

**CITY OF WOBURN  
JANUARY 3, 2017 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

|           |              |
|-----------|--------------|
| Anderson  | Gately       |
| Campbell  | Higgins      |
| Concannon | Mercer-Bruen |
| Gaffney   | Tedesco      |
| Haggerty  |              |

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Pursuant to Title 2, Article III, Section 2-13 of the 1989 Woburn Municipal Code, as amended, His Honor the Mayor Scott D. Galvin delivers the State of the City Address.

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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

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**MAYOR'S COMMUNICATIONS:** None.

**PUBLIC HEARINGS:**

On the petition by Alton Acquisition II, LLC and LR-Woburn 1, LLC, 327 W. Maple Avenue, Monrovia, California 91016 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42a, 7.3, 9 and 12.2.4 to modify a special permit dated November 10, 2016 allowing for self-storage warehouse facility within the Flood Plain District as follows: 1. Condition 3 be modified to allow hours of operation Monday through Thursday 7:00 a.m. to 7:00 p.m., Friday 7:00 a.m. to 8:00 p.m., Saturday 7:00 a.m. to 7:00 p.m., Sunday 8:00 a.m. to 5:00 p.m.; 2. Condition 12 be modified by deleting the language on line three beginning with "and" through "area" on line 5; and 4. Condition 3 be modified to read "The Special Permit shall issue to Alton Acquisition II, LLC and LR-Woburn I LLC and shall not be transferable except for the same or similar use.", at 39 Olympia Avenue. PUBLIC HEARING OPENED. A communication dated December 12, 2016 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Special Permit in Floodplain District – Modification of Condition – Liability

I received the City Council's December 8, 2016 requested for a legal opinion, copy attached, regarding a proposed modification of a condition that was imposed upon a special permit granted for a self-storage warehouse located in the Flood Plain District. The Council also requested that I comment on the existing language of the condition.

The existing condition reads as follows:

12. The Petitioner shall file correspondence with the City Clerk acknowledging that the Premises are located within the flood plain area as shown on FIRM Flood Insurance Rate Map Parcel 294 of 656 Map Number 25017CO294E Effective June 4, 2010 and shall indemnify and hold the City of Woburn harmless from any liability as a result of damage due to flooding in the flood plain area.

First, there is no need for the Petitioner to acknowledge that the property is located within the Flood Plain District where application was made pursuant to Section 9, Floodway and Flood Plain Districts, of the Woburn Zoning Ordinance. If the property were not located in the Flood Plain District, the Petitioner would not have sought a special permit in accordance with the requirements of Section 9. Thus the requested acknowledgement is superfluous.

Second, except for federal claims or claims for damages arising from defects in ways, all claims against a municipality for negligence or wrongful acts or omissions must be instituted pursuant to M.G.L. c.258, §1, et seq., the Massachusetts Tort Claims Act. However, M.G.L. c.258, §10(3) specifically provides that a municipality is exempt from liability for “any claim based upon the issuance, denial, suspension or revocation of failure or refusal to issue, deny, suspend or revoke any permit, license, certificate, approval, order or similar authorization;...” Therefore, requesting that this or any Petitioner indemnify the City as a condition for the issuance of a special permit is unnecessary.

Thank you for your attention to this matter. Please don't hesitate to contact me if there are any questions regarding this memorandum.

Sincerely, s/ Ellen Callahan Doucette

A memorandum dated December 28, 2016 entitled “Special Permit Modification Petition of Alton Acquisition II, 39 Olympia Avenue, Woburn, Massachusetts” with attachments was received from Attorney Joseph Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801.

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On the petition by Commonwealth Investment Properties LLC, 12 Chandler Road, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 7.3 to alter and reconstruct a pre-existing nonconforming three family residential dwelling by razing the existing structure and replacing with a new three family dwelling house at 43-45 Church Street. PUBLIC HEARING OPENED. A communication dated December 29, 2016 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 43-45 Church Street/Commonwealth Investment Properties LLC

Dear Council:

The Planning Department has reviewed the above-referenced petition submitted by Commonwealth Investment Properties LLC, which requests approval pursuant to Section 7.3 of the Woburn Zoning Ordinances (WZO) to allow for the alteration and expansion of a non-conforming use (a three-family residential dwelling) in a Residential-Two (R-2) zoning district. Specifically, the applicant intends to raze the existing three-family dwelling on the site and replace it with a new three-family dwelling.

