

**CITY OF WOBURN
DECEMBER 1, 2015 - 6:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson - late	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, 8 in favor, 0 opposed, 1 absent (Anderson absent).

MAYOR'S COMMUNICATIONS:

ORDERED That the amount of \$2,231,990.63 be and is hereby transferred as so stated from Debt Reserve Acct #648059-596100 \$2,231,990.63 to Debt Principal Acct #01099049-497600 \$1,645,000.00, Debt Interest Acct #01099049-497600 \$586,990.63, Total \$2,231,990.63 – Purpose: Debt Service for High School & White Elementary.

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

s/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, 8 in favor, 0 opposed, 1 absent (Anderson absent).

ORDERED That the amount of \$288,000.00 be and is hereby appropriated to Veteran's Department for Cash Aid Acct #0154357-577000.

I hereby recommend the above: Scott D. Galvin, Mayor
I hereby approve the above: Lawrence Guiseppe, Veteran's Agent
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON FINANCE, 8 in favor, 0 opposed, 1 absent (Anderson absent).

PUBLIC HEARINGS:

On the petition by Anthony K. Paone, Jr., Trustee of the 78 Winn Street Realty Trust and Ann's Realty Trust, 16 Eastman Lane, Palm Coast, Florida 32164 for a special permit pursuant to Section 8 of the 1985 Woburn Zoning Ordinances, as amended, for the minimum setback requirements for parking spaces 1-18 and 26-29 as shown on the site plan filed herewith at 78 Winn Street and 80 Winn Street. PUBLIC HEARING OPENED. A communication dated November 25, 2015 was received from Attorney Matthew Scafidi, 5 Campbell Street, Woburn, Massachusetts 01801 as follows:

Re: 78 Winn Street and 80 Winn Street, Woburn, MA 01801

Dear Mr. Campbell:

This office represents Anthony K. Paone, Jr., Trustee of 78 Winn Street Trust and Ann's Realty Trust, the owners of the above-referenced properties.

Kindly withdraw the application for special permit currently open with the City Council in connection with the above-referenced property. We still require further time to work with the architect and engineer, and we plan to submit a new petition in early 2016.

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

Respectfully submitted, s/Matthew E. Scafidi

Motion made and 2nd that the communication be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Anderson absent). PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 8 in favor, 0 opposed, 1 absent (Anderson absent). PUBLIC HEARING CLOSED. Motion made and 2nd that the MATTER be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor 9-0.

On the petition by Melanson Development Group, Inc., 5 Robertson Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.3c, 11.3.12, 11.11, 12.3.2, 18 and other applicable sections to allow construction of eighteen (18) residential townhouse units at 165 Cambridge Road. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "back for action." A copy of the Development Impact Statement for Battlemarch Village dated November 19, 2015 prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts 01886, and a revised Site Plan entitled "Site Plan Battlemarch Village, Woburn, Massachusetts" Sheets 1-8 dated September 30, 2015 revised November 19, 2015 prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts was received. A communication dated December 1, 2015 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Updated comment letter on special permit application for development of eighteen (18) townhouse units at 165 Cambridge Road/Eileen Marsan (owner) and melanson Development Group Inc. (developer)

Dear Honorable Council:

Thank you for the opportunity to review and comment on the revised plans (dated September 30, 2015, revised on November 9, 2015 and November 19, 2015) for the above-referenced petition. In an initial comment letter dated November 3, 2015, the Planning Department noted a number of concerns and issues with this filing. Some of those are partially or completely addressed by the revised plans and submissions and those are detailed at the end of this letter. Unfortunately, three significant planning concerns remain which compel me to recommend the City Council “require” the developer to withdraw the current application, rework the plan and resubmit it after the first of the year.

The issues of concern are:

- The revised plans and corrected parking calculations make it clear there is no guest parking of any kind being provided on this site. None. There will be no parking accommodations for occasional visitors to unit owners, a small house party, or for a college age child who returns home for summer break. The site driveway is too narrow to accommodate any on-street parking so will not provide a solution. The complete lack of on-site visitor parking begins to call into question the actual future use of the parking area proposed within the Battle Road layout. Will that parking area really be available for use by the general public, or would it instead be used regularly by tenants of the development who need an extra parking space and have none?
- Neither pedestrians nor motorists are well-served by the revised design. The plans still show one-way travel lanes less than eighteen (18) feet wide and two-way travel lanes less than twenty-four (24) feet wide. Those widths are the commonly-accepted and widely-mandated minimum pavement widths for one- and two-way roads respectively. Smaller pavement widths can readily and negatively affect the ability of one vehicle to safely pass another (i.e. a delivery vehicle parked temporarily on the side of the road).

Sidewalks have been added to the design but they are discontinuous in that one is segmented into two pieces which both literally dead end, at different private driveways and without accessibility ramps, at the back of the site. This design will require pedestrians to enter into the lane of vehicular traffic.

- There is no buffer provided along the western and southern property lines (see additional discussion below).

The balance of this letter summarizes the remaining issues noted in the Planning Department's initial comment letter:

ISSUES ADDRESSED

- An earlier discrepancy/error in the zoning summary table on the cover page has been corrected. The table originally listed 62 parking spaces as being provided and the plan showed 46. The table and plans now indicate 36 parking spaces will be provided (two [2] per dwelling unit), inclusive of garage and driveway spaces.
- A Development Impact Statement is required by Section 18 of the Zoning Ordinance (Development Impact Mitigation) and has since been submitted.
- A parking space near the western property line violated the minimum five (5) foot setback requirement (Section 8.4.2.1.) The plan has been revised to correct it.
- Vertical granite curbing is now included on the plans.

ISSUES PARTIALLY ADDRESSED

- The earlier comment letter noted the lack of a buffer (either in terms of distance or landscaping) to shield this development from properties to the immediate south and from the historic property to the immediate north was noted.

The revised plans include additional plantings along the common boundary line with Battle Road, but no additional landscaping has been proposed along the southern boundary line which abuts three different parcels. (Staff notes the developer has added a fenced-in trash area along the southern boundary line, and suggests if it remains in that location the surrounding fence should be opaque.)

- The plan has been revised to show snow storage areas. Planning staff recommends the Council ask the Engineering Department to evaluate the adequacy of the snow storage areas being proposed and require that each proposed snow storage area be explicitly labeled as such.

ISSUES REMAINING TO BE ADDRESSED

- Section 8.6.1 of the Zoning Ordinance requires screening along the lot line of Viktoriya to screen the proposed parking area from the abutting residential property. No screening has been proposed to address this requirement. Do existing field conditions provide the required screening? The latest plan revisions added a Dumpster and associated fencing to the plans, in relatively close proximity to the Viktoriya property line. In addition to determining whether the existing vegetation provides adequate screening to shield the view of the parking lot, the City Council should require the 6' high fencing around the Dumpster to be opaque.

- The proposed public parking area on the abutting Battle Road site may not comply with Section 8.4.2.1 of the zoning ordinance (within 5' of a lot line). Further research is needed into the matter and which may or may not require plan revisions.
- The property must be accessed over its frontage in accordance with Section 5.2.1.4 of the zoning ordinance. Further research is needed into the matter.

Respectfully, s/Tina P. Cassidy, Director

A communication dated November 30, 2015 was received from John E. Corey, Jr., PE, City Engineer as follows:

Subject: Battlemarch Village Development

We have reviewed the development submission for the above referenced project and offer the following comments:

The proposed development will be served by water, sewer and drainage systems adequate for the needs of the development.

Access to the site is via Cambridge Road. There is sufficient sight distance in both directions for traffic exiting and entering the site according to the Site Development Statement. Traffic circulation within the site will be via a one way access road. We recommend that roadway should be no less than 18 feet in width for one way traffic and no less than 24 feet in width for two way traffic.

With respect to mitigation, within the area of the development there are known deficiencies with the existing drainage and water systems. The formal drainage system under Cambridge Road is in need of upgrades however the drainage facilities are under the jurisdiction of MassDOT and therefore cannot be improved by the City.

Along Cambridge Road between Russell St. and Bedford Rd. there is an existing 6 inch unlined, cast iron water main that was installed in 1922. We recommend that the mitigation fee of \$110,000.00 for the project be dedicated to cleaning and lining the existing 6 inch water main.

I trust the foregoing information is sufficient for your needs. Kindly contact this office if there are any questions or comments.

A communication dated November 30, 2015 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Special Permit Petition – 165 Cambridge Road – Access from Old Lexington Street

Over the course of the last few weeks, I have had discussions with Attorney Shaun Briere regarding the above referenced special permit petition for the property located

at 165 Cambridge Road ("Property"), and improvements proposed for a portion of Old Lexington Street, a discontinued public way previously known as Russell Street and commonly referred to as the Battle Road. [To avoid confusion, the way shall be referred to throughout this memorandum as "Old Lexington Street".] Notwithstanding that the City Council has not requested my advice on this issue, my discussions with Attorney Briere have raised interesting questions and concerns regarding the use of Old Lexington Road as access to the Property that are worthy of detailed attention.

