

**CITY OF WOBURN  
MARCH 15, 2016 – 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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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

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**MAYOR'S COMMUNICATIONS:**

A communication dated March 10, 2016 with attachment was received from Mayor Scott D. Galvin as follows:

Re: New Technology and Business Mixed Use Zoning Overlay District to encourage and facilitate economic development

Dear President Haggerty and Council Members:

I am pleased to submit the attached zoning proposal for your consideration.

My staff and I have spent considerable time over the past year discussing the future of the former Kraft/Atlantic Gelatin site. Although the closure of the plant has meant the loss of 300-plus jobs, and an end to the site's use for traditional manufacturing, it also represents the opportunity to enact meaningful, positive change.

Specifically, the rare availability of a site like the former Atlantic Gelatin delivers a tremendous opportunity to create sound, smart economic development by encouraging new uses that produce relatively high-paying jobs as well as significant real estate and other local tax revenue.

Reuse of the property for a mix of high tech, advanced manufacturing, biotech, office, limited retail and residential development is ideal given its large size, highway accessibility, proximity to both the Anderson Commuter Rail Station and Boston. In addition, there are also other sites in the City which, though smaller in size, that could benefit similarly from the proposed mixed-use zoning.

The attached zoning amendment proposal is intended to be a catalyst for this change. It proposes amending the Zoning Ordinance to create text for a brand new overlay district for future use by the City Council. The pending request does not propose to rezone any property at this time. Rather, the goal is to put in place an ordinance that will act as a permitting framework, and provide the City Council with a powerful tool to shape, facilitate and encourage mixed use high tech, biotech and advanced manufacturing redevelopment of appropriate sites.

I look forward to discussing this proposal with you in more detail in the coming weeks.

Respectfully, s/Scott D. Galvin, Mayor

Attached thereto was the following Order:

ORDERED

Be it ordained by the City Council of the City of Woburn that the Woburn Zoning Ordinance as amended, be further amending by inserting the following new Section 27 to be entitled "Technology and Business Mixed Use Overlay District (TBOD) as follows:

SECTION 27  
TECHNOLOGY AND BUSINESS MIXED USE OVERLAY DISTRICT (TBOD)

27.1 Purpose and Objectives of District

The purpose of the Technology and Business Mixed Use Overlay District (TBOD) is to encourage the redevelopment of vacant or underutilized properties and former manufacturing sites into mixed use projects that:

1. Promote the health, safety, and general welfare of the community by encouraging the redevelopment of vacant, underutilized or decommissioned facilities and sites into productive use;
2. Promote the health, safety and general welfare of the community by encouraging uses and site development that minimizes the amount of impervious paved parking areas through the use of shared parking lots and driveway curb cuts, and improves air quality by reducing traffic congestion and automobile trips. Consist primarily of research and development and/or office space with associated accessory light manufacturing and supportive retail uses;
3. Provide significant employment opportunities for residents of Woburn and nearby communities at salaries above minimum wage;
4. Have limited residential development that, if included, is designed and intended to complement the commercial uses by comprising no more than an accessory, supporting role to the primary commercial uses; and
5. Are appropriate in scale and located in an area that provides proximate access to major highways and to public transportation.

## 27.2 Establishment and Applicability

This District is hereby established and shall apply only to those areas shown on the City of Woburn Zoning Map as being in the district. A development parcel in the TBOD must contain a minimum of ten (10) acres.

1. For the purposes of this section, the TBOD shall be superimposed on the other districts existing at the time that any land in any said underlying district is also included in the TBOD.
2. For the purposes of the Zoning Ordinance, a TBOD may include any use set forth in Section E, below, which uses may be commingled into a single structure with other eligible uses or may be located in separate structures on the site subject to any restrictions and/or limitations set forth in the Development Agreement described in Section 27.12.1.9. below.

## 27.3 Authority of Permit Granting Authority

The City Council shall be the Permit Granting Authority for both Special Permits and Site Plan Review approval where applicable. The City Council may elect to vary the dimensional and parking requirements of this Section by Special Permit if, in its opinion, such change shall result in an improved project and will not nullify or substantially derogate from the intent or purpose and objectives of this section. This authority continues subsequent to occupancy.

## 27.4 Master Concept Plan

The property owner/developer of any TBOD Mixed Use Development shall, simultaneously with a request to rezone property to a proposed TBOD, file the following with the City Council for approval:

- A. A Master Concept Plan (“Master Plan”) which shall in a general manner show:
  1. The location and areas of proposed development;
  2. Proposed open space (usable or natural);
  3. Proposed site access curb cuts public/private ways; and
  4. Proposed building “envelope(s)” where construction is anticipated to occur (excluding internal site driveways).
- B. A table showing approximate acres and calculations of the following:
  1. Total land area of each development area (building envelope area);
  2. Total development limitations, if any, of uses in any developable area;
  3. Total maximum development (gross square footage/use limitations); and
  4. Approximate number of parking spaces for the entire TBOD.
- C. The Master Plan shall be approved by a two-thirds (2/3) vote of the City Council at the time of rezoning and shall thereafter become the general development plan governing development at the TBOD. The Master Plan may be amended from time to time by a two-thirds (2/3) vote of the City

Council by application from the property owner/developer to reflect changing development conditions.

- D. Upon approval of the Master Concept Plan by the City Council, the development of all parcels within the TBOD shall be in accordance with the approved Master Concept Plan. In the event that individual parcels comprising the TBOD are under the ownership of different entities each such entity shall be permitted to seek the approval of a modification to the Master Concept Plan and Development Agreement as it applies to each such parcel.
- E. Projects in a TBOD shall not be subject to the provisions of Section 18 of the Woburn Zoning Ordinance entitled “Development Impact Mitigation”, in recognition of the requirement for a Development Agreement.

#### 27.5 Exclusivity/Control

Except as specifically provided herein, uses and provisions of the Zoning Ordinance relating to the underlying zoning district not otherwise impacted by this Section 27 shall continue to remain in full force and effect, provided however that the City Council shall be the Special Permit Granting and Site Plan Approval Authority, if applicable. This Section (§27) of the Zoning Ordinance exclusively controls the establishment, development, and design of any development undertaken at any TBOD and supersedes any other provision of the Zoning Ordinance. In the event of any conflict between the provisions of this Section and any other provision of the Zoning Ordinance, the provisions of this Section shall govern and control.

#### 27.6 Permitted Uses

##### A. Uses Allowed By Right with Site Plan Review

1. Business, professional and general offices
2. Full service restaurants
3. Fast food restaurants not visible from the exterior of a building
4. Advanced Manufacturing; manufacturing utilizing such technologies as nano technologies; robotics; laser technology etc.
5. Research and testing laboratory
6. Manufacturing in the fields of biotechnology, medical, pharmaceutical, physical, biological and behavioral sciences and technology, environmental science, toxicology, genetic engineering, comparative medicine, bioengineering, cell biology, human and animal nutrition including production of equipment, apparatus, machines and devices for research, development, manufacturing and advance and practical application in any such field or area, and including, office, administrative support facilities related to any of the foregoing activities. All development proposals shall comply with applicable Federal, State and local laws, regulations and ordinances including, without limitation, regulations and ordinances governing air pollution, water pollution control, noise and illumination.
7. Hotels or inns

