

**CITY OF WOBURN  
AUGUST 16, 2016 – 6:30 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, all in favor, 9-0.

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**MAYOR'S COMMUNICATIONS:**

ORDERED That the sum of \$190,873.00 be and is hereby appropriated as so stated from Stabilization Fund Acct #704059-596100 \$190,873.00 to Landfill LDC Inter Connection Acct #0112158-589187 \$128,000.00, Kennedy Middle School/Solar Acct #0112158-589188 \$16,813.00, Green Comm. Revolving Fund Grant Projects Acct #257558-58000 \$46,060.00, Total \$190,873.00

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

s/President Haggerty

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

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ORDERED That the sum of \$161,850.00 be and is hereby appropriated from Montvale Ave Infrastructure Acct #360058-588057 \$9,500.66, Dunkin' Donuts Montvale Ave Acct #360058-588250 \$89,813.62, Traffic Improv/East Woburn Acct #360058-588355 \$62,535.72, Total \$161,850.00 to Montvale Ave Traffic Infrastr Acct #0112158-588057 \$161,850.00, Re: Montvale Ave Reconstruction Project

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

s/President Haggerty

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

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**PUBLIC HEARINGS:**

On the petition to amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new Section 27 entitled Technology and Business Mixed Use Overlay District (TBOD), by amending Section 6.1 Table of Dimensional Regulations, by adding the definition for Adult Day Care to Section 2 Definitions, and by amending the definitions for Research and Testing Laboratory and Biomedical Facility in Section 2 Definitions as set forth in the Journal of the March 15, 2016 Regular Meeting of the City Council. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances “ought to pass pending final draft”. Motion made and 2<sup>nd</sup> to accept the Committee Report and make it part of the record, all in favor, 9-0. Motion made and 2<sup>nd</sup> to delete the word “and” at the end of Section 27.1.6 and add the word “being” in section 27.6.2.2, all in favor, 9-0. Motion made and 2<sup>nd</sup> to replace the semi-colon at the end of 27.1.6 with a period, all in favor, 9-0. Motion made and 2<sup>nd</sup> to delete the dash through the 2 in 27.6.1.2, all in favor, 9-0. After the amendments above, the Order was as follows:

ORDERED Be it ordained by the City Council of the City of Woburn that the Woburn Zoning Ordinance as amended, be further amended 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;
3. Consist primarily of research and development and/or office space with associated accessory light manufacturing and retail uses;

4. Provide significant employment opportunities for residents of Woburn and nearby communities at salaries above minimum wage;
5. 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
6. 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 may only be applied to parcels shown on Woburn Assessors' Maps as Map #54, Block #5, Lot #4; Map #54, Block #5, Lot 1; and Map #62, Block #1, Lot #29. A development parcel in the TBOD must contain a minimum of 50 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 Sections 27.6.A and 27.6.B, 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:

1. 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).

2. 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.
3. The Master Plan shall be approved by a two-thirds 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 vote of the City Council by application from the property owner/developer to reflect changing development conditions.
4. 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.
5. 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 Uses

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

1. Business, professional and general offices;
2. Advanced Manufacturing;
3. Research and testing laboratory including vivarium use;
4. Manufacturing in the fields of biotechnology, medical, pharmaceutical, physical, biological and behavioral sciences and technology, environmental science, toxicology, genetic engineering, including but not limited to, 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;

5. Hotels or inns;
6. Mixed Use Hotel/Restaurant;
7. Retail and service uses in connection with the operation of a hotel or inn that are located within the hotel structure;
8. Biomedical facilities defined by the National Institute of Health as a Biolevel-1 (BL-1) or Biolevel-2 (BL-2);
9. Child care and adult day care centers;
10. Medical and dental offices dedicated to general outpatient care and diagnosis, subject to additional off-street parking requirements in Section 27.8;
11. Residential units provided that the total number of residential units shall not exceed 150 units of which there shall be a maximum of 112 apartments with the remainder being townhouses, and provided that at least 15% of the units are affordable as defined by M.G.L. Chapter 40B Section 20;
12. Retail and personal service establishments, full service restaurants and fast food restaurants, provided (a) the total gross floor area of all such establishments permitted in the entire District does not exceed 60,000 square feet; (b) that only one establishment may exceed 10,000 square feet in gross floor area and be no more than 20,000 square feet in gross floor area, and (c) that the one (1) retail establishment exceeding 10,000 square feet in gross floor area shall be a grocery store;
13. Financial institutions;
14. Free standing automated teller machines (ATMs), except no other type of drive-up customer service facility shall be permitted;
15. Business sales and business service establishments;
16. Physical fitness training and recreational facilities that are accessory and incidental to either (a) business(es) in a permitted office or manufacturing building and which facilities are open to and used only by employees of the business(es) of the building in which it is located or (b) accessory and incidental to a permitted residential development and which facilities are open to and used only by the tenants of the residential development in which it is located;
17. Municipal uses;
18. Essential public services;
19. Accessory uses normally incidental to a permitted use including high hazard and other uses accessory to a permitted principal use;
20. Parking facilities below grade; and
21. Overnight parking of vehicles associated with business operations, provided that one additional on-site parking space is provided for each such vehicle.

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

1. Retail, personal service establishment(s), full-service and fast-food restaurants and physical training and recreational facilities that are not accessory and incidental to either (a) business(es) in a permitted office or manufacturing building and which facilities are open to and used only by employees of the building in which it is located or, (b) to a permitted residential development and which facilities are used only by the tenants of the residential development in which it is located, provided the total gross floor area of all such establishments permitted in the entire District is more than 60,000 square feet but less than the maximum of 250,000 square feet, which shall consist of no more than two buildings of 20,000-50,000 square feet of which one such building shall consist of grocery establishment; and provided that the total gross floor area provided for in this section may also include a fitness facility of no more than 80,000 square feet in gross floor area.
2. Residential units provided that the total number of residential units shall not exceed 300 of which there shall be a maximum of 225 apartments with the remainder being townhouses and provided that at least 15% of the units are affordable as defined by M.G.L. Chapter 40B Section 20;
3. Wireless communication links, commercial radio or television transmission antenna(e);
4. Parking facilities above grade;
5. Pet Care Facilities;
6. Printing and publishing;
7. Accessory storage or parking of storage container or storage trailer;
8. Accessory Diagnostic Imaging Trailer.

## 3. Uses Not Permitted

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

## 27.7 Density and Dimensional Regulations

### 1. General Provisions

1. The maximum building height of 35 feet within 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.

3. 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, antennae, 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 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 60%, with the exception of an aggregate area not to exceed three percent of the total roof area which shall be allowed to have rooftop structures which extend no more than 35 feet above the roof line.
4. Parcels created for the purposes of financing or separated by a private or public right of way of less than 65 feet in width shall not be required to comply with the following criteria; said criteria shall only apply to the entire lot. However, no two parcels may be more than 500 feet apart.

2. Specific Requirements

1. Minimum Lot Size: 50 acres
2. Minimum Street Frontage: 100 feet
3. Minimum Landscaped Useable Open Space: 25%
4. Minimum Front Yard Setback: 25 feet
5. Minimum Side Yard Setback: 30 feet
6. Minimum Rear Yard Setback: 25 feet
7. Maximum Building Height: 80 feet
8. Maximum Building Height within 150’ of a residential zoning district: 35 feet

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 space for every 200 sq. ft. of net floor area.
3. The minimum pavement width for any road, driveway or access aisle shall be 20 feet for one-way traffic and 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 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 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)
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 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 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. 24 copies of a Technology and Business District Site Plan Review/Special Permit with Site Plan Review Application and two 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 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 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. 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 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 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 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 copies of the application to the Planning Board and one 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 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 a valid building permit has been issued within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval. This two 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 building construction within the two year period. Requests for extensions must be filed with the City Council prior to the expiration of the two year period.