Status of Old Lexington Street

One of the documents Attorney Briere provided to me was the June 11, 1857 vote of the County Commissioners who, on a petition to relocate a portion of Russell Street filed by residents of the [then] Town of Woburn, voted that said portion of Russell Street be "discontinued as a public highway. . . and said piece of highway as above described is only to be used as a private way for the benefit of the abutters thereon and others, who may be entitled to easements connected therewith." A copy of the June 11, 1857 County Commissioners' vote (the "1857 Vote") is attached hereto. [According to a 1996 memorandum to the Planning Board from the Historical Commission, Old Lexington Street is what remains of Sawpit Lane, one of the City's first roads which was laid out in 1645.]

In accordance with decisional law, when a public way is discontinued as such title in the former way reverts to the abutters. See, *Nylander v. Potter*, 423 Mass. 158 (1996). However in discontinuing a portion of Russell Street as a public way, the County Commissioners saw fit to reserve Old Lexington Street as a private way for the benefit of abutters and others.

Availability of Old Lexington Road for Access

The status of Old Lexington Road was the subject of two 1996 memoranda issued to the Planning Board by former City Solicitor Edward Robertson. After performing a title search, Solicitor Robertson states in his first memorandum that he concluded that the City owned the fee in Old Lexington Street, and that the Planning Board should require the subdivision proponent to demonstrate its right to build the street. In his second memorandum, Solicitor Robertson states that there "is no way in existence"; that the Planning Board could not authorize the use of the "paper street"; and that the conservation restriction which encumbers the so-called "Battle Road Woodland" conservation area, extends to the middle of Old Lexington Street thus requiring legislative approval before it could be used for access. Copies of Solicitor Robertson's memoranda are attached hereto. [The aforementioned memoranda were, presumably, submitted to the Planning Board in response to questions arising out of the submission of a preliminary subdivision plan for an 18 lot subdivision with access from Old Lexington Road. No written request(s) for the Solicitor's opinion was found in the Planning Board folder on this subdivision, nor were the memoranda indexed as legal opinions in this office. Therefore, I could not locate any material upon which Solicitor Robertson based his conclusions. The preliminary subdivision plan was eventually

withdrawn.]

Subsequent to the 1857 Vote, Old Lexington Street continued to appear on plans dating from 1875 to the current City Assessor's Maps, and is referenced as a boundary in deeds in the chain of title to the subject Property, and the deed to the City for the Battle Road Woodlands. Though unconstructed save for the existing driveway to 165 Cambridge Road, on November 13, 1973 the City Council designated Old Lexington Street a "Scenic Road" pursuant to M.G.L. c.40, §15C. [I offer no opinion as to whether such designation was proper given the unconstructed nature of Old Lexington Street and its status as a private, not public, way.] Though I credit Solicitor Robertson's opinion regarding the City's fee ownership of Old Lexington Street, I must also credit the 1857 Vote authorizing its continued use by abutters as a private way.

One additional point regarding access from Old Lexington Street; ordinarily, a discontinued way cannot be used to provide frontage for purposes of complying with local zoning requirements. See, *Recore v. Town of Conway*, 59 Mass.App.Ct. 1, 8-9 (2003). However, Section 2, Definitions, of the Woburn Zoning Ordinance ("WZO") defines "Legal Street Frontage" to include "a private way in existence when the subdivision law became effective in the city which, in the opinion of the Planning Board, has sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic and the installation of municipal services. On a corner lot, the short street frontage shall be considered the legal street frontage unless otherwise specified by deed restriction."

Though subsequent to the 1857 Vote Old Lexington Street was, arguably, a private way in existence prior to the adoption of the Subdivision Control Law, I cannot speak for the Planning Board as to its sufficiency regarding width, suitable grades and adequate construction to serve as lot frontage for the Property notwithstanding that it might be used to access the Property. This point is an important one given the requirement of Section 5.2(4) of the WZO that, "[a]ccess to the buildable portion of a lot shall be gained from a lot's legal street frontage only". It goes without saying that it is the petitioners' burden to demonstrate compliance with the WZO in this regard.

Article 97 Issues

The adjacent Battle Road Woodlands was conveyed to the City from Robert W. Murray "for conservation purposes" for the sum of \$186,500.00. The conveyance was made with the benefit of "the rights to pass and repass and to use for all purposes for which public ways may be used in the City of Woburn, meaning thereby to also convey any rights the Grantor may have therein: 'Old Lexington Street', as shown on the aforesaid plan to be recorded herewith." A copy of the deed and the plan referenced are attached hereto.

The purchase of Battle Road Woodlands was completed in part, with funds from the Commonwealth's Division of Conservation Services Self-Help Program, which requires property purchased to be used for conservation and passive recreation. Thus, the Battle

Road Woodlands is subject to Article 97 of the Amendments of the Constitution which provides in pertinent part that, "[l]ands . . . acquired for such purposes shall not be used for other purposes or disposed of except by laws enacted by a two-thirds vote, taken by yeas and nays, of each branch of the general court."

The basis for Solicitor Robertson's statement that Article 97 protection extends to the middle of Old Lexington Street seems, to me, inconsistent given his prior conclusion that the City owns the fee in all of Old Lexington Street, and the 1857 Vote authorizing its use as a private way for abutters. Based upon my review of the plan proposed and the longstanding existence of the driveway to 165 Cambridge Road (located within the Old Lexington Street layout), coupled with the abutter's right of access per the 1857 Vote, I am not convinced that the proposed access would create an issue vis-a-vis the Article 97 protections for the Battle Road Woodlands.

Further, the proposal to construct parking for the Battle Road Woodlands within Old Lexington Street, thus facilitating its use would, in my opinion, be consistent with Article 97 purposes. However, to avoid running afoul of Article 97, I strongly recommend that the petitioner be required to install signage limiting this parking area to users of the conservation area, and to use its best efforts to dissuade occupants and guests of the project from using this parking area for overflow parking.

Should the City Council have any questions regarding this matter, please don't hesitate to contact me.

Sincerely, s/Ellen Callahan Doucette

A communication dated December 1, 2015 was received from Attorney Shaun W. Briere, Hackett and Feinberg, P.C., 155 Federal Street, Boston, Massachusetts 02110 as follows:

Re: Melanson Development Group, Inc. ("Applicant") – Petition for Special Permit – Development of 165 Cambridge Road

In anticipation of the public hearing on the above referenced scheduled for this evening, the Applicant respectfully offers the following as suggested conditions for inclusion in the City Council's Special Permit Decision:

1. A five (5) foot wide sidewalk shall be installed on one (1) side of the interior site driveway.
2. All curbing shall be 5" vertical granite curbing.
3. A copy of the approved snow storage plan shall be filed with the Director of Inspectional Services.
4. Unless otherwise authorized by the Woburn Planning Board in accordance with Sections 11-12 hereof or by the Woburn Conservation Commission in accordance with Section 13 hereof, all construction shall conform to the Plan of Record which for this project shall be "Site Plan Battlemarch Village, Woburn, Massachusetts, September 30, 2015, as revised November 9, 2015; drawn by Alan Engineering,

LLC, 288 Littleton Road, Suite 31, Westford, MA 01886, (978) 577-6444; Untitled first sheet with 'vicinity' map at scale 1"=1,000'; Existing Conditions Plan (Sheet 2 of 7), Site Layout Plan (Sheet 3 of 7), Grading and Drainage Plan (Sheet 4 of 7), Plan and Profile (Sheet 5 of 7), Construction Details (Sheets 6 of 7 and 7 of 7), all dated September 30, 2015, revised November 9, 2015 and all at a scale of 1"=30". 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.

5. All signage must comply in all respects with the provisions of Section 13 of the Woburn Zoning Ordinance. All signage shall be subject to a separate application and approval process by the City of Woburn's Department of Inspectional Services.
6. During construction, all vehicles must be parked on site and all staging and deliveries must occur on site.
7. Exterior construction activities on site shall not commence prior to 7:00 a.m. and shall cease no later than 7:00 p.m. Monday through Saturday, and no exterior construction activities shall occur at all on Sundays.
8. During the site redevelopment and construction phases, the petitioner shall maintain all adjoining roadways free and clear of all debris.
9. Screening shall be provided along the lot line of Viktoriya to screen the proposed parking area from the abutting residential property.
10. The Petitioner shall obtain approval from the Woburn Planning Board for proposed improvements and alterations to Old Lexington Street (a/k/a Battle Road) in accordance with M.G.L. Chapter 40, Section 15C.
11. The Petitioner shall obtain approval from the Woburn Planning Board for the construction of multiple dwellings on one lot in accordance with Article 2.C of the 2002 Woburn Planning Board Subdivision Rules and Regulations.
12. The Petitioner shall file a Notice of Intent with the Woburn Conservation Commission for alteration of land subject to jurisdiction under the Wetland Protection Act and the Woburn Wetland Ordinance.
13. The Petitioner shall construct a public parking area, as shown on the approved plans, for the benefit of and access to the abutting conservation land. The parking area shall not be used as additional or overflow parking for the proposed development and shall be reserved specifically for the public's access to the historic trail and conservation area.
14. The Petitioner shall convey to the City of Woburn, appropriate legal rights to access that portion of the existing private way located within the former Old Lexington Street, such that the public shall have open and perpetual access, whether vehicular or pedestrian, to the parking area and walking trails located on the abutting conservation land. Such conveyance shall be in form and manner satisfactory to the City Solicitor for the City of Woburn.
15. The Petitioner shall construct appropriate signage indicating the location of the public parking area as well as additional signage highlighting the historic nature of

the Battle Road and the conservation area. The Petitioner shall work with the Woburn Historical Commission with respect to the signage. Such signage shall be in conformance with the requirements of the Woburn Zoning Ordinance and approved by the City of Woburn's Department of Inspectional Services.

