

**CITY OF WOBURN
JANUARY 19, 2016 – 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE, all in favor, 9-0.

MAYOR'S COMMUNICATIONS:

ORDERED That the amount of \$203,000.00 be and is hereby appropriated from BLS/Ambulance Receipts Acct #31359-595000 \$203,000.00 to Fire/Overtime Acct #0122051-513100 \$75,000.00, Fire/Ambulance Salary Acct #0122051-511500 \$125,000.00, Fire/Medical Attention Acct #0122054-558103 \$3,000.00, Total \$203,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/Timothy J. Ring, Chief, Fire Department
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, all in favor, 9-0.

PUBLIC HEARINGS:

On the petition by NSTAR Electric Company dba Eversource Energy for a grant of right in a way to install conduit in New Boston Street easterly from pole 161/21 approximately 162 feet north of Roessler Road a distance of about 16 feet. PUBLIC HEARING OPENED. A communication dated January 8, 2016 was received from Jacqueline Duffy, Right of Way Agent NSTAR Electric Company requesting that the matter be given leave to withdraw without prejudice. 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 GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE, all in favor, 9-0.

On the petition by President Haggerty to further amend the 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By deleting from Section 11.11 Affordable Housing Requirement Paragraph 4 and Paragraph 6; and 2. By renumbering the remaining paragraphs 1 through 5 accordingly. PUBLIC HEARING OPENED. A report was received from the Committee on Ordinances as follows: “ought to pass, as amended, as follows:

11.11 Affordable Housing Requirement

1. Whenever an application under this section for a Special Permit from the City Council seeks approval for the development of more than two units of Townhouse, Garden, or Elevator apartments as specified under Sections 5.1.3(a) through 3(d), and Section 5.1.4; or any application for a Special Permit to create more than two units of Townhouse, Garden, or Elevator apartments under Section 5.1.69, Section 5.1.70, or Section 7.3, under the zoning classification for the subject parcel existing at the time of application, the City Council shall require as a condition of any such special permit, the provision on site and within the development of affordable housing units equal to ten (10%) percent of the development's total number of dwelling units. The affordable housing units to be provided shall remain affordable in perpetuity, be equivalent in size, quality, and characteristics to the other units within the development, including tenure type, i.e., whether the overall development is intended for rental or homeownership. No certificate of occupancy for any market rate unit in the development shall be issued until certificates of occupancy have been issued for all affordable housing units. The monitoring of the affordability shall be the responsibility of the applicant and shall be supervised by the Woburn Housing Authority (WHA) in accordance with a Memorandum of Understanding (MOU) between the applicant and the WHA said MOU shall be presented to the City Council prior to final approval of the Special Permit by the City Council.
2. The units required above shall be affordable to persons and households of low and moderate income as defined by MGL Chapter 40B, Section 20. The Applicant shall be responsible for preparing a Massachusetts Local Initiative Program, Units Only Application, administered by the Massachusetts Department of Housing and Community Development (DHCD) or, any successor program, or an application for any other program that provides for units that are deemed eligible by DHCD to be included under MGL Chapter 40B Section 20, under the direction of the Mayor or his designee, for execution and submission by the City of Woburn, and to complete all other work and fulfill all other requirements related thereto, to ensure that the units will be considered subsidized low and moderate income units as defined by MGL Ch.40B, Section 20.
3. The Applicant may request the City Council, as a condition of any such grant of a special permit, to meet the affordable housing requirements by providing off-site units within the same ward at a location or locations owned by, or under option to purchase

by the petitioner and identified prior to the approval of and included as a condition of the special permit. The number of affordable housing units shall be equal to 10% of the requested development's total number of dwelling units of both on-site and off-site dwelling units, and shall meet the requirements of Paragraph 2, above. The Affordable units to be provided shall remain affordable in perpetuity, be equivalent in size, quality, and characteristics to the other units being developed, including tenure type, i.e., whether both the on-site and off-site units are intended for rental or homeownership. The monitoring of the affordability shall be the responsibility of the applicant and shall be supervised by the Woburn Housing Authority (WHA) in accordance with a Memorandum of Understanding (MOU) between the applicant and the WHA said MOU shall be presented to the City Council prior to final approval of the Special Permit by the City Council. Any special permit containing such a condition shall not become effective until a covenant, in a form approved by the City Solicitor, has been recorded in the Registry of Deeds, requiring the construction of such off-site affordable housing units. No certificate of occupancy for any market rate unit in the development shall be issued until certificates of occupancy have been issued for all off-site affordable housing units.

