

**CITY OF WOBURN  
DECEMBER 5, 2017 - 7:00 P.M.  
REGULAR MEETING OF THE CITY COUNCIL  
COUNCIL CHAMBER, WOBURN CITY HALL**

Roll Call

Anderson	Gately
Campbell	Higgins
Concannon	Mercer-Bruen
Gaffney	Tedesco
Haggerty	

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VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

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**MAYOR'S COMMUNICATIONS:**

ORDERED That the amount of \$1,783,325.00 be and is hereby transferred as so stated from Debt Reserve Acct #658059-596100 \$1,783,325.00 to Debt Principal Acct #01099049-497600 \$1,310,000.00, Debt Interest Acct #01099049-497600 \$473,325.00, Total: \$1,783,325.00 – Purpose: Debt service for High School & White Elementary

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

s/Alderman \_\_\_\_\_

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ORDERED That the amount of \$90,000.00 be and is hereby transferred from the Cemetery Interest Fund to the Cemetery New Equipment Account #0149058-586600

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

s/Alderman \_\_\_\_\_

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**PUBLIC HEARINGS:**

On the petition by Alderman Edward Tedesco concerning the structure or structures located in the City of Woburn, County of Middlesex, Commonwealth of Massachusetts known and numbered as West Street and identified on Assessors Map as parcel 23-05-37, Woburn, Massachusetts, for the purposes of determining whether said structure or structures are a public nuisance, a nuisance to the neighborhood, a dilapidated or dangerous building or other structure, as said terms are used in Massachusetts General Laws Ch. 139, Sec. 1, and if so, enter an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. PUBLIC HEARING OPENED.

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On the petition by NStar Electric Company dba Eversource Energy and Verizon New England Inc. for a grant of right in a way on Highland Avenue to install one joint occupancy pole 549/4 southwesterly side approximately 267 feet southeast of Playstead Street. PUBLIC HEARING OPENED.

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On the petition by NStar Electric Company dba Eversource Energy for a grant of right in a way on Gill Street to install conduit easterly from pole 582/6 approximately 740 feet southeast of Sixth Road, a distance of about four (4) feet. PUBLIC HEARING OPENED.

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On the petition by 36 Cabot Road LLC, 36 Cabot Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.30b, 5.1.42, 9 and 12 to allow construction of new building containing approximately 49,600 square feet of gross floor area more or less for 1. Wholesale establishment, warehouse and distribution use (approximately 17,360 square feet of gross floor area, more or less), 2. Office use (approximately 24,800 square feet of gross floor area, more or less), and 3. Light manufacturing use (approximately 7,440 square feet of gross floor area, more or less), at 32 Cabot Road. PUBLIC HEARING OPENED. A communication dated November 28, 2017 was received from Attorney Joseph R. Tarby, III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Special Permit Petition of 36 Cabot Road LLC, 32 Cabot Road, Woburn, MA

Dear Bill:

On behalf of my client 36 Cabot Road LLC, I respectfully request that the public hearing scheduled for December 5, 2017 be continued to January 16, 2018. The Special Permit Petition was reviewed by the Special Permits Committee last evening and a number of issues remain open and need to be resolved prior to the City Council taking final action. If you have any questions, please do not hesitate to contact me. Thank you.

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

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On the petition by Lord Hobo Brewing Company, 5 Draper Street, Woburn, Massachusetts 01801 pursuant to 1985 Woburn Zoning Ordinances, as amended, for special permits as follows: 1. Pursuant to Section 5.1.42 to allow for warehousing; 2. Pursuant to Section 5.1.57b to allow parking of commercial vehicles; and 3. Pursuant to Section 7.3 to allow alteration of a pre-existing nonconforming structure to add a canopy over the loading dock and refrigeration equipment outside of building, at 8 Draper Street. 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 entitled “Building A Site Plan” for Lord Hobo Brewing Co. dated Oct. 12, 2017 and revised Nov. 21, 2017 and Nov. 22, 2017, prepared by Allen & Major Associates, 100 Commerce Way, Woburn, MA 01801.
2. The hours of operation shall be Monday through Saturday, 7 a.m. to 7 p.m. with additional hours of 7 a.m. to midnight, seven days a week, for one box truck to make deliveries solely from Lord Hobo at 5 Draper St. to 8 Draper St.
3. The overnight parking shall be for 5 vehicles and parked as shown on the Plan of Record.
4. All vehicles to be parked overnight shall be registered in the City of Woburn.
5. Petitioner shall comply with the snow storage plan as set forth in the special permit issued to Lawless Inc. dated May 11, 2017.
6. Any structural connection between Buildings A and B shall be removed.
7. The Special Permit shall be issued to Lord Hobo Brewing Co. only and shall not be transferable, with the exception of a transfer to an entity of which Lord Hobo Brewing Co. is the primary or principal owner.
8. All deliveries to and from the property shall be from Montvale Avenue to Nashua Street (only the portion from Montvale Avenue to Draper Street).
9. The box truck and three vans shall be affixed with the LHBCo. Logo and address as required by the U.S. Dept. of Transportation.
10. There shall be a review of the Special Permit after six months.”