If building construction has not commenced within two years after the decision is issued (or any City Council-approved extension of the two-year period), 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 35 feet and/or three stories. **Structures located in a Technology and Business Mixed Use Overlay District which are within 150 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 limit of 35 feet.** 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 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 definitions:

ADULT DAY CARE CENTER: A nonresidential facility in which custodial care is provided for more than five persons older than eighteen 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 12 hour period between 7:00 a.m. and 7:00 p.m., for not less than three and not more than 12 hours. Such a facility shall comply with all state and local codes and/or ordinances regarding zoning, building, fire, health and housing;

ADVANCED MANUFACTURING: Production activities that integrate technology-based systems and processes in the manufacture of products to the highest level of quality and compliance with industry-specific certification standards. Products are often innovative, made from advanced materials and

components, and produced on technology-driven equipment and/or with technology-driven processes. Raw material development is typically carbon footprint friendly and brought to market in the most technologically-advanced way; the final product has very little if any waste due to the reuse or recyclable potential of the product. Examples of advanced manufacturing include nanotechnology; computer aided design (CAD), reverse engineering, enhanced prototyping and simulations; computer integrated manufacturing; and production that employs computer numerically controlled (CNC) equipment, robotics, laser, plasma, waterjet and other automated equipment.; 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.**

**PUBLIC COMMENTS:** Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 stated that he represents Legatt McCall who has purchased the property, and that he request that the City Council act on the Committee Report as amended by the amendments offered at this meeting. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. **PUBLIC HEARING CLOSED.** Motion made and 2<sup>nd</sup> that the Order be amended by amending “250,000 square feet” in Section 27.6.2.1 with “200,000 square feet”, 2 in favor, 7 opposed (Concannon, Campbell, Gately, Gaffney, Higgins, Tedesco, Haggerty opposed). Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, AS AMENDED, all in favor, 9-0.

**NOTE: On August 17, 2016 at 4:23 p.m., Alderman Anderson filed a notice of his intention to move for reconsideration of his vote in favor of adopting the Order.**

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On the petition by Houng Vong and My Thi Vong, 6 Albany Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1 Note 15 to amend a prior special permit issued September 24, 2015 to allow for an oversized garage to reference a revised set of plans showing the height of the garage to be 2.3 feet higher than previously approved at 6 Albany Street. PUBLIC HEARING OPENED. A communication dated August 16, 2016 was received from Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 6 Albany Street

Dear President Haggerty and Council Members:

Request is made to continue this matter until a recommendation is received from the Special Permit Committee which recently continued the matter in order for the petitioner to provide and “as-built” plan to the Building Commissioner for review.

Thank you for your attention to this matter and please call with any questions.

Very truly yours, s/Mark J. Salvati

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Alderman Gately stated that a cease and desist order from the Building Department remains in force for this property. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 20, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

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On the petition by NAI Entertainment Holdings LLC, 846 University Avenue, P.O. Box 9108, Norwood, Massachusetts 0206 2-9108 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.15b to amend a special permit dated May 6, 1994 to allow for: 1. A revised site plan for is existing cinema building entitled “Showcase Cinemas, 25 Middlesex Parkway Woburn, MA” dated June 10, 2016 and prepared by Allen & Major Associates Inc., 100 Commerce Way, Woburn, MA 01888-0118 (the “Site Plan”); 2. A modification to II Grant of Special Permit (b)(ii) by eliminating the reference to Condition No. 17; 3. A modification to III Cinema Conditions Condition 17 by deleting said Condition 17 in its entirety; and 4. A modification to IV General Condition by deleting “Site” on the third line and the sixth line and replacing with “Parcel II” as shown on the Site Plan, at 25 Middlesex Canal Park. PUBLIC HEARING OPENED. A communication dated August 11, 2016 was received from Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petitioner of NAI Entertainment Holdings LLC, 25 Middlesex Canal Park, Woburn, Massachusetts

Dear Mr. Campbell:

Due to the fact that the Planning Board is not meeting until September 13, 2016, my client is not available and Tim Williams of Allen & Major is not available, on behalf of my client NAI Entertainment Holdings LLC, I respectfully request that the public hearing on this matter scheduled for August 16, 2016 be continued to the City Council meeting scheduled for September 20, 2016. If you need any further information please do not hesitate to contact me. Thank you.

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 20, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

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Alderman Higgins recused herself from participation in the following matter and left the Council Chamber.

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On the petition by Apple New England LLC dba Applebee's Neighborhood Grill & Bar, 2 Elm Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.64 to allow to allow for forty-eight (48) E La Carte Presto tablet devices at 2 Elm Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended with the condition as follows: 1. That the special permit shall be for Apple New England LLC dba Applebee's Neighborhood Grill & Bar and shall not be transferable." A ppearing for the petitioner was Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he asked that the committee report be adopted. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, 8 in favor, 0 opposed, 0 absent, 1 abstained (Higgins abstained). PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, 8 in favor, 0 opposed, 0 absent, 1 abstained (Higgins abstained).

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Alderman Higgins returned to the Council Chamber.

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On the petition by Dave & Buster's of Massachusetts, Inc., 2481 Manana Drive, Dallas, Texas 75220 for a special permit to modify a special permit issued November 14, 2013 pursuant to 1985 Woburn Zoning Ordinances, as amended, to allow amendment to

Condition 4 of the Decision to read as follows: “4. The hours of operation shall be limited to 10:00 a.m. to 1:00 a.m. In addition, the petitioner shall be allowed to hold private after school events.” at 271 Mishawum Road. PUBLIC HEARING OPENED. A communication dated August 3, 2016 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Special Permit Application for 271 Mishawum Road/Dave & Busters of Massachusetts, Inc.

Dear Honorable Council:

The Planning Department has reviewed the above-referenced petition which seeks to modify an existing special permit granted under Section 11.3.12 of the Woburn Zoning Ordinance (WZO). The application appears to seek two amendments to the previously-granted special permit:

1. It requests an extension of the hours the facility can be open to the public. The hours of operation are currently set at 11:00 a.m. to 1:00 a.m. 7 days per week. The application requests a one-hour extension of those hours, from 10:00 a.m. to 1:00 a.m., 7 days per week.

Planning staff notes that although the stated reason behind the request was to accommodate families during off-school hours (“...during summer months, around holiday breaks and school vacations...”), the request itself is not limited to those times of year and therefore, if granted, would authorize the facility to open earlier every day year-round. If the Council objects to the notion of a daily 10:00 a.m. opening, it should specify and define all time/duration limitations it deems advisable.

2. The request seeks to have inserted in the Decision language that would allow the petitioner to hold “private school-sponsored after-school events.” This request raises several questions. How do these “events” differ from other gatherings at the establishment? Do the schools rent the entire facility versus a single function room within the establishment? Are colleges included in the definition of “schools”? Will these events stretch beyond the requested hours of operation (e.g. will they run past 1:00 a.m. if they are an after-prom party)? Will the applicant be returning to the City Council in the future seeking permission to close the facility for private events on behalf of other non-school organizations and groups and if so, is there any objection to that from the Council?