4. An Affordable Housing Fund shall be established in the City Treasury to receive all payments made under this Section, and shall be kept separate and apart from other monies by the City Treasurer. Any moneys in said fund shall be expended in accordance with the City Charter, to support the creation of low and moderate income housing units which meet the definition of "low or moderate income housing" as defined by MGL Chapter 40B, Section 20. All moneys which are collected as a result of any contribution to this fund shall be transferred to the principal of said fund, and the City Treasurer shall be the custodian of the fund and shall deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth of Massachusetts, or in federal savings and loan associates situated in the Commonwealth. Any interest earned thereon shall be credited to and become a part of such fund. The cost of acquiring land or property for future affordable housing development by the City of Woburn or one of its public authorities is an allowed expenditure of funds held in the Affordable Housing Fund.
5. In determining the number of units to be provided in accordance with Paragraphs 1 and/or 3, above, a fractional unit of .5 or greater shall be regarded as a whole unit. When less than one unit is required, the Application may satisfy the requirements of this Section by making a cash payment. Such payment shall be equivalent to the present value of the difference between the affordable rent or price as required under Section 2, above, and the projected market rent or price of the units as of the date the application is submitted. The City Council shall impose a reasonable fee on the applicant for the employment of outside consultant(s) under Chapter 44 Section 53G to determine the amount of said payment. Said payment shall be placed in the Affordable Housing Fund, as specified in Paragraph 4, above."

President Haggerty stated that the Planning Board has not acted on the matter, that the Planning Board will be meeting next week concerning the ordinance, and that this public hearing should be continued to allow the Planning Board to complete their review. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 2, 2016, all in favor 9-0.

On the petition by Rosematwo, LLC, 10 Dorrance Street, Boston, Massachusetts 01219 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, to modify a special permit issued February 27, 2014 to eliminate the handicapped parking spaces at the front of the site at 7 State Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petition sought to eliminate two handicapped parking spaces, that the four issues of concern were concerns with elimination of the handicapped parking spaces, the grading and drainage, the boulder slope stabilization and noise from the condenser, that the condenser had been moved from the top of the building, that the petitioner submitted a revised plan and a report, that the two handicapped parking spaces have been restored and are shown on the revised plan, that in a meeting with the Building Commissioner he stated that that boulder slope and grading was sound, that an study was conducted of noise emissions from the condenser and was found to comply with the noise ordinance, that the condenser is located 176 feet and 111 feet from the property line with an additional 40 foot paper street as a buffer to two residential properties on Mishawum Road, that the petitioner will install ten trees along a mound between the condenser and the abutting residences with Conservation Commission approval, that it is difficult to install a fence around the condenser as it inhibits access when repairs are needed, that the trees will be eastern red cedar or a similar tree, that the condenser only comes on when refrigeration is needed, hat acoustic tests indicate that the trees are not needed but the petitioner wants to install them as an extra buffer, that the trees will be planted six feet apart on center and will grow six feet wide which will supplement the dense trees currently in the buffer area, that the elevation at the condenser is 99 feet then goes down to 98 feet at the swale then goes back up to 104 feet and then goes back down to 98 feet, and that the trees on top of the mound will be at 104 feet which will provide another six feet height on the buffer. Attorney Tarby offered a document entitled “Proposed Conditions to Special Permit Petition – Rosematwo LLC, 7 State Street, Woburn, MA 01801 January 19, 2016” 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: “RosemaTWO LLC, Proposed Building Expansion” dated November 13, 2013 revised September 30, 2014, November 7, 2014, January 12, 2015, June 10, 2015, September 28, 2015, prepared by Level Design Group, 249 South Street, Unit 1, Plainville, MA 02767 (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. That the Petitioner install along the ridge line of the mound between the condensers and the abutting residential properties, ten (10) trees approved by the Conservation Commission prior to placement with a minimum height of four (4) feet.