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**CITIZEN’S PARTICIPATION:** None.

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**COMMITTEE REPORTS:**

**PUBLIC SAFETY AND LICENSES:**

On the petitions for renewal of First Class Motor Vehicle Sales Licenses by C.N. Wood Company, Inc.; Lannan Chevrolet, Inc.; Lawless Inc.; M&L Transit Systems, Inc.; and Woodco Machinery, Inc., committee report was received “ought to pass”.

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On the petitions for renewal of renewal of Second Class Motor Vehicle Sales Licenses by Anchor Auto Sales, Inc.; Kenneth L. O'Connor and Thomas F. Norton dba City Line Motors; E&C Auto Brokers, LLC; Jeffrey Pollock dba Exclusive Automobile; George's Auto Body of Woburn, Inc.; Nicolas Saba dba Montvale Service; Route 16 Auto Broker; Francis Garbino dba Tom's Auto Body; and Tracy M. Batten dba Tracy's Auto Sales, committee report was received "ought to pass".

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On the petition for renewal of Second Class Motor Vehicle Sales License and request to increase number of vehicles by Oliver M. McDermottroe dba McDermottroe Auto Sales to ten (10) vehicles, committee report was received "ought to pass".

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**ORDINANCES:**

On the Order to amend the 1989 Woburn Municipal Code, as amended, Title 8, Sections 8-17(J) and 8-17(K), committee report was received "back for action".

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**INFRASTRUCTURE AND PUBLIC LANDS:**

On the Order to grant an easement to Madison Woburn Holdings LLC on Tower Park Drive, committee report was received "back for action pending submission of easement agreement". A communication dated November 30, 2017 with attachment was received from City Solicitor Ellen Callahan Doucette as follows: "See attached. Which I will refer to as the 'final draft' per the Committee's minutes." Attached thereto was the following:

EASEMENT AGREEMENT

This Agreement is made and entered into as of this \_\_\_\_ day of December, 2017 by and between the City of Woburn, a municipal corporation duly authorized under the laws of the Commonwealth of Massachusetts, with an address of 10 Common Street, Woburn, Middlesex County, Massachusetts 01801 (the "Grantor") and Madison Woburn Holdings LLC, a Massachusetts limited liability company, with a principal place of business at 333 Newbury Street, Suite 201, Boston, Suffolk County, Massachusetts 02115 together with its successors, assigns and beneficiaries from time to time (the "Grantee").

**RECITALS**

WHEREAS, Grantor owns those certain premises known as Tower Park Drive, Woburn, Middlesex County, Massachusetts, as more particularly described in a certain document entitled "Order of Taking" dated April 7, 1983 and recorded at the Middlesex County South District Registry of Deeds at Book 15019, Page 465 being the same property conveyed to the City by deeds recorded in Deed Book 15207, Page 10 and Deed Book 19585, Page 72 in the Middlesex South Registry of Deeds and more particularly described on the attached Exhibit A (the "Grantor's Property").

WHEREAS, Grantee owns those certain premises known as 369 Washington Street, Woburn, Middlesex County, Massachusetts, as more particularly described in a certain Deed dated December 11, 2014 and recorded with said Deeds at Book 64643, Page 159 (the "Grantee's Property") and has leased portions of the Grantee's Property as more particularly shown in the Lease Area Plan prepared by Allen & Major Associates, Inc. dated November 7, 2017 Project No. 1275002 attached hereto as Exhibit B as evidenced by that certain Memorandum of Lease entered into effective as of November \_\_, 2017 between Grantee and Concord Madison Woburn, LLC, a Delaware limited liability company recorded in Deed Book \_\_\_\_\_, Page \_\_ in the Middlesex South Registry of Deeds, that certain Notice of Lease by and between Grantee and Red Robin International, Inc., dated November 19, 2015, recorded in Book 68741, Page 585, as affected by Amended and Restated Notice of Lease, recorded with said Deeds, Book 69231, Page 503 and that certain Notice of Lease by and between Madison Woburn Holdings, LLC and Chick-Fil-A, Inc., dated November 15, 2016 in Book 68434, Page 294.

