

**CITY OF WOBURN
SEPTEMBER 2, 2014 - 7:00 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Anderson	Gaffney
Concannon	Gately
DiTucci	Mercer-Bruen
Drapeau	Raymond
Haggerty	

The City Council observed a moment of silence in memory of Jeanne Foley who was the Chief Receptionist for Woburn City Hall for 52 years and passed away recently.

Motion made and 2nd to suspend the rules for the purposes of taking the following matter out of order, all in favor, 9-0.

PERSONNEL:

On the appointment of a new Human Resources Director a report was received from the Committee on Personnel as follows “After review the Committee sends the names of Theresa Kelly and Raymond Santilli as finalists for consideration by the full City Council.” Theresa Kelly appeared and stated that she was human resources director for the Massachusetts Commission Against Discrimination and the Massachusetts Registry of Motor Vehicles, that she is responsible for the hiring process and making certain that job descriptions met the needs of the hiring agency, she reviews resumes and creates spreadsheets for comparison, that she works with the agency to make certain that the candidates meet the needs of the agency and that there is a diverse pool of candidates, that she establishes structured interviews, that she works with the department to determine the new hire can perform that tasks of the position, that she is responsible for employee reviews, that employee reviews are designed for guiding and mentoring employees not for discipline, that she handles Family and Medical Leave Act documentation, diversity issues and Americans with Disability Act issues, that she was the sexual harassment officer and conducted investigations, that she works closely with agency heads, that she was responsible for managing the office, that she negotiated leases for office space, that she is the liaison to the Governor’s office and the Massachusetts Ethics Commission, that she handled disciplinary matters, that she served as a disciplinary show cause hearing officer, that she prepared the agency annual report, that she coordinated a civil rights conference, that he approach to the job is to be available to the agencies and her superiors, that she keeps people aware and informed of issues, that she works to defuse situations, that she maintains an open door policy, that her staff is comfortable speaking with her about issues, that there must be respect for other parties

during interaction, and that she is honest with people with whom she works. Alderman Gately stated that Woburn is unique, that it is a small city, that hiring practices do not always go that well, that there can be conflicts over civil service issues, that some positions have not been filled for years, and that a drug and alcohol policy for anyone who drives a city vehicle is needed. Alderman Raymond stated that the big difference between the human resources director and other departments is that the human resources director is a people position and not a paper position, that every action of the human resources director will affect an individual, and that her resume is impressive but does not highlight one on one interactions with others. A communication dated September 2, 2014 was received from Raymond Santilli withdrawing from consideration for the position of human resources director. Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Motion made and 2nd that the MATTER be REFERRED TO THE COMMITTEE ON PERSONNEL, all in favor, 9-0.

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

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

MAYOR'S COMMUNICATIONS:

A communication dated August 11, 2014 with attachments was received from His Honor the Mayor Scott D. Galvin as follows:

Please forward to members of the City Council for their review.

Attached thereto was the following:

To whom it may concern:

My sister-in-law Diane Nolan at 4 Mt. Pleasant Court would like to donate this rock (see attached) to Horn Pond. We visit there all the time and see the beautiful landscape there and though how pretty this rock would look there.

Thank you in advance.

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

PUBLIC HEARINGS:

On the petition by The Wendy's Company, 4288 West Dublin-Granville Road, Dublin, Ohio 43017 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1(29), Note 16 to modify a Special Permit granted December 30, 2004 as follows: 1. Amend Condition 1 by replacing the existing Site Plan of record with the plan entitled "Site Development Plans for Wendy's" prepared by Bohler Engineering, 352 Turnpike Road, Southborough, Massachusetts 01772 dated May 15, 2014; 2. Amend Condition 3 which states "that the hours of operation shall be as follows: (a) restaurant – 10:00 a.m. to 10:00 p.m., (b) drive through – 10:00 a.m. to 12:00 a.m." as follows: "(a) restaurant 10:00 a.m. to midnight, (b) Drive thru – 10:00 a.m. to 2:00 a.m."; 3. Amend Condition 15 which states "that the façade shall be constructed of brick as shown in the illustration marked 'Concept B' received in City Council on December 7, 2004" with revised plans filed with the Special Permit Petition; 4. Amend Condition 22 which states "that all signs shall be externally illuminated" as follows: that "all signs shall be internally illuminated," 5. Amend Condition 23 that states "That the free-standing sign be no more than fifteen (15) feet in height and thirty (30) feet in area consistent with requirements of the B-N zoning district in the 1985 Woburn Zoning Code, as amended" by deleting same; and 6. Amend Condition 26 that states "that no exterior banners on the roof, windows or building sides be allowed" by deleting said condition, at 303 Montvale Avenue. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: "ought to pass, as amended, with the conditions as follows:

1. The Plan of Record shall be "Site Development Plans for Wendy's prepared by Bohler Engineering, P.C., 352 Turnpike Road, Southboro, Massachusetts 01772, dated May 15, 2014 (the "Plan").
2. The façade shall be renovated consistent with the Plan entitled "NRE Standard Remodel Blade Forward Spandrel, Exterior Renderings" dated April 23, 2014.
3. That the free-standing sign shall be no more than 16.8 feet in height and 48.89 square feet in size.
4. Condition 22 requiring all signs to be externally illuminated shall be deleted. All sign illumination shall comply with Section 13.4.5 of the 1985 City of Woburn Zoning Ordinance as amended (the "WZO").
5. Condition 26 shall be amended by substituting the following: "All signage except as set forth in in Condition 3 above shall comply with Section 13 of the WZO."
6. Except as modified by this Decision all Conditions set forth in the Landowner's Decision and Notice of Special Permit dated December 30, 2014 shall remain in full force and affect.
7. Upon completion of proposed work, the sound box will be tested from the abutting owners' property (13 Albany Street) to insure compliance with applicable Code(s).

8. That additional evergreen shrubs consisting of 3-4 plants of 6'-8' in height shall be installed along the abutting property (13 Albany Street) and maintained in perpetuity."

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner requests that portion of the petition requesting a change of hours of operation in Number 2 be given leave to withdraw without prejudice, that the petitioner met with the Committee on Special Permits, that the Committee provided a unanimous recommendation that the special permit be granted with conditions, and that the petitioner requests that the committee report be adopted. Attorney Tarby offered a plan entitled "Landscape and Access Gate Exhibit" prepared by Bohler Engineering for the City Council to review. Motion made and 2nd that the plan be received and made part of the record, all in favor, 9-0. PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED with the conditions as follows: 1. That the eight recommendations of the Committee on Special Permits be adopted as conditions of the special permit, and 2. That Number 2 of the special permit petition requesting a change of hours of operation be given leave to withdraw without prejudice, all in favor, 9-0.