8. Mixed Use Hotel/Restaurant
9. Retail and service uses in connection with the operation of a hotel or inn that are located within the hotel structure
10. Biomedical facilities defined by the National Institute of Health as a Biolevel-1 (BL-1) or Biolevel-2 (BL-2)
11. Child care and adult day care centers
12. Medical and dental offices dedicated to general outpatient care and diagnosis, subject to additional off-street parking requirements in Section 27.8
13. Townhouses, garden apartments, and/or elevator apartments provided the total number of residential units does not exceed one hundred and fifty (150) and provided that at least twenty (20) percent of the units are affordable as defined by M.G.L. Chapter 40B Section 20
14. Retail and personal service establishments, provided (a) the total gross floor area of all such establishments does not exceed ten percent (10%) of the total gross floor area of all non-residential buildings on the site, exclusive of parking facilities and (b) that no one establishment shall exceed ten thousand (10,000) sq. ft. in gross floor area
15. Personal Service Establishments
16. Financial institutions
17. Free standing automated teller machines (ATMs), except no other type of drive-up customer service facility shall be permitted
18. Business sales and business service establishments
19. Physical fitness training and recreational facilities
20. Municipal uses
21. Essential public services
22. Accessory uses normally incidental to a permitted use including high hazard and other uses accessory to a permitted principal use
23. Parking facilities below grade
24. Overnight parking of vehicles associated with business operations, provided that one (1) additional on-site parking space is provided for each such vehicle

#### B. Uses Allowed By Special Permit with Site Plan Review

1. Fast food restaurants if visible from the exterior of a building
2. Retail and personal service establishment(s), provided (a) the total gross floor area of all retail uses is more than ten percent (10%) but less than twenty five percent (25%) of the total gross floor area of all non-residential buildings on the site, exclusive of parking facilities and (b) that no one establishment shall exceed ten thousand (10,000) sq. ft. in gross floor area
3. Townhouses, garden apartments, and/or elevator apartments provided the total number of residential units is between one hundred fifty one (151) to two hundred (200) and provided that at least twenty (20) percent of the units are affordable as defined by M.G.L. Chapter 40B Section 20

4. Wireless communication links, commercial radio or television transmission antenna(e)
5. Parking facilities above grade
6. Pet Care Facilities
7. Printing and publishing
8. Accessory storage or parking of storage container or storage trailer
9. Accessory Diagnostic Imaging Trailer

C. Uses Not Permitted

1. Wholesale or retail sales of vehicles of any kind
2. Heavy Manufacturing
3. Any use not expressly authorized by this Section.

27.7 Density and Dimensional Regulations

A. General Provisions

1. The maximum building height of forty-five (45) feet within one hundred and fifty (150) feet of a Residential 1 (R-1), Residential 2 (R-2) or Residential-3 (R-3) zoning district in the City of Woburn may be varied by Special Permit, in accordance with Footnote 8 to Section 6.1, Table of Dimensional Regulations.
2. Parking facilities contained within a building shall be included in the calculation of a building's height, notwithstanding the definition of HEIGHT OF A BUILDING in Section 2 and the provisions of Section 6.1, Table of Dimensional Requirements.

B. Specific Requirements

- |   |                            |
|---|----------------------------|
| 1. Minimum Lot Size:  | Ten (10) acres             |
| 2. Minimum Street Frontage:   | Zero (0) feet              |
| 3. Minimum Landscaped Useable Open Space:                                   | Twenty-five percent (25%)  |
| 4. Minimum Front Yard Setback:  | Twenty-five (25) feet      |
| 5. Minimum Side Yard Setback:   | Thirty (30) feet           |
| 6. Minimum Rear Yard Setback:   | Twenty-five (25) feet      |
| 7. Maximum Building Height:   | Eighty (80) feet*          |
| 8. Maximum Building Height within<br>150' of a residential zoning district: | Forty-five-five (45) feet* |

\*Structures erected on a building and not used for human occupancy, such as but not limited to, air and exhaust equipment, chimneys, heating-ventilating or air-conditioning equipment, solar or photovoltaic panels, elevator housings antennas, skylights, cupolas, spires, mechanical and acoustical screening and the like ("rooftop structures") may exceed the maximum height of a building

in feet provided no part of the rooftop structure(s) is more than twenty-five (25) feet higher than the maximum permitted height of the building and the total horizontal coverage of such rooftop structures on the building does not exceed sixty (60) percent, with the exception of an aggregate area not to exceed three (3) percent of the total roof area which shall be allowed to have rooftop structures which extend no more than thirty-five (35) feet above the roof line.

#### 27.8 Off-Street Parking Requirements

1. Off-street parking requirements shall be as set forth in Section 8 of this Zoning Ordinance entitled Off Street Parking and Loading Facilities Regulations, except as noted in Section 27.8.2. below.
2. Medical and dental offices shall provide parking at the ratio of one (1) space for every 200 sq. ft. of net floor area.
3. The minimum pavement width for any road, driveway or access aisle shall be eighteen (18) feet for one-way traffic and twenty-four (24) feet for two-way traffic.

#### 27.9 Design Standards

1. All utility and site construction details shall conform to the standards of the City of Woburn's Zoning Code, where applicable, and the Woburn Planning Board's Land Subdivision Rules and Regulations.

#### 27.10 Sign Regulations

1. Signage in a TBOD shall be as authorized by the City Council via an approved Site Plan or Special Permit Plan of Record.

#### 27.11 Permitting Requirements

1. All uses listed as being allowed by right with Site Plan Review shall obtain Site Plan Review from the City Council in accordance with the requirements of this Section. Site Plan Review approval shall require a majority affirmative vote of the City Council.
2. All uses listed as being allowed by Special Permit with Site Plan Review shall obtain both from the City Council in accordance with the requirements of this Section. In cases where both a Special Permit and Site Plan Review are required, the applications shall be processed concurrently. Approval of a Special Permit with Site Plan Review shall require a two-thirds (2/3) vote of the City Council.

3. An application filed under this Section may be filed coincidental with an application for variance(s), and/or during an appeal period associated with a variance that has been granted, notwithstanding the provisions of Section 11.3.
4. An application package for either Site Plan Review or a Special Permit with Site Plan Review in accordance with this Section shall contain all of the material listed in 27.12 and 27.13 and shall be delivered to the Woburn City Clerk at City Hall during regular business hours or to the City Council at a regular or special meeting thereof.
5. An application that fails to meet the requirements of Sections 27.12 and 27.13 shall be deemed incomplete and shall not be assigned for public hearing. In the event the City Council (or City Clerk on behalf of the City Council) deems an application incomplete or inadequate to provide a proper understanding of the matter, the applicant shall be advised of same and given an opportunity to submit additional information, revise the plan, or substitute new one(s). An application may be dismissed for failure to comply with these requirements within thirty (30) days after notice of such failure. The statutory time frames of M.G.L. Chapter 40A Section 11 and for Site Plan Review shall not start until an application is deemed complete.
6. The City Council may authorize/waive the following when granting Site Plan Review or approving a Special Permit with Site Plan Review under this Section:
  1. Section 5.2.1.4. (access to the buildable portion of a lot)
  2. Section 5.2.4 (use of land in different districts for access)
  3. Waiver of minimum lot area requirement, if a particular use or ownership arrangement warrants such a waiver (i.e. condominium ownership of a particular building on the site)
7. The City Council shall not be authorized to grant a Special Permit to reduce the number of required off-street parking spaces for mixed uses (Section 8.2.5) or to permit the substitution of compact car parking stalls for more than ten (10) percent of the required number of parking spaces (Section 8.2.3).
8. The City Council may impose conditions on any Special Permit or Site Plan Review decision for manufacturing uses that require (a) all resulting odors, gases and particulate matter from proposed operations be effectively contained on the property or so disposed of so as not to have an adverse impact on surrounding outside air quality; (b) all noise, vibration, flashing or lighting (which is continuous and not the result of short term operation of emergency generators or other equipment) from manufacturing operations shall be perceptible normally without instruments either at the boundary line of the property adjacent to a residential zoning district or at any point within

the nearest occupied residential lot more than one hundred fifty (150) feet from the location of such activity on the property, whichever is closer to the intended use.