The Petitioner's attorney has provided a copy of the "Atlas of Middlesex County, Vol. 2," dated 1906, from the Middle South District Registry of Deeds in lieu of a recorded survey plan as proof that the pre-existing, non-conforming structure was "validly and legally established" prior to the adoption of the current WZO. On this Atlas, the property and an existing building footprint roughly matching the current structure at 43-45 Church Street are reflected on a portion of Plate no. 20. This is in addition to a similar depiction found in an 1875 version of this Atlas but which was not able to be provided with the application. Based on this evidence, and information gathered from the Assessors' database, the Petitioner estimates that the current structure was built at least by 1900. If true, the structure would in fact pre-date adoption of the Woburn Zoning Ordinance in 1925.

The redeveloped lot would be "less non-conforming" in several respects as compared to the existing situation. The land surveyor-certified plot plan provided with the application indicates that maximum lot coverage, minimum open space and side and rear setbacks would all come closer to conforming to the requirements of the WZO. The lot area and the building's front setback would remain as they are currently. Parking would now conform to the requirements of the WZO with the provision of six (6) garage spaces under the building. (Staff did note an error in the zoning table on the Plot Plan drawn by Edward Farrell that should be corrected. The table indicates four [4] parking spaces are required to serve the three [3] units but in fact Section 8.2.5 of the WZO requires six [6] spaces.)

Conversely, the proposed new structure would apparently be taller than the one that exists and would in fact exceed the 2.5 story (35 ft.) height limit required for "Other Permitted Uses" in the R-2 zoning district. The application indicates the height of the existing structure is 34' and the height of the proposed structure would be 38'. If accurate, this poses two problems.

First, the creation of a new non-conformity (height) cannot be authorized by a special permit from the City Council. The Petitioner would instead need to obtain a variance from the Board of Appeals. Second, a project that needs a variance cannot be considered by the City Council until the variance is obtained. Section 11.3.1 of the WZO states in part: *"No application shall be accepted or considered complete that does not have any*

*necessary variances required from the Board of Appeals. All appeal periods associated with granted variances must be expired before an application is submitted.”*

Based on the above, this application would be both incomplete (lacks a required variance) and inappropriate for filing with the City Council (required variance has not yet been obtained and the associated appeal period has not yet expired). Planning staff therefore recommends the Petitioner be immediately directed to review the definition of HEIGHT OF A BUILDING in Section 2 of the WZO and provide written confirmation of the proposed building’s height prior to any further consideration of the application. Planning staff also recommends the Council require the Petitioner to submit architectural plans that are stamped and signed by the architect (the plans provided with the application are not).

If it is determined that this application can in fact proceed at this time, Planning staff recommends the City Council consider imposing the following as conditions of any approval of this request:

- That the architectural plans be re-submitted as professionally-certified and include all building dimensions (as noted above);
- That the height of the garage doors shall not exceed eight (8) feet unless further zoning relief is granted; and
- That the Plans of Record be referenced in the Decision as, “Plot Plan, 43-45 Church Street, Woburn, MA; Scale: 1” = 20’; Prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA, (781) 933-9012; Dated: August 22, 2016” and “(Cite certified plans prepared by a Registered Architect showing the proposed construction, as referenced above).”

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

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

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On the petition by David Jamieson, 3 Burlington Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 7.3 to allow for the alteration and expansion of a non-conforming use (three family dwelling) and structure (side yard setback) to allow for a second floor addition within the existing building footprint at 3 Burlington Street. PUBLIC HEARING OPENED. A communication dated December 29, 2016 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit application for 3 Burlington Street/Mr. David Jamieson

Dear Council:

The Planning Department has reviewed the above-referenced petition submitted by Mr. David Jamieson, which requests approval pursuant to Section 7.3 of the Woburn Zoning Ordinances (WZO). The pending application seeks approval to allow for the alteration and expansion of a non-conforming use (a three-family residential dwelling) in a Residential-One (R-1) zoning district. Specifically, the applicant intends to construct a second-floor addition onto the existing residential structure. However, the application does not describe the intended use of the new floor space, and no plans have been provided to show the proposed addition/new floor area or conformance with the maximum height limitation of 2.5 stories (35') for the R-1 zoning district.