Motion made and 2nd that the document be received and made part of the record, 6 in favor, 0 opposed, 3 abstained (Campbell, Higgins, Tedesco abstained). Alderman Gately stated that he spoke with the Building Commissioner about the issues, that the handicapped parking spaces have been regraded and conform, that the wall and grading conforms, and that the condensers should have been installed on the roof although they were not. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, 6 in favor, 0 opposed, 3 abstained (Campbell, Higgins, Tedesco abstained). Motion made and 2nd that the public hearing be closed, 6 in favor, 0 opposed, 3 absent (Campbell, Higgins, Tedesco abstained). PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the 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: "RosemaTWO LLC, Proposed Building Expansion" dated November 13, 2013 revised September 30, 2014, November 7, 2014, January 12, 2015, June 10, 2015, September 28, 2015, prepared by Level Design Group, 249 South Street, Unit 1, Plainville, MA 02767 (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. That the Petitioner install along the ridge line of the mound between the condensers and the abutting residential properties, ten (10) trees approved by the Conservation Commission prior to placement with a minimum height of four (4) feet, 6 in favor, 0 opposed, 3 absent (Campbell, Higgins, Tedesco abstained).

On the petition 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. PUBLIC COMMENTS: Chris Owen, 3 Florence Terrace stated that the proposed ordinance needs additional work, that the table of use indicates that the use is allowed in every zoning district but in the amendment the use is not allowed in every zoning district, that the most recent version of the amendment is confusing and must be further amended to eliminate inconsistencies. Mary Owen, 3 Florence Terrace stated that it would be helpful if the committee reports were posted as PDF documents on the city's website, that there is nothing about buffer zones in the proposed ordinance, and that she wants to know how the ordinance applies to her. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON FEBRUARY 16, 2016, all in favor 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the reappointment of Margaret Casey, Mary Foley, Eleanor Collins and John DeCata as Members of the Woburn Council on Aging, 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: January 21, 2016 **s/Scott D. Galvin January 21, 2016**

On the petitions for renewal of Second Class Motor Vehicle Sales Licenses by Boston Wholesales Motorcars, Inc.; Robert Khouzami; and Murray's Enterprises, Inc. dba Murray's Auto & Truck Sales, 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: January 21, 2016 **s/Scott D. Galvin January 21, 2016**

NEW PETITIONS:

Petition by Mikes Pizza/Breakers, 106 Winn Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, as follows: 1. To allow for a fast food restaurant pursuant to Section 5.1.29, and 2. To allow for a reduction in parking spaces mixed use pursuant to Section 8.2.5 at 106 Winn Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by East West Imports, Inc., 50 Silsbee Street, Lynn, Massachusetts for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.42, 5.1.57b and 7.3 to allow for a distribution business and overnight parking of Petitioner's commercial vehicles at 160 Olympia Avenue. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated January 4, 2016 was received from Building Commissioner Thomas C. Quinn, Jr. as follows:

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

Dear Members of the City Council:

With regard to the above referenced section of the Woburn Municipal Code, I submit the following quarterly nuisance report for the period of October 1, 2015 – December 31, 2015.

124 Dragon Court issue is with Middlesex District Attorney's office, I will provide further details when available.

6 East Dexter Avenue matter is still with District Attorney's office, the property owner failed to appear at the hearing date of November 4, 2015, I will provide further details when available.

As always if there are any questions or concerns do not hesitate to contact me.

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

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

A copy of a communication dated December 23, 2015 to Surface Transportation Board was received from Nancy L. Seidman, Assistant Commissioner, Bureau of Air and Waste, Department of Environmental Protection, One Winter Street, Boston, Massachusetts 02108 requesting an extension of time or leave to file late comments. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a Decision extending the time to receive comments to January 14, 2016 was received from the Surface Transportation Board relative to New England Transrail, LLC.