Beyond these questions (and assuming the request is granted), Planning staff recommends that the conditions of approval imposed in connection with the original Special Permit, to the extent they are still applicable, remain in full force and effect.

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

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

Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner seeks to amend a special permit issued November 14, 2013 in which the hours of operation were set at between 11:00 a.m. and 1:00 a.m. to the new hours of operation of between 10:00 a.m. and 1:00 a.m. and to allow for private chaperoned after school events, that the License Commission has approved the change of opening hours to 10:00 a.m., that the petitioner has a national program to open an hour earlier for school vacations, that the liquor license hours will not be rolled back to 10:00 a.m. just the facility opening time, that the petitioner also wants to host school chaperoned lockdown events such as after graduation ceremonies or proms, that students arrive after the facility is closed to the public, that the facility will be fully staffed with food and games, that the bars will be closed, that there will be a police detail, that the students will be provided snacks, soda, ice cream bars, sandwiches, there will be two hours of game play and then breakfast will be served, that these are not college events only chaperoned high school events, that the petitioner would not object to a condition requiring a police detailed for the chaperoned parties, that new trees are being planted in the fall to replace the landscaping, that the petitioner would not object to a condition excluding colleges from the chaperoned parties, and that there are school vacations in the summer months as well as in February, April and at Christmas. Attorney Tarby offered a document entitled "Conditions to Special Permit Petition, Dave & Buster's of Massachusetts, Inc., 271 Mishawum Road, Woburn, Massachusetts" for review by the City Council as follows: "Condition 4 shall be amended as follows: '1. The hours of operation shall be limited to 10:00 a.m. – 1:00 a.m. In addition, the Petitioner shall be allowed to hold private chaperoned school events.' 2. All terms and conditions of the original Special Permit dated November 14, 2013 shall remain in full force and effect except as modified by this Decision." Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. General Manager Steve Carr stated that these are post prom and graduation events, that the students will be at the facility after their school events conclude, that the events typically take place in late May and early June, that there is limited traffic, that generally students board buses from the events at the school or at the event and then are dropped off at the facility, that he is not certain how many events would be held, that more than six to ten events a year is unlikely, that the petitioner advertised nationally a 10:00 a.m. opening and customers to the Woburn facility were turned away until 11:00 a.m., that families start their vacation days early, that alcohol is served beginning at 11:00 a.m. Monday through Saturday and beginning at 12:00 noon Sunday, that the intent is to give more game play time for families, that chaperones for the parties are representatives from the high schools, that there is generally one chaperone for every ten students, that the events are meant to be safe and that is why the schools provide the chaperones, that they have had inquiries for the chaperoned lockdown party from two communities. Alderman Concannon stated that he is concerned about the impact on nearby residents with students leaving the chaperoned parties in the early morning hours, that there could be a limited number of events to see the impact on the neighbors with people leaving at 5:00 a.m., and that this is a nice attempt to give the students a place to go after school events but it could be busy and he wants to know the impact on the neighborhood. Alderman Anderson

stated that there could be a limit on the months during which the facility opens at 10:00 a.m. to coincide with school vacation months. Alderman Gately stated that he recommends that ten yearly events is an appropriate amount with special permit review in a year and if that number of events are not held then the number could be adjusted to the number held but no more than ten. PUBLIC COMMENTS: Tim Swain, Dragon Court stated that he has visited the facility, that the facility is operated well, and that as long as there are no problems the petitioner should be granted what they requested. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> to amend the special permit with the following conditions: 1. That Condition 4 shall be amended as follows: 1. The hours of operation shall be limited to 11:00 a.m. to 1:00 a.m. except from June 1 through September 1 and during Massachusetts school vacation weeks when the hours of operation shall be limited to 10:00 a.m. to 1:00 a.m. In addition, the Petitioner shall be allowed to hold private chaperoned after school high school lockdown events during the months of May and June and any such high school lockdown event shall have a police detail as determined by the Woburn Police Chief and any event shall have a minimum of one chaperone per student, and 2. All terms and conditions of the original Special Permit dated November 14, 2013 shall remain in full force and effect except as modified by this Decision all in favor, 9-0. Motion made and 2<sup>nd</sup> to further amend Condition 1 herein by adding the following: 1. That the petitioner shall be limited to five (5) private chaperoned after high school lockdown events held during the months of May and June in any calendar year, 6 in favor, 3 opposed (Campbell, Gately, Tedesco opposed). Motion made and 2<sup>nd</sup> to further amend Condition 1 herein by adding the following: Transportation of students to and from the facility shall be by bus or livery, all in favor, 9-0. Motion made and 2<sup>nd</sup> to amend the special permit with the following condition: 3. The Petitioner shall submit a letter to the Building Commissioner by October 15, 2016 indicating compliance with the previously approved landscaping plans, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED, all in favor, 9-0.

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On the petition by Destination Partners, Incorporated, 12 Henshaw Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to park two (2) box trucks in connection with its event planning business at 12 Walnut Hill Park. PUBLIC HEARING OPENED. A communication dated August 4, 2016 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application 12 Walnut Hill Park/Destination Partners, Inc.

Dear Honorable Council:

The Planning Department has reviewed the above-referenced request to allow for overnight parking of two (2) box truck vehicles at 12 Walnut Hill Park pursuant to Section 5.1 (57b) of the Woburn Zoning Ordinance (WZO). The property is located in the

Industrial-General (I-G) zoning district and the requested use (accessory parking of commercial vehicles) is allowed by City Council special permit.

The application indicates the box trucks would be 16' x 24' in dimension and utilized for transporting items related to their event planning business. However, little additional information about this request was included in the application.

In order to properly evaluate the request the Planning Department recommends the City Council require the applicant to provide the following information for review and consideration:

- A plot plan of the property at 12 Walnut Hill property showing the location of the building, the number of existing (and any future) parking spaces and the proposed locations where the two box truck vehicles will be stored;
- A breakdown of the square footage of all current tenants in the building by use (e.g., office, manufacturing, or storage/warehousing, etc.) and the number of parking spaces that would be needed to meet the parking requirements of the WZO, including the applicant's use; and
- The number of employees on the largest work shift of each tenant (including the applicant).

With this information the City Council will be able to confirm whether the site has sufficient parking for all tenants of the building, in addition to the two (2) spaces that would be used for overnight parking of the commercial vehicles.

The Department also recommends that the Council require the applicant to address the issue of snow storage either by including a designated snow storage area on the plans to be provided or by some method of snow removal from the site.

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

1. All vehicles that will be parked on site overnight must be registered in the City of Woburn;
2. The two (2) commercial vehicles shall only be parked in the spaces designated for them on the Plan of Record to be provided;
3. Parking spaces shall be marked with four-inch painted lines per Section 8.5.5 of the WZO;
4. The Special Permit shall be issued only to Destination Partners, Incorporated and shall not be transferrable; and

5. The Plan of Record shall be "fill in title block information when provided".

If you have any questions or comments, please do not hesitate to contact me. We would also be happy to review any plans or additional material that may be provided.

