

**CITY OF WOBURN
NOVEMBER 21, 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	

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

MAYOR'S COMMUNICATIONS: None.

PUBLIC HEARINGS:

On the petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the 1989 Woburn Zoning Ordinances, as amended by adding a Section 31 Federal Street Smart Growth Overlay District (FS/SGOD) in accordance with the purposes of G. L. Chapter 40R as set forth in the Journal of the City Council Regular Meeting of August 15, 2017. PUBLIC HEARING OPENED. A communication dated November 15, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

Re: Petitions to (A) Amend the Zoning Ordinance by adding a new Section 31 (Federal Street Smart Growth Overlay District [FS/SGOD]) and (B) Amend the City's Zoning Map by overlaying the FS/SGOD District on property at 14 and 14R Federal Street/Jamieson Properties

Dear Mr. Campbell:

At a meeting of the Woburn Planning Board held on Tuesday, November 14, 2017, members of the Board voted unanimously (5-0-0) to continue the public hearing on the above-referenced petitions to the Board's November 28, 2017 meeting.

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

A communication dated November 16, 2017 was received from Attorney Joseph R. Tarby, III, Murtha Cullina, LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 as follows:

Re: Proposed Amendment to Zoning Map of the City of Woburn/Jamieson Properties LLC, 14 and 14R Federal Street, Woburn, Massachusetts

Dear Mr. Campbell:

On behalf of my client Jamieson Properties LLC, I respectfully request that the public hearing scheduled for November 21, 2017 be continued to December 5, 2017. If you have any questions, please do not hesitate to contact me. Thank you.

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

On the petition by Jamieson Properties, 627 Main Street, Woburn, Massachusetts 01801 to amend the Zoning Map of the City of Woburn by changing the zoning district for the property located at 14 Federal Street and 14R Federal Street containing approximately 11,325.6 square feet of land from the B-D zoning district to the FS/SGOD zoning district. PUBLIC HEARING OPENED. A communication dated November 15, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

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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.

On the petition by Madison Woburn Holdings LLC, 333 Newbury Street, Suite 201, Boston, Massachusetts 02116 pursuant to 1985 Woburn Zoning Ordinances, as amended, for special permits and site plan approval to amend special permit issued August 11, 2015, as amended by special permit issued July 14, 2016 as follows: 1. Special Permit pursuant to section 5.1.20a to allow for a Mixed Use Hotel/Restaurant Use; 2. Special Permit pursuant to section 8.7.6 to allow for a reduction in off street loading requirements; 3. Special Permit pursuant to section 5.1.29 to allow for fast food restaurant; 4. Site Plan Approval pursuant to Section 12.2.1 to allow for a fast food restaurant; 5. Special Permit pursuant to section 5.1, Note 16 to allow hours of operation for the fast food restaurant beyond 11:00 p.m.; and 6. Amended site plan which includes eight (8) Tesla charging stations and related equipment, at 369 Washington Street. PUBLIC HEARING OPENED. A communication dated November 16, 2017 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on special permit modification application for 369 Washington Street /Woburn Madison Holdings LLC

Dear Council:

The Planning Department has reviewed the request to modify an existing Special Permit and Plan of Record site plan, pursuant to Section 11.3.12 of the Woburn Zoning Ordinance (WZO). As referenced in the Petitioner's application, and per the City Council's decisions dated August 11, 2015 and July 14, 2016, Special Permits have already been granted relative to the following Sections of the WZO:

- 5.1.20(a)(to allow for a Mixed-Use Hotel/Restaurant);
- 5.1.29 and 11.6.10 (to allow for a Chick-fil-A fast food restaurant with a drive-up customer service facility);

- 5.1, Note 16 (to require hours of operation of the Chick-fil-A fast food restaurant to be Monday-Saturday, 6:30 am – 10:00 pm, with closure on Sundays);
- 5.1, Note 16 (to allow restaurant hours in excess of 11:00 pm for a full-service restaurant);
- 8.7.6 (to allow for a reduction in off-street loading requirements);
- 12.2.1 and 12.3.2 (site plan review); and
- 12.2.4 and 12.3.2 (to allow for construction in excess of 15,000 square feet and more than 100 parking spaces).