Although the application describes the existing structure as non-conforming with respect to side setback requirements, the plan included in the application says differently; the zoning table in the upper right corner of the plan says the structure conforms to the side setback requirement. This discrepancy should be clarified and the erroneous statement corrected wherever it exists.

Also, applicants are required by Section 7.3 to provide “proof that the pre-existing non-conforming structure or use was validly and legally established”. No such proof has been included in the application.

The Planning Department recommends the City Council consider the following during its review of the application:

- (a) Require the applicant to provide additional information as to the use of the proposed additional floor space, architectural plans that are stamped and signed by a Registered Architect, and confirmation that the proposed construction will conform to the maximum height limit of 2.5 stories and 35';
- (b) Require the applicant to reconcile the conflicting information about the structure's conformance (or not) with zoning setback requirements and correct either the application or plan as needed; and
- (c) Require the applicant to provide proof that the pre-existing non-conforming structure or use was validly and legally established, as required by Section 7.3 of the zoning ordinance.

Following the review of the supplemental/corrective information and confirmation that the planned construction will conform to zoning height and other requirements, the Planning Department recommends the City Council consider imposing the following as conditions of any approval of this request:

- That the addition to the existing residential structure does not result in the creation of an additional dwelling unit on the property; and

- That the Plans of Record be referenced in the Decision as, “Plot Plan, 3 Burlington Street, Woburn, MA; Scale: 1” = 30’; Prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA, (781) 933-9012; Dated: November 28, 2016, revised \_\_\_\_\_ ” and “(Cite plans prepared by a Registered Architect showing the proposed construction, as referenced in (a) above”.

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

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

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On the petition by John A. Buttaro, Trustee, Salvatore F. Buttaro and Marie J. Buttaro Irrevocable Trust, 2 Buttaro Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.56 Note 15 to construct a three bay garage with center door height of nine feet and height of other doors of eight feet at 16 Buttaro Road. PUBLIC HEARING OPENED. A communication dated December 29, 2016 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Special Permit application for 16 Buttaro Road/John A. Buttaro and Slavatore F. & Marie J. Buttaro (owners and applicants)

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks a special permit pursuant to Section 5.1 (56), Note 15 of the Table of Use Regulations of the Woburn Zoning Ordinances (WZO) to construct a 3-bay garage with a center door height in excess of 8-feet. Further, although not mentioned on the application form, the floor area of the proposed garage will exceed 900 sq. ft. (1,400 sq. ft.), which also requires a special permit under the same ordinance provision. The property in question is zoned Residential-One (R-1).

Planning staff note that the proposed garage will represent a new structure on the lot and that only the center garage door will exceed the 8-ft. height restriction. According to the application, the center door will measure 9-ft. in height and the two outer doors will conform to the zoning ordinance, measuring 8-ft. in height. However, there was no certified plan provided with the application to confirm these statements.

The Planning Department recommends that the City Council consider imposing the following as conditions of approval of this petition:

1. That the Plan of Record incorporate an updated engineer-certified plot plan noting the square footage of the new garage structure;

2. That the plans of the facades drawn by a Robert Connell, which were included in the application, be amended by adding the registration stamp of a registered architect; and
3. That the Plans of Record be cited in the Decision as “Plot Plan, 16 Buttaro Road, Woburn, Mass.; Scale: 1”= 30’; Dated: November 10, 2016, Revised: \_\_\_\_\_; Prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Suite 203, Woburn, MA. (781) 933-9012” and as “New Garage for Mr. John Buttaro, 16 Buttaro Road, Woburn, MA; Scale ¼” = 1’; Dated: September 2016, Revised: \_\_\_\_\_; Prepared by Residential Designs by Robert M. Connell, 22 North Street, Wilmington, MA; Sheets A, A1 and A2;”
4. No business activity or home occupation shall be conducted in/from the garage, nor shall it be used as a dwelling unit; and
5. The plan does not show any utility services to the building. If there are to be any utility connections, they must be meet applicable building and zoning codes and shall be subject to separate permit applications.