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

A copy of a Decision establishing notice requirements relative to New England Transrail, LLC. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That in accordance with Massachusetts General Laws Chapter 54, as amended, the City Clerk is hereby authorized and directed to notify and to warn such of the inhabitants of the City of Woburn as are qualified to vote in Primaries to assemble at the polling places in their respective wards as designated herein, on TUESDAY, the FIRST DAY OF MARCH, 2016 from 7:00 a.m. to 8:00 p.m., then and there to cast their votes in the State Presidential Primary for the candidates of Democratic, Republican, Green-Rainbow and United Independent political parties for the following offices:

President Preference.....For this Commonwealth
State Committee Man4th Middlesex Senatorial District
State Committee Woman4th Middlesex Senatorial District
Ward Committee.....Woburn Ward 1, 2, 3, 4, 5, 6, 7

Ward-Precinct Polling Place Location

1-1	Joyce Middle School Library, 55 Locust Street
1-2	Clapp Elementary School Cafeteria, Hudson Street and Arlington Road
2-1	Shamrock Elementary School Gymnasium, 60 Green Street
2-2	Shamrock Elementary School Gymnasium, 60 Green Street
3-1	Hurld Elementary School Gymnasium, 75 Bedford Road
3-2	Hurld Elementary School Gymnasium, 75 Bedford Road
4-1	Wyman Elementary School Auditorium, Main Street and Eaton Avenue
4-2	White Elementary School Gymnasium, 36 Bow Street
5-1	Goodyear Elementary School Gymnasium, 41 Central Street
5-2	Goodyear Elementary School Gymnasium, 41 Central Street

- 6-1 Altavesta Elementary School Gymnasium,
990 Main Street
- 6-2 Altavesta Elementary School Gymnasium,
990 Main Street
- 7-1 Reeves Elementary School Gymnasium,
240 Lexington Street
- 7-2 Reeves Elementary School Gymnasium,
240 Lexington Street

s/President Haggerty

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

Presented to the Mayor: January 21, 2016 s/Scott D. Galvin January 21, 2016

ORDERED That the Committee on Special Permits review the Special Permit in accordance with Condition One issued on May 28, 2015 to John P. Flaherty and Kathryn A. Flaherty, Petitioners and Landowners, pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 27 to allow for the conversion of a house of worship (St. Joseph’s Church) to allow for the following: 1. Six (6) dwelling units, 2. Landscape useable space of 30.5%, and 3. Front yard setback of 12.3 feet for the front steps, at 100 Washington Street (hereinafter “the Locus”).

s/President Haggerty

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

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Zoning Ordinances, as amended, be further amended by deleting in its entirety Section 14.5, Paragraph 3 and by inserting in its place the following:

- 3. All land shown on a plan for which a Special Permit is granted under this Section, which is not included in the building footprints, roadways or easements shall comprise one contiguous tract.

The open space parcel shall be conveyed to the City for the purpose of conserving open space and promoting passive recreation/naturalist uses of the premises which may include the use of some or all of the property as a cemetery.

Use of some or all of the property as a cemetery shall only be permitted provided that (1) no gravestones, monuments, or ornate tombs shall interrupt the landscape and instead memorials,

monuments, markers and gravestones shall only be permitted if they are flush with the ground; and (2) such use does not interfere with the passive recreation/naturalist uses of the property including use of trails, scenic areas for viewing, preservation of natural resources and the general use of the premises as Open Space.

The Conservation Commission shall have jurisdiction over said parcel to promote the use of the premises as Open Space and, in the event that some or all of the premises is used for a cemetery, then the Cemetery Commission shall have jurisdiction over that portion of the premises allocated to the cemetery subject to the same mandate to promote the use of the premises as Open Space.

s/Alderman Anderson and Alderman Haggerty

Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 7:25 p.m.

A TRUE RECORD ATTEST:

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