

**CITY OF WOBURN  
MAY 5, 2015 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

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

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Motion made and 2<sup>nd</sup> to suspend the rules for the purposes of taking the following matter out of order and to go into Executive Session pursuant to M.G.L. Ch. 30A, Sec. 21(a)(3) to discuss litigation, ROLL CALL: Anderson – Yes, Concannon – Yes, DiTucci – Yes, Drapeau – Yes, Gaffney – Yes, Gately – Yes, Mercer-Bruen – Yes, Raymond – Yes, Haggerty – Yes. A communication from Janet Cha, Investigator, Massachusetts Commission Against Discrimination, One Ashburton Place, Boston, Massachusetts 02108 relative to a complaint of discrimination which alleges the city committed and act of discrimination against the complainant. The City Council removed to the Committee Room with City Solicitor Ellen Callahan Doucette at 7:05 p.m. This portion of the meeting was held in Executive Session. The City Council returned to the Council Chamber at 7:17 p.m. President Haggerty stated that no action was taken in Executive Session.

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The City Council observed a moment of silence in memory of former City Clerk John J. Ryan, Jr. who recently passed away.

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Motion made and 2<sup>nd</sup> to take the following matter out of order, all in favor, 9-0.

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**ORDERED** Be it Ordained by the City Council of the City of Woburn that the city hereby accepts Section 3 to 7, inclusive of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation and rehabilitation and restoration of land for recreational use, the acquisition, creation,

preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under such Act; that the amount of such surcharge on real property shall be one percent (1%) of the annual real estate tax levy against real property commencing in Fiscal 2017; and that the city hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city as defined in Section 2 of the Act; \$100,000 of the value of each taxable parcel of residential real property, and \$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of chapter 59, of the General Laws;

Be it further Ordered that if a majority of the voters voting on said question vote in the affirmative, then the provisions of the Act shall take effect in the city on July 1, 2016;

Be it further Ordered that the city clerk inform the secretary of the commonwealth no later than September 4, 2015 to place the following question on the November 3, 2015 state election ballot:

“Shall this city accept sections 3 to 7, inclusive of chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?”

Be it further Ordered that the city solicitor communicate with the secretary of the commonwealth no later than September 5, 2014 for the purposes of submitting a fair, concise summary of the law to be acted upon for printing on the November 4, 2015 state election ballot with said question.

s/Alderman Drapeau

Alderman Drapeau stated that there were clerical errors in the Order adopted recently that are to be corrected by this Order. Motion made and 2<sup>nd</sup> that the ORDER be ADOPTED, 5 in favor, 4 opposed (Anderson, Concannon, Mercer-Bruen, Haggerty opposed), 0 absent.  
**Presented to the Mayor: May 7, 2015** **s/Scott D. Galvin May 7, 2015**

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Motion made and 2<sup>nd</sup> to return to the regular order of business, all in favor, 9-0.

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**MAYOR’S COMMUNICATIONS:**

**ORDERED** That the sum of \$155,000.00 be and is hereby transferred as so stated from DPW/Administration Salaries Acct #0141151-511000 \$30,000,00,

DPW/Public Building Maintenance Acct #0141151-511001 \$20,000.00,  
DPW/Operations Salary Acct #0141151-511002 \$35,000.00,  
DPW/Street/Flood Lights Acct #0142052-521104 \$50,000.00, Utilities  
Acct #0143552-521501 \$20,000.00, Total \$155,000.00 to DPW/Overtime  
Acct #0141051-513100 \$155,000.00

I have reviewed the above: s/Gerald W. Surette, City Auditor  
I hereby recommend the above: s/Scott D. Galvin, Mayor

s/President Haggerty

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

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**PUBLIC HEARINGS:**

Motion made and 2<sup>nd</sup> that the public hearing on the next two matters be held collectively,  
all in favor, 9-0.

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On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for a special permit to modify a special permit dated December 5, 2002 which Decision allowed for the alteration of an existing non-conforming structure by the construction of a covered service drive at 394 Washington Street and Special Permit pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) (69) and 7.3 to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. That the new site plan of record be the plan entitled "Site Plans for Woburn Foreign Motors Proposed Redevelopment, 394 Washington Street, Woburn, MA 01801" dated August 7, 2014, prepared by Allen & Major Associates, Inc., 100 Commerce Way, Woburn, MA 01801 (the Plan); and 3. In addition, the Petitioner seeks approval of the following modifications to the existing Site Plan of record: to allow for a stand-alone car wash within the interior of the building, additional parking spaces, transformer; dumpsters and fuel pump, all as shown on the Plan, at 394 Washington Street. PUBLIC HEARING OPENED. A communication dated May 5, 2015 was received from Attorney Joseph Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Foreign Motors, 394 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for May 5, 2015 be continued to the City Council meeting on June 2, 2015. If you need any further information, please contact me. Thank you.

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Attorney Tarby stated that the matter is pending in committee for further review. George Albrecht, Jr. President, Albrecht Auto Group stated that his father founded the petitioner business, that the company has been part of the community by supporting Woburn charitable and municipal causes, that the company provides jobs and has supported other businesses in the community, that the company must improve the facility or be forced to move under corporate direction, that the company is concerned about the citizens who have been impacted by traffic issues in the area, that he believes this proposal will improve traffic conditions to not only its property but also to those traveling along Washington Street, that neither a slip lane nor a right in/right out only restriction are feasible, that he asks the city take steps to improve traffic conditions on Washington Street from the Salem Street intersection to the Reading town line, and that this can be accomplished by grants, State-funded improvements and betterments assessed to those along this section of Washington Street. Michael Pompili, E.I.T., Traffic Engineer, WorldTech Engineering, LLC, 300 TradeCenter, Suite 5580, Woburn, Massachusetts 01801 stated that the petitioner has submitted all traffic analysis to MassDOT for analysis, that the driveway to the locus will require its own warrant, that MassDOT agrees that signalization at the driveway to the locus is required, and that the petitioner has asked MassDOT to comment on the right in/right out restriction at the driveway. PUBLIC COMMENTS: None. Alderman Mercer-Bruen stated that she is concerned that it was reported that a continuance was requested for this matter and that this is the reason no member of the public is present to comment, that she has never heard of a petitioner requesting that a matter be continued and then speaking on the petition at the meeting, and that betterments can only be assessed for sewer work and not for traffic improvements. President Haggerty stated that there have been times when a public hearing is opened for comment even with a continuance requested and the City Council decides whether to permit the continuance or not. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 2, 2015, all in favor 9-0.