If you have any questions regarding this recommendation, please do not hesitate to contact me.

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

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On the petition by Alderman Anderson to amend Section 3 Administration, Enforcement and Appeals of the 1985 Zoning Ordinance of the City of Woburn, as amended, by inserting a new Subsection 3.4 as follows: “3.4 Administrative Correction of Scrivener’s Errors: Typographical or numbering errors which do not affect the intent or substance of this Ordinance or any of its articles or sections may be corrected by the City Clerk, without need of a public hearing or further legislative action, by filing a revised copy of same in the Offices of the City Clerk, City Solicitor and Building Commissioner, with a ‘Scrivener’s Note’ providing the date and substance of the correction.”

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On the petition by President Haggerty to amend Section 5.1.42a Self-storage Warehouse facility of the 1985 City of Woburn Zoning Ordinance, as amended, by deleting the “P” under the B-I, I-P and I-G zoning districts and replacing same with a “-“ thereby making the use a prohibited use in those zoning districts.

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:** None.

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**NEW PETITIONS:**

A Conservation Restriction was received from Richard P. Murray, Trustee of the 57 Lexington Street Realty Trust pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws on land shown as Lot 1 on a plan entitled “Plan of Land located at 19 Third Road, Woburn, Massachusetts prepared for Colonial Builders prepared by Cyprus Design, Inc.” and recorded with the Middlesex South District Registry of Deeds as Plan 145 of 2016, with quitclaim covenants in perpetuity and exclusively for conservation purposes having the terms and conditions set forth therein on certain land located in Woburn, Massachusetts consisting of approximately 18,514 square feet of land, more or less, as being more particularly described in Plan No. 145 of 2016 in Book 02016 Plan No. 145 Exhibit A attached thereto (the “Premises”) and shown as “Conservation Restriction Area” on said plan of land in Massachusetts; being a portion of the property conveyed to Grantors, recorded with said Deeds in Book 67243, Page 538.

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A Conservation Restriction was received from Richard P. Murray, Trustee of the 57 Lexington Street Realty Trust pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws on land shown as Lot 2 on a plan entitled “Plan of Land located at 19 Third Road, Woburn, Massachusetts prepared for Colonial Builders prepared by Cyprus Design, Inc.” and recorded with the Middlesex South District Registry of Deeds as Plan 145 of 2016, with quitclaim covenants in perpetuity and exclusively for conservation purposes having the terms and conditions set forth therein on certain land located in Woburn, Massachusetts consisting of approximately 51,397 square feet of land, more or less, as being more particularly described in Plan No. 145 of 2016 in Book 02016 Plan No. 145 Exhibit A attached thereto (the “Premises”) and shown as “Conservation Restriction Area” on said plan of land in Massachusetts; being a portion of the property conveyed to Grantors, recorded with said Deeds in Book 67243, Page 538.

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Petition by Minast, LLC, 11 Presidential Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to modify a special permit dated January 9, 2014, as modified by decisions dated October 29, 2015 and August 11, 2016 to allow for the deletion or modification of Condition 3 of the Decision relative to mitigation at Lot 1, Presidential Way.

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Petition by 600 MetroNorth Corporate Center LLC, an individual owning land to be affected by change or adoption 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 28 of this Ordinance.”

Amend Section 13.4.10 by adding the following language after “ordinance”: “and Section 28, Billboards.”

Amend Section 13, by adding the following new subsection: “13.13 Billboards – Billboards shall be allowed and regulated by Section 28 of this Ordinance. The Dimensional Regulations for billboards shall be regulated by Section 28 of this Ordinance.”

2. Amend the 1985 City of Woburn Zoning Ordinance as amended by adding a new Section 28 entitled: “Billboards” as follows:

## SECTION 28 BILLBOARDS

### A. Purpose and Intent

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 28.
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.

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.

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**COMMUNICATIONS AND REPORTS:**

A communication dated December 21, 2016 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 November 2016: Number of violations issued 700, Numbers of violations paid 410, Number of violations outstanding 257, Amount collected and submitted to Collectors Office \$46,813.00, Parking fines referred to the Handicap Commission \$20,900.00.