#### 27.12 Application Requirements

A complete application package for either Site Plan Review or a Special Permit with Site Plan Review shall contain all of the following:

1. Twenty-four (24) copies of a Technology and Business District Site Plan Review/Special Permit with Site Plan Review Application and two (2) copies of an Application Checklist for Technology and Business Mixed Use District Development, both of which are provided in Section 16 of the Zoning Ordinance (Illustration Addendum);
2. Two (2) copies of a deed certifying ownership and, where applicable, a statement certifying prospective ownership of the premises involved as well as evidence that the applicant has permission of the owner to make such application if the applicant is not the owner;
3. Legal description, street address(es) and/or other description of the location of the premises involved;
4. Two (2) sets of mailing labels showing the names and addresses of all “parties in interest” as defined by M.G.L. Chapter 40A Section 11 (this list must be certified by the Woburn Assessors’ Office);
5. Twenty-four (24) copies of plans meeting all of the requirements of Section 22-10, at a minimum size of 24”x36”, drawn to scale and dimensionally correct. Required plans are all those applicable to the establishment of the findings and conditions specified in Section 27.11.5 below. Such plans shall include building floor and façade plans, plot plans showing existing conditions and lot lines, traffic circulation, landscaping and topographical plans.
6. Evidence as required to show the effects of the proposed project upon traffic, drainage, road capacity and city utilities, including studies such as traffic generation and parking utilization analyses;
7. Evidence as to the status of all permit applications to/decisions from other City, State or Federal agencies concerning the project including the Woburn Board of Appeals, Woburn Conservation Commission and MassDEP;
8. Any information not listed herein but which is required in order to properly consider all of the requested special permit(s) and waiver(s);

9. A Development Agreement in recordable form binding upon the developer/property owner. The Development Agreement shall serve in lieu of a Development Impact Statement and shall be approved by a two-thirds (2/3) vote of the City Council prior to the issuance of the first Special Permit or Site Plan Review approval for development within the TBOD, which shall contain, without limitation:
  1. Required mitigation (including traffic demand management initiatives), to address the impacts arising out of the use and occupancy of the proposed project, or if at the time of execution such impacts are not known, the methodology for assessing and addressing such impacts as the development of the TBOD premises.
  2. Restrictions on development areas and such other development limitations as may be agreed upon.
  3. Proposed phasing of the development of the TBOD.
  4. Obligations with respect to pedestrian and vehicular interconnectivity within the TBOD to facilitate pedestrian access and parking efficiencies.
  5. The authority of the City Council to retain the necessary professionals to assist in their review of development applications. The Development Agreement shall govern the implementation of the Master Plan and development at the TBOD. To facilitate the development of individual parcels comprising the TBOD the Development Agreement may include, wetland limitations, phase development provisions and obligations applicable to individual parcels.
10. A filing fee of \$1,500.00; and
11. An electronic copy of the entire application package (including all documents and plans) in Word and pdf format.

#### 27.13 Plan Content Requirements

Plans submitted as part of an application for Site Plan Review or Special Permit with Site Plan Review in accordance with this Section shall contain the following information:

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

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

#### 27.14 Procedures for Approval

1. A Site Plan Review or Special Permit with Site Plan Review application for land in a Technology and Business District shall include requests for any special permit(s) and/or waiver(s) that may be required by the Woburn Zoning Ordinance. Applications will be processed by the City Council in accordance with the notification procedures and time line outlined in M.G.L. Chapter 40A Section 11.
2. Within three (3) business days of receipt of an application for Site Plan Review or Special Permit with Site Plan Review under this Section, the City Clerk shall distribute eight (8) copies of the application to the Planning Board and one (1) copy each to the City Engineer, Building Commissioner, Conservation Commission, Board of Health, and Police and Fire Departments

for review and comment. The City Council may forward copies of the application to other City agents and agencies as well, for review.

3. City agents and agencies to whom an application has been referred shall transmit comments and recommendations to the City Council within sixty (60) days of receipt of the application. Failure to provide comments shall be deemed lack of an objection.
4. The City Council shall not issue a Special Permit unless it finds the proposal will meet the following conditions:
  1. The ways providing vehicular and pedestrian access have the capacity to provide safe ingress and egress to property and proposed structures thereon and uses thereof with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and emergency access in case of fire, emergency or catastrophe.
  2. Adequate water, sewerage and drainage facilities exist or will exist to service the proposed use.
  3. Adequate off-street parking and loading areas have been provided where required and will not result in undue noise, glare, or odor effects on adjoining properties or on properties generally in the district.
  4. Satisfactory provision has been made for snow storage/removal to ensure safety and for refuse collection, disposal and service areas to minimize negative impacts on adjacent uses.
  5. Exterior lighting has been designed to minimize glare and any negative impacts on abutting roadways and properties and to be compatible and in harmony with other properties in the immediate area.
  6. Appropriate yards and other open space and landscaping have been provided as required and reasonable steps have been taken to insure the privacy of adjacent existing uses.
  7. The proposed use is generally compatible in scale and character with adjacent properties and other properties in the district.
  8. The proposed use(s) or structure(s) will not detract from the general purposes of this ordinance and either comply in all respects with the provisions of the Woburn Zoning Ordinance or has obtained relief (i.e. waiver, special permit or variance) as may be required.
  9. The proposal incorporates additional conditions and requirements as the City Council finds reasonably appropriate to safeguard the neighborhood

or otherwise serve the purposes of this Ordinance, including but not limited to the following: Front, side or rear yards greater than the minimum required by this ordinance; requirements for screening, buffers, planting strips, fences or walls; modification of proposed exterior facades of the structure; limitation upon the size, number of occupants, method and time of operation, or extent of facilities; regulation of the number, size and location of drives, access ways, or other traffic features, and off-street parking or loading, or other special features beyond the minimum required in the ordinance.

5. When approving an application under this Section the City Council may attach all reasonable and necessary conditions to ensure that uses of surrounding property are adequately safeguarded and that the purpose of both the Zoning Ordinance and the Technology and Business Mixed Use Overlay District (TBOD) are maintained.

#### 27.15 Validity of Decision

1. No Special Permit granted under this Section shall be valid until it is recorded at the Middlesex Registry of Deeds and a copy of the approved Plan of Record is filed with the Building Commissioner.
2. Approval of a Site Plan or a Special Permit with Site Plan Review shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two (2) years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval. This two (2) year period may also be extended for a specific period of time by majority vote of the City Council if it finds the project proponent is actively pursuing other required permits for the project or that there is other good cause for the failure to commence construction within the two (2) year period. Requests for extensions must be filed with the City Council prior to the expiration of the two (2) year period.

If construction has not commenced within two (2) years after the decision is issued, then Site Plan Review approval or a Special Permit with Site Plan Review shall be null and void, and no construction shall thereafter commence unless a new Site Plan Review or Special Permit with Site Plan Review is approved in accordance with the provisions of this Section; and;

further, by amending Section 6, Table 6.1, Table of Dimensional Regulations, by inserting the following reference (**text to be added shown in bold**):

Structures located in Office Park (OP), Industrial Park (IP), Industrial Park Two (IP-2), and Business Interstate (BI) zoning districts, which are within seven hundred (700) linear feet of Residential-One (R-1), Residential-Two (R-2), and Residential-Three (R-3) zoning district boundary lines in the City of Woburn,

shall have a maximum height of thirty-five (35) feet and/or three (3) stories. **Structures located in a Technology and Business Mixed Use Overlay District which are within one hundred and fifty feet (150') of Residential-One (R-1), Residential-Two (R-2), and Residential-Three (R-3) zoning district boundary lines in the City of Woburn shall have a maximum height limit of thirty-five feet (35') or three (3) stories\***. Any variation from the foregoing height/story limitations shall require the issuance of a special permit by the City Council. Where there is a rezoning subsequent to September 25, 2015 that creates one or a combination of R-1, R-2, R-3 or R-4 zoning districts, then the seven hundred (700) foot linear distance shall be measured from the location of the residential zoning district boundary line as it existed on September 25, 2015; and

further, by amending Section 2, Definitions, by inserting the following new definition:

ADULT DAY CARE CENTER: A nonresidential facility in which custodial care is provided for more than five (5) persons older than eighteen (1) years of age, related or unrelated, who are in need of supervision and/or assistance with routine daily functions but who are not in need of regular medical attention, where the adults are receiving said care on a regular and recurring basis during a part of the twelve (12) hour period between 7:00 a.m. and 7:00 p.m., for not less than three (3) and not more than twelve (12) hours. Such a facility shall comply with all state and local codes and/or ordinances regarding zoning, building, fire, health and housing; and

further, by amending Section 2, Definitions, by revising the following definitions: (**text to be added shown in bold**, text to be deleted shown in ~~strikethrough~~):

RESEARCH AND TESTING LABORATORY: A laboratory which engages in research, experimental and testing activities, including but not limited to the fields of chemistry, electronics, engineering, geology, ~~and physics~~, **and advanced manufacturing, robotics, laser technology, biotechnology, medical, pharmaceutical, biological and behavioral sciences and technology, environmental science, toxicology, genetic engineering, comparative medicine, bioengineering, cell biology, human and animal nutrition including production of equipment, apparatus, machines and devices for research, development, manufacturing and advance and practical application in any such field or area, and including, office, administrative support facilities related to any of the foregoing activities** but not including biomedical facilities. Some prototype development may be included, but the primary function is research.

BIOMEDICAL FACILITY: Any facility engaged in the use of **materials such as (but not limited to)** Recombinant DNA, live animals for testing, the use of potentially infectious cell lines, or infectious material, **including biomedical facilities defined by the National Institute of Health as a Biolevel-1 (BL-1) or Biolevel-2 (BL-2) facility.**

s/Alderman Anderson (per request)

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ORDERED That the sum of \$111,496.58 be and is hereby appropriated from the School Department Energy Receipts Reserved for Appropriation Account to an account established by the Mayor and City Auditor for the payment of past electric bills which were under review for the Joyce Middle School.

I hereby approve the above: s/Mark Donovan, Superintendent  
I hereby recommend the above: s/Scott D. Galvin, Mayor  
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/Alderman \_\_\_\_\_

**PUBLIC HEARINGS:**

On the petition by NSTAR Electric Company dba Eversource Energy for a grant of right in a way to install approximately 1563 feet of conduit in Presidential Way easterly from MH30183 (new MH) approximately 498 feet east of Woburn Street and to install three new manholes MH30183, MH30184 and MH30185. PUBLIC HEARING OPENED.

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On the petition by Kiwanis Club of Woburn, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.75 to allow for the annual Flag Day celebration and carnival on June 17, 2016 and June 18, 2016 at Library Park, 0 Harrison Avenue. PUBLIC HEARING OPENED. A communication March 10, 2016 was received from Neil Cronin, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Special Permit application of Kiwanis of Woburn – To operate a carnival on June 17th & 18th, 2016 at Library Field under the provisions of Section 5.1(75) of the Woburn Zoning Code

Dear Honorable Council:

The Planning Department has reviewed the above-referenced Special Permit application submitted by the Kiwanis of Woburn for its Annual Flag Day Celebration and Carnival on June 17 and June 18, 2016 at Library Park.

The Planning Department recommends the Council consider imposing a condition requiring the applicant - and all activities authorized by this Special Permit – to comply with Note #14 of Section 5.1 of the Woburn Zoning Ordinance.

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

Respectfully, s/Neil Cronin, City Planner/Grant Writer

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On the petition by East West Imports, Inc., 50 Silsbee Street, Lynn, Massachusetts for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42, 5.1.57b and 7.3 to allow for a distribution business and overnight parking of Petitioner's commercial vehicles at 160 Olympia Avenue. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass with the conditions as follows: 1. "Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "Olympia Avenue Parking Plan; Prepared for Nardone Electrical Corp., 100 Winchester Street, Medford MA; Scale 1"=20'; Date: March 10, 2015, Revised April 2, 2015; Project Number: 1411; Drawing Number: C.1."; 2. All vehicles that will be parked on site overnight must be registered in the City of Woburn; 3. All signage must comply in all respects with the provisions of Section 13 (Sign Regulations) of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Municipal Inspections; 4. The hours of operation will be: Monday, Tuesday, Thursday and Friday, 6:00 a.m. – 6:00 p.m. Wednesday, 6:00 a.m. – 8:00 p.m.; 5. No retail sales shall be allowed; 6. The Special Permit shall be issued to East West Imports Inc. only and shall not be transferrable."

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On the petition by Uno Restaurants of Woburn Inc. dba Uno Chicago Grill, 100 Charles Park Road, West Roxbury, Massachusetts 02132 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1 Note 22 to allow for forty-five (45) ziosk machines at 300 Mishawum Road. PUBLIC HEARING OPENED. A communication dated March 10, 2016 was received from Neil Cronin, City Planner, Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for Uno's Restaurants of Woburn at 300 Mishawum Road

Dear Honorable Council:

The Planning Department has reviewed the request to allow for forty-five (45) ziosk machines pursuant to Section 5.1. Note 22 of the Woburn Zoning Ordinance (WZO). The property is located in the Business-Industrial (B-I) zoning district and the requested use is allowed by City Council special permit.

A discussion with the petitioner's attorney reveals the petitioner installed the ziosks to better convenience the customer. These machines allow customers to order items off the menu, and accept payment options. In addition, the ziosks provide the business owner with valuable data including sales information to track inventory and product usage, as

well as guest information. Although each device does offer four licensed game applications for a fee of \$0.99, the petitioner states the kiosks were not installed for entertainment purposes and therefore this petition does not affect the approved site plan or parking. Lastly, the petitioner states full approval from the License Commission was granted in January of 2016.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely, s/Neil Cronin, City Planner/Grant Writer

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On the petition by Enterprise Fleet Management Inc., 248 Mishawum Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.45 to allow the sale of automobiles and trucks at 248 Mishawum Road. PUBLIC HEARING OPENED. A communication dated March 10, 2016 was received from Neil Cronin, City Planner, Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for Enterprise Fleet Management Inc. at 248 Mishawum Road

Dear Honorable Council:

The Planning Department has reviewed the request to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles; including accessory repair and storage facilities pursuant to Sections 5.1 (45) of the Woburn Zoning Ordinance (WZO). The property is located in the I-P zoning district and the requested uses are allowed by City Council special permit.

The petitioner states Enterprise Fleet Management is a separate legal entity from Enterprise Rent-A-Car Company of Boston, LLC which currently holds a special permit at the site pursuant to Section 5.1.45 of the WZO. Enterprise Fleet Management deals primarily in business to business leases, and conducts their business online. Therefore, no additional vehicles will be either stored or sold onsite. The petitioner further states that this special permit request is part of a broader corporate reshuffling whereby the amount of employees at the site will decrease from approximately 60-65 to 50-55.

If the City Council chooses to grant the special permit, the Planning Department recommends the Council consider imposing the following as conditions of the special permit:

1. A snow storage plan be filed with the Building Commissioner;
2. All signage must comply in all respects with the provisions of Section 13 (Sign Regulations) of the Woburn Zoning Ordinance. All signage is subject to a separate application and approval process by the Department of Municipal Inspections;

3. That all conditions listed in the October 11, 2012 Landowner's Decision and Notice of Special Permit remain in effect; AND
4. The Special Permit shall be issued to Enterprise Fleet Management, Inc. only and shall not be transferrable.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely, s/Neil Cronin, City Planner/Grant Writer

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On the petition by Leidos, Inc./Robert Siegel, 2 Draper Street, Unit 3, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, as to allow parking of commercial vehicles overnight at 2 Draper Street Unit 3 \_\_\_\_\_ PUBLIC HEARING OPENED. A communication dated March 10, 2016 was received from Dan Orr, Planner, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for Leidos, Inc. (2 Draper Street, Unit 3)

Dear Honorable Council:

The Planning Department has reviewed the request to allow for overnight parking of commercial motor vehicles at 2 Draper Street pursuant to Section 5.1 (57b) of the Woburn Zoning Ordinance (WZO). The property is located in the I-G zoning district and the requested use is allowed by City Council special permit.