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On the petition by Woburn Foreign Motors, 394R Washington Street, Woburn, Massachusetts 01801 for special permits pursuant to the 1985 City of Woburn Zoning Ordinance, as amended, as follows: 1. Section 5.1 (45) to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles including accessory repair and storage facilities; 2. Section 5.1 (69) and 7.3 to allow for the replacement of the existing non-conforming six (6) foot fence as shown on the plan with a six (6) foot wall; 3. Section 8.7 to allow for a reduction in the off street loading requirements; 4. Sections 5.1 (69), 7.3 and 13.5 to allow for the alteration of the existing non-conforming signage; 5. Footnote 8 to Section. 6.1 to allow for an increase in the building height from thirty-five

(35) feet to forty-five (45) feet, more or less; 6. Section 8.6.3 to allow for an exception to the area and landscaping requirements to allow for alternate landscaping equal or superior in visual appearance; and 7. Sections 12.2.4 and 12.3.2 to allow for the replacement of the existing buildings on the property with a new building containing approximately 152,600 square feet in gross floor area, more or less, at 394R Washington Street. PUBLIC HEARING OPENED. A communication dated May 5, 2015 was received from Attorney Joseph Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of Woburn Foreign Motors, 394 Washington Street, Woburn, Massachusetts

Dear Mr. Campbell:

I respectfully request that the City Council public hearing on this matter presently scheduled for May 5, 2015 be continued to the City Council meeting on June 2, 2015. If you need any further information, please contact me. Thank you.

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

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. See record notes from preceding matter. Motion made and 2<sup>nd</sup> that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 2, 2015, all in favor 9-0.

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On the petition by Kiwanis of Woburn, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.75 to allow for a Flag Day celebration and carnival on June 12, 2015 and June 13, 2015 at Library Park. PUBLIC HEARING OPENED. A communication dated April 21, 2015 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Special Permit application of Kiwanis of Woburn – To operate a carnival on June 12 & 13, 2015 at Library Field under the provisions of Section 5.1(75) of the Woburn Zoning Code

Dear Honorable Council:

I have reviewed the above-referenced Special Permit application submitted by the Kiwanis of Woburn for its Annual Flag Day Celebration and Carnival on June 12 and June 13, 2015 at Library Park.

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

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

Respectfully, s/Tina P. Cassidy, Director

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. No one appeared for the petitioner. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> that the SPECIAL PERMIT be GRANTED, AS AMENDED with the condition as follows: 1. That the petitioner shall comply with the requirements in Note 14 of Section 5.1 of the 1985 Woburn Zoning Ordinances, as amended, all in favor 9-0.

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On the petition by John P. Flaherty and Kathryn A. Flaherty, 28 West Street, Woburn, Massachusetts 01801 for special permits 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. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "back for action with a working draft of 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: "Proposed Site Plan Saint Joseph's Church, 100 Washington Street, Woburn, Massachusetts dated March 5, 2015 and revised on April 22, 2015 prepared by Alan Engineer, L.L.C., 288 Littleton Road, Suite 31, Westford, MA 01886 (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. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
3. Exterior construction activities on the Site shall not commence prior to 7:00 a.m. and shall cease no later than 6:00 p.m. Monday through Friday, 8:00 a.m. to 6:00 p.m. Saturday and not all on Sundays. This does not include off site utility work.
4. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways free and clear of all debris.

5. At least fifty (50%) percent of the units shall be age restricted and occupied by at least one person who is fifty-five years of age or older.
6. Prior to the issuance of the Special Permit by the City Clerk's Office, a Deed, Restrictive Covenant or other recorded instrument showing the Petitioner to be the owner of the land to be designated as a Multiple Family Dwelling with fifty (50%) percent of the units restricted for persons 55 years of age or older shall be reviewed by the City Solicitor and approved by the City Council. It shall be a further condition of the Special Permit granted hereunder that said Deed or other recorded instrument shall be recorded at the Middlesex County South District Registry of Deeds prior to the issuance of the Landowner's Notice of Special Permit Decision by the City Clerk's Office.
7. The number of units shall be limited to six (6) units.
8. The Petitioner and its successor and assigns in title agree that it will be responsible in perpetuity for all trash removal services.
9. The Petitioner and its successors and assigns in title agree that all trash receptacles shall be maintained on the ground floor level below the upper deck on the front of the building near the sidewalk of the multi-family dwelling and shall be covered at all times.
10. All parking spaces shown on the Plan shall be striped.
11. Wheel stops shall be added to each parking space as shown on the Plan.
12. If during construction any sidewalk panel sections are damaged, Petitioner shall be required to replace said panels.
13. If the areas identified on the Plan for on-site storage prove to be of inadequate capacity at any time in a given season all snow shall be removed from the site. Any 'plowable' snow shall be removed from the site.
14. There shall be no satellite dishes allowed on the exterior of the building.
15. That the Petitioners and its successors shall maintain the landscaping plan as presented in perpetuity.
16. That the parking on Washington Street shall be restricted to \_\_\_\_\_ based on the approval of the Traffic Commission.  
(Note, Alderman Mercer-Bruen is working on this with petitioners' attorney.)
17. That neighbors shall be notified of any asbestos removal from the site.

A communication dated May 4, 2015 was received from Building Commissioner as follows:

Re: 100 Washington Street Special Permit

With regard to the memorandum received on April 28, 2015 relative to above referenced that is currently being reviewed by your committee I offer the following:

1. Section 27.6 of the Woburn Zoning Ordinances off street parking requires that the project shall comply with Section 8 of the Woburn Zoning Ordinances, upon review of section 8 of the WZO and site plan of record dated March 5, 2015 by Alan Engineering, LLC with revisions thru April 22, 2015, it appears that the allowed driveway width has exceeded the allowable width with the creation of the

- additional parking lot on the northerly side of the property, as outlined within WZO section 8.4 design and layout of required parking facilities the maximum driveway width is twenty four feet (24') per residential property. There appears to be no relief for this type of development as it is classified a residential development with section 8.4.3 only allowing for a maximum driveway width of forty eight (48') for a detached two family dwelling.
2. Site plan of record also identifies three (3) snow storage areas on the northerly side; the areas within the front setback of this area of the lot may create visibility issues if the piles exceed any height greater than three (3') feet similar to the WZO fence requirements regarding allowable height within the front setback. The snow storage area along the south portion of the lot in proximity of property owned by Boyd identified on site plan may also present a problem with runoff onto land of others and hinder parking space identified as space one (1) if the site plan is approved as presented that includes this area for snow storage and parking.
  3. Site plan of record shows an existing HP space on the public way of Washington Street, I am not sure of the reason for this and will advise that the State of Massachusetts Architectural Access Code 521 CMR section 10.3 has specific requirements for accessibility parking on the premises, also 521 CMR section 23.2 outlines the required number of accessible parking spaces on the premises. A further determination of compliance with 521 CMR will occur at time of plan review of the project when all approved site plans identified in the recorded decision and architectural plans are submitted at the building permit plan review phase.
  4. The proposed amount of dwelling units six (6) would be required to have twelve (12) parking spaces on site two (2) per dwelling unit with each stall measuring nine (9') feet in width by eighteen (18') feet in length with no parking allowed within five (5') feet from lot lines, tandem parking is allowed provided the spaces are assigned to the occupants of the building, if the site plan of record is adjusted it should also be shown to be in compliance with this section.