There is a backlog of 1,637 unpaid tickets dating from January 2004 to October 2016. 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 December 9, 2016 was received from Robert L. Quinlan, Jr., Assistant Attorney General, Opinions Coordinator, Office of the Attorney General, One Ashburton Place, Boston, Massachusetts 02108 relative to the request for an Attorney General Opinion on early voting.

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A communication dated December 5, 2016 was received from Joanne Campo, Deputy General Counsel, Commonwealth of Massachusetts, Office of Consumer Affairs and Business Regulation, 10 Park Plaza, Suite 5170, Boston, Massachusetts 02116 relative to a lemon law sticker audit of Lannan Chevrolet, 40 Winn Street.

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

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**APPOINTMENTS AND ELECTIONS:**

A communication dated December 15, 2016 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint the following individuals, with 3-year terms to expire Dec. 13, 2019, to the Woburn Council on Aging; subject to approval by the City Council: Angela Amato, 289 Washington Street, Woburn, Mass.; Eleanor Camillieri, 200 Bedford Road, Apt. 26D, Woburn, Mass.; Dorothy Capone, 7 Maura Drive, Woburn, Mass.; Francis Hancock, 13 Pearl Street, Woburn, Mass.; Jack Kelly, 120 Barbara Circle, Woburn, Mass.; Barbara Ridley, 129 Place Lane, Woburn, Mass.; and Doris Stanton, 18 Nichols St. Ext., Woburn, Mass.

Respectfully, s/Scott D. Galvin, Mayor

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**MOTIONS, ORDERS AND RESOLUTIONS:**

**ORDERED** 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 adding to Section 2 Definitions between “Massage Therapist” and “Medical Marijuana Treatment Center” the following:

MARIJUANA ACCESSORIES: equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing,

compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing marijuana into the human body.

**MARIJUANA CULTIVATOR:** an entity licensed to cultivate, process and package marijuana, to deliver marijuana to marijuana establishments and to transfer marijuana to other marijuana establishments, but not to consumers.

**MARIJUANA ESTABLISHMENT:** a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.

**MARIJUANA PRODUCT MANUFACTURER:** an entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

**MARIJUANA PRODUCTS:** products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.

**MARIJUANA RETAILER:** an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

**MARIJUANA TESTING FACILITY:** an entity licensed to test marijuana and marijuana products, including certification for potency and the presence of contaminants.

2. By striking Section 5.1, line 33c and inserting in its place the following: “Medical Marijuana Treatment Center; Marijuana Establishment” and inserting a “P” under the IP-2 zoning district meaning and intending to allow the use in the zoning district by special permit granted by the City Council, a “-“ under all other zoning districts meaning and intending to prohibit the use in all other zoning districts, and “Note 19B” under “Notes; Other sections”.
3. By striking Note 19b of Section 5.1 Table of Use Regulations and inserting in its place a new Note 19b as follows:

19b. No Medical Marijuana Treatment Center shall be allowed: A. Within one thousand feet of a residential zoning district, public or private school, or church or other structure used in whole or in part all the time or part of the time for religious or spiritual services; B. Within one thousand feet of any facility where large numbers of minors regularly congregate; C. Within two thousand feet of a public park, public library, public playground, nursery school, licensed day care center or another Medical Marijuana Treatment Center or Marijuana Establishment. No other Marijuana Establishment shall be allowed on property where the proposed marijuana establishment is to be located within five hundred feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. The distance under this Note shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Medical Marijuana Treatment Center or Marijuana Establishment. The City Council by special permit may govern the time, place and manner of Medical Marijuana Treatment Center or Marijuana Establishment operations and of any business dealing in marijuana accessories. No Medical Marijuana Treatment Center or Marijuana Establishment shall be allowed to cultivate, process or manufacture marijuana that is, in a manner that is, causes or contributes to a public nuisance. Public signs related to marijuana establishments shall comply with Section 13 of the 1985 Woburn Zoning Code, as amended.

s/Alderman Campbell, President Haggerty,  
Alderman Anderson

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Motion made and 2<sup>nd</sup> to ADJOURN.