After a conversation with the petitioner, the Planning Department learned Leidos, Inc. will only employ one (1) employee from 7:30 a.m. to 1:30 p.m. The petitioner is seeking to park a box truck (8'x20.5'), and a tractor trailer (8'x36') (length including trailer tongue). The petitioner intends to use the site and the vehicles to manufacture, store, and transport geophysical survey equipment.

The petitioner is currently occupying approximately 1,873 square feet of the building at 2 Draper Street. An engineer-certified plot plan submitted with the petition indicates there are ten (10) parking spaces on site with only three (3) spaces required for the warehouse and manufacturing needs of Leidos, Inc. per the WZO as shown below:

- 576 sq. ft. of manufacturing (1 space / 400 sq. ft.) requires 1 space
- 1,373 sq. ft. of warehouse (1 space / 800 sq. ft.) requires 2 spaces

Please note on the attached site plan, Leidos Inc. is represented in green. The two proposed commercial spaces at the North-west of the site are not related to the Leidos, Inc. petition.

The site plan also indicates that five (5) additional spaces are utilized by the truck and trailer parking, necessitating to a total of eight (8) spaces. Therefore, the site currently accommodates this tenant and their respective commercial vehicles, although this may conflict with the other tenants' ability to fulfill their parking requirements at 2 Draper Street in the future.

If the City Council chooses to grant the special permit, the Planning Department recommends the Council consider imposing the following as conditions of the Special Permit:

1. All vehicles that will be parked on site overnight must continue to be registered in the City of Woburn;
2. The box truck be parked in a space rather than across two spaces as shown on the plan;
3. No trash be stored outside of the premises;
4. The Special Permit shall be issued to Leidos, Inc. only and shall not be transferrable.

If you have any questions or comments, please do not hesitate to contact me.

Sincerely, s/Dan Orr, Planner

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On the petition by Michael Craven, 18 Alpha Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.69 to allow extension or alteration of a non-conforming use with an addition to a building which is a non-conforming use in zoning district as allowed by Section 7.3 at Waltham Street (Rear) parcel ID 78-08-19. PUBLIC HEARING OPENED.

Re: Planning Department comments on special permit application to extend or alter a non-conforming use at 25 Waltham Street (Rear) Craven Real Estate Development LLC

Dear Honorable Council:

The Planning Department has reviewed the request to alter an existing non-conforming industrial use at 25 (Rear) Waltham Street pursuant to Section 5.1(47) of the Woburn Zoning Ordinance (WZO). Specifically, the owner wishes to construct a 2,300 sq. ft. addition to the existing building on the property (Assessors Map #78 Block #8 Lot #19) which serves as the site for a commercial television transmission tower. The property is located in an R-1 zoning district and because the use is a non-conforming use, the project is allowed only by City Council special permit. Planning staff notes that because the use is a non-conforming use, the project will also need relief under Section 7.3 (Extension or Alteration of Non-Conforming Uses), in addition to Section 5.1(47).

A discussion with the petitioner's attorney and review of the provided plan and application indicate the project includes constructing a 2,300 sq. ft. addition to the existing building which will be used primarily to house telecommunications equipment. If so, it will not in and of itself require more parking be provided on site. The addition would be constructed in a location that will not require any tree clearing, additional site lighting or parking. The owner has proposed to include additional storm water management and mitigation measures as part of the project even though there will be little to no increase in impervious pavement on the property as a result of construction.

If the City Council chooses to grant the special permit, the Planning Department recommends the Council consider imposing the following as conditions of the Special Permit:

1. Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "Permit Site Plan, 25 Waltham Street (Rear), Woburn, Massachusetts 01801; Assessors Map 78, Block 8, Lot 19; Prepared for MTC Mechanical and Electric Co, Inc c/o Michael Craven, 18 Alpha Road, Chelmsford, Massachusetts 01824; drawn by: Hancock Associates, Civil Engineers Land Surveyors Wetland Scientists; Date: 1/27/2016.";
2. The 2,300 sq. ft. addition authorized by this Special Permit shall be used for the housing of telecommunications equipment and not inhabited by employees. Should some or all of the additional 2,300 sq. ft. of floor area be used to house employees in the future, then the Building Commissioner shall confirm that sufficient parking on site exists to service the parking needs and comply with the Zoning Ordinance; and
3. The Special Permit shall be issued to Craven Real Estate Development, LLC only and shall not be transferrable.

If you have any questions regarding these recommendations please do not hesitate to contact me.

Respectfully, s/Tina P. Cassidy, Planning Director

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On the petition by New Creek II LLC, 3333 New Hyde Park Road, New Hyde, New York 11042 for special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.7.6, 7.3, 8.2.5, 8.6.3 and 13.5 to allow for the alteration of the existing nonconforming structure and use (shopping center) to provide for: 1. Medical office building containing approximately 4,500 square feet more or less; 2. Reduction in required parking from 535 parking spaces to 481 parking spaces; 3. Alterations to the petitioner's nonconforming signage; and 4. Exception to landscaping and area requirements to provide for alternative screening devices at 425 Washington Street.

PUBLIC HEARING OPENED. A communication dated March 10, 2016 was received from Neil Cronin, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for New Creek II LLC at 425 Washington Street

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition submitted by New Creek II LLC which requests the below special permits to allow for the construction of a medical office building containing approximately 4,500 square feet. The medical office building is a by-right use in the Business-Neighborhood (B-N) district.

- Section 5.7.6: The buffer zone requirement states, “Along each boundary of a Mixed Use or Business district which adjoins any Residential district in the City of Woburn there shall be a buffer zone of twenty (20) ft. in addition the minimum side and rear yard setbacks.” The lot at 425 Washington Street is a corner lot and therefore requires a buffer of forty (45) (twenty foot buffer plus the twenty-five foot yard setback) along the Residential district line; the existing building foot print of the shopping center is approximately thirty-five (35) ft. from the Residential district line;
- Section 7.3: The lot at 425 Washington Street is non-conforming because of the buffer zone requirement. In addition, the existing shopping center and sign are non-conforming because the site was constructed in 1974 before the site was rezoned to B-N in 1985. Lastly, Section 7.3, requires the petitioner to provide proof that the pre-existing nonconforming structure or use was validly and legally established;
- Section 8.2.5: The petitioner is seeking to reduce the number of parking spaces by one-third from 535 to 481;
- Section 8.6.3: The petitioner’s attorney stated this request will be withdrawn;
- Section 13.5: The sign on the site is nonconforming.

After speaking with the petitioner’s attorney, the Planning Department determined the following:

- The planned hours of operation are 9:00 a.m. to 9:00 p.m., 7 days a week;
- The office will consist of two (2) staff members and a maximum of two (2) doctors on the largest shift. However, initial operations are to be run by a single doctor;

If the City Council grants the Special Permit, the Planning Department recommends the Council consider imposing the following as conditions:

- a. The Plan of Record for this petition shall be “Site Plans Issued for Local Approvals of Proposed Medical Office Building at 425 Washington Street Woburn, Massachusetts; Prepared for Kimco Realty Corporation 3333 New Hyde Park Road, Suite 100 New Hyde Park NY 11042; Prepared By VHB 101 Walnut Street Watertown, MA 02471; Sheets C-1, C-2, C-3, C-4, C-5, C-6, L-1, Dated February 1, 2016; Project No# 12661.07”;
- b. The dumpster be enclosed with a 6’ sight impervious fence’;
- c. A snow storage plan be filed with the Building Commissioner; AND
- d. The Special Permit be issued to New Creek II LLC only and shall not be transferrable.