WHEREAS, Grantee has requested and Grantor has agreed to grant to Grantee an easement over and across Grantor's Property as shown on the plan entitled "Plan of Land in Woburn, Mass on Washington St" dated September 2, 1982 prepared by City of Woburn Engineering Dept. showing Parcel A and Parcel B and recorded with the Middlesex County South District Registry of Deeds as Plan No. 486 of 1983 (the "Easement Plan") for the purpose of highway and utility purposes;

WHEREAS, Grantee has requested and Grantor has agreed to grant to Grantee certain easements over, under and across the Grantor's Property for the purpose of vehicular ingress and egress and the installation, maintenance, operation, repair and replacement from time of utilities serving the Grantee's Property; and

NOW THEREFORE, in consideration of the foregoing, One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby expressly acknowledged, Grantor grants the easements set forth below on the terms and conditions hereinafter appearing:

1. Grant

1.1. Access. Grantor hereby grants, conveys and sets over to Grantee, together with its heirs, successors and assigns as an appurtenant benefit to Grantee's Property for the benefit of the general public (including grantor's future ground lessees and tenants, and all of their respective successors, assigns, patrons, invitees, and guests) a non-exclusive perpetual, permanent easement for the purpose of vehicular ingress and egress across the Grantor's Property and the installation, maintenance, operation, repair and replacement of utilities serving the Grantee's Property, in and to a certain area of land (hereinafter called the "Easement Area"), located and shown as "Parcels A and B on the Easement Plan, meaning and intending that the Grantee may perpetually use the Easement Area for all above purposes to the same and full extent as if laid out and taken as a public way pursuant to G.L. Chapter 84, including the right to improve and maintain roadways

thereon; further including the perpetual use of the Easement Area for utility purposes, including the right to locate, relocate, construct, reconstruct, repair, and perpetually maintain on, in, over, or under the Easement Area such water lines, sewer lines, gas lines, drainage lines and systems, electrical, cable, and other communication lines, and all components and parts appurtenant to any of the foregoing, as the Grantee may, from time to time, deem appropriate. .

2. Maintenance. The Easement Area shall be maintained, repaired or replaced by Grantor, from time to time as reasonably necessary, to permit passage as provided herein. The Grantee shall not make roadway improvements within the Easement Area without the express written permission of the Grantor.

3. Acceptance. By final acceptance of this grant by the Grantor, the Grantee agrees to indemnify and forever hold harmless the Grantor, its heirs, successors and assigns from and against any demands, damages, claims, suits, actions, causes of action, of any kind, nature or description, arising out of its described use of the said Easement Area by any persons.

4. Modification or Termination. Except as may otherwise be modified or provided herein, the Easement created hereby shall be perpetual and shall not terminate except by a release or abandonment of such Easement granted by the Grantee (including its successors and assigns in title to the Grantee Property) and filed or recorded with the Registry.

5. Successors and/or Assigns. The terms and conditions of this Easement Agreement shall be binding upon and benefit the parties hereto and their respective permitted successors, assigns, tenants and invitees.

6. Governing Law. This Easement Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.

7. Notice. All notices required hereunder shall be in writing and either (a) hand delivered, (b) mailed by registered or certified mail, return receipt requested, postage pre-paid, (c) sent by overnight mail or any other overnight courier service, or (d) sent by facsimile transmission. All such notices shall be deemed effective upon posting thereof (if mailed) or upon receipt (if delivered in hand or by facsimile), and shall be addressed as follows (or to such other notice address as may be delivered to the Grantor and Grantee from time to time in accordance with this Section 7 by any successor in interest to Grantor or Grantee, respectively):

If intended for Grantor, to:                   City of Woburn  
  Attn: Law Department  
  10 Common Street  
  Woburn, MA 01801

If intended for Grantee, to:                Madison Woburn Holdings LLC

333 Newbury Street, Suite 201  
Boston, MA 02115

Dated as of the day and year first set forth above.

