections and streets.

LEVEL OF SERVICE (LOS): A measure used to analyze the quality of traffic service by categorizing traffic flow and assigning quality levels of traffic based on performance measures including but not limited to speed, traffic volume and congestion. A project's Level of Service shall be determined according to criteria set forth by the Transportation Research Board of the National Research Council

SUBSTANTIAL ALTERATION OR IMPROVEMENT: An alteration or improvement of a structure or group of structures (a) totaling fifteen thousand (15,000) gross square feet or more in size which will either result in an increase in gross floor area of more than ten percent (10%) or which will require the addition of ten (10) or more parking spaces in order to comply with the Zoning Ordinance, or (b) which alteration or improvement the SPGA determines, by 2/3rd majority vote, may substantially impact existing conditions and therefore have a significant impact as set forth in Section 18.2 and Section 18.5. A determination of a Substantial Alteration or Improvement shall be based on the aggregate of all repairs, improvements, extensions or enlargements undertaken within a period of three (3) years prior to the submission of the application to which this section applies.

SPECIAL PERMIT GRANTING AUTHORITY ("SPGA"): The Special Permit Granting Authority (the "SPGA") as referenced in this section shall be the City Council for all uses designated in Section 5.1 with a "P" and the Planning Board for all uses designated in Section 5.1 with "PB".

18.4 Applicability - The requirements of this section shall apply to:

1. Any new construction;

2. Any Substantial Alteration or Improvement which requires a special permit;

3. Construction of 5,000 gross square feet or more of new floor area or improvement of 5,000 gross square feet or more of existing floor area in a B-N, B-D, S-1 or S-2 zoning district; or

4. Any new use established, or any increase in intensity of an existing use, which is listed in Section 5.1 Table of Uses under lines 3(a), 3(b), 3(c) 3(d), 4, 5, 15(b), 16(b), 17(b), 20, 20(a), 22(a), 22(b), 22(c), 23, 24, 28, 29, 30(a), 30(b), 37, 40(aa), 40(ab), 40(ba), 40(bb), 41, 41(a), 41(b), 42, 42(a), 43, 44, 45, 48, 49 and 53 of Section 5.1, Table of Uses, which results in:

    1. The construction of 15,000 square feet or more of new gross floor area;

    2. Any Substantial Alteration or Improvement as defined by Section 18.3 above;

    3. The conversion of 15,000 square feet or more of gross floor area from one use to another use; or

    4. The addition of ten (10) or more parking spaces in order to comply with Section 8 of the Zoning Ordinance.

18.5 Development Impact Statement (DIS) – A Special Permit or other application for a project meeting the thresholds in Section 18.4 above shall include a DIS which shall be prepared by personnel competent and qualified in their respective fields; at a minimum, the traffic and utility assessments must be prepared by qualified Massachusetts Registered Professional Engineers. The DIS shall include detailed information on and assessments of the subjects identified in Section 18.2 and set forth herein, including assessments of the clear and direct impacts the proposed project will have upon them. A DIS shall contain the following information:

a. Traffic Study: This assessment shall document existing traffic conditions in the vicinity of the proposed project, accurately describe the volume and effect of the projected traffic generated by the proposed project, and identify measures necessary and sufficient to mitigate any adverse impacts on existing traffic conditions.

    1. Determination of Scope: Prior to preparing the Traffic Study, the Applicant's Registered Professional Engineer is strongly encouraged to participate in a Scoping Meeting with the City Engineer to review the proposed scope of the Traffic Study including identification of the project's Impact Area to be studied. The City Engineer shall provide a written statement to the SPGA regarding concurrence or disagreement with the proposed scope or the scope as otherwise provided in the Traffic Study, and the reasons for the City Engineer's opinion. Such written statement shall be provided to the SPGA and the Applicant either within thirty (30) days of the City Engineer's pre-application meeting with the Applicant's Registered Professional Engineer or, if no Scoping Meeting is held, within thirty (30) days of the City Engineer's

receipt of the Traffic Study as part of the application filed with the City Clerk. Such written statement of concurrence or disagreement shall be either included with or subsequently attached to, as applicable, the Traffic Study submitted by the Applicant. The SPGA may require the Applicant to study and evaluate additional roadways and/or intersections to address any concerns identified by the City Engineer.

2. Contents: The Traffic Study shall contain the following:

   i. Existing traffic conditions: Measurement and assessment of average and daily peak hour vehicular, pedestrian and bicycle traffic volumes, average and peak speeds, sight distances, accident data and Levels of Service (LOS) of all intersections and streets within the project's Impact Area and including any intersection projected to be adversely affected by the project over the No Build condition. Such data shall be no more than twelve (12) months old at the time of application, unless other data are specifically approved by the SPGA with the recommendation(s) of the City Engineer. Automated Traffic Recorder (ATR) data must be for a minimum of 48 hours, not including Saturdays, Sundays, holidays, any day within a holiday week, or any day with any snowfall in the Boston basin geographical area. For each location counted, a plot of average directional count by hours for a 24 hour average weekday shall be provided.

      For projects near a State or Federal highway, turning movement counts must be sufficient to show that they include, at a minimum, the two highest peak hours among these possibilities: AM highway peak, mid-day highway peak, mid-afternoon highway peak, and PM highway peak. If the two highest generator peak hours do not overlap any part of the highway peak, substantiating data must be provided.