Motion made and 2nd that the documents be received and made part of the record, 8 in favor, 0 opposed, 1 absent (Anderson absent). Alderman Anderson arrived in the Council Chamber. Appearing for the petitioner was Attorney Shaun Briere, Hackett Feinberg P.C., 155 Federal Street, 9th, Boston, Massachusetts 02110 and he stated that a lot of work has been done on this petition since the Committee on Special Permits meeting, that they have researched records with the City Solicitor going back to 1857, that the petitioner has access rights from a title perspective to use the driveway, that the petitioner proposes that there be an agreement with regard to Old Lexington Street with the fee going to either the petitioner or the city, that the petitioner would prefer to hold the fee in the roadway with an easement to the city, that the proposed conditions will accomplish this, that Old Lexington Street cannot be considered a way or for frontage, that the frontage would be on Cambridge Road and Old Cambridge Road, that the petitioner can accommodate a roadway width in the development of 18 feet, that the Planning Board will review the matter further under a petition for a permit to allow multiple buildings on the lot, that the petitioner does not intend to use the public parking area for visitor or overflow parking, that the petitioner agrees to the fifteen conditions offered but anticipates that the City Council may add additional conditions such as mitigation, that the petitioner will provide a public parking area for the conservation area, that the petitioner is not required under the zoning ordinances to provide guest parking and the petitioner is not providing guest parking, that there are many developments in the city that do not provide guest parking, that the number of units has been reduced from 18 to 22 and the size of the buildings were reduced, that the condition relative to the issue of residents using the public parking area addresses the issue, that the sidewalk layout has not changed, that the sidewalks are never constructed in the same place on both sides of the road, that the petitioner is willing to adjust the width of the road but has not changed the sidewalk design, that the building permit will not issue if the frontage and access is not sufficient, that the petitioner bears the burden to show the Building Commissioner and the City Council that the locus has sufficient frontage and access, that Old Lexington Street is an unpaved path except where the driveway is in place, that the petitioner owns to the midpoint of Old Lexington Road, that the shorter of the two sides along Cambridge Road and Old Cambridge Road is the frontage under the zoning ordinances, that under this calculation Cambridge Road is the frontage, that the petition complies with the zoning ordinances in regard to the number of parking spaces provided, that he requested the Planning Director to review the revised plans following comments raised in the Committee on Special Permits meeting, that although the issues raised in the Planning Department memorandum have been addressed or will be addressed by the conditions nothing leads to the conclusion that the special permit petition be withdrawn, and that the petitioner is willing to accept as a condominium association responsibility keeping the public parking area clear of debris and snow. Mark Sleger, ALAN Engineering, LLC reviewed the sidewalk plans with the City Council and stated that there will be nine parking spaces in the public parking lot, that all crosswalks have handicapped ramping,

that the sidewalks at the driveways will dip down and be flush with the driveway pavements, and that there is an existing tree line that provides screening but the petitioner is willing to additional screening such as planting lower shrubs. Alderman Drapeau stated that he is in favor of the project, that this is a good project for the area, that he is satisfied that the petitioner met all the demands contained in the Planning Department communications, that the Planning Director providing observations to the City Council is acceptable but drawing conclusions is outside of her purview such as recommending that the petition be withdrawn and refiled, that he is not certain why the Planning Director provided these additional comments, that he does not see the nine public parking spaces being overburdened by the residents, and that this will be a public parking area that will be used by members of the public. Alderman Gately stated that the petitioner has met every request even by downsizing the buildings, that he does not agree with the City Engineer as to whether the mitigation must be used, that he suggests a condition that the mitigation be used for improvements in the area, that MassDOT has some authority in that area, that the water issue has been addressed, that the petitioner will provide a 24 foot driveway opening, and that a number of the Planning Department comments could have been raised earlier in the process. Alderman Mercer-Bruen stated that she does not believe that this project was ready to move forward, that there is no guest parking provided on the plans, that the petitioner indicates that parking will be created but the plan does not show where the parking will be located, she agrees with the Planning Director's comment that the public parking area is going to be used by residents of the development, and that the petitioner should go through the requirements of the Planning Department such as sidewalks and how the issues will be addressed by the conditions. Alderman Concannon stated that he is concerned that the petitioner may not have addressed all of the Planning Department concerns, that a restriction could be added prohibiting overnight parking in the public parking area, that the City Solicitor recommends that signs be erected to restrict parking in the public parking area, that this is a special permit that follows a specific zoning amendment, that he did not support the zoning amendment and cannot support this petition, and that this petition is not a benefit to the neighborhood or the immediate abutters. Alderman DiTucci stated that there may be a need for overnight parking in the public parking area during historical reenactment events for example. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the amendments as follows: 1. That the fifteen conditions offered by the petitioner, as further amended, be adopted as conditions of the special permit; 2. That condition 16 shall read as follows: 16. That the sum of \$110,000.00 to be paid to the city for mitigation shall be used for infrastructure improvements in the area in Ward 7 (the vote on this amendment was 8 in favor, 1 opposed (Anderson opposed)); 3. That condition 17 shall read as follows: 17. That the driveway openings at Cambridge Road shall be twenty-four (24) feet in width; 4. That condition 15 shall be amended to read as follows: 15. The Petitioner shall construct appropriate signage indicating the location of the public parking area as well as additional signage highlighting the historic nature of the Battle Road and the conservation area. The Petitioner shall work with the Woburn Historical Commission with respect to the signage. Such signage shall be in conformance with the requirements of the Woburn Zoning Ordinance and approved by the City of Woburn's Department of Inspectional

Services. The petitioner shall install signs reading “no overnight parking” in the public parking area and follow procedures necessary for approval by the Traffic Commission; 5. That condition 13 shall be amended to read as follows: 13. The Petitioner shall construct a public parking area, as shown on the approved plans, for the benefit of and access to the abutting conservation land. The parking area shall not be used as additional or overflow parking for the proposed development and shall be reserved specifically for the public’s access to the historic trail and conservation area. Snow removal, lot maintenance and repair of the public parking area shall be the responsibility of the condominium association; and 6. That condition 18 shall read as follows; 18. That the crosswalks shall be striped and shall be handicapped accessible; 7 in favor, 2 opposed (Concannon, Mercer-Bruen opposed).

On the petition by Seaver Properties LLC, 215 Lexington Street, Woburn, Massachusetts 01801 for a special permit and site plan approval pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.3a, 5.7.3 and 12.2.2 to allow for forty one (41) residential townhouse units, and a waiver of the required buffer zone of seventy (70) between the R-3 zoned property and O-P zoned property at 98 Baldwin Avenue; 100 Baldwin Avenue, Chester Avenue (09-11-01); Chester Avenue (09-11-02), Dexter & Warren Avenue (09-13-01). PUBLIC HEARING OPENED. A communication was received from the Committee on Special Permits as follows: “back for action with the following working draft of conditions:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: “Site Plan Baldwin Avenue, Woburn, Massachusetts” dated October 9, 2015 revised November 9, 2015 prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts (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.
2. Prior to the issuance of a building permit, the extension of East Dexter Avenue shall be constructed with underground utilities installed and a binder course to City standards as approved by the Planning Board.
3. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
4. During construction, all vehicles must be parked on Site or access road.
5. During construction, no vehicles shall be parked on Chester Avenue.
6. During construction, all staging and deliveries will occur on Site.

7. Exterior construction activities on the Site shall not be permitted on Sundays.
8. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris.
9. A five foot (5') wide sidewalk shall be installed along one side of the interior site driveway.
10. To accommodate the sidewalks and facilitate drainage, 4" vertical granite curbing shall be installed along both sides of the interior site driveway.
11. All driveways to individual units must be at least eighteen (18) feet long per Section 8.4.1 of the Zoning Ordinance in order for the driveway space to count toward the parking requirements for zoning purposes. Up to 30% of the parking spaces in driveways may be compact spaces, but any such spaces shall be clearly identified as such by signage and/or pavement markings as required by Section 8.2.3 of the Zoning Ordinance.
12. Lighting fixtures shall be added at approximately 100' intervals along the interior site driveway to provide adequate light for safe pedestrian and vehicular travel.
13. A detail of the lighting fixtures to be used on the site shall be incorporated into the detail sheet to show the method of directing glare downward onto the site and away from abutting properties.
14. All signage must comply in all respects with the provisions of Section 13 of the Woburn Zoning Ordinance. All signage shall be subject to a separate application and approval process by the City of Woburn's Department of Inspectional Services.
15. The applicant must comply with the requirements of Section 11.11 of the Zoning Ordinance (Affordable Housing Requirement) relative to the creation of four (4) affordable housing units.
16. The proposed driveway must meet the Zoning Ordinance (the maximum width of a residential driveway is twenty-four feet [24'] per Section 8.4.3 of the Zoning Ordinance.
17. The plan should identify adequate snow storage areas and the applicant must file a copy of the snow storage plan with the Director of Inspectional Services.
18. Water meters must be installed in each residential unit prior to sign-off by the plumbing inspector on any final inspection.
19. If irrigation is being provided, the proposed Plan of Record must be revised to show the location of the meter box.
20. Prior to commencement of work on site, the developer shall provide be responsible for providing all vendors and contractors with a map of the required preferred truck route to the property.
21. Construction of roadway – to be provided.
22. The mitigation for this proposal shall be:
23. (a) Construction of Dexter Avenue Extension.
(b) Water Main looping to Chester Avenue."