In closing no architectural plans including elevations plans have been provided to verify compliance with other sections of the WZO section 27, if the committee on special permits wishes to have the applicant provide more detailed plans an additional review will occur, as always if there are any additional questions that I may be of assistance do not hesitate to contact me.

s/Thomas Quinn, Jr., Building Commssioner

A communication dated May 5, 2015 with attachments was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Declaration of Restricted Covenant – St. Joseph's Church

In accordance with the request of the Committee on Special Permits (copy attached), I reviewed a Declaration of Restrictive Covenant for the property formerly known as St.

Joseph's Church. This restrictive covenant is required for the issuance of a special permit pursuant to Section 27.7.7(b) of the WZO.

The Declaration submitted with the Committee's request has been revised, with the agreement of petitioner's legal counsel, to reflect the following changes:

Section 1 – Use Restriction was expanded to better define the “over 55” age restriction as it relates to occupancy of the unit;

Section 2 – Effective Date was revised to replace the word “shall” with “may” to better reflect that there is no mandate to terminate the Covenant under Section 3(b) in the event that an abutter appeals the issuance of the special permit.

Section 6 – Term was amended to require the Covenant to be referenced in all leases, deeds and condominium documents, as it is not clear if the petitioner will retain ownership and lease the property or form a Condominium Association.

The City Council should also note in regard to Section 6, that the “maximum period allowed under Massachusetts law” is 30 years. *See*, M.G.L. c.184, §23.

s/Ellen Callahan Doucette, City Solicitor

Motion made and 2<sup>nd</sup> that the communications be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he provided the following documents to the City Council for review: 1. A set of plans entitled “Existing Conditions Plan St. Joseph's Church” dated March 5, 2015, revised 4/15/15, revised 4/22/15, revised 5/4/15, revised 5/5/15 prepared by Alan Engineering, L.L.C.; 2. A set of colored plans entitled “Existing Conditions Plan St. Joseph's Church” dated March 5, 2015, revised May 5, 2015 prepared by Alan Engineering, L.L.C.; 3. Proposed Conditions to Special Permit of John and Kathryn Flaherty, Property at 100 Washington Street; 4. Declaration of Restrictive Covenant; 5. Colored rendering of the building exterior; and 6. Memorandum dated May 4, 2014 entitled “Special Permit Petition of John P. Flaherty and Kathryn A. Flaherty, 100 Washington Street, Woburn, Massachusetts.” Motion made and 2<sup>nd</sup> that the documents be received and made part of the record, all in favor, 9-0. John Seger, Seger Architects Inc., 10 Derby Square, Suite 4N, Salem, Massachusetts 01970 stated that the exterior siding will be replaced, that some windows will be maintained and other windows replaced, that the front stairs will be replaced to give a more residential feel, that removing the large stairs that came to the street will provide a softer edge, that dormers will be added, and that they are replacing the roof with a more residential shed roof. Alderman Mercer-Bruen stated that the rendering gives a better perspective of what the building may look like, and that the vehicles shown in the rendering do not appear to indicate the actual parking space layout. Mr. Seger stated that part of the design of the porch is to provide a hidden handicapped accessible ramp under the porch as well as provide access to the building from the front of the building, a trash room and a secure means of access. Alderman Gately stated that

the two parking spaces on the south side of the property will be removed and the curb cut closed according to the plan. Attorney Tarby stated it is correct that the two parking spaces on the south side of the property will be removed and the curb cut closed, that the site plan shows the landscaping that will be on the site, and that the plan would be the site plan of record. Alderman Concannon stated that according to the Planning Director on a different petition the Fire Department is concerned about the storage of trash in a building. Attorney Tarby stated that the other petitioner where the issue was raised is for industrial building with trash stored inside, that with this property the trash will be stored outside under a porch but not in the building, and that the Fire Department did not provide an opinion on this petition. Mr. Seger stated that the trash rooms are sprinkled and have fire detectors, that the storage of the trash is allowed under the State Building Code, and that the trash storage proposed is not unusual. Mark Sleger, Alan Engineering LLC, 288 Littleton Road, Suite 21, Westford, Massachusetts 01886 stated that the parking on the southerly side of the property has been eliminated, that the sidewalk has been continued to that area, that a low grassed berm will be added on the southerly side of the property to contain any snow melt runoff on site, that the snow will be contained on site and seep into the ground, that twelve tandem parking spaces will be assigned to each unit, that two compact parking spaces will be provided in the front of the parking lot, that there will be no parking within nine feet of a maple tree trunk, that there will be brick pavers near the maple tree to allow air and water in that area, that the vinyl fence along the north side of the site will be a six foot white vinyl fence up to 25 feet from the front lot line and will then lower to a three foot post and rail fence, that the post and rail fence will provide better visibility for vehicles, that the snow storage will be in this area, that any excess snow will be removed, that the parking area will be fenced in with a white vinyl fence, that the petitioner is willing to reinstall the fence on the southerly lot line with a gate to allow any necessary access, that a dense screen of five foot tall arborvitae will be planted at the rear property line to provide a dense screening, that there will be approximately 20 to 25 arborvitae planted, that the exact species of planting and number of shrubs is not specified to allow flexibility and to permit future residents of the property to plant as they desire, that the handicapped parking space located on the public street is on the plan to demonstrate existing conditions but the petitioner has no control over on-street parking, and that the curb cut to the southerly side of the lot will be eliminated. Mr. Seger stated that the HVAC, electrical and plumbing systems have not been designed yet, that there will be centralized heating and cooling with no exterior units, and that the units would be located in a sideyard. Alderman Mercer-Bruen stated that she is concerned about the location of the air conditioning units as some residents are seven feet away. Mr. Seger stated that there may be a need for three pads to accommodate the air conditioning units, Alderman Mercer-Bruen stated that it is important to determine where the air conditioning units will be located. Mr. Sleger stated that under normal snowfall the snow would be placed into the adjacent areas on the property, that with excess snow they will place the snow in the area of the southerly side of the property using a bobcat machine along the sidewalk, and that the compact parking spaces will be assigned to particular units. Alderman Anderson stated that he is concerned about the adequacy of the proposed parking. Mr. Sleger stated that one of the compact parking spaces could be made a full size parking space, and that the zoning code allows for 30% of the parking to be for compact cars. Alderman Drapeau stated that this review needs to explore the air