      With respect to accident history, a minimum of three (3) years of data shall be provided for each roadway and intersection impacted by the project. Written requests for accident reports shall be made to the Woburn Police Department for local roads and intersections and to MassDOT's District 4 Engineer for roads and intersections on State-owned highways.

   ii. Projected traffic conditions: Projected traffic conditions for the design year of occupancy, including a statement of the design year of occupancy, estimated background traffic growth on an annual average basis, and impacts of other proposed developments that have been approved in whole or in part by the City of Woburn or an abutting town which will affect future traffic conditions.

   iii. Projected impact of proposed project: Projected peak hour and daily traffic generated by the proposed project on the roads and ways in the project Impact Area, sight lines at the intersections of the proposed

driveways and streets, existing and proposed traffic controls in the vicinity of the proposed project, and projected post-development traffic volumes and Levels of Service (LOS) of intersections and roads likely to be affected by the proposed project.

iv. Traffic mitigation measures: Specific measures to be undertaken by the Applicant in order to mitigate the impacts of the proposed project and to ensure that current traffic conditions and Levels of Service (LOS) are not adversely affected by the project. Also, the assessment shall consider both on site and off site mitigation measures, to include but not be limited to new traffic control signals, increase(s) in right of way capacity via widening roads, or other right of way or intersection improvements. Where the use of existing transit systems is proposed as mitigation, analysis of the impacts on capacity and performance of these services should be quantified and documented in this section. The proposed mitigation measures, if approved, shall be required to be completed prior to the issuance of a final certificate of occupancy for the project component. The assessment shall also consider how the proposed mitigation measures and future year performance degradation are fully mitigated to the equivalent No Build condition.

v. Trip Reduction Requirements: As a condition of its approval, the SPGA may require actions and programs by the owner and/or manager of a development to reduce the number of single occupant automobile trips made to a development, particularly during peak traffic hours. These requirements are geared toward an office environment, but may be applied to other uses to a certain extent. Such actions and programs may include:

1. providing a pass to employees for use on a public transportation system that service the development area;
2. use of carpools and vanpools;
3. scheduling of hours of operation, such as flex-time, staggered work hours, and spread scheduling that reduces trips during peak traffic hours;
4. preferential parking locations and arrangements for vehicles other than single occupant automobiles; and/or
5. restrictions on access to, or egress from, off-street parking areas during peak traffic hours.

b. Utility Impact Assessment: The Utility Impact Assessment shall document the capacity and condition of the existing public utility infrastructure in the vicinity of the proposed project, including but not limited to water and sewer services and storm water drainage systems. The assessment shall also accurately describe the additional demand, if any, upon said infrastructure items, generated by the proposed project, and identify measures necessary and sufficient to mitigate the impact caused by any such additional demand.

1. Determination of Scope: Prior to preparing the utility impact assessment, the Applicant's Professional Engineer is strongly encouraged to meet with the City Engineer to review the proposed scope of the utility impact assessment, including the identification of the project's Impact Area to be studied, which shall include all water and sewer utilities likely to be affected by the proposed project. The City Engineer shall provide a written recommendation to the SPGA regarding the proposed scope or the scope as otherwise provided in the utility impact assessment, and the reason(s) therefor. Such written recommendation shall be provided to the Applicant within thirty (30) days of the City Engineer's meeting with the Applicant's Professional Engineer, or, if no scoping meeting is held, within thirty (30) days of the City Engineer's receipt of the utility impact assessment as part of the application filed with the City Clerk. Such written recommendation shall either be included with or subsequently attached to, as applicable, the Utility Impact Assessment submitted by the Applicant. The SPGA may require the Applicant to study and evaluate additional utility infrastructure impacts, including but not limited to water, sewer and storm water drainage, to address any concerns identified by the City Engineer.

2. Contents: The Utility Impact Assessment shall evaluate:

    i. Existing condition and capacity: Identification of the size, type, condition and overall remaining capacity of the existing utility infrastructure. The assessment shall include examination of available City plans within the immediate Project vicinity, completion of hydrant pressure testing of the City water main(s) serving the facility and, where necessary, video camera inspections of existing sewer service connections to be re-used. The assessment shall also include an up-to-date inventory of City-owned utility infrastructure impacted by the Project; for sanitary sewer and storm drainage systems provide estimates of the existing capacity and percentage of capacity presently utilized as well as excess capacity if any;

    ii. Projected conditions: Projected usage shall be provided, including estimated water usage, and sanitary and storm water outflows; together with the impacts, as available, of usage caused by other developments already approved by the City.

    iii. Utility mitigation measures: Specific measures to be implemented by the Applicant to mitigate the impacts of the proposed project on the public water and sewer infrastructure, including increasing the capacity by replacing and/or enlarging existing lines; inflow and infiltration improvements or payments; on-site retention or detention tanks; or other on-site or off-site measures. The proposed mitigation measures, if approved by the SPGA, shall be solely related to the proposed

development and completed prior to the issuance of a final certificate of occupancy for the Project component.

c. Other Public Facilities Impact Assessments: This section of the DIS shall include detailed information and analyses about the development's projected impact(s), both on-site and in the impact area, on all of the following:

1. Parking, including existing and proposed on-site motor vehicle and bicycle parking layout(s)/accommodations and on-street/off-site (where applicable) motor vehicle and bicycle accommodations to evidence proposed facilities are sufficient to serve the project;

2. Transit Services, including locations of bus, train and transit stops, shelters, stations and routes within the project Impact Area as well as private shuttle bus service routes, school bus stops, etc. within five hundred (500) feet of the project site. Information shall be provided relative to daily AM and PM schedules (including Saturdays for residential or retail projects) for stops/stations within five hundred (500) feet of the project site including a summary of transit schedules and headways for each service.

3. Environmental conditions and impacts, including a summary of wetland resource areas and buffer zones, identified and potential vernal pools, groundwater protection zones, flood hazard areas and floodplains, steep slopes and areas of known soil/groundwater contamination. If the project is subject to a Notice of Intent filing with the Conservation Commission, the Applicant shall provide a copy of the submission to the SPGA to fulfill the provisions of this Section.

4. Parks, playgrounds, and other recreational and open spaces, including all public and privately-owned open space parcels and trails, public parks and playgrounds and athletic facilities such as pools, running tracks, walking paths and ballfields within five hundred (500) feet of the project site.

5. Pedestrian movement and safety, including existing levels of pedestrian traffic within five hundred (500) feet of the project site, five (5) year projections of volumes of pedestrian traffic, the location and condition of existing sidewalks and other pedestrian ways including whether or not compliant with ADA requirements, and provision of lighting and other safety measures in areas where pedestrian traffic exists or is expected as a result of the development.