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Mark T. Vaughan, Riemer & Braunstein LLP, 7 New England Executive Park, Burlington, Massachusetts 01803-5008 and he stated that the petitioner is in the corporate event party planning business, that the petitioner operates in Woburn and wants to move to a new location in Woburn where they will purchase the building, that the building will have a storage area where props and displays are stored for various themed parties, that the petitioner has a 16 foot and a 24 foot box truck, that the property is located in the I-G zoning district, that a special permit is required, that the petitioner does not have a site plan available, that the petitioner provided an aerial photograph of the parcel indicating where the trucks will be parked overnight, that the building is 18,144 square feet, that the petitioner has ten employees, that most business is conducted with clients by telephone and offsite, that the petitioner would occupy 15,000 square feet with 3,000 square feet being used by the Eastern Ambulance dispatch room, that there are approximately twenty parking spaces onsite, that on street parking is available on Crescent Avenue in addition to onsite parking, that there is parking available on both sides of the building on Crescent Avenue, that the petitioner is securing a survey of the parcel but the plan is not available at this time, that the petitioner would be willing to have a condition that a parking plan be filed that will satisfy the City Council intention to provide parking for all tenants, and that the petitioner will secure a parking plan by the September 6, 2016 meeting. Attorney Vaughan offered a memorandum dated August 16, 2016 with attachments to the City Council for review. Motion made and 2<sup>nd</sup> that the documents be received and made part of the record, all in favor, 9-0. Burt Landry, one of the principals of the petitioner stated that the hours of operation are usual hours, that the season starts in April and slows at the end of the summer, that they generally operate from 9:00 a.m. until between 7:00 p.m. and 10:00 p.m., that the petitioner has ten employees, that an ambulance company owns the adjacent building and uses a room in the petitioner's building to dispatch their vehicles which are parked next door, and that the garage is used for storage. Alderman Gately stated that there appears to be sufficient parking if the parking spaces are properly lined, that there would have to be a snow storage plan, that the box trucks will have to be registered in Woburn, that the parking lot should be number with designated spaces so that each business has sufficient parking, and that there should be a better plan of record than what has been provided. President Haggerty stated that he would like to see a condition that all parking on site shall be used for the petitioner's business only, and that he wants to see a definitive parking plan for the proposal. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 6, 2016, THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS and

that the Building Commissioner review the petition and report to the City Council the parking requirements for the uses on site, all in favor, 9-0.

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On the petition by Aldo Gallinelli and Judith Gallinelli, 15 Sorelle Place, Burlington, Massachusetts 01803 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.56, Note 15 of the 1985 to allow for construction of a detached 30 foot by 40 foot barn at 15 Sorelle Place. PUBLIC HEARING OPENED. A communication dated August 3, 2016 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Special Permit Application for construction of residential garage exceeding 900 sq. ft. in size and with doors exceeding 8' in height at 15 Sorelle Place/Aldo and Judith Gallinelli (Owners and Applicants)

Dear Honorable Council:

This office has reviewed the above-referenced petition which seeks authorization for the construction of a two-bay detached garage at this residential property. The applicants are seeking a special permit in accordance with Section 5.1.56, Note 15, because the square footage of the newly-constructed detached garage will exceed 900 square feet in area (1,020 sq. ft.) and the garage doors will exceed eight (8) feet in height (9 feet).

Planning staff notes that the applicant has provided a topographic site plan stamped by a Professional Land Surveyor. However, the zoning chart provided on the topographic site plan erroneously lists zoning information for Newton, Massachusetts. The chart should be revised and should include zoning information applicable to Woburn.

Further, the schematic elevation plan of the proposed garage structure is not dated or stamped (certified). In fact, it is impossible to tell who prepared the elevation plan. The Planning Department recommends that the City Council require the applicant to provide a copy of the garage elevation plan that is dated and stamped by a Registered Professional Architect.

Further, the proposed structure (which is actually labeled as a "proposed barn" on the plan) appears to be only 30-40' from the edge of a wetland on the property. Approval from the Woburn Conservation Commission would therefore be required prior to construction.

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

1. That the Plans of Record shall be "Topographic Site Plan, Burlington, Woburn & Lexington, Massachusetts; Scale: 1"=30'; Dated: April 26, 2015, revised fill in date of revision to reflect amended zoning table; Prepared by: VTP Associates, Inc., Land Surveyors – Civil Engineers, 132 Adams Street, 2<sup>nd</sup> Floor, Suite 3, Newton, MA

02458 (617) 332-8271, Sheet 1 of 1 ” and “fill in title block once a revised, dated and stamped elevation plan is submitted”; and

2. That no business activity or home occupation shall be conducted in/from the garage.

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

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

Appearing was the petitioner Aldo Gallinelli and he stated that he has owned the property since 1979, that he started the subdivision eight years ago, that he built a house on a 3½ acre parcel located in Woburn but with a Burlington mailing address, that he lives in the house, that he farms one acre of the land, that he has farm equipment and a few hobbies, that the barn will be twenty feet high, that the doors will be no higher than eight feet, that he calls the structure a barn but it is also called a garage, that he has no neighbors, that the barn will not be a disturbance to neighbors, that the Conservation Commission approved the proposal, that he can build a 30 foot by 30 foot structure if he gives up the garage in his house, that he received the Order of Conditions from the Conservation Commission yesterday, that the surveyor has to work out the area for the siltration fence then the can be installed and he can begin work under the Conservation Commission Order of Conditions, that he owns land back to almost Hallmark Drive, that he has two tractors, that he owns the street which is a private road, that he has our daughters and fifteen grandchildren who live on the street that he rents out one of the houses, that he will have two eight foot barn doors, that the house is totally located in Woburn but the water and sewer are provided from Burlington, that he pays real estate taxes to Woburn, that the barn will have no water and sewer service, that electricity is planned for the building, that there will be no heat in the building, that the inspections will be conducted by Woburn officials, that the foundations will go to good ground, that two galleys will be added to the three galleys also known as drainage tanks, that there is a drain in the driveway, that the plan is a sketch but not drawn by an architect, that he could not receive a building permit with nine foot high doors, that he should not have to hire an architect to prepare the plans, and that he should be able to draw his own plans for the garage.

Alderman Gately stated that there are ninety orders of conditions that were imposed on the property by the Conservation Commission because of the abutting wetlands, and that the petitioner will need plans that indicates the roof and structure will be safe. Alderman Higgins stated that some neighbors have expressed concern about encroachment on wetlands, and that these issues need to be addressed by the Conservation Commission.

**PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 20, 2016, THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, that a communication be sent to the Building Commissioner to review and comment on the plans, and that a communication be sent to the Conservation Commission requesting a copy of the Orders of Condition, all in favor, 9-0.**