On the petition by KEG Realty LLC, George Hamilton, Manager, 19 Jefferson Avenue, Woburn, Massachusetts 01801 for two special permits pursuant 1985 Woburn Zoning Ordinances, as amended, as follows: 1. Pursuant to Section 7.3 to allow alteration of a pre-existing nonconforming structure to allow for a 38 foot by 12 foot two-story addition, and 2. Pursuant to Section 15 to allow enlargement of an existing use to allow for a 38 foot by 12 foot addition in Ground Water Protection District, at 19 Jefferson Avenue. PUBLIC HEARING OPENED. A communication dated August 27, 2014 with attachment was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Planning Department Comments on Special Permit Application for 19 Jefferson Avenue

Dear Honorable Council:

The Planning Department has reviewed the plans and application for special permits under Section 7.3 (alteration of an existing non-conforming structure) and Section 15 (Groundwater Protection District).

In summary, the owner of the current business at this location (George's Auto Repair) seeks permission to construct a two-story addition to the rear of the existing building. The existing building is approximately 14,000 sq. ft. in size and the addition would have a total of 912 sq. ft. (456 sq. ft. on each of two floors). The addition would "follow" the

existing building face, meaning the addition would not be any closer to any property line than is the existing building.

Please see the attached letter dated August 20, 2014 from Attorney Mark Salvati. In it, the applicant represents that the addition will only be used for storage and will only be accessible from the exterior of the building. At present, used car parts related to the auto repair operation are stored outside the building during the day and are moved/stored inside at night. The addition will enable the owner to store the materials inside the building at all times. The applicant indicates that the addition will not have, nor will it be used as, an auto repair bay.

There are no off-street parking requirements specifically listed for auto repair facilities so the Council will need to determine the number of parking spaces that will be required. The August 2014 letter from Salvati indicates there are twenty-five (25) spaces existing on the site, space for an additional eighty (80) vehicles inside the building, and that the business currently has fifteen (15) employees.

The letter further commits to showing the location of a snow storage area and of two (2) small existing Dumpsters which the applicant says will remain in their present locations. The letter also indicates there will not be any new lighting added to the exterior of the building or to the site itself.

If the City Council elects to grant the requested special permits, the Planning Department recommends the City Council consider imposing the following as conditions of approval of the special permit requested under Section 7.3 (alteration of a non-conforming structure):

1. Limit use of the floor space in the addition to the purpose stated (storage), and require the applicant to apply for a modification to the special permit if another use is contemplated for the addition in the future;
2. Reiterate that all storage in the facility – both in the existing building and the proposed addition - must meet the requirements of the City's groundwater protection district including the prohibitions/restrictions set forth in Section 15-3.6.B. (Prohibited Uses);
3. Require the applicant to provide revised plans showing the exterior parking areas on site, proposed snow storage area(s), and Dumpster locations;
4. Require that any customer vehicles remaining on site at the end of a workday must be stored inside the building;
5. Restrict the height of the two (2) new overhead doors proposed for the rear and side façades of the addition to a maximum of eight (8) feet, to discourage/preclude their use for purposes other than storage; and

6. Cite all final plans in the decision so that future changes to the building or site (i.e. addition of new exterior lighting or relocation of a Dumpster) will require additional Council review and approval.

I defer to the Engineering Department with respect to commentary on the Groundwater Protection District special permit request. I do note the addition would be placed over an area that is already impervious (e.g. has already been paved).

Please feel free to contact me at (781) 897-5818 if you have any questions regarding this recommendation.

Respectfully, s/Tina P. Cassidy, Director

Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the petitioner owns and operates the entire building, that the petitioner will enclose a storage area that is already present on the locus, that access will be from the exterior of the new enclosed storage area, that the area will be used for the storage of large parts, that there will be no staircase, that there will be a garage door, that the storage area will not be heated, and that the area will only be used for storage. George Hamilton, Manager of the petitioner stated that he does not believe there is a gas/oil separator in the building, that no flammable fluids or liquids will be stored in the new storage area, that a garage door eight feet in height is sufficient, that he recently purchased a building on Garfield Avenue and has begun to clean the lot and will paint the building soon, that an artesian well company rents space in the building, that the petitioner business hours end Monday through Friday between 5:00 p.m. and 6:00 p.m., at 12:00 noon on Saturday and there are no hours of operation on Sunday, that vehicles are not parked on site overnight, that a company cleans the locus twice a week, that the new storage area will allow storage of parts inside with heavier part on the ground and other parts up above, that this inside storage will keep the parts clean, and that with the outside storage the parts have to be moved during snowplowing. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON SEPTEMBER 16, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Johnson Woods Realty Corporation, c/o Glover Property Management, Inc., 8 Doaks Lane, Marblehead, Massachusetts 01945 for a special permit to modify a special permit dated April 7, 2005 as extended by notices of extension issued on December 21, 2006 and January 8, 2009 as further amended by special permit dated April 28, 2011 (collectively the "Decision") which Decision allowed for thirty-four (34) condominium units to modify by modifying the following conditions to allow forty-four (44) residential units pursuant to Section 5.1.4 of the 1985 Woburn Zoning Ordinances, as amended: 1. That Condition 1 be amended by replacing the existing language which states: 1. The Plans of record shall be the Plans entitled: "Avalon Inwood, Woburn, Massachusetts, Applicant/Owner Avalon WFS, LLC c/o Avalon Bay Communities, Inc.,

Boston, MA 02210” prepared by Hayes Engineering Inc., 603 Salem Street, Wakefield, MA 01880, dated January 25, 2011 consisting of Sheets C1, C2, C 3, C4, C5, C6 and C7; “Avalon Inwood Phase 2, Woburn, Massachusetts” prepared by Niles Bolton Associates, Inc., 1 Buckhead Plaza, 3060 Peachtree Road NW, Suite 600, Atlanta, Georgia, dated 02/25/2011 consisting of A0.00, A2.01, A2.02, A2.03, A2.04, A2.05, A2.06, A4.01, A4.02, A5.01, A5.02, A5.03, A5.04, A5.05 and A5.05A; and “Avalon Inwood Phase 2, Inwood Drive, Woburn, Massachusetts, For: Avalon Bay Communities, Boston, Massachusetts” prepared by Hawk Design, Inc., Landscape Architecture, Land Planning, Boston, MA, dated 01/25/2010 stamped 2/24/11 consisting of L1” with a new Plan of Record entitled “Johnson Woods at Inwood, Woburn, Massachusetts, Applicant Johnson Woods Realty Corporation, Glover Property Management, Inc., 8 Doakes Lane, Marblehead, MA 01945, Owner: Inwood Development, LLC c/o UDR, Inc., 7 Harcourt Street, 2nd Floor, Boston, MA 02116” prepared by Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA 01880 dated July 2, 2014; 2. That Condition 22 which states: “The number of units shall be limited to 34 units” be modified by replacing “34 units” with “44 units”, at 0 Inwood Drive, Lot 1, Woburn, Massachusetts. PUBLIC HEARING OPENED. A communication dated August 27, 2014 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Planning Department Comments on Special Permit Application for Lot #1 at 0 Inwood Drive