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

Respectfully, s/Neil Cronin, City Planner/Grant Writer

A communication dated March 9, 2016 was received from Greg Rheume, Woburn Engineering Department as follows:

The author reviewed site development plans dated 02/01/2016 entitled Proposed Medical Office Building, prepared by VHB, and offers the following comments.

The project is a redevelopment addition to an existing commercial property containing four businesses in one building anchored by Kohl’s department store. The proposed Medical Office is a free standing structure located in the southwest corner of the property and will occupy a portion of the existing bituminous concrete parking lot.

The proposed building will be serviced by city supplied water and city sewer. The water service will be connected to the existing water service on the property and will provide domestic and fire protection service to the proposed building. The proposed sewer service will be connect to the existing sewer on the east side of the existing building which connects to the city sewer system.

The proposed building and associated parking will be constructed in a portion of the existing paved parking lot and therefore will not create any additional impervious surfaces or increase in storm water runoff. The proposed site design does include a sub-surface infiltration system to attenuate the roof run-off of the proposed building.

Traffic data has been supplied to this office outlining existing conditions and proposed traffic conditions for the proposed project which indicate no changes in the level of service post development.

The design engineer has supplied this office with all backup data to support the proposed redevelopment of the site.

Greg Rheume, Woburn Engineering Department staff

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On the petition by President Haggerty and Alderman Anderson to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: By deleting in its entirety Section 14.5, Paragraph 3 and by inserting in its place the following: 3. All land shown on a plan for which a Special Permit is granted under this Section, which is not included in the building footprints, roadways or easements shall comprise one contiguous tract. The open space parcel shall be conveyed to the City for the purpose of conserving open space and promoting passive recreation/naturalist uses of the premises which may include the use of some or all of the property as a cemetery. Use of some or all of the property as a cemetery shall only be permitted provided that (1) no gravestones, monuments, or ornate tombs shall interrupt the landscape and instead memorials, monuments, markers and gravestones shall only be permitted if they are flush with the ground; and (2) such use does not interfere with the passive recreation/naturalist uses of the property including use of trails, scenic areas for viewing, preservation of natural resources and the general use of the premises as Open Space. The Conservation Commission shall have jurisdiction over said parcel to promote the use of the premises as Open Space and, in the event that some or all of the premises is used for a cemetery, then the Cemetery Commission shall have jurisdiction over that portion of the premises allocated to the cemetery subject to the same mandate to promote the use of the premises as Open Space. PUBLIC HEARING OPENED. A communication dated March 9, 2016 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Proposed zoning amendment to requirements for open space in R-1 and R-2 townhouse developments (Section 14.5.3 of the Woburn Zoning Ordinance)

Dear Mr. Campbell:

At a meeting of the Planning Board held on Tuesday, March 8, 2016 members of the Planning Board voted 5-0-0 to continue the public hearing and discussion on the aforementioned project to the Board's meeting on Tuesday, March 22, 2016 at 7:00 p.m.

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

Respectfully, s/Tina P. Cassidy, Planning Director

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On the petition by to amend the 1985 Woburn Zoning Ordinances, as amended, by deleting Section 26 Solar Overlay District, amending Section 2 Definitions, and inserting a new Section 26 entitled Solar Photovoltaic Installations as set forth in the petition. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: "ought to pass, amended as follows:

Be it ordained by the City Council of the City of Woburn that the 1985 Zoning Ordinances, as amended, be further amended by deleting therefrom Section 26, Solar Overlay District; and amending Sections of said 1985 Zoning Ordinances as follows:

By amending Section 2, Definitions, to insert the following definitions in alphabetical order:

PHOTOVOLTAIC SYSTEM (also referred to as Photovoltaic Installation): An active solar energy system that converts solar energy directly into electricity.

RATED NAMEPLATE CAPACITY: The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

SOLAR ACCESS: The access of a solar energy system to direct sunlight.

SOLAR COLLECTOR: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

SOLAR ENERGY: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR ENERGY SYSTEM: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation, or water heating.

- a) SOLAR ENERGY SYSTEM, ACTIVE: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
- b) SOLAR ENERGY SYSTEM, CARPORT/CANOPY: An accessory structure designed and utilized principally for the support of a solar energy system. For purposes of this Ordinance, a Solar Carport/Canopy is considered to be ground-mounted.
- c) SOLAR ENERGY SYSTEM, GRID-INTERTIE: A photovoltaic system that is connected to an electric circuit served by an electric utility.
- d) SOLAR ENERGY SYSTEM, GROUND-MOUNTED: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).
- e) SOLAR ENERGY SYSTEM, LARGE-SCALE: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).

- f) SOLAR ENERGY SYSTEM, MEDIUM-SCALE: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).
- g) SOLAR ENERGY SYSTEM, OFF-GRID: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.
- h) SOLAR ENERGY SYSTEM, PASSIVE: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
- i) SOLAR ENERGY SYSTEM, ROOF-MOUNTED: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).
- j) SOLAR ENERGY SYSTEM, SMALL-SCALE: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

SOLAR THERMAL SYSTEM: An Active Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling;

YARD, FRONT: An open space extending for the full width of the lot between the front line of the structure wall and the front lot line. On corner lots having frontage on two or more streets, each such street shall have a front yard.

YARD, REAR: An open space extending the full width of the lot between the rear line of the structure wall and the rear lot line.

YARD, SIDE: An open space extending for the full length of a structure between the structure wall and the side lot line. On triangular-shaped lots, each side yard setback shall be paralleled and extended to a rear point of intersection within the lot."

By amending Section 2, Definitions, to revise the definition of Height of a Building, as follows:

HEIGHT OF A BUILDING: The vertical distance measured from the average ground elevation around the exterior walls of the building, determined without regard to any attached accessory building or attached parking structure, or the underside of the floor slab of the building above any parking facilities contained within the structure, to the highest point of the roof surface in the case of a flat roof, and to the mean height between eaves and ridge in the case of a pitched roof except that the measurement of height shall not include appurtenant roof structures such as chimneys, service equipment and penthouses or spires, smokestacks, flag poles, aerials, roof-mounted energy systems, and the like, nor shall it include any parking facilities contained within the building.

By amending Section 5.1, Table of Use Regulations, to insert the following new uses:

		R-1	R-2	R-3	R-4	B-N	B-H	B-D	B-1	I-P	IP-2	I-G	S-1	S-2	O-P	OP-93	O-S	Notes/other Sections
	<b>Solar Photovoltaic Systems</b>																	
87	Roof-Mounted	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	Section 26
88	Solar Carport/Canopy	-	-	-	-	-	-	-	-	X	X	X	-	-	X	X	-	Section 26
89	Ground – Mounted, Small-Scale	-	-	-	-	-	-	-	-	X	X	X	-	-	X	X	-	Section 26
90	Ground-Mounted, Medium-Scale	-	-	-	-	-	-	-	-	X	X	X	-	-	X	X	-	Section 26
91	Ground-Mounted, Large-Scale	-	-	-	-	-	-	-	-	X	X	X	-	-	X	X	-	Section 26
92	Off-Grid	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	Section 26
93	Passive	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	Section 26
94	Solar Thermal System	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	-	Section 26

By inserting a new Section 26 entitled “Solar Photovoltaic Installations” as follows:

26.1 Purpose

The purpose of this ordinance is to promote the creation of new solar photovoltaic installations in accordance with M.G.L. c.40A, §9B and the Green Communities Act, M.G.L. c.25A, §10, by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

26.2 Applicability

This ordinance applies to all solar energy systems and to physical modifications that materially alter the type, configuration, or size of these systems or related equipment. Solar energy systems on municipal and school properties, except for O-S (Open Space), may be allowed in all zoning districts, but only by Special Permit from the City Council, and said solar energy systems shall comply with all setback requirements as outlined in Section 26.5. Roof mounted solar installations on municipal and school properties shall be a by right use not requiring a special permit.