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On the petition by 304 Cambridge LLC to amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Amend section 5 Notes to 5.1 Table of Use Regulations by adding the following note: 26. 1. Restaurant Full Service/Fast Food located in an S-1 Zoning District shall be subject to the following conditions: a. The full service/fast food restaurant must be located in an office building containing a minimum of 50,000 square feet of gross floor area; b. Any fast food restaurant shall not be visible from the exterior of the office building; c. The office building shall have frontage on a State numbered road under the jurisdiction of Mass Highway for design, construction and maintenance as of January 1, 2012.; 2. Physical Fitness Training Facilities located in an S-1 Zoning District shall be subject to the following conditions: a. The Physical Fitness Training Facility must be located in an office building containing a minimum of 50,000 square feet of gross floor area; b. The office building shall have frontage on a State numbered road under the jurisdiction of Mass Highway for design, construction and maintenance as of January 1, 2012.; 2. Amend Section 5.1 Table of Use Regulation as follows: a. Line 17a by replacing the “-“ with an “x” in the S-1 Zoning District and inserting: Note 26 under the heading: “Notes, Other Sections.”; b. Line 28 by replacing the “-“ with an “x” in the S-1 Zoning District and inserting: Note 26 under the heading: “Notes, Other Sections.”; c. Line 29 by replacing the “-“ with an “x” in the S-1 Zoning District and inserting: Note 26 under the heading: “Notes, Other Sections.” PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that this is similar to a zoning amendment adopted for an adjoining parcel, that these are technical zoning amendments, that the fast food use would be similar to a café in an office building for tenants, that the parcel is 3.9 acres with a professional office building on site since 1979, that the petitioner purchased the parcel in 2014, that the building has been undergoing major renovations, that the petitioner wants to offer a full service restaurant and ballet facility for the tenants, that a car repair facility, the office building and the rehabilitation hospital are located in the S-1 zoning district, that the building is six stories in height and approximately 60,000 square feet, that there will be new elevators installed, that there will be complete exterior upgrades, that there will be stormwater drainage, that there will be a turf playground for an existing daycare tenant, that there will be a full service restaurant and ballet studio which will be considered a physical fitness facility, that these amendments will have no impact on the other areas of the city in the S-1 zoning district, that the ballet studio will be 3,900 square feet, that the high end restaurant will be 8,500 square feet, that there is sufficient parking for all uses during peak hours, and that the parking lot has been redesigned. Alderman Anderson stated that he would like to see if there is another way to do this, and that the proposed uses will complement this large building. Alderman Gately stated that the service station was upgraded in that area, and that the petitioner is looking to locate a high end restaurant in the building. Alderman Campbell stated that there has been a lot of work done on the building, and that a restaurant and physical fitness facility would not be a detriment to the neighbors. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 6, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor, 9-0.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:** None.

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**NEW PETITIONS:**

Petition by CARES Foundation, 17 Sherwood Road, Stoneham, Massachusetts 02180 requesting the time under the Special Event Permit for a fundraising walk on October 16, 2016 be amended from 9:00 a.m. to 10:30 a.m. to the new time 8:30 a.m. to 1:00 p.m. to allow time for set-up and clean-up of the event. Motion made and 2<sup>nd</sup> that the TIME OF THE SPECIAL EVENT PERMIT be AMENDED, all in favor, 9-0.

**Presented to the Mayor: August 18, 2016**                      **s/Scott D. Galvin August 18, 2016**

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Petition by Greyhound Adventures & Networking Group, P.O. Box 80224, Stoneham, Massachusetts 02180 for a Special Event Permit to allow a greyhound dog and owners walk at Horn Pond on August 21, 2016 from 10:00 a.m. to 11:30 a.m. Motion made and 2<sup>nd</sup> that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

**Presented to the Mayor: August 18, 2016**                      **s/Scott D. Galvin August 18, 2016**

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Petition by Harmony Transportation Inc. 8 Conn Street, Woburn, Massachusetts 01801 for a new Livery License for one (1) vehicle. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by GameStop #3315, 103 Commerce Way, Suite B, Woburn, Massachusetts 01801 for renewal of a Secondhand Dealers and Secondhand Collectors License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by Musto Jewelers Inc., 186 Cambridge Road #9, Woburn, Massachusetts 01801 for renewal of a Secondhand Dealers and Secondhand Collectors License. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

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Petition by Anchor Realty Trust, 3 Breed Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 8.3.2

to allow for six (6) offsite parking spaces at 3 Breed Avenue. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by Alton Acquisition II, 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 allow for a self-storage warehouse facility within the Flood Plain District at 39 Olympia Avenue. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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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 July 9, 2015 as modified by a Notice of Modification of Special Permit dated October 29, 2015 to allow for a new Condition 13 as follows: Condition 13. The Petitioner shall construct and improve the Site as substantially described on the Plan of Record which for this project shall be "Presidential Way Development Woburn, MA; Client: Minast LLC, 11 Presidential Way, Woburn, MA 01801; Prepared by: WorldTech Engineering, 300 Tradecenter Suite 5580, Woburn, MA 01801; Sheet No. T-01 (Title Sheet and Index) dated 2-25-15 not to scale; Sheet No. EX-1 (Existing Conditions Survey) dated 2-26-15, at a scale not noted; Sheet SP-1 (Overall Site Layout Plan) dated May 12, 2015, revised 3-27-15, revised 5-20-15 and 5-28-15 at a scale of 1"=40'; Sheet GD-1 (Site Grading and Drainage Plan, Sheet 1 of 2) dated May 12, 2015 revised May 20, 2015 and May 28, 2015 at a scale of 1"=40'; Sheet GD-2 (Site Grading and Drainage Plan, Sheet 2 of 2) dated May 12, 2015 revised May 20, 2015 and May 28, 2015 at a scale of 1"=40'; Sheet U-1 (Proposed Utility Plan) dated May 12, 2015 revised May 28, 2015 at a scale of 1"=40'; and Sheet L-1 (Overall Site Landscape Plan) dated May 12, 2015, revised 3-27-15 revised May 20, 2015 and May 28, 2015 at a scale of 1"=40'" (hereinafter the "Site Plan") although design adjustments and modifications generally associated with: (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan, at Lot 1, Presidential Way. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by NGP Management LLC, 3 Pluff Avenue, North Reading, Massachusetts 01864 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.69 and 7.3 to amend a special permit dated September 25, 1997 as follows:  
1. Landowner's Decision and Notice of Special Permit dated September 25, 1997

allowing for the fast food establishment and ATM by revising Condition 6 which currently allows for hours of operation from 6:00 a.m. to 8:00 p.m. to allow hours of operation from 4:00 a.m. to midnight, and 2. Landowner's Decision and Notice of Special Permit dated September 25, 1997 allowing for the alteration of the existing externally illuminated nonconforming sign to allow for a modified sign that is an internally illuminated sign, at 318 Montvale Avenue. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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Petition by John Tremblay and Theresa Tremblay, P.O. Box 372, Burlington, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1 Note 15 and 7.3 as follows: 1. To allow for a garage in excess of 900 square feet pursuant to Section 5.1 Note 15 to allow for a two car attached garage on a lot with an existing detached garage; 2. To allow for an alteration of a preexisting nonconforming structure, at 10 Lexington Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

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A communication dated August 11, 2016 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Request for minor modification of special permit decision/4 Montvale Avenue Realty Trust, 4 Montvale Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Please be advised that I represent 4 Montvale Avenue Realty Trust. On July 12, 2016 the Superior Court appeal of the Special Permit Decision was settled with my client's abutter. As a result, the project will proceed forward. As part of the settlement the Petitioner purchased from the abutter an adjacent 96 square foot lot. The lot will remain as open space with a new door for egress from the first floor.

Enclosed please find ten (10) copies of a plan entitled "Site Plan in Woburn, Showing Proposed Building at 4 Montvale Avenue dated August 1, 2016 prepared by Bayside Engineering, 600 Unicorn Park Drive, Woburn, MA 01801 (the "Revised Plan").

Ten copies of the original plan referenced in Condition 5 of the Decision are enclosed herewith.

The proposed revision to the Decision by substituting the plan approved in the Decision with a Revised Plan does not result in any change or modification to the location of the buildings nor does it change any of the conditions contained in the Decision.

Further, the proposed modification does not result in a substantive amendment which changes the result of the Decision or which grants relief different from that originally granted.