Dear Honorable Council:

The Planning Department has reviewed the plans and special permit application to modify previous special permits for the above-referenced property that were granted in accordance with Section 5-1.4 of the Zoning Ordinance (elevator apartments in the S-2 Zoning District).

In summary, the petitioner is asking for permission to increase the number of units from 34 to 44 and to revise the special permit decision to reflect the plan revisions associated with that change.

The initial special permit granted for this project authorized forty-four (44) units. A subsequent amendment in 2011 reduced the number of units to thirty-four (34). The current petitioner acquired the site after 2011 and wishes to build the number of units originally permitted.

The 44-unit building now being proposed actually has a smaller footprint than the 34-unit building that was previously permitted. The plans indicate the building and lot meet the minimum lot size, frontage, setback, height, and lot coverage requirements of zoning. Eighty-eight (88) parking spaces must be provided for forty-four (44) units, and the plans show that 88 spaces will be provided. Most of the spaces (64) will be enclosed on the lowest level of the building and the remainder (24) will be provided outside the building.

The plans accompanying this special permit application contain detailed information as to the types, locations, and quantities of proposed landscaping materials and plants (Sheet L1). The existence of this information seems to negate the need for condition #19 of the April 7, 2005 Decision and Notice of Special Permit which states “That a landscaping plan shall be submitted to the Planning Board for their approval and the Planning Board shall retain jurisdiction over the landscaping”.

If the City Council elects to grant the requested special permit modifications, the Planning Department recommends the City Council consider imposing the following as conditions of approval of the request:

1. That all proposed compact parking spaces be clearly identified with signage and/or pavement markings, in accordance with Section 8-3 of the Zoning Ordinance; and
2. That Conditions #19 of the Council’s April 7, 2005 Decision and Notice of Special Permit be deleted. (Note that the Planning Board would still retain jurisdiction over the landscaping by virtue of the “new” condition imposed by the Council in its April 28, 2011 Decision and Notice of Special Permit).

Please feel free to contact me at (781) 897-5818 if you have any questions regarding this recommendation.

Respectfully, s/Tina P. Cassidy, Director

A communication dated August 14, 2014 to the Woburn Conservation Commission was received from City Engineer John Corey as follows:

Subject: Lot 1 Inwood Drive

This office has reviewed the plans for the above referenced location and offers the following comments.

The applicant has submitted plans for a 44 unit dwelling with 64 garage parking spaces under the building on Lot 1.

The amount of impervious pavement has been reduced from the previously approved site. The proposed roof runoff will be discharged onto splash pads prior to entering the resource area. The previous design had the drainage connecting to a stormceptor prior to discharge into the resource area. The new proposal collects primarily roof runoff and there is no stormceptor proposed. The water quality cell into which everything discharges is equipped with large precast concrete tanks with baffles to meet water quality requirements.

This office takes no exception to the plans as submitted provided that the applicant is meeting the requirement for TSS removals.

If you have any questions concerning this information, do not hesitate to contact this office.

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the property was last before the City Council in 2011, that Avalon/Inwood owned the property at that time, that the petitioner developed the adjoining property in Reading, that the petitioner plans to build 44 market rate condominiums on the locus, that the property is located in the S-2 zoning district, that residential units are allowed on Lot 1 by special permit, and there will be separate ownership of the condominium development from the apartment complex. William Bergeron, Hayes Engineering, Inc., 603 Salem Street, Wakefield, Massachusetts 01880 stated that he has been the engineer for this project since its inception in 1984 when an office park was proposed, that originally a 44 unit condominium project was proposed for the locus, that Inwood proposed to change from 44 condominium units to 34 apartment units, that an emergency access between the locus and the property in Reading was recently approved, that the Conservation Commission has approved the project as proposed, that the plans were modified on July 17, 2014 with respect to the entrance door, that the quality of design and construction of the Reading property is very high, that the plans revised as of August 23, 2014 added a line relative to parking, that UDR will continue to maintain Inwood Drive to West Street, that \$1,534,000.00 in mitigation was paid in conjunction with the project, that a \$2,450,000.00 contribution was made by the property owner to the city in lieu of affordable housing units, that there are no affordable housing units or age restriction with the development, that test borings were made, that there is some ledge where the garage will be located, that the building elevation was raised in view of the presence of the ledge, that because of the depth of the garage and the sewer line and stub lines that were present they decided to use the stub lines, that there will be minimal flow to the gas and oil separator which will mostly be from snow or rain runoff from vehicles, that there is a significant difference between rental units and condominium developments, that a fair comparison of the proposal is to the Johnson Woods development in Reading, that the Reading police department can be consulted as to the minimal calls to their department from that development, that the original proposal for 44 condominium units was for age restricted units, that Avalon wanted to convert to apartments, that the condominiums were to have a garage under, that Avalon reduced the size of the building from 44 units to 34 units to accommodate on ground parking, that the pervious areas are smaller than the original building, and that the footprint of the proposed building is not smaller than the footprint of the original building. Alderman Gately stated that the City Council does not allow crushing of rock on site, and that any ledge taken out will have to be removed from the site for crushing. Alderman Mercer-Bruen stated that she was concerned about the project returning to the original size, that she is concerned about the number of police calls made to the development in the last few years, that the city is not permitted to restrict the condominiums to owner-occupied only, that the Johnson Woods development is increasing the traffic impact in Woburn, and that transfers of property are common for these developers. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY

COUNCIL ON OCTOBER 7, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by Flyers Unlimited, 271 Salem Street, Unit J, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.45 of the 1985 Woburn Zoning Ordinances, as amended, to allow the sale or rental of automobiles, trucks, truck trailers, and motorcycles, including accessory repair and storage facilities (U-Haul trucks) at 271 Salem Street. PUBLIC HEARING OPENED. A communication dated August 28, 2014 was received from Erin Wortman, City Planner, Grant Writer, Woburn Planning Board as follows:

Re: Planning Department Comments on Special Permit Application for Flyer's Unlimited at 271 Salem Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for the sale or rental of automobiles, trucks, truck trailers, and motorcycles, including accessory repair and storage facilities pursuant to Section 5.1.45. The property is located in an I-G zoning district. The requested use is allowed by City Council special permit in the I-G district.