6. Trash and recycling. If the project will request public trash service, include estimated tonnage of refuse and recycling to be generated by the development on a weekly basis and any private or public provision(s) for collection of trash and recycling.

d. Fiscal Impact Assessment

The purpose of the Fiscal Impact Assessment is to evaluate the fiscal and economic impacts of the proposed development on the City in accordance with the following:

1. Projections of costs arising from increased demand for public services (such as schools, police and fire (including ambulance service), trash and waste disposal; administrative and inspection services);
2. Projections of benefits from increased tax revenues, employment (construction and permanent), and value of public infrastructure to be provided;
3. Projections of the impacts of the proposed development on the values of abutting properties;
4. Consistency or conflicts with the City's Master Plan; and
5. Five-year projection of increased City revenues versus costs resulting from the proposed development.

18.6 Report by City Engineer - The City Engineer shall be responsible for preparing a written report to the SPGA after consulting with the Superintendent of Public Works and all other relevant departments regarding the adequacy and accuracy of the scope, data, findings, and proposed mitigation measures presented in the Development Impact Statement.

18.7 Peer Review - The SPGA may require peer review of some or all of the contents of the DIS, at the Applicant's expense as it deems appropriate.

18.8 Performance and Completion of Mitigation Measures

1. No building permit shall be issued to an Applicant until surety has been established in a sum sufficient to ensure completion of any said mitigation measures, in the form of a performance bond, irrevocable letter of credit, or escrow agreement and such is filed with the City Treasurer The sum of said surety shall be established by the SPGA after consulting with the City Engineer, who shall be responsible for review and approval of the costs of construction/completing mitigation measures and including a minimum of an additional twelve percent (12%) to the estimate, to account for inflation and as a contingency against unexpected field conditions. Such cost estimate shall be prepared by the Applicant's professional engineer or licensed architect. The City Solicitor shall approve the surety as to proper form and content prior to its acceptance by the SPGA.

   The Applicant is expected to complete/implement any and all required mitigation construction/improvements as conditions of any Special Permit or plan approval prior to the issuance of a final occupancy permit for the project. In the event that all required mitigation construction/improvements are not completed by the time a final occupancy permit is issued for the project, then the SPGA may revoke the

Special Permit or plan approval.

The SPGA may, by majority vote, periodically reduce the amount of the bond held as surety to guarantee completion of mitigation measures. No bond reduction or final release of remaining bond monies shall be approved unless the SPGA has received certification from the City Engineer and/or any other appropriate municipal department that all required mitigation work has been satisfactorily completed.

2. Payments in Lieu of Performing Mitigation Measures

   a. It is the preference of the City that the developer/Applicant complete all mitigation measures, if any. Occasionally the option of a payment in lieu of performance may be appropriate in certain circumstances (e.g. contributions, which to the extent not voluntary and with the exception of the 12% interest and contingency specified above cannot exceed the cost of any direct and proportionate impact of the proposed project, toward a larger-scale infrastructure project being planned by others). In those circumstances the SPGA may by 2/3^{rds} majority vote authorize the Applicant to make a payment in lieu of performing all or part of mitigation measure(s) which have been made a condition of a Special Permit or plan approval.

   b. Any such payment shall be equivalent to the amount calculated by the City Engineer in accordance with paragraph 18.8.1 above and shall be placed into an account dedicated to the specific purpose identified as a condition of the approval. The payment shall be used for no other purpose. In calculating any such payment, the Applicant shall not be credited the amount of the contribution required under Title 13 of the City of Woburn Municipal Code or any contribution to roadway, water or sewer improvements required as a result of the environmental review process of the state or federal government.

   c. At least once each year from the date the funds are deposited with the city, the City Auditor shall certify in writing to the City Council and the SPGA, if the City Council is not the SPGA, the amount of funds remaining unencumbered in the account.

   d. In the case when such payment in lieu of performance is accepted and if the funds have not been encumbered by the City of Woburn within two years of the issuance of an occupancy permit, the City Council upon its own initiative or the request of the Applicant or SPGA shall hold a hearing to determine why the funds have not been spent or encumbered. At said hearing, the City Council may extend for a period of no more than two years the time frame to encumber such payment in lieu of performance. If payment in lieu of performance is not encumbered in the aforementioned time frame, the payment shall be returned to the developer.

e. Any money in the fund shall be expended only by a majority vote of the entire membership of the City Council, with the approval of the Mayor, and shall be appropriated only for the purpose of performing and/or addressing the mitigation set forth in the Development Impact Statement.

3. If the Applicant has failed to comply with all the conditions of the Special Permit or plan approval, and/or has not completed required mitigation work before the issuance of a temporary or final occupancy permit, the City shall complete the mitigation measures as much as is practical with funds obtained through the exercise of the surety posted in accordance with paragraph f.1 above

4. If a proposed project generates a significant number of additional residents and/or employees and such participation is warranted and required by the SPGA, the Applicant shall participate in the regional or local transportation management association (TMA) and implement a transportation demand management program that includes the assignment of an Employee/Resident Transportation Coordinator to work with the TMA, residents and employees to encourage ridesharing and the use of public transportation.

5. Waivers - The SPGA, by a 2/3rds majority vote of the full SPGA, after receiving the Development Impact Statement and the report of the City Engineer, may waive all or part of the mitigation requirements of this provision. The SPGA, in approving a waiver, shall make a specific finding, in writing, that the granting of a waiver will not create conditions which are substantially more detrimental to the neighborhood in which the site is located, than if the waiver were not granted. As the basis for its decision, the SPGA shall consider other positive impacts of the project upon the project Impact Area not measured by the Development Impact Statement, such as, but not limited to, the substantial remediation of an environmentally contaminated site, the creation of needed affordable housing and transportation demand management measures.