On behalf of my client, I respectfully request approval by the City Council at its meeting on August 16, 2016 of minor modification to the Decision by replacing the plan referenced in Condition 5 with the Revised Plan included herewith. If the City Council finds that this request is not a minor modification I respectfully request that the City Council allow for a late filing of a Special Permit Petition and schedule a public hearing for September 6, 2016.

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

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

Motion made and 2<sup>nd</sup> that the communication be accepted and made part of the record, all in favor, 9-0. Motion made and 2<sup>nd</sup> that the minor modification replacing the plan of record referenced in Condition 5 to read as follows: "5. That the Plan of Record shall be plan dated August 1, 2016", all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

A communication dated August 3, 2016 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of the Council on Aging meeting for the month of July 2016. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication dated July 15, 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 June 2016: Number of violations issued 477, Numbers of violations paid 299, Number of violations outstanding 181, Amount collected and submitted to Collectors Office \$29,902.60, Parking fines referred to the Handicap Commission \$15,200.00.

There is a backlog of 1,654 unpaid tickets dating from January 2004 to June 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

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

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A communication dated August 11, 2016 was received from City Solicitor Ellen Callahan Doucette as follows:

Re: 859 Main Development LLC – Special Permit Condition No. 11

Recently, a representative of Seaver Construction contacted me regarding preferred language to be used for the Grant of Easement (walking trail and access) that was required by Condition no. 11 of the special permit granted for the construction of a 98-unit condominium project at 859 Main Street (the “Project”). I am communicating with the City Council regarding this issued because the Conservation Commission’s Order of Conditions for the Project, issued on January 17, 2014, effectively prohibits construction of the walking trail and advises Seaver Construction to seek a modification of the special permit to “resolve the conflict” between the special permit and the Order of Conditions. A copy of Condition 11 and Special Conditions no. 113 of the Conservation Commission’s Order of Conditions are attached hereto for reference.

To my knowledge, Seaver Construction has not submitted a request to modify the special permit, and I have declined to review easement documents which are of no value or use to the City. Certainly I will not advise the City Council to authorize, and the Mayor to accept, easements for a walking trail which cannot be constructed. I do not know why Seaver Construction has not brought this matter to the attention of the City Council, but as the Council retains jurisdiction over special permits issued, I am suggesting that the Council take up the matter of Condition no. 11 sua sponte in order to resolve this issue.

Thank you for your attention to this matter.

Sincerely, s/Ellen Callahan Doucette

Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND REFERRED TO COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0

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

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:**

RESOLVED Whereas, there has been a significant increase in parking needs at Gonsalves Field since the construction of the restroom and snack shack facility; and

Whereas, parking is prohibited on both sides of Willow Street from Lexington Street to Bedford Road and vehicles are prohibited from parking on the grass areas of Gonsalves Field, particularly near the veteran's memorial;

Now, therefore, be it Resolved that the Recreation Commission develop a plan to resolve the overflow parking issue at Gonsalves Field, including working with the School Department and Department of Public Works to establish parking at the Joyce Middle School parking lot with accessible access to the parking area from Gonsalves Field; and

Further, that the Recreation Commission develop a plan to install a net or other remedy to prohibit damage and trespass to abutting properties and homes.

s/Alderman Campbell

Alderman Campbell stated that during the summer there have been several issues regarding parking and personal property at the field, that there have been significantly more people at the field for tournaments, that the park is surrounded by residents on three sides, that vehicles have been parking on Willow Street which is not permitted and on the grass at the veteran's memorial, that the field has become crowded with the addition of the snack shack, that she contacted the Recreation Director who has been extremely helpful, that there needs to be a permanent parking plan, that she spoke the Recreation Director about installing a walkway down the hill, across Willow Street to a bridge over the brook to the Joyce Middle School parking lot, that this walkway would resolve the parking issues, that the Mayor indicated that the city is looking to build the bridge next Spring, that a net also needs to be installed along the property line between the park and the neighbor's house due to the number of softballs being hit into his yard, that this neighbor's driveway has been blocked by vehicles from the park, that people come into his yard to retrieve the softballs, that there is construction on his property and he is concerned about people being injured on his property, that he has a portable toilet on his property during construction and people have been going on to his property to use the portable toilet, that a net, landscaping or trees may resolve the issue with the softballs being hit onto his property, and that she asks that the resolve be adopted to move this matter along. Alderman Higgins stated that capital funds were approved to improve the parking. Alderman Campbell stated that the parking area will be finished with paving and a retaining wall but this will not increase the amount of parking, and that during the last tournament the Parks Superintendent installed temporary fencing to prevent parking on the grass which was helpful. Alderman Gately stated that parking on the grass is unacceptable, and that a post and rail fence or boulders should be installed to keep

vehicles from parking on the grass. Motion made and 2<sup>nd</sup> that the RESOLVE be ADOPTED, all in favor, 9-0.

**Presented to the Mayor August 18, 2016 and ten days having elapsed without same being approved, said Resolve became effective without his signature on August 30, 2016.**

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From Traffic Commission:

ORDERED Be it ordained by the Woburn Traffic Commission that the 2016 Woburn Traffic Code be further amended as follows:

1. By adding a new Section 5-15 Improper Display of Handicapped Parking Placard as follows: "A handicapped parking placard shall be properly displayed in a vehicle so as to be readily visible through the windshield of the vehicle and in compliance with M.G.L. Ch. 90, §2."
2. By adding a new line to Section 9-1 Penalties as follows: "Improper display of handicapped parking placard \$25.00"

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

**Presented to the Mayor: August 18, 2016 s/Scott D. Galvin August 18, 2016**

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ORDERED That the following list of Wardens, Clerks, Inspectors and Substitutes be approved for all Elections between September 1, 2016 and August 31, 2017:

Ward	Precinct	First Name	Last Name	Address	Office
1	1	Barbara	Fagan	33 Dix Rd. Ext.	Warden
1	1	Sharon	Flynn	6 Thornton St.	Clerk
1	1	Diane	Ahern	2 Keith Circle	Inspector
1	1	Roberta	Bengtson	6 Samoset Road	Inspector
1	1	Jean	Bergeron	8 Brooks Street	Inspector
1	1	Marie	Giangrande	6 Flint Circle	Inspector
1	1	Claire	Regan	8 Howard Court	Inspector
1	1	Loretta	Schuck	44 Leonard Street	Inspector
1	1	Florianna	Tobin	59 Campbell Street #309	Inspector
1	1	Catherine	Walsh	273 Cambridge Road #202	Inspector
1	2	Mary	Packard	101 Montvale Avenue	Warden
1	2	Philip	Hughes	855 Main Street - Unit 8	Clerk
1	2	Carmelita	Alessandroni	29 Grace Road	Inspector
1	2	Carol	Beckwith	27 Buttaro Road	Inspector
1	2	Hans	Christenson	256 Salem Street	Inspector
1	2	Anne	Decubellis	1 Library Place #507	Inspector