A communication dated November 23, 2015 with attachments was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Seaver Properties LLC, 98-100 Baldwin Avenue, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find for filing the following:

1. Four (4) copies of the Development Impact Statement dated November 18, 2015 prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts;
2. Redline of Proposed Conditions discussed at the Special Permits Committee Meeting on November 12, 2015 and requested by the Committee Members;
3. Four (4) copies of a revised Site Plan entitled "Site Plan Baldwin Avenue, Woburn, Massachusetts" Sheets 1-8 dated October 9, 2015 revised November 9, 2015; revised November 18, 2015 prepared by ALAN Engineering, L.L. C., 288 Littleton Road, Suite 31, Westford, Massachusetts. The revisions to the site plan include the relocation of the mailbox pedestal and a turnout in front of it to allow traffic to pass.

Please be advised that we have delivered copies of the above to each City Council member. If you have any questions, please do not hesitate to contact me. Thank you.

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

A communication dated November 30, 2015 with attachment was received from Thomas C. Quinn, Jr, Building Commissioner as follows:

Re: Seaver Properties LLC, Special Permit Buffer Zone calculation

Dear Committee on Special Permit:

With regard to your request on how to calculate the buffer zone on the above referenced project that involves the properties at 98 Baldwin Avenue, 100 Baldwin Avenue, Chester Avenue parcel id (09-11-01), Chester Avenue parcel id (09-11-02), Dexter & Warren Avenue parcel id (09-13-01), I offer the following based on my review of the site plans prepared by Alan Engineering, LLC specifically Existing Conditions plan sheet 2 and Site Plan layout sheet 3 with the last revision date of 11/18/15. I would offer the following:

1. Warren Avenue is a paper street, the property line that separates the lot from Warren Avenue would be the point to start the calculation for the required buffer zone of 70 feet, this lot line is considered a rear property line which also requires a 30 foot setback for a required setback of 100 feet for the buffer zone calculation prior to any waivers or variations that may be granted to reduce the buffer zone.
2. Monks Street is a paper street the property lot line that separates the lot from Monks Street would be the point to start the calculation for the buffer zone of 70 feet, this lot line is considered a side property line which requires a 25 foot setback for a required

setback of 95 feet for the buffer calculation prior to any waivers or variations that may be granted to reduce the buffer zone, I will also advise that the buffer zone calculation would only be required to the location of the zoning district line of O-P & R-2 located on the parcel identified as (09-14-01) with a listed owner of Arthur M. Brussard Tr.

3. Chester Avenue is a paper street from the intersection of the property line at Warren Avenue to the lot line identified as N 77'01'00"E, that separates the proposed new development lot with that of property with a listed owner of John Bavuso both of these lot lines are considered rear property lines, the buffer zone calculation would be from these lines 70 feet plus the required rear setback of 30 feet for a required setback of 100 feet for the buffer zone calculation prior to any waivers that may be granted to reduce the buffer zone.
4. The Parcel identified as lot (14-01-01) with a listed owner of John Bavuso is in a split zoning district O-P & R-2 the buffer zone would be required along the lot line identified as S12'59'00"E within the site that abuts the O-P portion of this lot, The line that separates these parcels is considered a side lot line and would be calculated as 70 feet for the required buffer plus the side setback of 25 feet for a total of 95 feet for the buffer zone calculation prior to any waivers or variations that may be granted to reduce the buffer zone. The parking spaces also shown in this area are shown at an 11 foot setback from the property line and may not be in compliance with the WZO section 5.7.6(3) parking requirements during the day.

I have enclosed two sketches with the first indicating the required buffer zones prior to any variations or waivers granted and the second showing a waiver from the required to 25 feet along all areas affected as a comparison for illustration purposes only. This memo will also advise that I have met with the applicant and his attorney to go over all setback requirements on the property including the Lot Line that separates the development with Dexter Avenue that would be identified as the Front Lot line provided it has adequate frontage when the road is extended and a deed restriction is also recorded indicating the same; the site plan layout sheet 3 that I referenced had a setback violation for unit 1 thru 4 that should be adjusted to ensure compliance with all applicable building setbacks.

As always if you wish to discuss further do not hesitate to contact me.

Appearing for the petitioner was Attorney Joseph R. Tarby and he offered a revised plan entitled "Site Plan Baldwin Avenue, Woburn, Massachusetts" dated October 9, 2015, Rev. December 1, 2015 prepared by ALAN Engineering, L.L.C. and a document entitled "Proposed Conditions to Special Permit Petition of Seaver Properties LLC, 98-100 Baldwin Avenue, Woburn, MA 01801, December 1, 2015" with the proposed conditions as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: "Site Plan Baldwin Avenue, Woburn, Massachusetts" dated October 9, 2015 revised November 9, 2015, revised November 18, 2015 and revised December 1, 2015, prepared by ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts

(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.

2. Prior to the issuance of a building permit, the extension of East Dexter Avenue shall be constructed with underground utilities installed and a binder course to City standards as approved by the Planning Board.
3. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
4. During construction, all vehicles must be parked on Site or access road.
5. During construction, no vehicles shall be parked on Chester Avenue.
6. During construction, all staging and deliveries will occur on Site.
7. Exterior construction activities on the Site shall not be permitted on Sundays.
8. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris.
9. A five foot (5’) wide sidewalk shall be installed along one side of the interior site driveway.
10. To accommodate the sidewalks and facilitate drainage, 4” vertical granite curbing shall be installed along both sides of the interior site driveway.
11. All driveways to individual units must be at least eighteen (18) feet long per Section 8.4.1 of the Zoning Ordinance in order for the driveway space to count toward the parking requirements for zoning purposes. Up to 30% of the parking spaces in driveways may be compact spaces, but any such spaces shall be clearly identified as such by signage and/or pavement markings as required by Section 8.2.3 of the Zoning Ordinance.
12. Lighting fixtures shall be added at approximately 100’ intervals along the interior site driveway to provide adequate light for safe pedestrian and vehicular travel.
13. A detail of the lighting fixtures to be used on the site shall be incorporated into the detail sheet to show the method of directing glare downward onto the site and away from abutting properties.
14. All signage must comply in all respects with the provisions of Section 13 of the Woburn Zoning Ordinance. All signage shall be subject to a separate application and approval process by the City of Woburn’s Department of Inspectional Services.
15. The applicant must comply with the requirements of Section 11.11 of the Zoning Ordinance (Affordable Housing Requirement) relative to the creation of four (4) affordable housing units.
16. The proposed driveway must meet the Zoning Ordinance (the maximum width of a residential driveway is twenty-four feet [24’] per Section 8.4.3 of the Zoning Ordinance.

17. The plan should identify adequate snow storage areas and the applicant must file a copy of the snow storage plan with the Director of Inspectional Services.
18. Water meters must be installed in each residential unit prior to sign-off by the plumbing inspector on any final inspection.
19. If irrigation is being provided, the proposed Plan of Record must be revised to show the location of the meter box.
20. Prior to commencement of work on site, the developer shall provide all vendors and contractors with a map of the required truck route to the property.
21. The mitigation for this proposal shall be:
 - (a) Construction of Dexter Avenue Extension
 - (b) Water Main looping to Chester Avenue

Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Attorney Tarby stated that the petitioner met with the Building Commissioner to review the buffer areas, that the petitioner agrees with the memorandum from the Building Commissioner dated November 30, 2015 regarding the buffers, that the total buffer zone would reduce the project to sixteen or seventeen units, that along Warren Avenue the buffer would be reduced from 100 feet to 25 feet, that along Monks Avenue the buffer would be reduced from 95 feet to 25 feet, that along the unpaved portion of Chester Avenue the buffer would be reduced from 100 feet to 25 feet, that along the O-P zoning district portion the waiver allows reduction of the buffer from 95 feet to 10 feet to allow for six visitor parking spaces on the plan, that all property owners along a paper street own to the middle of the street and all owners have a right to pave and pass along the street, that the petitioner will install utilities and construct the new section of East Dexter Avenue to a binder coat before the issuance of a building permit as a condition of the special permit, that the new East Dexter Avenue will go straight down Monkey Hill to Merrimac Street, that when a subdivision plan is filed with the Planning Board the Planning Board generally allows two years to complete the roadway and will require surety to ensure completion of the roadway, that the roadway will be a subdivision roadway, that the final course will be added after completion of the subdivision, that the Planning Board will set requirements for conditions to complete the roadway, and that the petitioner has no objections to the Building Commissioner's calculation of the buffer. Mark Sleger, ALAN Engineering, L.L.C., 288 Littleton Road, Suite 31, Westford, Massachusetts 01886 stated that the mailboxes have been relocated and the roadway in the area widened to 26 feet to avoid the traffic flow from being restricted, that there will be a six foot stockade fence around the site and six foot tall three feet wide white pines as screening, that the screening will also help mitigate sound from the site, and that the entrance has been reconfigured to allow fire trucks access to the site. Alderman DiTucci stated that she does not want the Warren Avenue name used as an address to avoid confusion with the existing Warren Avenue. Alderman Raymond stated that the abutters want screening along the road to their houses, that he wants the construction vehicles to only use the new roadway during construction, that the Planning Board understands the importance of the new road to this project, that there is a guarantee that construction on the project cannot commence until the new road is completed to a binder course, and that the buffer zoning amendment will be a benefit to improving properties in future developments. Alderman Mercer-Bruen stated that there should be a condition that the