conditioning issue, and that there are quieter units on the market. The petitioner John Flaherty stated that nothing can be hung from the building, that there will be six air conditioner units with one for each dwelling unit, and that the air conditioning units will be surrounded by a fence for screening. Alderman Drapeau stated that the air conditioning screening will have to be a condition of the special permit, and that the specifics of the air conditioning units have to be determined. Mr. Flaherty stated that there is a lot of space in the attic which might accommodate the air conditioning units. Mr. Seger stated that an air conditioning unit can be placed in the attic but there will have to be venting as the units generate a lot of heat. Alderman Gaffney stated that the heating units can be small as technology is improving, and that the units are efficient and do not make a lot of noise. Alderman Mercer-Bruen stated that the matter needs additional review to address these issues, and that she wants the HVAC issues addressed. Alderman Gately stated that the plan of record can be modified as to where the air conditioning units are to be located but beyond that the City Council cannot get into the details. Alderman Mercer-Bruen stated that she wants greater detail as to the type of air conditioning units that will be installed. Alderman Anderson stated that the special permit should not specify a particular air conditioning manufacturer as ten years from now there may be a different unit on the market but a type of unit might be satisfactory. Alderman Drapeau stated that a low ambient dB air conditioning unit may be a proper condition. Alderman Concannon stated that the discussion relative to the air conditioning units is indicative of why a back for action report is not appropriate, that the project has improved during review, and that the project needs further review to be certain that the details are specific. Attorney Tarby stated that he cannot recall any project where such an amount of time was spent on the issue of air conditioning units, that the proposal is for a residential use, that if a neighbor wants to install an air conditioning unit in a residential area then they can, and that the petitioner will not object to the location and screening of air conditioning units with a low dB rating. Alderman Drapeau stated that the air conditioners are a valid issue because this property is an exception to the zoning with a large building and with large utility needs in a residential neighborhood. Alderman Mercer-Bruen stated that she is concerned about snow storage, that plowable snow among contractors is anything above three inches, and that there should not be any snow storage on site. Attorney Tarby stated that the City Solicitor approved the form of the proposed restrictive covenant relative to age 55 and over, that the proposed conditions have been reviewed, that there is livable space on the ground floor which can be used as a basement or family room for residents of the building, that the petitioner will offer an additional condition that all air conditioning units shall be located in the northwesterly area of the lot near the parking spaces with screening and units of low dB rating, that the basement is a second means of egress to the units which is required, and that the City Council review of a special permit petition does not extend to the layout within the four walls of the building. Alderman Mercer-Bruen stated that she is concerned that additional units would be added to the basement, that snow storage on site should not be permitted, and that there should be a revised site plan showing the location of the air conditioning units. PUBLIC COMMENTS: John Flaherty, 28 West Street stated that the condominium documents can address the snow removal and storage, that there is sufficient parking and access to the parking, that the basement is a wooden floor on dirt, that the floor has to be taken out, that drainage, the sprinkler, water lines and electricity will be installed under th

cement floor, that the elevator will bring someone to the first floor but not to the second floor bedroom area, that the parcel of land is a postage stamp, and that the snow will be more of an issue for the residents of the property getting their vehicles in and out of the property rather than an issue for the neighbors. Frank Coccoluto, 5 Utica Street stated that his property is 1.6 feet away from the parcel, that he does not want his yard or shrubbery disturbed during construction, that he wants to see a rendering of the entire exterior of the building, and that he is concerned about the balcony at the rear of the property that will overlook his yard. Susan Boyd, 1 Utica Street stated that she wants to see a rendering of the southerly side of the building, that her property abuts that side of the building, that she does not want people in the upstairs of the building looking out twelve windows into her windows, that she is concerned about the air conditioning units and snow storage, that the construction hours should be restricted for both interior and exterior construction, that there should be temporary fencing around the entire property during construction, and that the location of the handicapped accessible space is dangerous during the afternoon peak traffic times. Glen Turgiss, 4 Central Street stated that once the building is constructed and inspected someone can put additional units in the building as has been done on other houses, that there are few resources to prevent illegal multiple dwelling buildings, that if this proposal was a good project there would be no need for 25 conditions, that if this project is approved it creates a precedent for the Wyman School, Central Fire Station and other church properties, and that he wants Section 12.2 of the Woburn Zoning Ordinances relative to multifamily dwellings closed. Theron Rose, 5 Hobson Avenue stated that he is in favor of the project, and that the petitioner will work to address the concerns of the neighbors. Arthur Duffy, 38 Alfred Street stated that he supports the project, and that the petitioner does good work. Laura Redick, 4 Central Street stated that there is no steeple on the church, that the discussion was historic preservation, that it has been said that nothing will be different except that there will be people living in the building, that the rendering shows the building to be entirely different, that the stairs are removed and a balcony has been added to the back, that the only appearance of a church are the four windows in front, that the rendering does not look like the present building, that the project has failed at historic preservation, that the interior is not a public space but is for the residents, that the discussion was for inside trash storage and now the trash will be exterior storage, that it sounds like the trash will be placed outside for pick-up rather than someone going into the building to pick up trash, that the building is significantly changed from the current building, and that if the petitioner is taking a portion to construct a rear deck then they should take of the back of the building to conform to the setback requirements. Kathy Bailey, 4 Utica Street stated that the plans as submitted do not show a lot of things, that she is concerned about the capacity of parking and for accommodating SUVs and pick-up trucks, that she is concerned about the balcony on the rear of the building as this would change the roof line, that the windows are proposed to be changed, that the building is completely different than the current structure, that there should be a vinyl fence around the entire property, that she believes that there is asbestos in the building, that the building is completely out of character with the neighborhood, and that all of the neighbors are against the project and that City Council should reject the proposal. Bob Murphy, 8 Utica Street stated that he is opposed to the project, that the petition should go back to committee to consider the conditions, that the petitioner is not the issue as he will not