### 26.3 General Requirements for all Solar Photovoltaic Installations

The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

1. **Compliance with Laws, Ordinances and Regulations:** The construction and operation of all solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code and shall be each component of the solar energy system that are regulated by the building code shall be performed by those that are authorized to do such work in the Commonwealth of Massachusetts. Failure to use licensed personnel in all aspects of construction and installation of a solar photovoltaic installation shall be grounds for revocation of any approval granted under site plan review and/or any building permit issued.
2. **Permits and Inspections:** No solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining all required building, electrical and plumbing permits.
3. The total capacity of all existing and proposed ground-mounted solar photovoltaic installations on the lot shall be measured in determining whether an installation is large-scale or small-scale.
4. All solar carports/canopies and ground-mounted solar photovoltaic installations shall be screened from view of abutting properties and streets, to the extent practicable. Screening may consist of fences, vegetation, evergreen plantings, topography and earthen berms so long as they do not interfere with or encroach upon sight lines or violate other provisions of the Woburn Municipal Code, Woburn Zoning Code or the Woburn Land Subdivision Rules and Regulations.
5. Security fencing shall be required around any medium-scale or large-scale ground mounted solar energy systems. Security fencing associated with ground mounted solar photovoltaic installations shall not be subject to the provisions of Section 5.3.2 of this Ordinance.

### 26.4 Use Regulations

#### 26.4.1 Residential District Uses – Other than Municipal or School Property

##### (a) Uses Permitted as of Right

##### i. Roof-Mounted Solar Energy Systems

#### 26.4.2 Non-Residential District Uses – Other than Municipal or School Property

##### (a) Uses Permitted as of Right

##### i. Roof-Mounted Solar Energy Systems

- ii. Small-Scale Ground-Mounted Solar Energy Systems

(b) Uses Allowed through Site Plan Review

- i. Medium-Scale Ground-Mounted Solar Energy Systems
- ii. Large-Scale Ground-Mounted Solar Energy Systems
- iii. Solar Carport/Canopy

26.5 Dimensional and Density Requirements

26.5.1 Setbacks – Residential and Non-residential Districts

For all ground-mounted solar photovoltaic installations the front, side and rear setbacks shall be as follows:

- Residential: Front Setback at least 50 feet;  
Side Setback: at least 50 feet;  
Rear Setback: at least 50 feet.
- All others: Front setback at least 25 feet  
Side Setback: at least 25 feet;  
Rear Setback: at least 25 feet.

26.5.2 Maximum height - The height limit for all solar carports/canopies shall be twenty (20) feet and all other ground-mounted solar photovoltaic installations shall be fifteen (15) feet.

26.5.3 All other yard, and space and height requirements of the underlying zoning district shall also apply, except that no ground-mounted solar photovoltaic installations shall be installed in front yards.

26.5.4 Additional Setback Requirement- When a Ground Mounted Solar Photovoltaic installation is constructed on a lot which adjoins land in a Residential Zoning District in the City of Woburn, there shall be an additional setback of seventy (70) feet in addition to the minimum side and rear yard setbacks.

26.5.5 Appurtenant Structures

All appurtenant structures to a ground-mounted solar photovoltaic installation shall be subject to the requirements of this Zoning Ordinance concerning yard, space, height and setback requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other.

26.6 Solar Photovoltaic Installation Site Plan Review and Special Permit.

For purposes of this Section, Site Plan Review shall be conducted by the City Council prior to the construction, installation or modification of certain Ground Mounted Solar Photovoltaic Installations as provided below and, where applicable, Section 12 of this Ordinance. In accordance with Section 22(c) of the Massachusetts Green Communities Act, Solar Photovoltaic Installation Site Plan Review shall be expedited and no decision shall be rendered more than six (6) months after the date of receipt of a complete application as determined by the City Council. For those projects that require a Special Permit, the special permit procedure shall apply.

#### 26.7 Application and Plan Requirements.

A completed application for Solar Photovoltaic Installation Site Plan Review and Special Permit shall be filed with the City Council, along with the applicable fee. Upon receipt of an application, the City Council may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the City Council with its review of the application, in accordance with the requirements of M.G.L. c.44, §53G. The City Council may direct the applicant to deposit funds with the City Auditor for such review at the time the application is determined to be complete, and may direct the applicant to add additional funds as needed upon notice. Failure to comply with this section shall be grounds for denying the application. Upon approval of the application, any excess amount attributable to the application processing by the City Council shall be refunded to the applicant.

1. Plans: All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
2. Required Documents: the project proponent shall provide the following documents:
  - (a) A site plan showing:
    - i. Property lines and physical features, including roads, for the project site;
    - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
    - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
    - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
    - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
    - vi. Name, address, and contact information for proposed system installer;
    - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; and

- viii. The name, contact information and signature of any agents representing the project proponent.
- (b) Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation;
- (c) An operation and maintenance plan which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation including provisions to prevent reflection of glare and/or concentrated energy onto adjacent structures and properties;
- (d) The underlying Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (e) Proof of liability insurance;
- (f) Description of financial surety that satisfies Section 26.11.3;
- (g) Proof that the utility company that operates the electrical grid where the installation is to be located has been informed of the installation owner or operator's intent to install an interconnected customer-owned generator as well as documentation from said utility that it will connect the proposed customer-owned generator into its power grid. Off-grid systems shall be exempt from this requirement; and
- (h) The Applicant and owner shall execute a Right of Entry Form for the benefit of the City, in a form to be approved by the City Solicitor, to permit entry and removal in the event of Abandonment as provided in Section 26.11.2.

## 26.8 Design Standards

In addition to the requirements of Section 26.5, all Ground Mounted Solar Photovoltaic Installations shall be constructed as follows:

### 26.8.1 Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the solar photovoltaic installation shall be directed downward and inward and shall incorporate full cut off fixtures to reduce light pollution.

### 26.8.2 Signage

Signs shall comply with Section 13 of this Ordinance. A sign consistent with Section 13 shall be required to identify the owner and provide a 24-hour emergency contact phone number shall be made visible from a right of way where the property has frontage. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

### 26.8.3 Utilities

Reasonable efforts, as determined by the City Council during site plan review, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

## 26.9 Safety and Environmental Standards

26.9.1 Emergency Services: The solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

26.9.2 Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large – scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

26.9.3 The approval of an application shall neither constitute the granting of an easement to sunlight over neighboring property nor a right to solar access.

## 26.10 Monitoring and Maintenance

26.10.1 Solar Photovoltaic Installation Conditions: The solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Fire Chief. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

26.10.2 Modifications: All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the City Council.

#### 26.11 Abandonment or Decommissioning

26.11.1 Removal Requirements: Any solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 26.13.2 of this ordinance shall be removed. The owner or operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations. The owner or operator shall notify the Building Commissioner and City Council by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site;
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The City Council may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

26.11.2 Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one (1) year without the written consent of the City Council. If the owner or operator of a solar photovoltaic installation fails to remove the installation in accordance with the requirements of this Section within one hundred and fifty (150) days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation.

26.11.3 Financial Surety: Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the City must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the City Council, but in no event to exceed more than one hundred and twenty five (125) percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer, which shall be reviewed and verified by the City Engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**PERSONNEL:**

On the appointment of Joseph A. DiMatteo as a Member of the Woburn Golf and Ski Authority, committee report was received "ought to pass".

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On the appointment of Alfred Autenzio as a Member of the Woburn Board of Cemetery Commissioners, committee report was received "ought to pass".

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**FINANCE:**

On the Order to transfer the sum of \$11,200.00 from COA Paving Acct to Election Workers Acct, committee report was received "ought to pass".

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**SPECIAL PERMITS:**

On the request by A.L. Prime Energy to extend a special permit issued August 2, 2012 for land affected at 1 Hill Street, committee report was received "to receive and place on file."