roadway be completed to city standards upon completion of the subdivision, and that she will support the petition because of the benefit of the new road to the neighborhood. Alderman Gately stated that all roadway structures will be even with the binder course, that before the final coat is installed all the structures in the roadway will be raised to meet the grade, that all construction vehicles will use the new road, and if the road is not constructed the project construction will not move forward. Alderman Concannon stated that this petition is an upgrade in zoning, cleans the site and provides a new access roadway, that the abutters have been protected with the amendment to the buffer zone ordinance, and that he will support the project. Alderman Anderson stated that he is concerned about the density of the project with 41 units and tandem parking, that the petitioner has provided visitor parking which is not required, and that the new access roadway is an improvement that will benefit the neighborhood. PUBLIC COMMENTS: Michael Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that the petitioner is a competent developer, and that the project is an improvement to the neighborhood. Gerard Scalley, 18 Dartmouth Street stated that the project provides a new safe entrance to the neighborhood with the new roadway. Carolyn Youngclaus, 2 Park Drive stated that the number of affordable units has been rounded down which will not help the city achieve low and moderate income housing limits. Motion made and 2nd to close the public hearing, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the amendments as follows: 1. That the 21 proposed conditions be adopted, as amended, as conditions of the special permit; 2. That condition 21(a) shall be amended to read as follows: 21(a) Construction of East Dexter Avenue Extension; 3. That condition 21(a) shall be further amended to read as follows; 21(a) Final construction of East Dexter Avenue shall be completed to city standards including sidewalks, if appropriate, as approved by the Planning Board; 4. That condition 4 shall be amended to read as follows: 4. During construction, all vehicles must be parked on Site or access road and shall only use access road to the Site; 5. That condition 7 be amended to read as follows: 7. Exterior construction activities on the Site shall not be permitted on Sundays or holidays; 6. All curbing shall be five inch vertical granite curbing; and 7. Pursuant to Section 5.7.3 of the 1985 Woburn Zoning Ordinances, as amended, in waiving or varying the imposed buffer zone requirement the City Council finds that with respect to the special permit 1. Existing or proposed alternative screening devices such as fences, evergreen plantings and earthen berms will provide a reasonable buffer between incompatible land uses; 2. Waiving or varying the buffer zone requirement will not substantially impact the comfort, privacy, quiet enjoyment and standard of living of residents in the property rezoned; and 3. The nature or circumstances of the particular lot, project or neighborhood justifies a different buffer requirement, including but not limited to topography, soils, or other site conditions which make the planting or maintenance of the buffer impractical, all in favor, 9-0.

On the petition by Hugo Moraes, 1 Middlesex Canal Park, Woburn, Massachusetts 01801 for special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Section 5.1.5 to allow for seven (7) residential dwelling units above the first story of a full service restaurant; 2. Section 5.1.28 (Note 16) to allow for hours beyond 11:00 p.m.

at a full service restaurant; 3. Section 7.3 finding to allow for reconstruction, extension, or structural change to a non-conforming structure; 4. Section 8.3 substitution for required parking in a B-D District to be a municipal lot within 500 feet of uses to be served; and 5. Section 11.6.11 to allow for dwelling unit parking at a municipal parking lot within 500 feet of the locus, all at 434 Main Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “ought to pass with the conditions as follows: 1. That the conditions recommended by the Planning Department be adopted, as amended, 2. That Planning Department Condition 10 relative to non-transferability of the special permit be deleted, 3. That Planning Department Condition 2 be amended to read “2. Accessway at the rear of the property shall be kept clear of snow and debris,” 4. That Planning Department Condition 5 be amended to read “5. Construction shall only be allowed between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and between the hours of 7:00 a.m. to 5:00 p.m. Saturday with no construction on federal holidays that fall on those days.” Appearing was the petitioner was Hugo Moraes and he offered no additional comments. Alderman Gately stated that he has no issue with the special permit petition. Alderman Raymond stated that he supports the project because it adds to the revitalization of the downtown, and that the downtown parking issue must be addressed by the city. Alderman Drapeau stated that he is in favor of the project and will support the petition but that he is concerned about the use of the municipal parking lots for new residential buildings and for all day parking without any restrictions. PUBLIC COMMENTS: Michael Meaney, Executive Director, Woburn Business Association, Ten Tower Office Park stated that he supports the petition, and that the petitioner has an interest in developing a mixed use building of the type that has led to the revitalization of the downtown area. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the amendments as follows: 1. That the five conditions recommended by the Committee on Special Permits be adopted as conditions of the special permit, 2. That condition 12 read: “12. That no trash receptacles shall be left on Main Street for an extended period of time,” and 3. That condition 13 read: “13. That if the parking restrictions in the downtown area change the petitioner shall find other suitable parking for the tenants of the building,” all in favor, 9-0.

On the petition by Robert C. McSheffrey Revocable Trust, 950 Marble Way, Boca Raton, Florida 33434 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1, Note 15 and 7.3 to allow for a second garage containing approximately 600 square feet on the premises at 5 Manning Street. PUBLIC HEARING OPENED. A communication dated November 25, 2015 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Special Permit Application Second Garage at 5 Manning Street/Robert C. McSheffrey Revocable Trust

Dear Honorable Council:

The Planning Department has completed its review of the above-referenced special permit which seeks permission, in accordance with Note #15 to Section 5.1 and Section 7.3 (Extension or Alteration of Non-conforming uses), to construct a second garage on this lot that has two dwelling units.

Note #15 to Section 5.1 of the Zoning Ordinance states in part:

Any private garage, attached or detached, to be constructed as an accessory use of the residents of the premises in excess of 900 square feet or with a garage bay door in excess of eight feet in height, shall require a special permit per section 11 of the City of Woburn 1985 Zoning Ordinance as amended.

There is an existing 1,350 – 1,400 sq. ft. garage on the property and the Inspectional Services Director has determined that a special permit will therefore be needed to build additional garage space on this site.

The property at 5 Manning Street is partially in the S-1 Zoning District and partially in the R-2 Zoning District. The new garage will be located on the portion of the lot zoned S-1 and will be approximately six hundred (600) square feet in size. The zoning requirements of the S-1 zoning district will therefore apply and will limit the amount of the lot that may be covered by buildings (a maximum of forty [40] percent) and dictate that a minimum of twenty (20) percent of the lot be usable open space and landscaped. No information is provided in the application on either point. The Planning Department recommends the Council require the submission of a plan depicting and calculating both existing and future building ground coverage percentages and landscaped usable open space percentages. The maximum allowed building ground coverage is 40% and the minimum landscaped usable open space requirement is 20%.

Similarly, the Planning Department recommends the City Council require the submission of scaled plans of the garage's façades so that conformance with the maximum height limits for accessory buildings (20') and for garage doors (8') can be determined.

If the Council determines the proposed plan meets all requirements of the Zoning Ordinance, the Planning Department recommends that the City Council consider imposing the following as conditions of approval of this petition:

1. That the title block of the plan accompanying this application be revised to reflect the application (i.e. "Proposed Second Garage at 5 Manning Street", "Proposed Garage at 5 Manning Street", etc.) and that the date of the plan be revised to reflect the revision(s);
2. That the Plans of Record shall be "(fill in title once title block has been revised with new title and date)"; and
3. That the overhead doors on the garage shall not exceed eight (8) feet in height unless further relief is requested and granted.

Respectfully, s/Tina P. Cassidy, Director

Appearing for the petitioner was Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he offered plan entitled "Plot Plan, Proposed 2nd Garage, 5 Manning Street, Woburn, Mass." dated December 1, 2015 prepared by Edward J. Farrell, Professional Land Surveyor and a document entitled "Proposed Conditions to Special Permit Petition, Robert C. McSheffrey Revocable Trust, 5 Manning Street, Woburn, MA 01801, December 1, 2015" with the following conditions: "1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: 'Proposed Plot Plan Second Garage, 5 Manning Street, Woburn, Massachusetts' dated December 1, 2015, prepared by Edward J. Farrell, Professional Land Surveyor, 110 Winn Street, Woburn, Massachusetts (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, 2. The overhead doors on the proposed garage shall not exceed eight (8) feet in height, and 3. The garages on the Property shall be used only for residential purposes" for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Attorney Tarby stated that the petition is to allow the construction of a two-car garage which is 576 square feet in area, that the garage is in compliance with the zoning machines, that the existing garage on site exceeds 900 square feet, that the property is located in a split zoning district of S-1 and R-2, that the majority of the property is located in the R-2 zoning district and therefore the more restrictive residential zoning requirements must be used, that the petitioner constructed a new two-unit condominium building, that the petitioner resides in one of the units and owns the existing garage, that the other unit is on the market for sale and the second garage will be sold with the second unit, that the second garage will be used for parking for the second unit, that the existing garage was built in the 1950s and is a nonconforming structure, and that the Building Commissioner determined that a special permit is required. Alderman Anderson stated that this was a blighted property with a business run from the location, that the new building is an improvement, and that the petitioner has agreed to a condition that both garages will only be used for residential purposes. PUBLIC COMMENTS: Mildred Polcaro, 6 Manning Street stated that she does not oppose the petition, that she wants there to be a condition that the garage will be used for residential use only, that she does not want the garage used for a business or storage of business equipment, and that the garage will only be used for the residents of the building and for residential purposes. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the

SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the plan of record shall be the plan "Plot Plan, Proposed 2nd Garage, 5 Manning Street, Woburn, Mass." dated December 1, 2015 prepared by Edward J. Farrell, Professional Land Surveyor, and 2. That the three conditions offered by the petitioner be adopted as conditions of the special permit, all in favor, 9-0.