18.9 Severability. The invalidity of one or more provisions or clauses of this section shall not invalidate or impair the section as a whole or any other part hereof.

2. By deleting Section 19 Traffic in its entirety.

3. By deleting Section 20.6 from Section 20 Woburn Loop Bikeway/Greenway Overlay District in its entirety and replacing same with the following:

20.6 Development Impact Mitigation
All residential uses developed in the Woburn Loop Bikeway/Greenway Overlay District under this section shall meet the requirements of Section 18 of this Ordinance.

4. By deleting Section 23.11 from Section 23 Commerce Way Corridor Overlay District (CWCOD) in its entirety and replacing same with the following:

23.11. Development Impact Mitigation
All uses developed in the CWCOD shall meet the requirements of Section 18 of the Woburn Zoning Code. All moneys generated by projects approved for the CWCOD development shall be expended within the CWCOD to improve and/or provide necessary infrastructure and public safety improvements."

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On the 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. 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 2. 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. PUBLIC HEARING OPENED. A communication dated July 9, 2019 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Modification of Special Permit Decision of Seaver Properties LLC, 299 Lexington Street, Woburn, MA

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for July 16, 2019 be continued to the City Council meeting on August 6, 2019. If you need any further information, please contact me. Thank you.

Very truly yours, s/Joseph R. Tarby, III

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On the petition by Primrose Schools, 3664 Cedarcrest Road, Acworth, Georgia 30101 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.12 to establish a Child Care Center at 168 Lexington Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended with the conditions as follows: 1. That the 25-foot side setback and 50% open space requirements of Section 6.1 of the 1985 Woburn Zoning Ordinances, as amended are unreasonable as applied to the petition for construction of a child care facility at 168 Lexington Street, and that the special permit(s) be granted based upon the plan of record showing the side yard setbacks at 16.2 feet and 16.4 feet with open space of 43.3%.; 2. That the plans of record shall be the plans entitled "Site Development Plans for Primrose Schools" Sheets 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, L-1 and L-2 dated 05/15/2019 prepared by Bohler Engineering; "ALTA/NSPS Land Title Survey Primrose Schools Support Center" Sheets 1 and 2 dated 4-24-2019 prepared by Control Point Associates, Inc.; "Primrose Schools: Woburn, MA – Exterior Elevations" Sheets A-4.0 dated 04/23/19 prepared by ADA

Architects, Inc.; Primrose Schools: Woburn, MA – Fixture Plan" dated 12/19/18 prepared by ADA Architects, Inc.; "Primrose Schools: Woburn, MA – Site Plan" Sheet CP-1.0 dated 11/1/17, revised 04/17/19 prepared by ADA Architects, Inc.; and "Primrose Schools: Woburn, MA – Fixture Plan" dated 12/19/18, revised 01/30/19, revised 02/11/19 and revised 04/11/19 (hereinafter "Plans of Record").; 3. The Petitioner shall construct and improve the Site as substantially described on the Plans of Record set forth in Condition 2 herein 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 Committee on Special Permits by direct petition to the Committee on Special Permits 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.; 4. That the Petitioner be required to file all Plans of Record with the Office of Inspectional Services.; 5. That the petitioner shall file a snow storage plan with the Building Commissioner; and 6. That the petitioner shall filed a construction pest control plan with the Board of Health."

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On the petition by Primrose Schools, 3664 Cedarcrest Road, Acworth, Georgia 30101 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 15.6.C.vi for a use in the Groundwater Protection District that will render impervious more than 15% or 2,500 sq. ft. of the lot at 168 Lexington Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended with the conditions as follows: 1. That the 25-foot side setback and 50% open space requirements of Section 6.1 of the 1985 Woburn Zoning Ordinances, as amended are unreasonable as applied to the petition for construction of a child care facility at 168 Lexington Street, and that the special permit(s) be granted based upon the plan of record showing the side yard setbacks at 16.2 feet and 16.4 feet with open space of 43.3%.; 2. That the plans of record shall be the plans entitled "Site Development Plans for Primrose Schools" Sheets 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, L-1 and L-2 dated 05/15/2019 prepared by Bohler Engineering; "ALTA/NSPS Land Title Survey Primrose Schools Support Center" Sheets 1 and 2 dated 4-24-2019 prepared by Control Point Associates, Inc.; "Primrose Schools: Woburn, MA – Exterior Elevations" Sheets A-4.0 dated 04/23/19 prepared by ADA Architects, Inc.; Primrose Schools: Woburn, MA – Fixture Plan" dated 12/19/18 prepared by ADA Architects, Inc.; "Primrose Schools: Woburn, MA – Site Plan" Sheet CP-1.0 dated 11/1/17, revised 04/17/19 prepared by ADA Architects, Inc.; and "Primrose Schools: Woburn, MA – Fixture Plan" dated 12/19/18, revised 01/30/19, revised 02/11/19 and revised 04/11/19 (hereinafter "Plans of Record").; 3. The Petitioner shall construct and improve the Site as substantially described on the Plans of Record set forth in Condition 2 herein 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 Committee on Special Permits by direct petition to the Committee on Special Permits 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.; 4. That the Petitioner be required to file all Plans of Record with the Office of Inspectional Services.; 5. That the petitioner shall file a snow storage plan with the Building Commissioner; and 6. That the petitioner shall filed a construction pest control plan with the Board of Health."