always own the building, that he has a copy of a plan that was originally offered indicating three residential units in the building, and that now the petitioner is attempting to maximize to six units. Anna Coccoluto, 5 Utica Street stated that the rear balcony is a huge surprise, that the balcony was never mentioned before, and that her property is 1.3 feet from the locus. Attorney Tarby stated that the two balconies on the rear of the building were presented as an earlier public hearing and in committee, that this is not the first time the balconies were presented, that the Historical Commission was informed of the balcony, that the Historical Commission indicated that the proposal met all of the required conditions, that the interior work will consist of painting and papering which will take place during the off hours, that there is a fence near the abutting property that will prevent access to the neighbor's property, that the proposal is for six units, and that the City Council should make a finding under Section 27.7 of the Woburn Zoning Ordinances relative to conversion of a house of worship. Mr. Flaherty stated that the vinyl siding has been removed to see what the original condition was and will be restored to that exterior, that the property is being brought to the original historic use for housing rather than a church, that there is a value to the historic property, that the oldest building in the city was recently razed, that the building will look like the rendering even the color, and that there is no set budget to improve the building. Attorney Tarby stated that the petitioner did not agree to a condition relative to livable space in the basement or removing the snow from the site but did agree to the other conditions. Alderman Anderson stated that Condition 10 should be amended to state that the parking spaces are designated to a specific unit, and that he is concerned about the snow storage issues. Alderman Gately stated that the special permit could have a condition that any snow over three inches will be removed from the site. Alderman Mercer-Bruen stated that Condition 9 should be changed to stated that trash will remain inside the building until retrieved by the trash collector on the designated trash day. Alderman Drapeau stated that limiting trash collection to one day each week on the day that the neighbors trash is picked up may be detrimental if there is significant trash, and that sometimes it is better to remove the trash when needed. Mr. Flaherty stated that he was going to have the trash removed twice a week, that each unit will have their own trash receptacle, and that one trash day can be on the designated day for the neighborhood. Alderman Mercer-Bruen stated that she does not recall discussions about a balcony. Mr. Flaherty stated that the balconies are small, and that they will be located on a flat portion of the roof that currently exists. Alderman Mercer-Bruen stated that she wants the balconies removed. Mr. Seger stated that the balconies were shown on two occasions previously, that they petitioner will not be demolishing anything, and that the petitioner is just adding the roof deck to the existing flat roof. Attorney Tarby stated that this is the third time that the balconies have been presented. President Haggerty stepped down from the chair and Alderman Drapeau assumed the chair. Motion made and 2<sup>nd</sup> that the matter be referred to Committee on Special Permits and the public hearing be continued to the May 19, 2015 City Council Regular Meeting, ROLL CALL: Anderson – Yes, Concannon – Yes, DiTucci – No, Gaffney – No, Gately – No, Mercer-Bruen – Yes, Raymond – No, Haggerty – Yes, Drapeau – No, Motion Fails. Conditions 3, 9, 13, 17, 25, 26 and 27 were amended all in favor, 9-0. Motion made and 2<sup>nd</sup> to add a condition as follows: No bedrooms shall be constructed on the basement level, 4 in favor, 5 opposed (Anderson, DiTucci, Drapeau, Gately, Raymond opposed), Motion Fails. Motion made and 2<sup>nd</sup> to add Condition 28 as

follows: “In accordance with Section 27.7 of the 1985 Woburn Zoning Ordinances, as amended, the City Council affirms compliance with Section 27.7.1 through 27.7.7”,  
ROLL CALL: Anderson – Yes, Concannon – No, DiTucci – Yes, Gaffney – Yes, Gately – Yes, Mercer-Bruen – No, Raymond – Yes, Haggerty – Yes, Drapeau – Yes, Motion Passes. Mr. Flaherty stated that the balcony was planned to be 23 feet by 14 feet which is about 300 square feet and that he is willing to reduce the size of the balcony to 40 square feet rather than eliminate the balcony, and that the balcony was never meant to be a gathering space. Motion made and 2<sup>nd</sup> that the balconies be removed, ROLL CALL: Anderson – No, Concannon – Yes, DiTucci – No, Gaffney – No, Gately – No, Mercer-Bruen – Yes, Raymond – No, Haggerty – Yes, Drapeau – No, Motion Fails. Motion made and 2<sup>nd</sup> to add Condition 29 as follows: “That the exterior balcony shall not exceed 40 square feet”, 7 in favor, 2 opposed (Concannon, Mercer-Bruen opposed). Motion made and 2<sup>nd</sup> that the public hearing be closed, 7 in favor, 2 opposed (Concannon, Mercer-Bruen opposed). PUBLIC HEARING CLOSED. Motion made and 2<sup>nd</sup> to amend Condition 5 by deleting “fifty (50%)” and inserting “forty (40%)” in its place, to amend Condition 6 by deleting “fifty (50%)” and inserting “forty (40%)” in its place and to amend Condition 7 by deleting “six (6)” and inserting “five (5)” in its place, ROLL CALL: Anderson – Yes, Concannon – Yes, DiTucci – No, Drapeau – No, Gaffney – No, Gately – No, Mercer-Bruen – Yes, Raymond – No, Haggerty – No, Motion Fails. Alderman Concannon stated that the conclusion of this matter has been rushed, that at each review the project gets better, that this petition has been before the City Council for three or four weeks, that during the zoning amendment process it was said to wait until the special permit process and now at the special permit process the City Council is being told to abide by what the ordinance says, that a change was made to the rules which affects these neighbors, that the project is not a benefit to the city, that there is more work to be done, that some of his concerns have not been addressed, that the petitioner is not an issue, that the balance is out of whack, that the project is a postage stamp as the petitioner stated, that reducing the number of unites will reduce concerns with trash, air conditioning, parking and the like, and that he cannot support this petition. Alderman DiTucci stated that the petitioner has agreed to nearly thirty conditions and an over age 55 restriction, that the only issue he has not agreed to is five units, that this is an enormous building, that with five units in a building of that size there are other issues, that the City Council should approve should approve this proposal for two bedroom condominiums in a residential neighborhood, and that the building that has been there for 150 years will be saved. Alderman Mercer-Bruen stated that the original plan was for three units, that the air conditioning, materials and balconies are not of an historical nature, that there should be one more meeting, and that she will not support the petition. Motion made and 2<sup>nd</sup> 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: “Proposed Site Plan Saint Joseph’s Church, 100 Washington Street, Woburn, Massachusetts dated March 5, 2015 and revised on April 15, 2015, April 22, 2015, May 4, 2015 and May 5, 2015 prepared by Alan Engineer, L.L.C., 288 Littleton Road, Suite 31, Westford, MA 01886 (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. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties. Lighting also needs to be quiet and steady without buzzing sounds or any continuous whine, clicking, or disruptive turning on and off behavior.
3. Interior/exterior construction activities on the Site shall not commence prior to 7:00 a.m. and shall cease no later than 5:00 p.m. Monday through Friday and not at all on Saturdays or Sundays. This does not include off site utility work. No construction activity shall be allowed on abutters property absent permission of the abutters.
4. During the Site redevelopment and construction phases, the Petitioner shall maintain all adjoining roadways and abutting properties free and clear of all construction debris.
5. At least fifty (50%) percent of the units shall be age restricted and occupied by at least one person who is fifty-five years of age or older.
6. Prior to the issuance of the Special Permit by the City Clerk’s Office, a Deed, Restrictive Covenant or other recorded instrument showing the Petitioner to be the owner of the land to be designated as a Multiple Family Dwelling with fifty (50%) percent of the units restricted for persons 55 years of age or older shall be reviewed by the City Solicitor and approved by the City Council. It shall be a further condition of the Special Permit granted hereunder that said Deed or other recorded instrument shall be recorded at the Middlesex County South District Registry of Deeds prior to the issuance of the Landowner’s Notice of Special Permit Decision by the City Clerk’s Office.
7. The number of units shall be limited to six (6) units.
8. The Petitioner and its successor and assigns in title agree that it will be responsible in perpetuity for all trash removal services.
9. The Petitioner and its successors and assigns in title agree that all trash and recycling receptacles shall be maintained on the ground floor level below the upper deck on the front of the building near the sidewalk of the multi-family dwelling and shall remain inside until the trash collector retrieves the trash on the designated trash day. Recycling and trash pick-up shall twice per week with one of the pick-up days coinciding with the trash pick-up day for the surrounding streets.
10. All parking spaces shown on the Plan shall be striped and designated to a unit. All spaces shall be visibly signed as to the applicable unit.
11. Wheel stops shall be added to each parking space as shown on the Plan.
12. If during construction any sidewalk panel sections are damaged, Petitioner shall be required to replace said panels.