On the petition by Amerco/U-Haul of Woburn, 31 Olympia Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, section 5.1.53 to amend the site plan of record to add a propane station at 31 Olympia Avenue. PUBLIC HEARING OPENED. A communication dated November 25, 2015 was received from Neil Cronin, City Planner as follows:

Re: Planning Department comments on special permit applicaiont for Amerco/U-Haul of Woburn at 31 Olympia Avenue

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to modify the Landowner's Decision and Notice of Special Permit dated September 1, 2011 by amending Condition # 1 to allow for a revised site plan.

The purpose of the proposed site plan modification is to install a propane tank on the site for retail sales. The petitioner cited Section 5.1.53 (High Hazard Uses) of the Woburn Zoning Ordinance in requesting this special permit, but it is unclear whether propane in fact constitutes a "high hazard use". It is the Planning Department's understanding that the petitioner is working to definitively determine whether the propane tank's contents are a high hazard use as listed in the International Building Code published by the International Code Council.

If propane is in fact classified as a "high hazard use" the special permit should not be granted. Per Note 8 to Section 5.1 of the Woburn Zoning Ordinance, high hazard uses may not be located within one thousand five hundred (1500) feet of a residential district. The proposed tank location would violate this provision due to its proximity to a residential zoning district.

If it is determined that propane is not a high hazard use, the application should be revised accordingly and the City Solicitor's opinion sought as to whether the revised application requires a new public hearing notice and attendant public hearing.

If the City Council determines it can grant a modification to the special permit and elects to do so, the Planning Department recommends the City Council impose/revise the following conditions:

1. Unless otherwise authorized, all construction shall conform to the Plan of Record which for this project shall be "Proposed Acquisition 31 Olympia Ave Woburn, MA;

Amerco Real Estate Company Construction Department 2727 North Central Avenue
Phoenix, Arizona 85004; Dated December 22, 2014 REVISED September 2, 2015
AND September 10, 2015; Scale: 1" = 30'; Drawn By: BLC Checked By: DP; Site
Plan 837028 SP3.”;

2. Remove Condition #7 of the Council’s September 1, 2011 special permit decision which stated “That the Planning Board shall review and approve a landscaping plan and shall retain jurisdiction over the landscaping.” because it is the opinion of City Solicitor Ellen Callahan Doucette that the Council, as the special permit granting authority, may not impose conditions upon the grant of a special permit which delegate matters that belong to the Council, to another board;
3. Revise Condition #12 of the Council’s September 1, 2011 special permit decision by replacing “City Clerk” with “City Clerk and Building Commissioner’s Office.” A copy of all approved snow storage plans should be filed with the Building Commissioner, in addition to the City Clerk;
4. All signage must comply in all respects with the provisions of Section 13 of the Woburn Zoning Ordinance. All signage shall be subject to a separate application and approval process by the City of Woburn’s Department of Inspectional Services; and
5. All other conditions of the Landowner’s Decision and Notice of Special Permit dated September 1, 2011 remain intact and in effect.

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

Respectfully, s/Neil Cronin, City Planner

Appearing for the petitioner was Kevin Kirby, Owner’s Representative and he stated that and he stated that the petitioner wants to include a propane tank and to amend the site plan of record to do so, that the petition lists this under Section 5.1.53 which is a high hazard use as he could not find a reference to a propane station in the zoning code, that many people need a source to purchase propane, that many of their other locations have propane stations, that the petitioner will install a 1,150 gallon tank that is thirteen feet high, that the petitioner could also provide propane service to campers and buses, and that the petitioner was saving space by installing a vertical tank but they can install a horizontal tank instead. Alderman Mercer-Bruen stated that there will have to be clarification to determine if this is a high hazard use, that a propane station does not fit in with the use of storage and box sales or with the neighborhood, that the proposed use does not fit with what the city thought would be at the locus, and that she is concerned with what this use may evolve into. Alderman Raymond stated that he is concerned about the adequacy of employee training to pump the propane. Alderman Gately stated that he is concerned that the petitioner will be operating the equivalent of a gas station at the locus. PUBLIC COMMENTS: Lori Medeiros, 9 Marietta Street stated that she wants to know why there is no clarification of a high hazard use since other locations have this

use, that traffic has increased considerably since the petitioner moved to the locus, that the retail use is not needed at the location as there are enough alternate locations to purchase propane in the city, and that the site is maxed out for their current use. Russ Richardson, 184 Mishawum Road stated that there is significant truck traffic in this area. Brian Picanco stated that he works for U-Haul, that a lot of people use propane, that 99% of the business is serving propane users for their barbeque grills, that all users are trained in pumping propane, that U-Haul has a vertical tank at their Route 1 location that the City Council can view, that this use is intended to provide another service to customers, that providing propane service to buses or cars would be rare, and that he has never seen a bus or car provided propane at the location where he works. Motion made and 2nd that a communication be forwarded to the Building Commissioner for a definition of propane and whether it is classified as a high hazard use, all in favor, 9-0. Motion made and 2nd that a communication be forwarded to the City Solicitor asking where the retail sale of propane is permitted under the 1985 Woburn Zoning Ordinances, as amended, Table of Uses, all in favor 9-0. Motion made and 2nd that a copy of the special permit for a self-storage facility previously issued to the petitioner be forwarded to the City Solicitor and ask whether a propane dispensing station is precluded under the special permit, all in favor, 9-0. Motion made and 2nd that a communication be forwarded to the Building Commissioner advising that one of the intentions of the special permit petition is to fuel vehicles with propane, all in favor, 9-0. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JANUARY 5, 2016 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Alderman Raymond to amend the 1985 Woburn Zoning Ordinances, as amended, by deleting Section 26 Solar Overlay District, amending Section 2 Definitions, and inserting a new Section 26 entitled Solar Photovoltaic Installations as set forth in the petition. PUBLIC HEARING OPENED. A communication dated November 23, 2015 with attachment was received from Tina P. Cassidy, Planning Board Director as follows:

Re: Recommendation from Planning Board on proposed amendments to the Woburn Zoning Ordinance relative to solar energy

Dear Honorable Council:

The Planning Board convened the public hearing on this zoning proposal at its meeting on September 22, 2015. The hearing was continued several times (to meetings on October 6th, October 27th and November 17th) and was closed on November 17, 2015.

Following the public hearing and subsequent discussion, the Planning Board completed its deliberation of the above-referenced matter and voted unanimously (7-0) to submit the attached as its recommendation for your consideration. Notable changes include the following:

- Deleting solar carports/canopies and all ground-mounted solar systems from the list of allowed uses in the R-1, R-2, R-3 and R-4 zoning districts, though they would be allowed on municipal and school properties. Roof-mounted solar installations would still be allowed in the R-1, R-2, R-3 and R-4 districts;
- Inserting language requiring that solar energy systems be installed only by electricians licensed by the Commonwealth of Massachusetts and providing for revocation of permits if the requirement is not followed;
- Amending the list of Operations and Management Plan requirements to address potential glare and energy concentration issues;
- Requiring security fencing for all medium-scale and large-scale ground mounted solar energy systems; and
- Applying certain proposed abandonment and decommissioning clauses to all solar photovoltaic installations regardless of type or size.

The Planning Board's vote was predicated on the understanding that inclusion of the terms Off-Grid, Passive, and Solar Thermal System as lines 92, 93, and 94 respectively in the proposed Section 5.1, Table of Use Regulations will not result in authorization of solar carports/canopies or any ground-mounted solar photovoltaic installations in the R-1, R-2, R-3 or R-4 zoning districts except as permitted by proposed Section 26.2. If this understanding is incorrect, the Board respectfully requests that the City Council refer the proposal back to it for further consideration and possible additional amendment.

Please feel free to contact me if you have any questions relative to the Board's vote on this matter.

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

Attached thereto was the following (proposed amendments recommended by Planning Board with deletions shown by cross out and additions shown by underline):

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

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

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

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

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

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

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

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

- a) SOLAR ENERGY SYSTEM, ACTIVE: A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.
- b) SOLAR ENERGY SYSTEM, CARPORT/CANOPY: An accessory structure designed and utilized principally for the support of a solar energy system. For purposes of this Ordinance, a Solar Carport/Canopy is considered to be ground-mounted.
- c) SOLAR ENERGY SYSTEM, GRID-INTERTIE: A photovoltaic system that is connected to an electric circuit served by an electric utility.
- d) SOLAR ENERGY SYSTEM, GROUND-MOUNTED: An Active Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).
- e) SOLAR ENERGY SYSTEM, LARGE-SCALE: An Active Solar Energy System that occupies more than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 250kW DC or greater).
- f) SOLAR ENERGY SYSTEM, MEDIUM-SCALE: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).
- g) SOLAR ENERGY SYSTEM, OFF-GRID: A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility.
- h) SOLAR ENERGY SYSTEM, PASSIVE: A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
- i) SOLAR ENERGY SYSTEM, ROOF-MOUNTED: An Active Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size (small-, medium- or large-scale).
- j) SOLAR ENERGY SYSTEM, SMALL-SCALE: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

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

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

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

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

By amending Section 2, Definitions, to revise the definition of Height of a Building, as follows: (**additional language in bold**)

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

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

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

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

26.1 Purpose

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

26.2 Applicability

This ordinance applies to all solar energy facilities and to physical modifications that materially alter the type, configuration, or size of these facilities or related equipment. Solar energy facilities on municipal and school properties are exempt from this Section and are allowed in all zoning districts.