Respectfully, this office cannot perform a thorough analysis at this time. Based on the application, the petitioner has not indicated if they are seeking to sell or rent vehicles, conduct accessory repair or use the property as a storage facility. The petitioner did not provide a site plan, a parking plan or any information on the details of the intended use(s) of the building or the site.

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

Sincerely, s/Erin Wortman, City Planner/Grant Writer

Appearing was the petitioner Stephen Jarbeau, Flyers Unlimited and he stated that he has not received the communication from the Planning Board, that he has a couple of U-Haul trucks available for rental, that the business is currently operating from the locus with five or six trucks, that he was never told by U-Haul that a special permit was needed for the use, that his business is painting and lettering, that he de-images U-Haul trucks, that he was asked by U-Haul if he would want to rent vehicles from his site, that he started to rent the vehicles for extra income, that he received a letter a few months ago indicating that a special permit was needed, that he does printing and graphic design, flyers and banners, that he rents a portion of the building from Mirra, and that he has permission of the landlord to park the vehicles on the locus. Alderman Mercer-Bruen stated that she visited the parcel, that the business is operating currently at the location, that the vehicles should be removed immediately from the locus or the petitioner could be fined, that the petitioner could request leave to withdraw until such time as a more complete plan is available, that the petitioner's primary business is painting signs, that the U-Haul trucks

were on the locus to take painting off but then the trucks begin to be leased from the location, that the petitioner has a responsibility to follow the law, and that the petition should be withdrawn or denied. President Haggerty stated that the petitioner should meet with the Planning Director to determine what is needed to obtain a recommendation from the Planning Department. Alderman Gately stated that the landlord should be here to state how many of these uses are being allowed on the property. PUBLIC COMMENTS: Attorney Gary M. Ronan, Goulston & Storrs, 400 Atlantic Avenue, Boston, Massachusetts 02110 stated that he represents Xyleco, Inc. which is located in the same building on the locus, that his client is opposed to the issuance of the special permit, that parking at the locus is limited, that the petitioner's business impairs his client's parking needs, that there are safety issues with respect to traffic flow on the locus, that there has been no review of the petitioner by a parking engineer, that fire access and egress have not been reviewed, that plans required by the zoning ordinances have not been submitted, and that his client asks that the petition be denied or that additional information be submitted for proper review and analysis. Attorney Ronan offered a memorandum to the City Council for review. Motion made and 2nd that the memorandum be received and made part of the record, all in favor, 9-0. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 7, 2014 and that a communication be forwarded to the Building Commissioner and the building owner indicating that the U-Haul trucks be removed immediately from the locus, 8 in favor, 1 opposed (Anderson opposed).

On the petition by Diane R. Kurkjian dba Everydog LLC, 441 West Street, Reading, Massachusetts 01867 for a special permit pursuant to Section 5.1.35 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a kennel at 271 Salem Street, Units C and D. PUBLIC HEARING OPENED. A communication dated August 28, 2014 was received from Erin Wortman, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department Comments on Special Permit Application for Diane R. Kurkjian dba Everydog, LLC at 271 Salem Street, Units C & D

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for a kennel pursuant to Section 5.1.35. The property is located in an I-G zoning district. The requested use is allowed by City Council special permit in the I-G district. Based on the application, the petitioner indicated that this business will primarily host dog training classes. The types of classes will include basic obedience, puppy and various sport classes. Most of the classes will be held on the evening and weekends with the additional class being held during the day. This will include a small retail area for selling training supplies as well. The applicant stressed that this business will not board, breed, sell or keep dogs on the premises. Further, all classes and training will occur indoors and this use should not produce any additional noise to the neighborhood.

The proposed use has low parking and traffic impact with a maximum of three staff members and a dozen students at the facility at any given time. The petition states that their business will be the busiest during the early evenings and on weekends, when the rest of the businesses on-site are closed. Weekend events such as a seminar or a dog show tend to bring in fifty attendees who will arrive in the morning and depart in the afternoon. There appears to be adequate parking to address all types of business with this proposed use.

In the application, the petitioner stated that she will negotiate with the landlord a suitable area for the dogs to relieve themselves. It's imperative that the petitioner addresses any waste produced by this business. The Planning Department recommends that two conditions be included in this special permit approval that the business must comply with Section 6.4 of the Woburn Municipal Code, and all dumpsters must be screened by impervious fencing.

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

Sincerely, s/Erin Wortman, City Planner/Grant Writer

Appearing was the petitioner Diane Kurkjian, Everydog, LLC, 441 West Street, Reading and she stated that the zoning code includes training facilities in the definition of a kennel, that there will be no kennel on site, that there will be no boarding of dogs or keeping of dogs overnight, that dogs are brought to the site for training, that most classes are during the evenings and weekends, that there would be twelve students and three staff members on site during class, that the other uses at the building are quiet during the time that classes would be held, that her lease does not include specific parking spaces for the use, that the business is not operating at the locus currently, that she is renting 6,000 square feet of a cement block building, that the training setting is different than a kennel and dog daycare use and there is less noise, that there are a couple of areas outside designated by the landlord for dogs to use to relieve themselves, that on weekends and evenings there are generally 100 unused parking spaces at the locus, that they may hold clinics on dog training, that the unit is currently vacant, that there are no dogs at the locus under her control currently, that she is not scheduled to occupy the building until October 1, 2014, and that there is an outside dog daycare facility nearby from which the barking may be originating. Alderman Mercer-Bruen stated that she has received complaints from neighbors who are opposed to the proposal because of the potential for noise, that there is a similar use down the street from the locus but that use is not near a residential neighborhood and not complaints have been received about that facility, that there is another use on Holton Street that was required to have sound proofing and that was located near businesses, that there were issues with a facility on Gill Street, that it will be hard for her to approve this petition given the proposed location, that there are never any complaints about the other nearby outside dog facility, that the complaints of dog noises started at the time that this petition was filed, that she will not support the petition, that if further review is desired this matter should go to the Committee on Special Permits for review, that parking at the locus is a concern, that the Aldermen should visit the site, and that the Building Commissioner should provide a report of issues at 271 Salem Street and