13. If the areas identified on the Plan for on-site storage prove to be of inadequate capacity at any time in a given season all snow shall be removed from the site. Any plowable snow three or more inches will be removed from the site within 24 hours of the snowstorm. No snow shall be removed from the parking area and stored on the southerly side of the parcel.
14. There shall be no objects on any exterior surface of the building or the building grounds that would detract from the historical character of the structure. This includes, but is not limited to satellite dishes, window air conditioning units, window boxes, and solar panels.
15. That the Petitioners and its successors shall maintain the landscaping plan as presented in perpetuity.
16. Subject to approval by the City of Woburn Traffic Commission, no parking shall be allowed on Washington Street in front of the property between the hours of Monday through Friday, 7:00 a.m. – 9:00 a.m. and between the hours of 3:00 p.m. – 7:00 p.m.
17. All property owners listed on the certified abutters list of record filed with the Special Permit Petition shall be notified prior to removal of any hazardous material including, but not limited to asbestos and lead, removed from the site.
18. The ventilation system to be installed in the trash room shall be vented toward the parking lot.
19. The Petitioner shall install historical photos of St. Joseph's Church in the common hallways of the property.
20. The Petitioner shall install a plaque on the building indicating that it is the site of the former St. Joseph's Church.
21. A white 6 foot vinyl fence tapering down to a three foot vinyl post and rail fence as shown on the plan shall be installed along the common boundary line of the Property and 110 Washington Street pursuant to the regulations of the Woburn Zoning Ordinance and maintained in perpetuity. Shrubs shall be installed in front of the fence on the Church side and also maintained in perpetuity.
22. The petitioner will provide an undisturbed and unpaved circle provided for a minimum of 9 feet from the outside of the large maple tree trunk all around located at 110 Washington Street to maintain water access for the tree and its root health and stability.
23. Prior to the commencement of construction, the Petitioner shall conduct a pre-construction survey of the Property at 110 Washington Street.
24. The Master Deed and Bylaws filed with the creation of a condominium at 100 Washington Street shall include the conditions of this Special Permit Decision. Copies of the recorded Master Deed and Bylaw will be provided to the City of Woburn Building Commissioner.
25. That either parking space 11 or parking space 12 on the Site Plan may be converted to a full size parking space.
26. Any exterior air conditioning units shall be enclosed at the northwesterly corner of the building and be low dB units as determined by the Building Commissioner.
27. If any abutting shrubbery is disturbed during construction, the petitioner shall replace the shrubbery.
28. In accordance with Section 27.7 of the 1985 Woburn Zoning Ordinances, as amended, the City Council affirms compliance with Section 27.7.1 through 27.7.7.

29. That the exterior balcony shall not exceed 40 square feet.

7 in favor, 2 opposed (Concannon, Mercer-Bruen opposed).

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Alderman Drapeau stepped down from the chair and President Haggerty assumed the chair.

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Motion made and 2<sup>nd</sup> for a five minute recess, all in favor, 9-0.

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President Haggerty called the meeting back to order.

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Motion made and 2<sup>nd</sup> that the public hearing on the next two matters be held collectively, all in favor, 9-0.

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On the petition by Draper Realty LLC, 1150 Main Street, Concord, Massachusetts 01742 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57a to allow for a storage container at 31 Draper Street. PUBLIC HEARING OPENED. A communication dated April 29, 2015 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Special Permit Application for Storage Container and Overnight Parking of Commercial Vehicles at 31 Draper Street/Draper Realty Trust (Owner) and Superior Contracting Services LLC (Applicant)

Dear Honorable Council:

This office has reviewed the above-referenced petitions which seek authorization for the overnight parking of commercial vehicles in accordance with Section 5.1.57(b) of the Woburn Zoning Ordinance and the placement of an outside storage container in accordance with Section 5.1.57(a) of the Woburn Zoning Ordinance. Staff has confirmed that the applicant is requesting permission to park a total of three (3) commercial vehicles on the property (one [1] van and two [2] box trucks).

The Planning Department notes that the Director of Inspectional Services requires applicants to demonstrate that there is sufficient parking on site to accommodate employees and customers as well as the commercial vehicles that are proposed to be parked overnight. The applicant's attorney indicates there will be a total of sixteen (16) employees on site, and the plan shows a total of sixty (60) parking spaces on the property:

Name of Business	Location in Building	Number of
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		Employees
A's Baseball Center	Bays #1 and #2	5
Superior Contracting Services	Bay #3	2
Prova Inc.	Bays #4 and #5	2
Worldwide Medical	Bay #6	2
Olmstead Flint	Bays #7 and #8	5
<b>TOTAL EMPLOYEES ON SITE</b>		<b>16</b>

The Planning Department recommends that the City Council consider imposing the following as conditions of approval (most of these conditions were included verbatim in previous special permit decisions for other or former tenants of this site):

1. The proposed storage trailer is blocking one of the building's doorways but the doorway is an overhead door intended for shipping and receiving and not for pedestrian access or egress (its threshold is approximately four [4] feet above grade on the exterior). To further ensure the safety of employees in times of emergency, the Planning Department recommends that the applicant be required to post a sign on the interior of the door stating "NOT AN EXIT";
2. A specific area on the site should be identified and designated for the overnight parking of three (3) commercial vehicles and the designated area should be reflected on the plan of record. The applicant's attorney indicates the tenant intends to park the vehicles immediately to the east of the proposed storage trailer, but the Council should consider whether to require the two (2) box trucks to be parked at the tenant's loading docks overnight instead. Doing so would result in only one (1) space in the parking lot being used for overnight parking of the company's van;
3. All Dumpsters shall be enclosed within the building and emptied between the hours of 7:00 a.m. and 5:00 p.m.;
4. Signage on the building shall not be internally illuminated;
5. All lighting on the premises shall be reflected downward to avoid any impact on surrounding properties;
6. There shall be no outside storage of materials allowed on the premises other than the single exterior storage container authorized by this Special Permit;
7. The hours of operation shall be limited to 6:00 a.m. to 8:00 p.m., Monday through Friday; Saturdays from 7:00 a.m. to 4:00 p.m.; and Sundays from noon to 4:00 p.m.;
8. Loading activities shall be limited to 7:00 a.m. to 7:00 p.m., Monday to Friday; 8:00 a.m. to 1:00 p.m. on Saturdays and not at all on Sunday;