1	2	Dorothy	Geary	1 Belmont Street	Inspector
1	2	Betty	Parechian	7 Hope Lane	Inspector
1	2	Judy	Elios	9 Thomas Street	Inspector
1	2	Richard	Packard	101 Montvale Avenue	Inspector
2	1	Sandra	Luther	19 Cummings Ave	Warden
2	1	Roy	Luther	19 Cummings Avenue	Clerk
2	1	Carmella	Crowell	30 Dix Road Ext	Inspector
2	1	Arthur	Cumming	27 Anna Road	Inspector
2	1	Deborah Jean	Finn	1 Village Street	Inspector
2	1	Connie	Pandolph	9 Park Drive	Inspector
2	1	Theresa	Smith	25-0 Arlington Rd 4	Inspector
2	1	Frank	Starble	11 Page Place	Inspector
2	1	Calvin	McCall	32 Webster Avenue	Inspector
2	1	Diane	Burton	35 Union Street	Inspector
2	2	Paula	Nagle	8 Thomas Street	Warden
2	2	Judith	Nagle	8 Thomas Street	Clerk
2	2	Eleanor	Cunniff	93 Waltham Street	Inspector
2	2	Nancy Farrey	Forsyth	9 Sedgewick Pk	Inspector
2	2	Patricia	McCuish	14 Scott Street	Inspector
2	2	Jean	Mernin	2 Walnut Court	Inspector
2	2	Natalie	O'Connor	13 Cummings Avenue	Inspector
2	2	Janice	Pandolph	46 Hart Street #1	Inspector
2	2	Theresa	Nardone	2 Albert Drive #3	Inspector
2	2	Robert	Leonard, Jr.	176 Montvale Avenue	Inspector
3	1	Linda	Olsson	60 Water Street	Warden
3	1	Susan	Hicks	213 Cambridge Road	Clerk
3	1	Stella	DiGirolamo	9 Lee Road	Inspector
3	1	Marion	Dora	2 Kimball Court #406	Inspector
3	1	Margaret	Feeney	145 Bedford Road	Inspector
3	1	Janet	Irwin	37 Waltham Street	Inspector
3	1	Marie	Landino	12 Minchin Drive	Inspector
3	1	Elizabeth A.	Simonds	3 Court Street	Inspector
3	1	Rosemary	Spencer	5 Caulifield Road	Inspector
3	1	Anthony	Zeoli	15 Independence Dr	Inspector
3	2	Elizabeth	Donovan	5 Crescent Road	Warden
3	2	Geraldine	Easler	7 Adams Circle	Clerk
3	2	Hilda	Abreu	81 Garfield Avenue	Inspector
3	2	Godfredo	Alaras	7 Bradford Road	Inspector
3	2	Marilyn	Crampton	35 So. Bedford Street	Inspector

3	2	Judith	Zeoli	15 Independence Dr	Inspector
3	2	Pamela B.	Doherty	1 Felton Street	Inspector
3	2	Helen	Sherburne	12 Ward Street	Inspector
3	2	Doris	Stanton	18 Nichols Street Ext	Inspector
3	2	Lois	Surette	78 Kilby Street	Inspector
4	1	Sarkis	Chinian	8 Asbury Avenue	Warden
4	1	Vincent	Rivela	16 Jan Street	Clerk
4	1	Marcia	Andrews	238 Winn Street	Inspector
4	1	Robert	Coffey	273 Cambridge Rd #307	Inspector
4	1	Mary Anne	Damico	20 Brentwood Road	Inspector
4	1	James	Doherty	45 Brentwood Road	Inspector
4	1	Edward	Grzyb	26 Carroll Road	Inspector
4	1	Mary Alice	Grzyb	26 Carroll Road	Inspector
4	1	Francis	Mooney	3 Oakwood Lane	Inspector
4	1	Gerald	Murray	6 Asbury Avenue	Inspector
4	2	Elaine	Haggerty	30 Thistle Road	Warden
4	2	Thomas	Fuller	178 Montvale Avenue	Clerk
4	2	Alfred	Autenzio	9 Arbor Lane	Inspector
4	2	Hazel	Lambert	3 Elmwood Terrace	Inspector
4	2	Jeanne	Lingblom	18 Day Circle	Inspector
4	2	Ann	McGarry	3 Innitou Road	Inspector
4	2	Geraldine	Moscaritolo	200 Bedford Road #20E	Inspector
4	2	Dawn	Richards	33 Nashua Street	Inspector
4	2	Cecelia	Rivela	16 Jan Street	Inspector
4	2	Margaret	Stack	7 Willow Street	Inspector
5	1	Joyce	Marshall	5 Elijah Street	Warden
5	1	Rodney	Flynn	6 Thornton St	Clerk
5	1	Peter	Benoit	35 Carroll Road	Inspector
5	1	William	Connolly	27 Parker Street	Inspector
5	1	Nancy	Doyle	7 Flint Circle	Inspector
5	1	Mary Ellen	Jones	5 Hilltop Circle	Inspector
5	1	George	Marshall	5 Elijah Street	Inspector
5	1	Gloria	Platon	6 Fieldstone Drive	Inspector
5	1	Nancy	Kerrigan	328 Place Lane	Inspector
5	1	Maureen	Vallis	4 Clifford Terrace	Inspector
5	2	Helen	Hatch	14 Marlboro Road	Warden
5	2	Melinda	Drapeau	6 Whispering Hill Road	Clerk
5	2	Shirley	Butler	28 Felton Street	Inspector
5	2	Theresa	Chotkowski	3 Pond Terrace	Inspector
5	2	William	Coady	35 Glenwood Avenue	Inspector
5	2	Myles	Collins	19 Squanto Road	Inspector

5	2	Anna	Cumming	27 Anna Road	Inspector
5	2	Mary	Dickie	1 Linden Circle	Inspector
5	2	Diane	Fogarty	117 Washington Street	Inspector
5	2	Florence	Keefe	43 Leonard Street	Inspector
6	1	Jean	O'Connor	9 Rock Street	Warden
6	1	Linda	McLaughlin	269 Cambridge Rd #103	Clerk
6	1	Carolyn	Agostino	295 Salem Street #71	Inspector
6	1	Kathleen	Bailey	4 Utica Street	Inspector
6	1	Eleanor	Collins	19 Squanto Road	Inspector
6	1	Anne	Grammer	1 Baldwin Ave	Inspector
6	1	Ann	Mooney	3 Oakwood Lane	Inspector
6	1	Caroline	Murphy	3 Akeson Road	Inspector
		Deanna	Lesser	1 Kimball Court #410	Inspector
6	1	Barbara	Ridley	129 Place Lane	Inspector
6	2	Diane	Autenzio	23 Milan Avenue	Warden
6	2	Irene	Decata	57 Wood Street	Clerk
6	2	Christine	Bellekevicz	17 Jan Street	Inspector
6	2	Michelina	DeAngelis	255 Lexington Street	Inspector
6	2	Marilyn	Ebrecht	40 West Street	Inspector
6	2	Sheila	Marshall	26 Boyd Road	Inspector
6	2	Patricia	Ryan	99 Pearl Street	Inspector
6	2	Marilyn	Smith	16 Nichols Street Ext	Inspector
6	2	Patrice	McCall	32 Webster Avenue	Inspector
6	2	Rita	Stone	63 Merrimac Street	Inspector
7	1	Darlene	Daddario	3 McDevitt Drive	Warden
7	1	MaryAnn	Chorlton	312 Lexington Street	Clerk
7	1	Barbara	Callahan	32 Van Norden Road	Inspector
7	1	Dorothy	Curran	1 Dix Road	Inspector
7	1	Virginia	Evans	12 Barbara Circle	Inspector
7	1	Ruthann	Gridelli	25 Grape Street	Inspector
7	1	Camille	Maccini	3 Pheasant Lane	Inspector
7	1	Ellen	Magro	9 Rich Road	Inspector
7	1	James	Rooney	38 Carroll Road	Inspector
7	1	Florence	Tully	5 Hiawatha Road	Inspector
7	2	M. Joyce	O'Donnell	442 Russell Street	Warden
7	2	Patti	Doyle	6 Thomas Street	Clerk
7	2	Donna	Bullen	27 Robinson Road	Inspector
7	2	Gail	Burke	6 Janis Terrace	Inspector
7	2	Phyllis	Flight	99 Middle Street	Inspector
7	2	Mary	Harrison	48 Lake Ave #BC5	Inspector
7	2	Dorothy	Livolsi	57 Winter Street	Inspector