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On the petition by Tidd Home LLC, 28 West Street, Woburn, Massachusetts 01801 to amend the 1985 Woburn Zoning Ordinances, as amended, by deleting from Section 29.5.4 Conversion of Significant Historic Building the first line "Twenty (20) units per acre" and replacing same with "Up to a maximum of Fifteen (15) units." PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "back for action pending comments from the City Solicitor on the following form of amendment: Maximum Permitted Residential Density: Twenty (20) units per acre. For any parcel less than one acre with a structure that was used as a legal pre-existing nonconforming use as of December 4, 2018, the number of units shall be in the discretion based on size of lot, size of structure, location of the lot and compliance with the parking requirements set forth in Section 29.6 of the City Council but in no event shall the number of units exceed 15. Municipally-owned buildings, or Municipally-owned buildings that are under agreement to be sold for the purpose of development in accordance with this Section 29, or former Municipally-owned buildings that were sold for the purpose of development in accordance with this Section 29, shall be exempt from the maximum permitted density restriction." A communication dated July 11, 2019 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Section 29 – Conversion of Significant Historic Buildings

At the Council's request I reviewed the proposed amendment to Section 29 – Conversion of Significant Historic Buildings. I have attached redline and clean copies depicting my suggested revisions.

In my opinion, establishing the number of units based upon acreage is more applicable to new construction. Where the ordinance permits the adaptive reuse of an existing historically significant structure, the number of units should be based upon the square footage of the structure with perhaps, a minimum square footage for each unit. In this way, the number of units is not left entirely to discretion, but is based upon an established standard. For instance, Framingham's Historic Reuse bylaw requires that no residential unit be less than 600 s.f. I inserted that number into the proposed revision for discussion purposes. If the Council finds that the number of units based upon unit size is acceptable, it may also find that a different number may too be acceptable.

Of course the other criterion is the ability to comply with the parking requirements of Section 29.6, unless a special permit is granted reducing that requirement.

Please don't hesitate to contact me if you have any questions regarding the above.

Attached thereto was the following:

"Maximum Permitted Residential Density:. For any structure that was used as a legal pre-existing nonconforming use as of December 4, 2018, the number of residential units shall be determined based upon the gross floor area of the building, and the ability to comply with the parking requirements set forth in Section 29.6 , but in no event shall the number of residential units exceed 15. Residential units shall not be less than 600 s.f. Municipally-owned buildings, or Municipally-owned buildings that are under agreement to be sold for the purpose of development in accordance with this Section 29, or former Municipally-owned buildings that were sold for the purpose of development in accordance with this Section 29, shall be exempt from the maximum permitted density restriction."

A communication dated July 12, 2019 with attachment was received from Carol Seitz, Chair, Woburn Historical Commission as follows:

Good morning,

I am attaching a list of properties that have been researched and are on the our Inventory. It is not alphabetized, but there is an indication of the year that the work was completed. We are currently working on 60 more properties that will be added by the end of this year. Those properties are not on the list. It appears to me that very few of the properties would meet the square footage requirement set forth in Section 29.

Carol Seitz, Chair

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On the petition by Montvale Land LLC, c/o Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 to amend the 1985 Woburn Zoning Ordinances, as amended Section 28 Technology and Business Mixed Use Overlay District (TBOD) Sections 28.1, 28.2, 28.2.2, 28.4.4, 28.4.5, 28.5, 28.6.1.11, 28.6.2.2, 28.7, 28.8, 28.9, 28.11 and 28.12, all as set forth in the City Council Regular Meeting Journal dated May 21, 2019. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "That the matter be returned back for action pending receipt of DHCD information from the City Solicitor and receipt of comments from the City Solicitor as to the location of the cap on the affordability requirement for congregate housing at over 104 units in Section 28.6.2.2."

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On the petition by Dorothy Geary, 1 Belmont Street, Woburn, Massachusetts 01801 pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.7.3 to waive the buffer requirements between the I-G zoning district and the R-2 zoning district at 1 Belmont Street.

PUBLIC HEARING OPENED. A communication was received from Dan Orr, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Department comments on petition for waiver of buffer requirement for property located at 1 Belmont Street/Ms. Dorothy Geary

Dear Councilors:

The Planning Department has completed its review of the above-referenced Petition which requests a City Council waiver of a buffer zone required by Section 5.7.3 of the Woburn Zoning Ordinance (WZO) for a property recently rezoned (after September 25, 2015) from an industrial (I-G) to a residential (R-2) zoning district. In accordance with Section 5.7.3, the Council may grant a special permit to waive or vary the buffer zone requirement of seventy (70) feet (in addition to the required side and/or rear setbacks) after determining the three criteria below are met:

1. That existing or proposed alternative screening devices such as fences, evergreen plantings and earthen berms will provide a reasonable buffer between incompatible land uses;

2. That 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. That the nature or circumstances of a 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.

Planning staff consulted with Building Commissioner Thomas Quinn on this Petition, who takes no issue with the potential wavier of the buffer requirement as requested by the Petitioner. In keeping with recent Planning Board correspondence to the City Council relative to the rezoning of this property from industrial to residential, Planning staff also takes no issue fundamentally with the current Petition.

For the Council's information, and in light of the threshold criteria for granting a City Council waiver referenced above, staff's review of GIS and topographic maps show that the both the Belmont Street property and abutting industrial land contain a contiguous, naturally forested buffer separated by a slope of approximately thirty (30) to forty (40) feet. Further, staff notes that the residences on nearby Medford and Stoneham Streets are as proximate to the industrially-zoned land as is the subject property on Belmont Street, and those lots do not have a similar buffer requirement.

If the Council ultimately decides to grant the requested special permit, Planning staff recommends imposing a condition on the Special Permit by issuing it to Ms. Dorothy Geary and by prohibiting the transfer of the Special Permit to anyone else, with the exception of a transfer to an entity of which Ms. Dorothy Geary is the primary or principal owner.

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

Respectfully, Dan Orr, Planning Board Director

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On the petition by McDermottroe Getty of Woburn, Inc., 229 Lexington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 7.3 to allow a second level over shop with stairs at back of building at 229 Lexington Street. PUBLIC HEARING OPENED. A communication dated July 3, 2019 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Special Permit petition for property located at 229 Lexington Street/McDermottroe Getty of Woburn, Inc.