at the outdoor dog daycare facility at 280 Salem Street. Alderman Gately stated that he does not oppose this use but does so at this location, that the use of the building sounds like the Wild West, and that he will not support this petition for this use at this location. PUBLIC COMMENTS: Pat Fitzgerald, 10 Pine Street stated that he does not want to oppose a business idea, that he moved to the area knowing that his residence is near an industrial area however the area is quiet during nights and weekends, that the proposed use will generate noise during the nights and weekends, that there will be more noise in the area, that the locus is in a canyon-like area and the noise echoes from there, and that this is the wrong place for a dog training facility. Mr. Fitzgerald offered two communications from neighbors opposing the facility for the City Council to review. Motion made and 2nd that that the documents be received and made part of the record, all in favor, 9-0. Dorothy Perry, 35 Montvale Road stated that she has concerns about a kennel, that the petition should be reviewed carefully, that the neighboring residential streets are quiet, that she is concerned about the noise and traffic this use will generate, and that there is a large residential neighborhood located nearby. Attorney Gary M. Ronan, Goulston & Storrs, 400 Atlantic Avenue, Boston, Massachusetts 02110 stated that he represents Xyleco, Inc. which is located in the same building on the locus, that there are concerns about noise with this proposed use, that his client is concerned about dogs causing issues for his client's customers, employees and suppliers when coming to their facility, that the dogs will be passing in front of his clients facility, that the dogs are being brought to the site to be trained and may be more aggressive, that the building is not soundproof, that this building is a cinderblock building, this his client conducts scientific studies which requires quiet and the dog noises may intrude on this, that there is no grassy area for the dogs to relieve themselves, that the entire lot is paved, that he is concerned about liquid and solid waste from the dogs hear his client's facility, that the dogs may make it difficult for vehicles to navigate the lot, that his client is concerned about odors from the proposed use, that his client operates 24 hours per day seven days per week, that his client's employees are at the locus nights and weekends, that the petitioner has a website for the business with two classes listed on Wednesday at 9:00 a.m. and Monday at 5:00 p.m. which are busy times for his client, that the proposed use is not a good business for the locus, that his client is a longstanding tenant at the locus, and that the plans filed with the petition are not sufficient to make a proper analysis. Steve Perry, 35 Montvale Road stated that there has been testimony of no parking, no signs and no dogs, that it is necessary to find suitable tenants for the building, that the building was constructed, and that something has to go in that building. Liz Mitchell, 8 Lincoln Road stated that her residence is located directly behind the locus, that she has heard barking from the area, and that she is opposed to the petition. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 7, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, 6 in favor, 3 opposed (Drapeau, Gately, Mercer-Bruen opposed).

On the petition by The Woburn Armory LLC, 175 Summer Street, Somerville, Massachusetts 02145 for a special permit pursuant to Sections 5.1.5, 7.3, 12 and 15 of the 1985 Woburn Zoning Ordinances, as amended, to allow for the alteration of the existing

Woburn Armory for eighteen (18) residential dwelling units above the first story in a commercial structure at 286 Main Street a/k/a 320 Main Street within the Groundwater Protection District. PUBLIC HEARING OPENED. A communication dated August 28, 2014 was received from Erin Wortman, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department Comments on Special Permit Application for the Woburn Armory LLC at 280 Main Street a/k/a 320 Main Street

Dear President Haggerty and Aldermen:

The Planning Department has reviewed the request to allow for the alteration of the existing Woburn Armory for eighteen (18) residential dwelling units above the first story in a commercial structure at 286 Main Street a/k/a 320 Main Street within the Groundwater Protection District pursuant to Section 5.1.5, Section 7.3, Section 12 and Section 15. The requested use is allowed by City Council special permit in the B-D zoning district. Additionally, this project triggers the Site Plan Review process which involves any construction project which involves the construction of fifteen thousand (15,000) or more square feet gross floor area, or an increase in gross floor area of 5,000 square feet or more, or any increase in gross floor area individually or collectively, which would cause a building with gross floor area of less than fifteen thousand (15,000) square feet to exceed fifteen thousand (15,000) square feet of gross floor area, or results in the creation of 100 or more parking spaces.

The Planning Department has reviewed the following material:

Site Plan for Woburn Armory, Sheets C1, C1.1, C2, C3, dated March 3, 2014 and Sheets EX1, EX2, L1, A0, A1, A2, A3, A4, A5, A6 dated June 4, 2014 by Janovsky/Hurley Architects, Inc, 37 Walnut Street, Wellesley Hills, MA 02481
Storm water Report for 286 Main Street, dated March 3, 2014
Memorandum by Design Consultants, Inc. dated April 25, 2014
Development Impact Statement by Design Consultants, Inc dated April 2014

On August 27, 2014, Planning, Engineering, Fire Prevention and Building Department met with the applicant and their attorney on to go over the proposal in greater detail. The proposed use is seeking eighteen total units with 16 (sixteen) two bedroom units and 2 (two) one bedroom units with the density for this project at 20.5 units per acre and an increase of 17% impervious surface area. The petitioner has provided 45 (forty-five) parking spaces on-site with 31 (thirty-one) spaces in the ground floor garage and 14 (fourteen) exterior spaces. Based on the Woburn Zoning Ordinance, 45 (forty-five) parking spaces are required for this use with 9 (nine) spaces for the 3,000 (three thousand) square feet of office space and 36 (thirty-six) for the 18 (eighteen) residential units. After review of the Plan, the Planning Department observed that multiple parking stalls within the garage do not meet the design standard in the Woburn Zoning Ordinance. Additionally, the garage parking aisles measure at 22 and 23 feet in width with the design standard being 24 feet. It should be noted that the property is located

within 500 feet of a municipal lot and the municipal parking facility may be substituted of the use to be served. Site lighting of the property, specifically within the parking areas, will need to be defined and provided according to code as well. Based on the proposed plan, there is no ADA accessibility from the sidewalk into the front of the building unless one travels up the driveway and through the parking lot.

In summary, the Planning Department recommends that the following items be addressed prior to the City Council rendering a decision on the special permit:

- Resolution of ground floor garage parking aisle width and size of parking spaces;
- Building ADA accessibility
- Site lighting of the property
- Applicability of affordable housing
- Site impact mitigation
- Peer traffic review

Other outstanding items include snow removal plans, landscaping, condominium association document approval, and need for an oil/water separator within the parking garage, all which can be conditioned within an approval.