GRANTOR:

CITY OF WOBURN

By: \_\_\_\_\_  
Scott D. Galvin, Mayor  
Duly authorized by the December 5, 2017 vote  
of the Woburn City Council

GRANTEE:

MADISON WOBURN HOLDINGS LLC

DFM Woburn Holdings, LLC, a Massachusetts limited  
liability company, its Managing Member

By: \_\_\_\_\_  
Denis W. Dowdle, Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this \_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared Scott D. Galvin, Mayor of the City of Woburn, as aforesaid and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the City of Woburn.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this \_\_\_ day of \_\_\_\_\_, 2017, before me, the undersigned notary public, personally appeared \_\_\_\_\_, President of Madison Woburn Holdings LLC, as aforesaid and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose

name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public:  
My Commission Expires:

Exhibit A

Being all those certain tracts or parcels of land identified as Parcel ‘A’ containing 23,101.60 square feet and Parcel ‘B’ containing 8,607.30 square feet as shown on a plan entitled ‘Plan of Land in Woburn, Mass. on Washington Street’ Scale 1” – 40’ Date: September 2, 1982 prepared by City of Woburn Eng. Dept., a copy of which is recorded in the Middlesex South Registry of Deeds, So. Dist. As Plan Number 486 of 1983.

Exhibit B

Lease Area Plan

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**NEW PETITIONS:**

Petition for renewal of Second Class Motor Vehicle Sales Licenses by Enterprise Rent-A-Car Company of Boston, LLC; and Joseph P. Mahoney Company, Inc.

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Petition by Subhadraben Patel, 18 Westgate Drive, Apt. T-5, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.29 to allow fast food restaurant at 902 Main Street.

\_\_\_\_\_  
**COMMUNICATIONS AND REPORTS:**

A communication dated November 29, 2017 was received from Joanne Collins, Director, Woburn Council on Aging along with a copy of the Director’s Report and the minutes of the Council on Aging meeting for the month of November 2017.

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A communication dated November 17, 2017 was received from Charles O’Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

Council Members,



In accordance with Massachusetts General Laws Chapter 90, Section 20½ I am submitting the following parking ticket report. Figures cited below are for the Month of Jan. 2017 to October 2017: Number of violations issued 631, Numbers of violations paid 271, Number of violations outstanding 261, Amount collected and submitted to Collectors Office \$53,328.29, Parking fines referred to the Handicap Commission \$12,600.00.

There is a backlog of 1,580 unpaid tickets dating from January 2004 to October 2017. 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

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A communication dated November 13, 2017 with attachment was received from Joseph E. Connarton, Executive Director, PERAC, 5 Middlesex Avenue, Suite 304, Somerville, Massachusetts 02145 advising the required Fiscal Year 2019 appropriation for the retirement system is \$8,502,325.00.

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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:**

From Traffic Commission:

**ORDERED** That the 2016 Woburn Traffic Code, as amended be further amended by amending Schedule 1 Parking Restrictions by deleting "Union Street - One hour parking southerly side from Main Street easterly a distance of 260 feet any time between the hours of 8:00 a.m. and 6:00 p.m. any day except Sundays and public holidays." and replacing same with the following:

UNION STREET – One hour parking southerly side beginning at a point 105 feet from the intersection with Main Street easterly a distance of 155 feet any time between the hours of 8:00 a.m. and 6:00 p.m. any day except Sundays and public holidays.

UNION STREET – No parking southerly side from the intersection with Main Street easterly a distance of 105 feet.

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From Traffic Commission:

ORDERED WASHINGTON STREET – No parking from the southerly property line to the northerly property line in front of 100 Washington Street Monday through Friday between the hours of 7:00 a.m. to 9:00 a.m. and between the hours of 3:00 p.m. to 7:00 p.m.

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RESOLVED Whereas, the Traffic Commission endorsed a conceptual plan for traffic calming at the intersection of Beacon Street and Sturgis Street; and

Whereas, the plan area is adjacent to the Horn Pond boat launch, parking area and Ice House Park; and

Whereas, the plan is designed to reduce the speed of vehicles in that area particularly along Beacon Street and to improve pedestrian safety for the numerous residents who utilize the Horn Pond Conservation area for passive recreation and the participants in the numerous civic events, road races and concerts held in this area;

Now, Therefore, Be It Resolved that His Honor the Mayor forward to the City Council an appropriation in a sum sufficient to fund the traffic calming improvement on a plan entitled “Concept Plan – Geometric Improvements Located on Beacon and Sturgis Street, Woburn, Massachusetts” dated June 8, 2017 prepared by the City of Woburn Engineering Department, a copy of which is attached hereto.

s/Alderman Campbell

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RESOLVED Whereas, the conditions of the roadway have deteriorated and in the interest of public safety, the Superintendent of Public Works resurface Highland Avenue from Playstead Avenue to the dead-end taking into consideration the proper level of catch basins near driveways along the roadway.

s/Alderman Gately

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Motion made and 2<sup>nd</sup> to ADJOURN.