26.3 General Requirements for all Solar Photovoltaic Installations

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

1. Compliance with Laws, Ordinances and Regulations: The construction and operation of all solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code and shall be installed only by electricians licensed by the Commonwealth of Massachusetts. Failure to use licensed personnel in all aspects of construction and installation of a solar photovoltaic installation shall be grounds for revocation of any approval granted under site plan review and/or any building permit issued.
2. Permits and Inspections: No solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining all required building, electrical and plumbing permits.
3. The total capacity of all existing and proposed ground-mounted solar photovoltaic installations on the lot shall be measured in determining whether an installation is large-scale or small-scale.
4. All solar carports/canopies and ground-mounted solar photovoltaic installations shall be screened from view of abutting properties and streets, to the extent practicable.
5. Security fencing shall be required around any medium-scale or large-scale ground mounted solar energy systems. Security fencing associated with ground mounted solar photovoltaic installations shall not be subject to the provisions of Section 5.3.2. of this Ordinance.

26.4 Use Regulations

26.4.1 Residential District Uses

(a) Uses Permitted as of Right

- i. Roof-Mounted Solar Energy Systems

26.4.2 Non-Residential District Uses

(a) Uses Permitted as of Right

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

(b) Uses Allowed through Site Plan Review

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

26.5 Dimensional and Density Requirements

26.5.1 Setbacks – Non-residential Districts

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

Side Setback: at least 75 feet;

Rear Setback: at least 75 feet.

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

26.5.34 All other yard, and space and height requirements of the underlying zoning district shall also apply, except that no ground-mounted solar photovoltaic installations shall not be installed in front yards.

26.5.4 Appurtenant Structures

All appurtenant structures to a ground-mounted solar photovoltaic installation shall be subject to the requirements of this Zoning Ordinance concerning yard, space, height and setback requirements . All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation. Security fencing associated with ground mounted solar photovoltaic installations shall not be subject to the provisions of Section 5.3.2 of this Ordinance.

26.6 Solar Photovoltaic Installation Site Plan Review.

Prior to construction, installation or modification, certain Ground Mounted Solar Photovoltaic Installations shall undergo Solar Photovoltaic Installation Site Plan Review by the City Council as provided below and, where applicable, Section 12 of this Ordinance. In accordance with Section 22(c) of the Massachusetts Green Communities Act, Solar Photovoltaic Installation Site Plan Review shall be expedited and no decision shall be rendered more than six (6) months after the date of a complete application as determined by the City Council.

26.7 Application and Plan Requirements.

A completed application for Solar Photovoltaic Installation Site Plan Review shall be filed with the City Council, along with the applicable review fee. Upon receipt of an application, the City Council may engage, at the applicant's cost, professional and technical consultants, including legal counsel, to assist the City Council with its review of the application, in accordance with the requirements of M.G.L. c.44, §53G. The City Council may direct the applicant to deposit funds with the City Auditor for such review at the time the application is determined to be complete, and may direct the applicant to add

additional funds as needed upon notice. Failure to comply with this section shall be grounds for denying the application. Upon approval of the application, any excess amount attributable to the application processing by the City Council shall be refunded to the applicant.

1. Plans: All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.
2. Required Documents: the project proponent shall provide the following documents:
 - (a) A site plan showing:
 - i. Property lines and physical features, including roads, for the project site;
 - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - vi. Name, address, and contact information for proposed system installer;
 - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any; and
 - viii. The name, contact information and signature of any agents representing the project proponent.
 - (b) Documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation;
 - (c) An operation and maintenance plan which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation including provisions to prevent reflection of glare and/or concentrated energy onto adjacent structures and properties;
 - (d) The underlying Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 - (e) Proof of liability insurance;
 - (f) Description of financial surety that satisfies Section 26.11.3; and.

(g) Proof that the utility company that operates the electrical grid where the installation is to be located has been informed of the installation owner or operator's intent to install an interconnected customer-owned generator as well as documentation from said utility that it will connect the proposed customer-owned generator into its power grid. Off-grid systems shall be exempt from this requirement.

26.8 Design Standards

26.8.1 Dimensional and Density Requirements

See Section 26.5 above..

26.8.2 Lighting

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

26.8.3 Signage

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

26.8.4 Utilities

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

26.9 Safety and Environmental Standards

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

identify a responsible person for public inquiries throughout the life of the installation.

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

26.10 Monitoring and Maintenance

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

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

26.11 Abandonment or Decommissioning

26.11.1 Removal Requirements: Any solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section

26.13.2 of this ordinance shall be removed. The owner or operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations. The owner or operator shall notify the Building Commissioner and City Council by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

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

26.11.2 Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one (1) year without the written consent of the City Council. If the owner or operator of a solar

photovoltaic installation fails to remove the installation in accordance with the requirements of this Section within one hundred and fifty (150) days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove the installation.

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

Alderman Raymond stated that this ordinance proposal has been the subject of four public hearings, that he has additional questions, that this matter should be continued and sent to Committee where the Planning Director can be asked to attend and provide additional information in committee, that some of the largest landlords in the city also have questions concerning the ordinance, that these proposed amendments will not affect the facility to be constructed at the former landfill, that he wants to be certain that the action of the City Council on this proposal is appropriate, and that if the public hearing is continued to the new year or must be refiled he would not object. PUBLIC

COMMENTS: Chris Owen, 3 Florence Terrace stated that this ordinance is not ready for action, that there are issue relative to screening for these uses, that ground-mounted facilities will not be allowed in residential areas but there is a concern at zoning boundaries as there is no provision for screening, and that the ordinance must balance the use of solar facilities with the impact on abutting properties. Tim Swain, 29 Dragon Court stated that solar facilities on houses can cause issues when the properties are sold. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO REGULAR MEETING OF THE CITY COUNCIL ON A DATE TO BE DETERMINED BY THE CITY COUNCIL PRESIDENT AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 9-0.

On the petition by Alderman Gately concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as 33-35 Garfield Avenue, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition,

alteration or regulation. PUBLIC HEARING OPENED. Alderman Gately stated that the problem tenant has moved, that the property owner is renovating the property and will be selling the property, and that the issues have been resolved to the satisfaction of the neighbors. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the MATTER be PLACED ON FILE, all in favor, 9-0.

CITIZEN'S PARTICIPATION:

A communication dated November 17, 2015 was received from Jayne Vining, Founder & CEO, the CAS Foundation, 9 Bartlet Street, Suite 335, Andover, Massachusetts 01810 requesting citizens participation time to siting of a registered medical marijuana dispensary. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON, all in favor, 9-0.

COMMITTEE REPORTS:

FINANCE:

On the Order to transfer the sum of \$5,000.00 from BLS Ambulance Receipts Acct to Medical Attention/Fire Acct, committee report was received "ought to pass." Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.
Presented to the Mayor: December 3, 2015 s/Scott D. Galvin December 3, 2015

NEW PETITIONS:

Petition by Shamrock Running Club, P.O. Box 602, Woburn, Massachusetts 01801 for a special event permit to allow a road race and health walk on January 1, 2016 starting at 147 Main Street. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.
Presented to the Mayor: December 3, 2015 s/Scott D. Galvin December 3, 2015

Petition for renewal of First Class Motor Vehicle Sales License by Northeast Tree, Inc., 62 Holton Street. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Anchor Auto Sales, Inc., 3 Breed Avenue; Enterprise Rent-a-Car Company of Boston, Inc., 248 Mishawum Road; Nicolas Saba dba Montvale Service, 289 Salem Street; and Tracy M. Batten dba Tracy's Auto, 62R Winn Street. Motion made and 2nd that the MATTER be

REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

A communication dated November 18, 2015 with attachment was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Seaver Properties LLC, 1071 Main Street, Woburn, MA

Dear Mr. Campbell:

Please be advised that I represent Seaver Properties LLC in connection with a Landowner's Decision and Notice of Special Permit issued by the City Clerk on January 9, 2014 (the "Special Permit"). I have included herewith a copy of the Special Permit.

On behalf of the Petitioner, I respectfully request that the City Council extend the time period for the Petitioner to exercise its rights under the Special Permit for a two (2) year period to January 9, 2018.

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

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

Alderman Raymond stated that he will abstain from voting on this matter. Motion made and 2nd that the TIME FOR EXPIRATION OF THE SPECIAL PERMIT ISSUED TO SEAVER PROPERTIES LLC ON JANUARY 9, 2014 be EXTENDED UP TO AND INCLUDING JANUARY 9, 2018, 8 in favor, 0 opposed, 1 abstained (Raymond abstained).