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**NEW PETITIONS:**

Petition for renewal of Second Class Motor Vehicle Sales Licenses by Cambridge Road Auto Service, Inc. dba Woburn Plaza Shell.

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Petition by Allan Danley, Food Truck Builders Group, 2 Draper Street, Unit 1, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57B to allow overnight parking of two (2) commercial vehicles at 2 Draper Street.

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Petition by John Tremblay and Theresa Tremblay, both of P.O. Box 372, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1 Note 15 to allow for a garage in excess of 900 square feet to allow for a two car attached garage on a lot with an existing detached garage at 10 Lexington Street.

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Petition by Shell Tech Works, 281 Albany Street, Cambridge, Massachusetts 02139 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.41 to install a 20 foot high 8 foot by 8 foot data collections structure on secure footings and equipment shelter to store computers for data collection at 2 Gill Street.

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Petition by Speedway LLC, 500 Speedway Drive, Enon, Ohio 45323 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.46(a), 5.1.22(a), 5.1 Note 16 and 7.3 to amend the special permit issued December 26, 2008 as amended by a special permit issued September 6, 2012 for self-service/full-service gasoline station with convenience store to allow for a new 6 foot 6 inch by 6 foot 6 inch concrete pad with remote condensers at the rear of the property at 306 Montvale Avenue.

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**COMMUNICATIONS AND REPORTS:**

A communication dated February 19, 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 January 2016: Number of violations issued 77, Numbers of violations paid 34, Number of violations outstanding 42, Amount collected and submitted to Collectors Office \$2,855.00, Parking fines referred to the Handicap Commission \$700.00.

There is a backlog of 1690 unpaid tickets dating from January 2004 to December 2015. 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 February 16, 2016 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Amendment of Section 11.11 of the WZO – Procedural Errors

On February 2, 2016, the City Council adopted (9-0) an amendment to Section 11.11 of the Woburn Zoning Ordinance (respectively, the “Amendment” and “WZO”). It has come to my attention that certain procedural errors occurred in the adoption process which may affect the validity of the Amendment.

M.G.L. c.40A, §5 sets out the statutory procedure for the adoption or amendment of zoning ordinances, stating that, “[z]oning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided.” (emphasis supplied) The procedural steps, applicable time frames, and notice and publication requirements of §5 are mandatory and cannot be waived. Specifically, the adoption or amendment of a zoning ordinance may be initiated by a filing with the City Council and thereafter, the;

city council shall within [14] days of receipt of such zoning ordinance or by-law submit it to the planning board for review. . . No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board . . . and the city council . . . has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within [65] days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council. . . No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the. . . city council, or [21] days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after [21] days shall have elapsed after such hearing without submission of such report, a city council . . . may adopt, reject, or amend and adopt any such proposed ordinance or by-law.

According to the records maintained by the City Clerk and the Planning Board, the following events occurred prior to the adoption of the Amendment: the Amendment was filed with the City Clerk’s office on November 5, 2015; the City Clerk’s notes indicate that a copy of the Amendment was sent to the Planning Board on November 12, 2015 (the Planning Board’s copy of the Amendment is not time stamped and therefore, it is unclear when the Amendment was physically received); on November 10, 2015 the City Council adopted a motion setting January 5, 2016 as the date for the public hearing on the Amendment; the public hearing was held on January 5 and then continued, and the Amendment was referred to the Committee on Ordinance, Charter and Rules; the Planning Board held its public hearing on January 26, 2016, and after closing the hearing, referred the matter to the Zoning Ordinance Review Committee (“ZORC”); the City Council voted to adopt the Amendment on February 2, 2016 and the Amendment was presented to the Mayor on February 4, 2016.

At least one procedural error is evident from the above and there may have been two. First, the City Council’s February 2, 2016 vote was taken without waiting for a Planning Board report or the passage of 21 days after the close of the Planning Board’s public hearing. This constitutes a procedural error. While the Planning Board’s recommendation or report on a zoning amendment or ordinance is not binding on the City Council, a vote may only be taken after a report is received or 21 days passes from the conclusion of such hearing without a recommendation or report.

Second, the Planning Board may not have held its public hearing within 65 days of its receipt of the Amendment. The City Clerk's records indicates that the Amendment was referred to the Planning Board on November 12, 2015, however the public hearing was not held until 75 days later on January 26, 2016. A one day delivery period between the City Clerk's office and the Planning Board is unlikely and as stated above, the Planning Board's copy was not time stamped.

Claims of invalidity of an ordinance based upon procedural defects must be brought within 90-days of the adoption of the zoning ordinance. Notwithstanding that such an appeal is unlikely in the instant case, I strongly urge the City Council and Planning Board to submit the Amendment once again, and to follow the statutory process precisely to ensure the proper adoption of all City ordinances.

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

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A communication dated February 22, 2016 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

Re: 6 Albany Street

With regard to the above referenced address, I am in receipt of your memo of February 18, 2016; I will advise that a Stop Work Order was issued on February 4, 2016 at this location for failure to comply with the Special Permit of record and approved construction plans.

As always if you need anything additional with this matter do not hesitate to contact me.

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

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A communication dated March 1, 2016 was received from Surface Transportation Board relative to New England Transrail LLC dba Wilmington & Woburn Terminal Railway.

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

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

RESOLVED That the City Solicitor meet with the City Council or the Committee on Liaison in Executive Session to discuss the process and legal options available to the city regarding the proposed project to be located on Mill Street under the provisions of M.G.L. Chapter 40B.

s/Alderman Mercer-Bruen and President Haggerty

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RESOLVED That the Purchasing Agent prepare a request for proposals for the purposes of demolishing the former Clapp School building.

s/Alderman Campbell and Alderman Gately

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ORDERED That the City Auditor appear before the Committee on Finance, sitting as a Committee of the Whole to discuss the following:

- A breakdown of local receipts Actual vs. Projection;
- Update on Free Cash and Stabilization accounts;
- Update on any temporary borrowing;
- Update on hiring of Assistant Auditor;
- Update on Library State Grant;
- Update on Hurd/Wyman-MSBA Reimbursement.

s/President Haggerty and Alderman Concannon

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ORDERED That the City Engineer meet with the Committee on Infrastructure and Public Lands to receive a status report and update regarding required roadway improvements associated with the special permits issued to Woburn Foreign Motors for 394 Washington Street and 394R Washington Street, Madison Woburn Holdings LLC for 369 Washington Street and Benchmark Senior Living for 320 Salem Street; and

Be it further Ordered that the City Engineer provide a written update on the Road Safety Audit conducted for Washington Street.

s/Alderman Mercer-Bruen and President Haggerty

\*\*\*\*\*

ORDERED That the Committee on Infrastructure and Public Lands meet with the City Engineer, Superintendent of Public Works, Conservation Commission Administrator and other city departments as it sees fit to investigate flooding in the Chandler Street area and recommend measures to mitigate the issue.

s/Alderman Mercer-Bruen

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ORDERED Be it Ordained by the City Council of the City of Woburn that in accordance with M.G.L. c.40, §4A, the Mayor shall be authorized to execute an Intermunicipal Agreement between the City of Woburn and the Town of Winchester with respect to the construction of a new 8-foot wide spillway at the Scalley Dam on Horn Pond.

s/Alderman \_\_\_\_\_

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ORDERED Be it Ordained by the City Council of the City of Woburn, that that the 1989 Municipal Code, as amended, be further amended as follows:

By deleting in its entirety, Section 8-7, Fire Prevention Code adopted, from Title 8, Article III, Fire Prevention Code Adopted, and that the subsequent sections of Title 8 be renumbered accordingly; and

by deleting in its entirety, Section 15-10, Automatic sprinklers and alarm systems Regulations from Title 15, Buildings and Construction, Article IV, Miscellaneous Building Requirements; and that the subsequent sections of Title 15 be renumbered accordingly.

s/Alderman Anderson (per request)

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