Dear Council:

The Planning Department has completed its review of the above-referenced Petition, filed pursuant to Section 7.3 (extension or alteration of a non-conforming structure and/or use) of the Woburn Zoning Ordinances (WZO), to allow the addition of a second level over an existing commercial structure housing automobile sales and servicing uses. The subject property is located within a Business Highway (B-H) zoning district. Although not verified in the application, the apparent structural non-conformities are relative to deficient frontage (100' existing versus 125' required) and southerly side-yard setback (8.8' existing versus 25' required). The Council must make the determination that the extension or alteration will not be "substantially more detrimental than the existing non-confirming structure or use to the neighborhood."

Additionally, although not mentioned in the application, the property is located within a Groundwater Protection District (Zone 2), although not in areas of contaminated soils or a flood zone. Pursuant to Section 15.7(c), the City Council must also make the determination that the proposed use: 1) in no way, during construction or thereafter, adversely affects the existing or potential quality or quantity of water that is available in the Groundwater Protection District, and 2) is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and other water-related natural characteristics of the site to be developed.

Planning staff conferred with the Building Commissioner on this Petition and have identified some outstanding site plan information that must be provided to comprehensively consider the special permit requests. The following are the joint comments and questions raised by staff during its review:

- There are several dimensional elements related to parking that should be added to the site plan, including parking stall delineation, driveway aisles, landscaped/vegetated areas, and a zoning analysis (containing existing, proposed and required parking calculations) for

parking sufficiency. The Council should require the addition of these elements to a modified version of the plot plan, to be submitted prior to further Council action on this Petition.

- The site plan does not contain information relative to a snow management plan. Similarly, the Council should require that this detail be added to a modified version of the site plan and submitted to the Council prior to taking further action on this Petition.

- Staff verified with the City Clerk's office that the Petitioner has an active Class II Motor Vehicle Sales License for up to ten (10) motor vehicles. All parking spaces dedicated to this use should be reflected on a modified version of the site plan and incorporated into a zoning parking analysis, submitted prior to further Council action on this Petition.

- The applicant has not included any application narrative to describe the intended purpose of the second floor expansion. The Council should clarify this point with the Petitioner to better understand the potential impacts of the development, such as parking or other business-related licensing.

- The elevation drawings submitted with the application appear to indicate a substantial modification to the current ground level of the structure. The Council should ask the Petitioner to clarify, for the record, the extent of exterior renovations ultimately being proposed and require a modification to the exterior elevation plans, submitted prior to taking further action on this Petition.

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

- That the site and floor plans (to be further modified/submitted) be cited in the Special Permit decision;

- That the Petitioner be required to file the modified Plans of Record with the Office of Inspectional Services as a condition of any Special Permit;

- That dwelling units are prohibited on the premises;

- That any modifications to signage is subject to Section 13 of the WZO; and

- That the Special Permit be issued to McDermottroe Getty of Woburn Inc. and not be transferrable with the exception of a transfer to an entity of which McDermettroe Getty of Woburn Inc. is the primary or principal owner.

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

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

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On the petition by M&K Engineering Inc., 166 New Boston Street, Woburn, Massachusetts 01801 pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections. 5.1.57b and 7.3 for special permits to allow for: 1. Overnight parking of one commercial vehicle (van); and 2. Alteration of nonconforming use and structure to allow for additional light manufacturing space of approximately 6,393 square feet of gfa at 166 New Boston Street. PUBLIC HEARING OPENED. A communication dated July 2, 2019 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Special permit recommendation on petition for property located at 166 New Boston Street/M&K Engineering Inc.

Dear Council:

The Planning Department has completed its review of the above-referenced Petition which requests special permits pursuant to Sections 5.1 (57b) and 7.3 to allow for overnight parking of one (1) commercial vehicle (van) and the alteration of a non-conforming use and/or structure (in this case, a deficient existing front yard setback of 20.4-feet versus the required 25-feet). The Petitioner seeks to "add" an additional 6,393 ft^2 of light manufacturing space. The subject property is located in an Industrial Park (I-P) zoning district which allows the proposed overnight commercial vehicle parking use by City Council special permit. A review of environmental mapping on the City's GIS system reveals that the parcel does not fall within a local floodplain, Groundwater Protection District (GPD), or an area of contaminated soils. Further, in accordance with the alteration of a non-conforming use and/or structure (pursuant to Section 7.3), the Council must make the determination that "that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood."

Planning staff conferred with the Building Commissioner on this Petition and have identified some outstanding information that must be provided to comprehensively consider the special permit requests. The following are the joint observations and questions raised by staff during its review:

- It is unclear whether the Petitioner intends to add the 6,393 ft^2 of light manufacturing gross floor area via addition(s) to the existing structure or by the reallocation of existing floor space. In either case, the Council should require the Petitioner to clarify this point and require the submission of a modified site plan with appropriate explanatory notes prior to taking further action.

- The Petition indicates the property is non-conforming but provides no explanation as to how it is non-conforming. The Council should require the Petitioner to clarify this point for the record. Planning staff surmises the existing building violates the front setback requirement, but the petitioner should confirm that and explain any other non-conformities affecting the property.

- The proposed site plan does not indicate whether there is or will be one tenant or more than one. Also, notes on the plan indicate there is both manufacturing and warehouse space in the building but the drawing itself does not reflect that information graphically. The plan should be revised to show and quantify which part(s) of the existing building will be in manufacturing use and which part(s) will be used for warehousing materials. In addition to the general information such plans would provide, this detail will help to ensure compliance with any condition relative to the maximum number of establishments allowed on site and help confirm whether the proposed site plan meets the parking requirements.

- The "proposed parking requirements" table included on the site plan indicates the parking calculation for the proposed uses versus what is required by zoning. However, it is not clear whether these numbers reflect the current or proposed floor uses/allocations. The Petitioner should include calculations for both the existing condition and proposed uses so as to demonstrate that the amount of proposed on-site parking is both adequate and reflective of the increase in manufacturing floor space.