9. No deliveries shall be allowed on the site prior to 7:30 a.m. or after 5:00 p.m., Monday to Friday and there shall be no deliveries on Saturday or Sunday;
10. The petitioner shall post signs within its customer pickup area and loading area requesting both its customers and delivery companies to obey the rules of the road while traveling on City of Woburn streets and to use caution while traveling on Nashua Street to and from Draper Street;
11. The petitioner's commercial vehicles shall not use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site;
12. The petitioner shall instruct its employees not to use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site;
13. The special permit for the storage container shall be reviewed one (1) year after the date of issue, in accordance with Note 17 to Section 5.1 of the Woburn Zoning Ordinance; and
14. The plan should be revised to include an area for snow storage. The Conservation Commission has expressly prohibited the storage of snow within the storm water management area in the front of the building/parking lot. According to the developer's attorney, the current practice is to store the snow along the base of the ledge cut along the southerly (rear) property line and this arrangement causes no issues with current tenants. The Planning Department recommends that the plan be revised to formally show the area of the site that is and will be used for the storage of snow when needed in the future.

Please feel free to contact me if you have any questions about this recommendation.

Respectfully, s/Tina P. Cassidy, Director

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph Tarby, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the locus is at the end of the street abutting the railroad track, that the trailer proposed by Draper Realty LLC will be located at behind the building and will not be visible from Draper Street, that the petitioner has no issue with the proposed conditions, that the Superior Contracting Services LLC petition is to park three commercial vehicles at the locus, that there will be two box trucks and one van, that the use is allowed at the locus as a business service, that the petitioner is engaged of the business of cleaning buildings when a tenant moves out before the new tenant takes possession, that the box trucks will be parked at the loading docks and the van will be parked in the parking space as shown on the plan. Attorney Tarby offered a set of proposed conditions for each of the petitions for the City Council to review. Motion made and 2<sup>nd</sup> that the documents be received and made part of the record, all in favor, 9-0. Attorney Tarby offered a document entitled "Sketch Plan

Showing Snow Storage Area” for the City Council to review. Motion made and 2<sup>nd</sup> that the document be received and made part of the record, all in favor, 9-0. Chip Curran of Draper Realty LLC stated that the storage trailer will be used to store plows, snowblowers and tools used for landscaping, that the equipment was stored inside of a 5,000 square foot unit but that has now been rented, that space is needed to store the equipment, and that this is for a large metal container. Alderman Mercer-Bruen stated that she has received many calls from constituents regarding traffic, trash and other issues on Holton Street, that she wants the matters referred to committee, that input should be provided by the Building Commissioner concerning the issues, that storage trailers are allowed temporarily under the zoning ordinances, and that the petitioner should present a plan addressing the long-term storage of the equipment. Alderman Gately stated that there have been some issues in that area, hat the storage trailer is already on the locus, that the matter can be addressed in committee, and that it is difficult to move forward due to the number of pending special permit petitions. Alderman Drapeau stated that these type of storage containers can be improved aesthetically and that he asks the petitioner bring in plan to beautify the storage container. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS AND THAT THE PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 2, 2015, all in favor 9-0.

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On the petition by Superior Contracting Services LLC, 201 Prospect Avenue, Revere, Massachusetts 02150 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57b to allow for overnight parking of petitioner’s commercial vehicles at 31 Draper Street. PUBLIC HEARING OPENED. A communication dated April 29, 2015 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Special Permit Application for Storage Container and Overnight Parking of Commercial Vehicles at 31 Draper Street/Draper Realty Trust (Owner) and Superior Contracting Services LLC (Applicant)

Dear Honorable Council:

This office has reviewed the above-referenced petitions which seek authorization for the overnight parking of commercial vehicles in accordance with Section 5.1.57(b) of the Woburn Zoning Ordinance and the placement of an outside storage container in accordance with Section 5.1.57(a) of the Woburn Zoning Ordinance. Staff has confirmed that the applicant is requesting permission to park a total of three (3) commercial vehicles on the property (one [1] van and two [2] box trucks).

The Planning Department notes that the Director of Inspectional Services requires applicants to demonstrate that there is sufficient parking on site to accommodate employees and customers as well as the commercial vehicles that are proposed to be parked overnight. The applicant’s attorney indicates there will be a total of sixteen (16)

employees on site, and the plan shows a total of sixty (60) parking spaces on the property:

Name of Business	Location in Building	Number of Employees
A's Baseball Center	Bays #1 and #2	5
Superior Contracting Services	Bay #3	2
Prova Inc.	Bays #4 and #5	2
Worldwide Medical	Bay #6	2
Olmstead Flint	Bays #7 and #8	5
<b>TOTAL EMPLOYEES ON SITE</b>		<b>16</b>

The Planning Department recommends that the City Council consider imposing the following as conditions of approval (most of these conditions were included verbatim in previous special permit decisions for other or former tenants of this site):

1. The proposed storage trailer is blocking one of the building's doorways but the doorway is an overhead door intended for shipping and receiving and not for pedestrian access or egress (its threshold is approximately four [4] feet above grade on the exterior). To further ensure the safety of employees in times of emergency, the Planning Department recommends that the applicant be required to post a sign on the interior of the door stating "NOT AN EXIT";
2. A specific area on the site should be identified and designated for the overnight parking of three (3) commercial vehicles and the designated area should be reflected on the plan of record. The applicant's attorney indicates the tenant intends to park the vehicles immediately to the east of the proposed storage trailer, but the Council should consider whether to require the two (2) box trucks to be parked at the tenant's loading docks overnight instead. Doing so would result in only one (1) space in the parking lot being used for overnight parking of the company's van;
3. All Dumpsters shall be enclosed within the building and emptied between the hours of 7:00 a.m. and 5:00 p.m.;
4. Signage on the building shall not be internally illuminated;
5. All lighting on the premises shall be reflected downward to avoid any impact on surrounding properties;
6. There shall be no outside storage of materials allowed on the premises other than the single exterior storage container authorized by this Special Permit;