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

Sincerely, s/Erin Wortman, City Planner/Grant Writer

Appearing for the petitioner was Attorney Joseph R. Tarby, III, Esquire, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the property is located in the B-D zoning district, that the petitioner appeared before the Woburn Historical Commission, that the Woburn Historical Commission authorized the demolition of the drill shed only, that revised plans have been filed, that the main armory building will be preserved with offices on the first floor and six residential units on the second and third floors, that the drill shed will be razed and a new addition constructed with twelve residential units, that there will be 1,500 square feet of office space on each side of the front entrance, that this will be rentable office space, and that there will be 31 parking spaces within the building. Attorney Tarby offered a copy of a letter dated June 27, 2014 from the Woburn Historical Commission for the City Council to review. Motion made and 2nd that the document be received and made part of the record, all in favor, 9-0. Steve Hurley, Janovsky/Hurley Architects, Inc., 37 Walnut Street, Wellesley Hills, Massachusetts 02481 stated that the grade will be lowered to allow direct access to business uses from the front and to give clear definition between the commercial uses and the residential uses, that the brick will be repointed and new windows installed, that the addition will use quiet tones in harmony with the main building, that the current driveway will be used to the underground parking spaces with 47 total parking spaces, that the garage is at grade, that the petitioner met with the representatives of the Fire Department, Planning Department and City Engineer last week to review the plans, and that the petitioner has revised the plans to meet the concerns raised by the city officials with respect to the petition. David Giangrande, Design Consultants, Inc., 120 Middlesex

Avenue, Suite 20, Somerville, Massachusetts 02145 stated that he is a Registered Professional Engineer in Massachusetts, that he has a Bachelor's Degree in civil engineering and a Master's Degree in traffic and transportation, that the locus is a low area with drainage from above to this low spot, that the project will control site runoff from the new development to infiltration units and deliver runoff to the aquifer, that there will be a depressed area in the front to maintain the historic nature of the building with catch basins in that area, that water and sewer service will be changed from Main Street to Myrtle Street, that gas service will come from Myrtle Street, that if the sewer line is not adequate it will be replaced or relined, that there is some localized flooding, that a trench will be created along the perimeter filled with stone to allow draining into the aquifer but if there is too much water it will flow to the municipal drainage system, that there will be a terraced retaining wall with planning on the top, that the volume of runoff from the site and the rate of runoff will be reduced, that a traffic memorandum was submitted, that they looked at traffic generated from the site as well as at two signalized intersections at Montvale Avenue and Main Street as well as Fowle Street and Main Street, that the intersections are at both sides of the locus, that they used an assumption of .5% growth in traffic per year, and that the proposed use of the site will not impact the overall functionality of the two intersections. Alderman Raymond stated that in nine years on the City Council he has yet to hear a traffic engineer state that a project will have an impact on traffic. Alderman Gately stated that he appreciates the effort in bringing the project to this point, that the project is not too dense, that the neighbors have some concerns that should be addressed, that the building has been vacant for seventeen years, and that the City Council has been working for nine years on this redevelopment of the property. PUBLIC COMMENTS: Mark Sanborn, 12 Caulfield Road stated that nothing has changed in this plan from the earlier plan, that the footprint of the building is the same, that the only difference is that there is one less story, that there is not sufficient parking for the use, that there will be a fourteen foot wall behind his backyard, that the area is a floodplain, that the French drains will not accept the drainage, that this project should not be before the City Council, that something has to be done to make the project work, that the project is down to eighteen units but now there is an office space use which will generate its own traffic, and that the changes to the traffic control signals will not change the traffic congestion. Lisa Roche, 5 Myrtle Street stated that her property abuts the locus, that she wants something done with the property, that she has watched the property deteriorate, that she wants the new egress to be exit only with no walkway and only steps, that vehicles park along Myrtle Street from the school, church and funerals, that vehicles park on the wrong side of Myrtle Street, that there is not sufficient access on the locus for emergency vehicles, that trash removal, the transformer, lighting and parking are concerns, that there will not be enough parking spaces, that the parking requirements for the office use will be variable, that she was told at a meeting that the office users can also use the residential tenant parking spaces, that the hours of demolition and construction will have to be determined, that the hours of business for the office uses should be determined, that an earlier proposal was for 25 units and that number is down to 18 units with the office space use, and that the Police Department does not enforce the parking regulations in this area. John Flaherty, 28 West Street stated that the property has to be improved as this is a gateway property to the center of the city, that adjustments can be made to accommodate the neighbor with regards to the wal, that

the city needs to keep going with the redevelopment of the center, and that this is a small lot with a large building. Joseph Wells, 45 Harrison Avenue stated that if the building was still in use as an armory there would be 250 troops there will their vehicles and there would be traffic, and that the petitioner should be allowed to move forward with the project. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 7, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor 9-0.

On the petition by John P. Flaherty and Kathryn A. Flaherty to further amend the 1985 Woburn Zoning Ordinances, as amended, by adding a new definition for “Church Buildings” in Section 2 Definitions and by adding a new Section 27 “Adaptive Reuse of Church Buildings” as set forth in the petition. PUBLIC HEARING OPENED. A communication dated August 27, 2014 was received from Tina P. Cassidy, Director, Woburn Planning Board as follows:

Re: Proposed Zoning Amendments Regarding Re-Use of Former Church Buildings

Dear Members of the Council:

Please be advised that at its meeting on Tuesday, August 26, 2014 the Planning Board voted unanimously to continue its public hearing on the above-referenced petition to the Planning Board meeting on Tuesday, September 23, 2014.

You will recall that the Planning Board previously voted to seek the opinions and recommendations of the Zoning Ordinance Review Committee (ZORC) on this matter. The Committee was unable to schedule a meeting prior to this week, which in part prompted the Board’s decision to continues its public hearing.

A meeting of the Zoning Ordinance Review Committee has since been scheduled for Wednesday, September 10, 2014 at 6:00 p.m. and will be held in the City Council Chamber.

The Planning Board will provide you with an updated letter (and its recommendation on the proposed zoning change) as soon as it is available.