- The parking requirements table also indicates that a sufficient number of spaces will be provided for the proposed light manufacturing and warehouse space uses (86 spaces required versus 86 spaces proposed). However, overnight parking of commercial vehicles requires one (1) additional parking space on site for each such vehicle, in order to account for the employee who will use it. The proposed parking space for the van (identified as "Loading/Overnite Van Space") should be labeled as the 87th parking space and the overnight commercial vehicle use should be added to the parking table/calculation.

- All compact parking spaces must be clearly identified by signage and/or markings, as required by Section 8.2.3. The Petitioner should confirm that such signage has been or will be installed as a condition of the grant of any Special Permit and so indicated as a note on a revised plan.

- Section 8.7.1 requires the facility to have one loading bay for use by the tenant(s) thereof. The plan does identify a loading dock area which is presumed to have a loading bay (which must be at least 10' wide, 35' in length and 12' in height, in accordance with Section 8.7.2.). Although the plan shows that the length and width of the loading dock will conform to Section 8.7.1., the height of the loading bay is not provided. A note indicating the height of the loading bay should be added to the plan (the height must be 12') and the Petitioner should confirm that there is a loading bay at the dock that meets the width and length requirements noted above.

If the Council ultimately decides to grant the requested special permit after receiving all outstanding information and having it reflected on a modified plan, Planning staff recommends imposing the following as conditions of approval:

- That the modified site plan (to be further modified/submitted) be cited in the Special Permit decision;

- That the Petitioner be required to file the modified Plans of Record with the Office of Inspectional Services as a condition of any Special Permit; and

- That the Special Permit be issued to M&K Engineering Inc. and not be transferrable with the exception of a transfer to an entity of which M&K Engineering Inc. is the primary or principal owner.

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

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

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On the petition by Cellco Partnership d/b/a Verizon Wireless, c/o Duval, Klasnick & Thompson LLC, 210 Broadway, Suite 204, Lynnfield, Massachusetts 01940 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.81b and 7.3 to install six panel antennas with an antenna centerline height of 41 feet above ground level inside two stealth false chimneys on rooftop at overall height of 45 feet above ground level with remote radio heads and junction boxes on building located at 18 Frances Street. PUBLIC HEARING OPENED. A communication dated July 3, 2019 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Special Permit petition to add wireless communications link on property located at 18 Frances Street/Cellco Partnership (d/b/a Verizon Wireless)

Dear Council:

The Planning Department has reviewed the above-referenced petition submitted for property at 18 Frances Street, which seeks a Special Permit pursuant to Section 5.1 (81b, Note 19) to allow for the erection of six (6) panel antennas in two (2) stealth chimneys to be installed on the building's rooftop to conceal the apparatuses. Additional elements proposed for installation, according to the Petitioner's narrative, include nine (9) remote radio heads, two (2) junction boxes, ground-mounted and fenced equipment cabinets, and cabling. The subject property is located in a Residential Two (R-2) single-family zoning district, which allows building-mounted wireless communication links on non-conforming residential properties by City Council special permit. Further, the Petition cites Section 7.3 (alteration of a non-conforming use and/or structure) for the reduction in the landscaped usable open space; the Council must make the determination "that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood."

Planning staff conferred with the Building Commissioner on this Petition who referenced a recent legal guidance memo from City Solicitor Ellen Callahan Doucette dated January 21, 2019 pertaining to wireless communication link zoning ordiances generally.

The following are joint comments/observations for the City Council's consideration relative to the application materials:

- The applicant has submitted an engineer-certified plot plan and elevation plans with the Petition, providing context as to where the wireless communications link will be erected and situated. Based on the site and roof plan dimensions provided, the project appears to be compliant with the design guidelines and zoning requirements for Wireless Communication Links (pursuant to Section 5.6) and has provided written justification for the Council's consideration in the form of a project support brief submitted with the application.

- As for the site plan specifics, staff notes that the locus maps are in 1"=80' scale, as opposed to the 1"=100' scale required by Section 5.6.3(a). Additionally, in relation to one of the Petition's requests, the landscaped usable open space calculation (both existing and proposed) has not been incorporated into the site plan's zoning table. The Council should require the Petitioner to modify the site plans to incorporate this information for completeness prior to taking further action on this Petition.

- The current Petition would augment an existing nursing home use currently operating at the property. The Council may want ask the Petitioner to clarify if/how the wireless communication link installation would have any impact on residents, and if so, whether they have or will be formally made aware.

- Pursuant to Federal and State guidelines, the Petitioner proposes that the project is in accordance with applicable standards as concluded by a Maximum Permissible Exposure (MPE) analysis and an environmental sound assessment submitted with the application materials.

- The Petitioner maintains that traffic will not be regularly generated to the site, as the wireless communication link will be "unmanned."

Should the Council elect to grant the special permit request following submission of all desired information, the Planning Department recommends the Council consider imposing the following as conditions of approval:

- That there shall be no conflicts between the installation of the wireless communication link with existing utilities;

- That all plans attached with the application and/or subsequently submitted (with necessary modifications) are adopted as part of the Plans of Record; and

- That the Special Permit be issued to Cellco Partnership and shall not be transferrable with the exception of transfer to an entity of which Cellco Partnership is the primary or principal owner.

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

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

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

COMMITTEE REPORTS:

FINANCE:

On the Order for the Capital Investment Plan FY2020 to FY2024, committee report was received "ought to pass".

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PUBLIC SAFETY AND LICENSES:

On the petition by Roman Limousine for approval of Livery License for seventh vehicle, committee report was received "ought to pass".

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On the petition by Logan Way for renewal of a Livery License, committee report was received "ought to pass subject to the same conditions as the previous license".

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On the petition by Camargo Chauffeur Service, LLC for renewal of a Livery License, committee report was received "ought to pass subject to the same conditions as the previous license".

CITIZEN'S PARTICIPATION:

Petition by Steven Dauphinais, Woburn, Massachusetts to discuss ides pursuant to municipal government.

COMMUNICATIONS AND REPORTS:

A communication dated June 13, 2019 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Reports and the minutes of the Council on Aging meeting for the month of May 2019.