7. The hours of operation shall be limited to 6:00 a.m. to 8:00 p.m., Monday through Friday; Saturdays from 7:00 a.m. to 4:00 p.m.; and Sundays from noon to 4:00 p.m.;
8. Loading activities shall be limited to 7:00 a.m. to 7:00 p.m., Monday to Friday; 8:00 a.m. to 1:00 p.m. on Saturdays and not at all on Sunday;
9. No deliveries shall be allowed on the site prior to 7:30 a.m. or after 5:00 p.m., Monday to Friday and there shall be no deliveries on Saturday or Sunday;
10. The petitioner shall post signs within its customer pickup area and loading area requesting both its customers and delivery companies to obey the rules of the road while traveling on City of Woburn streets and to use caution while traveling on Nashua Street to and from Draper Street;
11. The petitioner's commercial vehicles shall not use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site;
12. The petitioner shall instruct its employees not to use the section of Nashua Street between Draper Street and Holton Street when traveling to and from the site;
13. The special permit for the storage container shall be reviewed one (1) year after the date of issue, in accordance with Note 17 to Section 5.1 of the Woburn Zoning Ordinance; and
14. The plan should be revised to include an area for snow storage. The Conservation Commission has expressly prohibited the storage of snow within the storm water management area in the front of the building/parking lot. According to the developer's attorney, the current practice is to store the snow along the base of the ledge cut along the southerly (rear) property line and this arrangement causes no issues with current tenants. The Planning Department recommends that the plan be revised to formally show the area of the site that is and will be used for the storage of snow when needed in the future.

Please feel free to contact me if you have any questions about this recommendation.

Respectfully, s/Tina P. Cassidy, Director

Motion made and 2<sup>nd</sup> that the communication be received and made part of the record, all in favor, 9-0. See record notes from preceding matter. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON SPECIAL PERMITS AND THAT THE PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 2, 2015, all in favor 9-0.

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**CITIZEN'S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**FINANCE:**

On the Order to transfer the sum of \$10,000.00 from Cemetery Interest Fund to Cemetery Over-time Account, committee report was received “ought to pass.” Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: May 7, 2015** **s/Scott D. Galvin May 7, 2015**

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On the Order to transfer the sum of \$7,938.00 from 7 State Street Acct to Aldis Camera’s Traffic Detection Installation Acct, committee report was received “ought to pass.” Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: May 7, 2015** **s/Scott D. Galvin May 7, 2015**

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On the Order to approve deficit spending in excess of appropriation for the removal of snow and ice, committee report was received “ought to pass.” Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: May 7, 2015** **s/Scott D. Galvin May 7, 2015**

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**ORDINANCES:**

On the Order to amend the 1989 Woburn Municipal Code, as amended, Section 2-181 relative to base salary for DPW Superintendent, committee report was received “ought to pass” as follows:

**ORDERED** Be it Ordained by the City Council of the City of Woburn that Title 2, Article XXVII, Section 2-181 of the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. That the base salary of the DPW Superintendent be amended to \$100,814.76 effective July 1, 2014.
2. That the base salary of the DPW Superintendent be amended to \$102,831.06 effective July 1, 2015.

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

**Presented to the Mayor: May 7, 2015** **s/Scott D. Galvin May 7, 2015**

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**PUBLIC SAFETY AND LICENSES:**

On the petition by Checker Cab of Woburn for renewal of Taxi Cab License for three (3) vehicles, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: May 7, 2015** **s/Scott D. Galvin May 7, 2015**

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On the petition by Checker Cab of Woburn Inc. for renewal of Livery License for six (6) vehicles, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: May 7, 2015** **s/Scott D. Galvin May 7, 2015**

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On the petition by GameStop #3315 for renewal of a License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles, committee report was received "ought to pass". Motion made and 2<sup>nd</sup> that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

**Presented to the Mayor: May 7, 2015** **s/Scott D. Galvin May 7, 2015**

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**NEW PETITIONS:**

Petition by Friends of Mary Cummings Park, 101 Middlesex Tpke, Suite 6, PMB #343, Burlington, Massachusetts 01801 for a special event permit to allow memorial lantern walk at Horn Pond on May 24, 2015. Motion made and 2<sup>nd</sup> that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

**Presented to the Mayor: May 7, 2015** **s/Scott D. Galvin May 7, 2015**

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Petition by Woburn Kiwanis, P.O. Box 521, Woburn, Massachusetts 01801 for a special event permit to allow annual Flag Day festival at Library Field on June 14, 2015 and June 15, 2015. Motion made and 2<sup>nd</sup> that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

**Presented to the Mayor: May 7, 2015** **s/Scott D. Galvin May 7, 2015**

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Petition by Blues for Veterans, P.O. Box 507, Woburn, Massachusetts 01801 for a special event permit to allow for a music concert at Library Field on August 29, 2015. Motion made and 2<sup>nd</sup> that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.

**Presented to the Mayor: May 7, 2015** **s/Scott D. Galvin May 7, 2015**

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Petition by SureRide, LLC, 400 TradeCenter, Suite 5900, Woburn, Massachusetts 01801 for renewal of a Taxi Cab License for two (2) vehicles. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 9-0.

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Petition by Saeed Rajabi dba Sky Taxi of Woburn, 21 Cummings Park #232, Woburn, Massachusetts 01801 for renewal of Taxi Cab License for one (1) vehicle. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 9-0.

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Petition by Robson L. Dias, 2 Westgate Drive #202, Woburn, Massachusetts 01801 for renewal of Livery License for one (1) vehicle. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO COMMITTEE ON PUBLIC SAFETY AND LICENSE, all in favor, 9-0.

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Bloomfield Hospitality LLC, 903A Main Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.23, 5.1.29, 7.3 and 13 for approval of modification of a Special Permit dated December 27, 2012 to allow for the substitution of Bloomfield Hospitality LLC in place of Mr. Charlie's at 880 Main Street. Motion made and 2<sup>nd</sup> that the MATTER be REFERRED TO PUBLIC HEARING AT THE JUNE 16, 2015 CITY COUNCIL REGULAR MEETING AND be REFERRED TO COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

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**COMMUNICATIONS AND REPORTS:**

A communication dated April 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. The following figures represent year to date totals for 2015: Number of violations issued 285, Numbers of violations paid 135, Number of violations outstanding 134, Amount collected and submitted to Collectors Office \$14,734.60, Parking fines referred to the Handicap Commission \$5,100.00.

There is a backlog of 1,749 unpaid tickets dating from January 2004 to March 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 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication was received from the Woburn Conservation Commission relative to the Tree Program in which residents can purchase trees. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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A communication from Coalition for Responsible Retailing, 574 Boston Road, Billerica, Massachusetts 01821 relative to proposed regulations to reduce minors' access to tobacco. Motion made and 2<sup>nd</sup> that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

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

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**APPOINTMENTS AND ELECTIONS:** None.

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**MOTIONS, ORDERS AND RESOLUTIONS:** None.

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Motion made and 2<sup>nd</sup> to ADJOURN, all in favor, 9-0. Meeting adjourned at 10:21 p.m.

A TRUE RECORD ATTEST:

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