7	2	Nancy	Matthews	361 Place Lane	Inspector
7	2	Carol	Murphy	275 Russell Street	Inspector
7	2	Margaret	Reilly	7 Williams Lane	Inspector
		Theresa	Christerson	33 Sherman Place	Substitute
		Carol	Stima	44 Elm Avenue	Substitute
		Mary	Willis	164 Place Lane	Substitute
		Maria	Hennessey	6 Jan Street	Substitute
		Julie	Triessl	482 Place Lane	Substitute
		Mario	Bertoni	37 Webster Avenue	Substitute
		Anthony	DiFrumolo	9 Quimby Avenue	Substitute
		Joan	DiSarcina	13 Ellen Road	Substitute
		Donna	Donovan	5 Pilgrim Road	Substitute
		Paul	Farrey	5 Sedgewick Park	Substitute
		Esther A.	Henehan	118 Main Street	Substitute
		Robert	Hennessy	6 Jan Street	Substitute
		Robert	Hurkett	16 Linden Street	Substitute
		Kevin	Kaufman	41 Montvale Road	Substitute
		Jennie	Keough	16 Parliament Lane	Substitute
		Loretta	Lentz	47 Conn Street	Substitute
		Linda	Loreth	19 Rich Road	Substitute
		Jo-Ann	Lyons	10 Grant Street	Substitute
		Donald	MacGee	26 Cranston Circle	Substitute
		Sheila	Newman	81 Willow Street	Substitute
		Geraldine	O'Connell	37 Webster Avenue	Substitute
		John	Ward	120 Russell Street	Substitute
		Mary	Regan	12 Lakeview Terrace	Substitute
		Mary	Sasso	39 Carroll Road	Substitute
		Janet	Sutton	11 Lawrence Street	Substitute
		Sandra	Strong	9 Arlington Street	Substitute
		Rosemarie	Spinazola	1 Library Place #401	Substitute
		Donna	Winitzer	18 Hart Place	Substitute
		Carolyn	Youngclaus	2 Park Drive	Substitute
		Mary Lee	O'Grady	3 Foster Avenue	Substitute

I hereby approve the above. s/Scott D. Galvin

s/Alderman Campbell

Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, 8 in favor, 0 opposed, 0 absent, 1 abstained (Haggerty abstained)

**Presented to the Mayor: August 18, 2016**

**s/Scott D. Galvin August 18, 2016**

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ORDERED That pursuant to Massachusetts General Laws Chapter 140, Section 58(c)(7), the City Clerk shall schedule a public hearing before the City Council for the purposes of revoking the Second Class Motor Vehicle Sales License held by Capelo’s Garage, Inc., 22 Winn Street, Woburn, Massachusetts for failure to comply with bonding requirement under Massachusetts General Laws Chapter 140, Section 58.

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

Motion made and 2<sup>nd</sup> that the MATTER be LAID ON THE TABLE until the Regular Meeting of September 6, 2016, all in favor, 9-0.

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ORDERED Be it Ordained by the City Council of the City of Woburn, that the Mayor be authorized during Fiscal Year 2017, to accept on behalf of the City any and all easements for any of the following purposes: roads, sidewalks, vehicular and/or pedestrian access or passage, sewer, water, drainage and utilities, provided however that such authorization pertains only to easements acquired at no cost to the City; and only to easements which are shown on plans approved by the City Council as the special permit granting authority or site plan approval; the Planning Board under subdivision control or site plan approval; or the Board of Appeals pursuant to M.G.L. c.40B and, further, to authorize the Mayor during Fiscal Year 2017 to abandon or relocate easements acquired for any of the foregoing purposes; or otherwise act thereon.

s/Alderman Anderson

Alderman Gately stated that this Order makes no sense, and that he is concerned about shifting the City Council’s authority over these matters. Alderman Anderson stated that the City Solicitor drafted the proposal, and that the City Solicitor could be asked to attend a committee meeting to discuss this further. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON LIAISON and that the City Solicitor be requested to attend the Committee meeting, all in favor, 9-0.

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President Haggerty stepped down from the Chair and Alderman Anderson assumed the Chair.

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ORDERED Be it ordained by the City Council of the City of Woburn that a petition be filed with the General Court that legislation be adopted as follows provided that The General Court may make clerical or editorial changes of form to reasonably effectuate the purposes set forth herein.

AN ACT AUTHORIZING THE CITY OF WOBURN TO ISSUE  
ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC  
BEVERAGES TO BE DRUNK ON THE PREMISES.

SECTION 1.

(a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the city of Woburn may grant the following additional licenses:

- (i) one additional license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to be restricted to the property located at 304 Cambridge Road in the city of Woburn; and
- (ii) one additional license for the sale of all alcoholic beverages to be drunk on the premises under section 12 of said chapter 138 to be restricted to the property located at 434 Main Street in the city of Woburn.
- iii) one additional license for the sale of wines and malt beverages to be drunk on the premises under section 12 of said chapter 138 to be restricted to the property located at 5 Draper Street in the city of Woburn.

A license granted pursuant to this act shall be subject to all of said chapter 138 except section 17.

(b) Once issued, the licensing authority shall not approve the transfer of a license granted pursuant to this act to any other location, but it may grant a license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(c) If a license granted pursuant to this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority, which may then the license to a new applicant at the same location under the same conditions as specified in this act.

(d) If a license authorized pursuant to subsection (a) is not issued initially within 3 years after the effective date of this act, it shall not thereafter be issued.

SECTION 2. This act shall take effect upon its passage.

s/President Haggerty and Alderman Anderson

Alderman Concannon stated that he wants to know how this list was compiled and there are may be other businesses seeking liquor licenses. Alderman Haggerty stated that these entities have made a request for licenses, that the 304 Cambridge Road license is for a high end restaurant, that the 434 Main Street license will assist with the rehabilitation of a building in the center with a restaurant below and apartments above, that the 5 Draper Street license is for Lord Hobo Brewery which has operated under 26 one-day licenses for various events, that these licenses are in line with appropriate uses which provide benefits to the city, that language was added that the licenses would expire if the projects do not move forward, that there years is sufficient time to complete the developments, and that if the licenses are approved by the General Court the licenses will also have to be approved by the License Commission through the usual process. Alderman Mercer-Bruen stated that she will support the proposal but is concerned about the Draper Street location having a beer and wine license when they manufacture only beer, and that she has received no complaints concerning the facility in relation to the 26 one-day licenses. Alderman Concannon stated that the General Court should allow communities to make their own decisions in regards to the number of liquor licenses issued. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON LIAISON, all in favor, 9-0. **Presented to the Mayor: August 18, 2016**                      **s/Scott D. Galvin August 18, 2016**

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 8:19 p.m.

A TRUE RECORD ATTEST:

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