Respectfully, s/Tina P. Cassidy, Director

Motion made and 2nd to accept the communication and make it 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 stated that the last Planning Board meeting was held concerning this matter on August 5, 2014, that the Planning Board referred the matter to the Zoning Ordinance Review Committee which consists of the entire Planning Board and two Aldermen, that the Planning Board made a site visit and continued the matter to their September 23, 2014

meeting, that the Zoning Ordinance Review Committee will meet on September 10, 2014, that the ordinance affects buildings constructed before 1950 and used for religious purposes, that the definition will only include the church building and not the rectory or school buildings, that the ordinance allows the reuse of church buildings to promote economic development increase housing, provide alternatives to traditional subdivisions and to preserve historical structures, that the City Council must make specific findings before granting a special permit, that the preservation of these buildings is important to preserve the history of the city, that the ordinance provides viable alternatives for use of the buildings, that his review indicates that St. Charles Church was built in 1880 and would accommodate a maximum of 19 units, St. Barbara Church was built in 1930 and it is difficult to determine the maximum units that would be accommodated as the rectory building is also on the parcel, that Montvale Congregational Church was built in 1930 and would accommodate a maximum of 19 units and St. Anthony Church was built in 1940 and will accommodate a maximum of 26 units, that former Planning Director Edmund Tarallo suggested 1950 as a trigger date for the ordinance, that he is not aware of similar ordinances in other communities, and that the St. Barbara Church property has over two acres of land which would accommodate a maximum of 47 units but the fact that the rectory is on the same parcel changes that calculation. Attorney Tarby offered excerpts from the Boston Globe concerning the redevelopment of church property for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Alderman Anderson stated that it is not clear why 1950 was chosen as a trigger date for the ordinance. Alderman DiTucci stated that the Woburn Historical Commission recognized the historical importance of St. Joseph Church, that 1950 was chosen as a trigger date to get to the historical nature of the building, that there are many historical buildings in Woburn that are in danger of being lost, that the buildings are historical gems important to a lot of people in the community, that the Woburn Historical Commission provided a survey form for the St. Joseph Church property which is on file with the Massachusetts Historical Commission, that the property has been accepted by the Massachusetts Historical Commission as a registered historical property, that the second page of the survey shows that the property should be considered to be placed on the National Register of Historic Places but that is a long process, and that the property is however considered an historical property by the Commonwealth of Massachusetts. Motion made and 2nd to receive the Woburn Historical Society survey relative to the St. Joseph Church property and make it part of the record, all in favor, 9-0. Alderman Mercer-Bruen stated that the St. Joseph Church building is not on the National Register of Historic Places, that a single family home could be constructed on the lot, that the church building could be converted to a two-family dwelling with variances, that the ordinance has the potential to affect other churches in the city, that there may be other properties that were used for religious purposes before 1950, that this analysis of other properties should be done, that a number of neighbors believed that the public hearing would be held on September 23, 2014, that the petitioner originally indicated that there would be three condominium units in the building, and that this proposal is spot zoning for one neighbor. Alderman Drapeau stated that the petitioner is only interested in the parcel he owns as he has no control over parcels that he does not own. Alderman Gaffney stated that he believes that the St. Barbara Church property may have been built after 1950. PUBLIC COMMENTS: Theron Rose, 5 Hobson Avenue stated that he is in favor

of the proposal, that the proposal will preserve the structure, that there will be six units with twelve parking space which will not impact the traffic, that the residents will likely not have families but be professionals who will use the highway for work in Boston, and that the petitioner develops quality projects. John Flaherty, 28 West Street stated that the ordinance is intended to assist with the redevelopment of the St. Joseph Church property, that \$1,600,000.00 will be expended for the redevelopment, that the condominium units will be sold, that the St. Barbara Church and St. Anthony Church lots are large enough that the buildings will be torn down and a traditional subdivision constructed, that the St. Joseph Church parcel is small, that these will be two-bedroom condominium units, that the building could not be redeveloped with just three units, that the entire building interior must be engineered and rebuilt in a quality manner, that he does not build new projects, that he prefers to take an old building and rehabilitate the building. Arthur Duffy, 38 Alfred Street stated that he is in favor of the petition. Kathy Lucero, 74 Willow Street stated that she is interested in the historic preservation of the building. Joseph Wells, 45 Harrison Avenue stated that he hopes this matter moves through review efficiently. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON OCTOBER 7, 2014 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON ORDINANCES, all in favor 9-0.

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

On the petition by Children’s Dyslexia Center – Boston North for a Special Event Permit to allow a fundraising walk in the Horn Pond area on October 5, 2014, 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: September 5, 2014 s/Scott D. Galvin Sept. 5, 2014

On the petition by Woburn Truck and Auto, Inc. for renewal of a Third Class Motor Vehicle Sales License at 1095R Main Street, committee report was received “ought to pass, as amended, with the condition as follows: 1. That there is not to be a scrap metal operation on site other than motor vehicle scrap.” Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, 8 in favor, 1 opposed (Raymond opposed).

Presented to the Mayor: September 5, 2014 s/Scott D. Galvin Sept. 5, 2014

NEW PETITIONS:

Petition by Woburn Friends of VNA Hospice Care, Inc., 100 Trade Center Park, G-500 for a special event permit to allow a walk/race in the area of Main Street, Lake Avenue and Horn Pond on October 5, 2014. Alderman Concannon stated that there is no overlap with the other events being held that day and that this petition could be passed. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.
Presented to the Mayor: September 5, 2014 s/Scott D. Galvin Sept. 5, 2014

Petition by Woburn Cab Co. Inc., 100 Ashburton Avenue, Woburn for a new Taxi Cab License for one (1) vehicle. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC SAFETY AND LICENSES, all in favor, 9-0.

Petition by Verizon New England, Inc. for a grant of right in a way to install a new 2 foot by 3 foot handhole and approximately 50 feet of 2 inch to 4 inch PVC from the proposed handhole to relocated joint occupancy pole P105/2 on High Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

Petition by NSTAR Electric Company for a grant of right in a way to install conduit westerly from Pole 239/7 approximately 97 feet south of Poole Street a distance of about six feet on Winter Street. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated August 15, 2014 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20½, I am submitting this report to you on the parking violations within the city of Woburn for the period ending July 2014: number of violations issued 634, number of violations paid 327, number of violations outstanding 234, amount collected and submitted to the Collector's Office \$28,812.20. There exists a backlog of 3,192 tickets from 1982 through 2013. Demand will be sent until all tickets have been paid. Parking fines referred to the Handicapped Commission \$5,800.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

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

A communication dated August 11, 2014 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director's Report and the minutes of

the Council on Aging for the month of June 2014 and the month of July 2014. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated August 7, 2014 with attachments was received from Treasurer/Collector Timothy Donovan in accordance with the newly adopted City of Woburn Investment Policy Statement providing the Fiscal Year 2014 Annual Report of the City's cash and invested funds statement balances as of June 30, 2014. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE and that a communication be forwarded to the Treasurer/Collector requesting a report of the city's cash and invested funds statement balances as of June 30, 2013, all in favor, 9-0.