COMMUNICATIONS AND REPORTS:

A communication dated November 17, 2015 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 Jan. 2015 to October 2015: Number of violations issued 687, Numbers of violations paid 324, Number of violations outstanding 278, Amount collected and submitted to Collectors Office \$39,556.20, Parking fines referred to the Handicap Commission \$10,800.00.

There is a backlog of 1,682 unpaid tickets dating from January 2004 to October 2015. A 21 day late notice is sent to vehicle owners who have not paid the fine. After 28 days, if the fine still has not been paid, that information is forwarded to the Registry of Motor Vehicles for administrative action.

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

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

A communication dated November 18, 2015 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Council on Aging Fiscal Year 2015 Annual Reports. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated November 19, 2015 with attachments was received from Joseph E. Connarton, Executive Director, Public Employee Retirement Administration Commission, 5 Middlesex Avenue, Suite 304, Somerville, Massachusetts 02145 advising that the required Fiscal Year 2017 appropriation for the retirement system is \$6,300,000.00. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated November 20, 2015 to Joseph J. D'Ovidio, Manager, The Woburn Armory LLC was received from Brona Simon, State Historic Preservation Officer, Executive Director, Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, Massachusetts 02125 advising that the information submitted concerning the proposed project at the former Armory Building at 286 Main Street was reviewed and that no further review of the plans is required by the Woburn Historical Commission unless further changes are proposed. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A communication dated November 18, 2015 was received from Attorney Justin Kadich, J. Scott Law PC, 67 Battery March St. LL, Boston, Massachusetts 02210 as follows:

Dear Clerk Campbell and Woburn City Council:

On behalf of my client, Food Truck Builders Group and Allan Danley I respectfully request that the City Council allow us to withdraw our application for a Special Permit for two commercial vehicles at 2 Draper St. Woburn without prejudice. We intend to resubmit our application once an updated survey of 2 Draper St. is completed.

Sincerely yours, Justin Kadich, Esq.

Alderman Mercer-Bruen stated that she would rather move forward with the public hearing that has been scheduled than to allow withdrawal of the petition. Alderman Gately stated that the Building Commissioner has issued a cease and desist order to the petitioner. Motion made and 2nd that the PETITION FOR A SPECIAL PERMIT BY ALLAN DANLEY, FOOD TRUCK BUILDERS GROUP TO ALLOW OVERNIGHT PARKING OF COMMERCIAL VEHICLES AT 2 DRAPER STREET, UNIT 1 be GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, 8 in favor, 1 opposed (Mercer opposed), 0 absent.

A communication dated November 25, 2015 was received from Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Landowner's Decision and Notice of Special Permit dated July 20, 2015/Madison Woburn Holdings LLC, 369 Washington Street, Woburn, Massachusetts

Dear Bill:

Please be advised this office represents Madison Woburn Holdings LLC relative to the above-referenced matter. Matthew Beaton, Secretary of the Executive Office of Energy and Environmental Affairs has or will be issuing a letter within the next few days indicating that a Notice of Project change will not be required in connection with the mitigation proposed by Madison Holdings LLC for the reduced development at 369 Washington Street, Woburn, Massachusetts.

On behalf of my client I respectfully request a meeting with the City Council to discuss its review as set forth in Condition 23 of the Decision.

Please advise as to when we can meet. Thank you.

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

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order to transfer the sum of \$117,757.03 from Mayor Salary Adjustments Acct to various Union Department Head Salary Accts. Motion made and 2nd to take the matter from the table, all in favor, 9-0. Motion made and 2nd to suspend City Council Rule 25, all in favor, 9-0. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0. Motion made and 2nd to restore Rule 25, all in favor, 9-0.

Presented to the Mayor: December 3, 2015 s/Scott D. Galvin December 3, 2015

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That a representative of TransAction Corporate Shuttles, Inc. appear before the Committee on Public Safety and Licenses to discuss renewal of the Common Carrier License.

s/President Haggerty

Motion made and 2nd that the ORDER be ADOPTED AND THE MATTER BE REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

From the Traffic Commission:

ORDERED MOUNTAIN STREET – Westbound vehicles no right turn at the intersection with Townsend Street between 4:30 p.m. and 6:00 p.m. Monday through Friday.

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor December 3, 2015 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on December 15, 2015.

From the Traffic Commission:

ORDERED MOUNTAIN STREET – Eastbound vehicles no left turn at the intersection with Townsend Street between 4:30 p.m. and 6:00 p.m. Monday through Friday.

Presented to the Mayor December 3, 2015 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on December 15, 2015.

From the Traffic Commission:

ORDERED MAIN STREET - Southbound vehicles no right turn at the intersection with Kearsarge Avenue between 7:30 a.m. and 9:00 a.m. Monday through Friday.

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor December 3, 2015 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on December 15, 2015.

From the Traffic Commission:

ORDERED MAIN STREET - Northbound vehicles no left turn at the intersection with Kearsarge Avenue between 7:30 a.m. and 9:00 a.m. Monday through Friday.

Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.
Presented to the Mayor December 3, 2015 and ten days having elapsed without same being approved, said Ordinance became effective without his signature on December 15, 2015.

ORDERED That the Rules and Orders of the City Council be amended as follows:

1. By amending Rule 20 as follows (amended language underlined):

Rule 20. Standing committees

All councillors shall be considered as members of each standing committee. The president of the council shall name those members of each committee, including its chair, who are authorized to vote on matters in the committee. All other members of each committee are not authorized to vote on such matters in the committee. A quorum of the committee shall be determined on the basis of voting members only.

The following standing committees shall consist of five voting Aldermen:
a. Finance; b. Infrastructure and Public Lands; c. Ordinances, Charter and Rules; d. Public Safety and License; e. Special Permits.

The following standing committees shall consist of three voting Aldermen: a. Audits and Accounts; b. Personnel.

The President shall appoint two members of the Council to the Zoning Ordinance Review Committee and three members to the Commerce Way Overlay District Concept Plan Review Committee.

The Committee on Liaison shall consist of all nine Aldermen with the President serving as chairman.

Appointments shall be made to all Committees by the President as soon after the organization of the City Council as possible.

A quorum of any committee shall consist of a majority of its voting members.

The President shall appoint one Alderman as Liaison to the following boards and commissions as soon after the organization of the City Council as possible: Conservation Commission; Council on Aging; Golf & Ski Authority; Handicapped Commission; Historical Commission; Recreation Commission; School Building Committee; School Committee; Woburn Housing Authority; Woburn Public Library; Woburn Redevelopment Authority.

(amended 1/17/2012)

2. By amending Rule 20a as follows (amended language underlined):

Rule 20a. Applications for licenses

All applications for licenses to be granted by the City Council shall be referred to the Committee on Public Safety and License.

3. By amending Rule 21 as follows (amended language underlined):

Rule 21. Committee Chair

The member of the City Council first named on every committee shall be its chairman, and, in case of his the chairman's absence, the other voting members in the order in which they are named shall call meetings of the committee and act as chairman.

4. By adding a new Rule 38 as follows:

Rule 38. Use of Handheld Electronic Devices

Electronic devices, including cell phones, pagers, and PDAs must be turned off or put in silent mode upon entering the City Council Chamber or any city council hearing location, and any person violating this rule shall be asked to leave the chamber by the City Clerk. Some devices interfere with the council audio system.

5. By adding a new Rule 39 as follows:

Rule 39. Council Accolades and Remembrances

The council, or any committee thereof, shall have the honor of recognizing persons, groups, and events of significant importance to the City of

Woburn. Any councilor wishing to honor such individuals or groups at the start of a council meeting shall notify the Council President in writing by four o'clock PM - one business day before the meeting. Councilors may honor individuals up to six (6) times per year. Two accolades will be allowed per meeting and each accolade should not exceed five minutes. Said notification shall include the names of the individuals or groups and the reason they are being honored. The council president, at the request of any councilor, shall ask the council to recognize and acknowledge a special guest or group of guests seated in the Council Chamber.

Directly before the conclusion of a scheduled council meeting, councilors may request that the council adjourn in memory of persons with importance to the City of Woburn. Any councilor wishing to do so shall notify the council president in writing by 9:00AM the morning of the meeting. The councilor shall provide the name, with correct spelling and pronunciation where appropriate. The council president shall read the names of the councilor making the request and the people to be recognized.

6. By adding a new Rule 40 as follows:

Rule 40. Power to Summons

Pursuant to Chapter 233, Section 8 of the General Laws, the City Council has the authority to summons witnesses to attend and testify and to produce books and papers at a hearing before the City Council. An Order for Summons shall be filed by the Chair of the City Council Committee invoking the summons power or shall be filed by the Sponsor of the docket invoking the summons power. An Order for Summons shall state the reason for issuing the summons and the subject matter jurisdiction. Such order shall be taken up for consideration at the next City Council meeting or subsequent City Council meetings where the Council President shall bring the matter before the City Council for consideration. The Chair of the City Council Committee shall sign the summons requiring a person to appear before the committee to be examined in reference to any matter within the scope of the inquiry being conducted by such committee.

s/President Haggerty

President Haggerty stated that one of the rules amendments follows changes in the Open Meeting Law which restricts the ability of Aldermen to participate in Committee, that the rule would allow participation by all Aldermen, and that this is a rule that has been adopted in Boston. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, CHARTER AND RULES, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:33 p.m.

A TRUE RECORD ATTEST:

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