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A communication dated July 8, 2019 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Reports and the minutes of the Council on Aging meeting for the month of June 2019.

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A communication dated June 19, 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 to May 2019: Number of violations issued 320, Numbers of violations paid 181, Number of violations outstanding 115, Amount collected and submitted to Collectors Office $19,066.00, Parking fines referred to the Handicap Commission $7,200.00.

There is a backlog of 1,455 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

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A communication dated July 2, 2019 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

Re: Woburn Municipal Code Title 15 Article VIII 15-42

Dear Members of the Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of April 1, 2019 thru June 30, 2019.

43-45 Church Street matter with City Council
15 Highland Street matter with City Council

As always if you have any question do not hesitate to contact me.

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

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Communication from Planning Director Tina P. Cassidy relative to a presentation by Chris Kuschel of the Metropolitan Area Planning Council relative to the Commerce Way eTOD at the July 16, 2019 Regular Meeting.

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A copy of a communication dated June 11, 2019 to the Woburn Planning Board received from Charles Viola, 2 Morningside Circle relative to the Highview Road Subdivision.

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APPOINTMENTS AND ELECTIONS:

ORDERED By the power vested in the City Council pursuant to Section 1 of Chapter 103 of the Acts of 2005, the City Council hereby appoints Joanne Daggett of 34 Elijah Street, Woburn to the Woburn Traffic Commission to fill the remaining term of the resident appointment.

s/Alderman Tedesco

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That the City Engineer and Superintendent of Public Works provide an update to the City Council regarding the status of the project proposed by Eversource to install a 345kV transmission line along certain rights of way in the city from the Winchester town line to the Stoneham town line

s/Alderman Mercer-Bruen, Alderman Campbell and Alderman Gately

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ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 11 Montvale Road; and

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation.

s/Alderman Mercer-Bruen

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ORDERED That the special permit issued on August 9, 2018 to The Dough Connection Corp. for the property located at 32A, 32B and 32C Holton Street be reviewed by the Committee on Special Permits as required by Condition 19 of the special permit.

s/Alderman Mercer-Bruen and Alderman Gately

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ORDERED That the Committee on Special Permits review the special permit issued November 10, 2011 to Dollar Tree Stores at 425 Washington Street regarding compliance with the conditions of the special permit.

s/Alderman Mercer-Bruen

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

Year	Make/Model	VIN
2001	Chev Silverado 2500	1GBHK24U51E158638
2000	Chev Silverado 2500	1GCGK24U9YE232290

s/Alderman _____

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

Year	Make/Model	VIN
2002	Chev Silverado 2500	1GCHK24UX2E121968
2002	Ford F-250	1FTSX31S32EA42951

s/Alderman _____

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ORDERED Be it Ordained by the City Council of the City of Woburn that the Woburn Zoning Map of the City of Woburn be amended as follows:

That the properties in the S-1 District between Green Street and High Street listed on Exhibit A attached hereto that abut the abandoned Boston & Maine Railroad Line as shown on City of Woburn Tax Map 51 and Tax Map 59 be included in the ROD Zoning District.

s/Alderman Gaffney and Alderman Tedesco

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ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 City of Woburn Zoning Ordinances, as amended, be further amended by adding a new Section 31 entitled "Railway Overlay (ROD) District" as follows:

SECTION 31
RAILWAY OVERLAY (ROD) DISTRICT

A. Purpose of District
   1. To promote the health, safety and general welfare of the community by encouraging the redevelopment of abandoned, underutilized, and/or obsolete commercial and industrial sites to residential use.
   2. To promote high quality design and minimize negative impacts on the surrounding area.

B. Scope of Authority
   1. The Railway Overlay (ROD) District is hereby established as an overlay district. The ROD shall only be applied to properties zoned S-1 that abut the abandoned Boston & Maine Railroad Line between High Street and Green Street. The overlay district shall permit residential land uses which shall be in addition to the land uses allowed in the underlying S-1 District.
   2. The provisions of the ROD shall only apply to projects using the criteria set forth herein. Any building, structure or use of land that is not part of a ROD development proposal shall maintain the rights and privileges of the underlying district without modification by the ROD.

C. Associated Criteria
   1. All ROD proposals shall be subject to Site Plan Review Section 12, as applicable.
   2. All ROD proposals shall be subject to Section 18, Development Impact Mitigation, as applicable.
   3. All ROD proposals shall be subject to Section 11.11 Affordable Housing Requirements, as applicable.

D. By Right Uses
   1. None

E. Special Permit Uses
   1. A special permit issued by the Woburn City Council shall be required for:
      a. Townhouse or Garden Apartment.
      b. Congregate Elderly Housing.
      c. Elevator Apartment.
      d. Accessory offices, clubhouses, personal services and recreation amenities consistent with the uses noted above.

F. Dimensional and Density Regulations

1. Lot area, frontage and yards.
   Minimum Lot Area: 2 acres
   Minimum Lot Frontage: 100 feet
   Minimum Front Yard Setback: 25 feet
   Minimum Side Yard Setback: 25 feet
   Minimum Rear Yard Setback: 25 feet
2. Lot coverage and Landscaped Usable Open Space
   Maximum Building Coverage: 40%
   Minimum Landscaped Usable Open Space: 20%
3. Building Height and Intensity of Use
   Maximum height for ROD developments shall be four (4) stories and 49 feet. The maximum number of residential units shall not be more than twenty-five (25) units per acre.
4. More than One Building on a Lot
   All ROD development may contain more than one principal building on a lot.

G. Off-Street Parking Requirements

1. At a minimum, off-street parking spaces shall be provided as follows:
   a. Congregate Elderly Apartments: 1.5 spaces per unit.
   b. Townhouse, Garden Apartments or Elevator Apartments: 1.70 spaces per studio and one bedroom dwelling units and 2 spaces per two bedroom dwelling units.

s/Alderman Gaffney and Alderman Tedesco

Motion made and 2nd to ADJOURN.