A communication dated August 25, 2014 with attachment was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Deadrick v. Zoning Board of Appeals of Chatham – Section 7.3 Special Permits

The purpose for this memorandum is to inform the City Council and Board of Appeals regarding the recent Massachusetts Appeals Court decision, *Deadrick v. Zoning Bd. of Appeals of Chatham*, 85 Mass. App. Ct. 539 (2014), wherein the Appeals Court revisited and reconsidered its decision in *Gale v. Zoning Bd. of Appeals of Gloucester*, 80 Mass.App.Ct. 331 (2011). A copy of the *Deadrick* decision is attached hereto.

In its *Gale* decision, the Appeals Court ruled that where the reconstruction of a nonconforming single [or two-family] structure increased or intensified existing nonconformities, and a special permit was granted after finding that the reconstruction was not substantially more detrimental to the neighborhood, it was not necessary for the property owner to also apply for and receive a variance or variances for those increased or intensified nonconformities. Though *Gale* did not specifically address the situation where a new nonconformity was created, it has nevertheless been viewed as applicable in such situations.

In *Deadrick*, the Appeals Court reconsidered its decision in *Gale*, and have now made clear that where the change, extension, alteration or reconstruction of a nonconforming single or two-family structure creates new nonconformities, the issuance of a special permit after a finding of no substantial detriment does not extend to protect those new nonconformities. In such cases, the property owner must apply for and receive a variance or variances as to the new nonconformity

I am available to discuss if there any questions regarding any or all of the above, or in the event that an issue arises in the context of a petition filed pursuant to Section 7.3 for a single or two-family structure.

Very truly yours, s/ Ellen Callahan Doucette

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

A communication dated August 27, 2014 with attachment was received from City Clerk William C. Campbell as follows:

Re: Taxi Cab and Livery Licenses – Insurance Requirements

A provision of the recently revised ordinances relative to taxi cab and livery license holders establish minimum insurance requirements. License holders were required to come into compliance with the ordinance as to insurance requirements by August 18, 2014.

This office undertook a review of the twelve current license holders to determine compliance with the ordinances. Enclosed is a list of the license holders and the status of their files. Out of twelve license holders, only five have filed certificates of motor vehicle insurance with this office. Of those five, three appear to have limits of insurance less than that required by the ordinance and two certificates of insurance raise uncertainty as to whether there is compliance.

Section 5-77 of the Woburn Municipal Code requires the following: “In addition to any insurance requirements established by state law or regulation, the following minimum insurance coverage shall be obtained by any person seeking a license to operate within the City of Woburn:

Taxis	\$50,000 per occurrence/\$100,000 annual aggregate
Private Livery	\$75,000 per occurrence/\$150,000 annual aggregate
Limousines	\$100,000 per occurrence/\$300,000 annual aggregate”

It has been pointed out by one of the license holders that the standard in the ordinance “per occurrence/annual aggregate” is not the typical standard for motor vehicle insurance. The phrase commonly used is “per person/per accident”. The ordinance also does not make clear whether this standard applies to only bodily injury, to only personal property damage, or to both bodily injury and personal property damage. The distinction between “private livery” and “limousine” also creates uncertainty as a livery license holder could perform both types of services for different clients although different minimum insurance requirements are established.

This office will continue to follow-up with the license holders. In the meantime, review by the Committee on Ordinances of the section may be beneficial.

s/William C. Campbell, City Clerk

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON PUBLIC

SAFETY AND LICENSES AND COMMITTEE ON ORDINANCES and that a communication be forwarded to the City Solicitor requesting advice on recommended changes in the ordinance in view of the memorandum, all in favor, 9-0.

A communication dated July 18, 2014 was received from Maqsd Shaikh, Bombay Taxi, Inc., 165U New Boston Street, Suite 275, Woburn as follows:

Re; Article II Taxis and Liveries changes to local ordinance

Dear Sirs:

Article II, Section B, Part 4, states: "have vehicles with a two-way radio dispatching or two-way computerized dispatching communications system with said base of operations;"

I am an owner/operator of a taxi cab in the City of Woburn. I do not have any employee. Currently, I receive business calls directly on my cell phone. I answer my cell phone myself. I then provide taxicab services to the customer who has called me. I have neither need or a two-way radio dispatching system nor a two-way computerized dispatching communications system.

If the City of Woburn forces me:

1. to purchase a two-way radio dispatching system,
2. to leave my cell phone at the office in the morning,
3. to hire some one to sit in my office answering my cell phone (my cell phone number is my business number),
4. and then using the two-way radio to notify me that a fare has called my cell phone and requires taxicab services.
5. I will be forced out of business.

Please either amend Article XII to exempt owner/operators from this requirement or please grant me a waiver from this requirement.

Thank you.

If you have any questions or comments, please contact me.

Sincerely, s/Maqsd Shaikh

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

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

ORDERED That the Mayor be and is hereby authorized to accept in the name of the City of Woburn a deed in lieu of foreclosure pursuant to M.G.L. c.60, §77C for the following parcel:

MAP/BLOCK/PARCEL 38/02/31

LOCATION: Bird Street

ASSESSMENT: \$16,900.00

TAXES OWED: \$13,996.33

s/President Haggerty

Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON INFRASTRUCTURE AND PUBLIC LANDS, all in favor, 9-0.

ORDERED That the Committee on Ordinance review the salary of the Human Resources Director.

s/Alderman DiTucci

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

ORDERED That the Committee on Ordinances review the salaries of the following non-union Department Heads: City Auditor, City Clerk, City Solicitor, Library Director and Superintendent of Public Works.

s/Alderman DiTucci

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

ORDERED That the Committee on Public Safety review the insurance requirements for taxi cabs and livery vehicles.

s/President Haggerty

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

ORDERED Be it ordained by the City Council of the City of Woburn that Title 2, Section 2-19 of the 1989 Woburn Municipal Code, as amended, be further amended by adding the following third sentence:

“The City Clerk shall notify the City Council of any summons pertaining to a federal or state court proceeding served on the city in care of the City Clerk within 48 hours of service.”

s/President Haggerty

Alderman Gately stated that the City Council was blindsided because it did not receive a copy of a complaint involving the Mayor for a week, that the issue underlying the suit must be dealt with, and that there should be a meeting of the City Council to decide what steps need to be taken. President Haggerty stated that the ordinance has been submitted to make certain that the City Council is aware when the city has been served in a lawsuit. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 9-0.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 9:55 p.m.

A TRUE RECORD ATTEST:

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