The pending application seeks to amend the Plan of Record by substituting two (2) restaurants for one (1) previously approved. It also seeks extended hours of operation for the new fast-food restaurant to permit it to remain open past 11:00 p.m., and permission to add eight (8) additional electric vehicle parking stations for a total of eleven (11) on site.

With respect to the new restaurants being proposed, a fast food establishment [Blaze Pizza] and a full-service restaurant [110 Grill] would be constructed in place of one (1) of the two (2) full-service restaurants initially approved for this site.

The new building that would house the full service and fast food restaurants will be slightly larger than the one previously approved for construction (8,487 sq. ft. versus 8,010 sq. ft.). Despite this increase in building size, the development's floor area ratio (the ratio of building footprints to lot area) is reported to have decreased even though the subject lot is now smaller than it was at the time of the first application (a roughly 1.5 acre parcel at the rear of the property is no longer included in the development plan). Staff recommends the Council confirm the floor area ratio reflected on the new site plan.

The application also includes a request for extended hours of operation for the new fast-food restaurant, Blades Pizza, to permit it to operate beyond 11:00 p.m. Planning staff recommends the Council seek the input of City Engineer Jay Corey relative to traffic impacts that may arise from adding another fast-food restaurant with extended operating hours to the site. Staff also recommends that any special permit for extended hours be granted specifically to Blades Pizza only, so as to foreclose the possibility of another fast food establishment taking its place some day without further Council review/approval.

The pending application also seeks permission to increase the number of (presumably electric) car charging stations on the site from three (3) to eleven (11) by adding eight (8) Tesla-specific charging stations in close proximity to the hotel as well as to add related supporting equipment. The eight (8) new charging stations would be in addition to three (3) other electric vehicle charging stations already planned and approved for the site. While the Planning Department is fully supportive of more environmentally-friendly vehicle use and energy conservation measures, staff recommends the Council explore whether there will actually be enough demand for electric car service in this relatively remote location to justify dedicating a total of eleven (11) parking spaces on site on a daily basis year-round for the purpose. The Council should also consider requiring

screening around the charging station's supporting equipment if the nature of the equipment warrants that measure.

Finally, Planning staff notes several other issues/questions relative to the plan and site layout:

- Tower Park Drive is identified on the site plan as a "public way," despite the fact that it has not been formally accepted as such;
- The building containing the two (2) new proposed restaurants (110 Grill and Blaze Pizza restaurants) now shows two "service corrals"; Planning staff assumes this is a synonym for "trash storage areas" and if true, they must be screened with a 6' high sight-imperious fence, the details of which should be noted on the plan or in a condition of approval;
- It does not appear that parking lot lighting has been incorporated into the layout and materials plan as required in accordance with Section 8.5.1; and
- A total of two (2) off-street loading spaces are required for the hotel in accordance with Section 8.7.1; they should be incorporated into the design of the proposed dual-brand hotel and identified on the Plan of Record.

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

Respectfully, s/Dan Orr, City Planner/Grant Writer

On the petition by President Richard Haggerty and Alderman Edward Tedesco to amend the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows: 1. By amending Table of Uses Section 5.1.41 entitled "Research and testing laboratory" by striking the "P" under I-P, IP-2, I-G, O-P and OP-93 and replacing same with an "X"; and by deleting "Section 12, Note 3" under "Site Plan Requirements"; 2. By adding a new Table of Uses Section 5.1.41a entitled "41a Research and Testing laboratory uses – for new construction only – that create 25,000 sq. ft. or more of new gross floor area"; inserting a "–" under R-1, R-2, R-3, R-4, B-N, B-H, B-D, B-I, S-1 and O-S; inserting a "P" under I-P, IP-2, I-G, S-2, O-P and OP-93; and inserting under "Notes; other sections" the following "Section 18"; 3. By renumbering the present Table of Uses Section 5.1.41a entitled "Biomedical Facility" as Section 5.1.41b; and 4. By amending the first paragraph of Section 18.3 (Criteria for Development Impact Mitigation) by replacing "41" with "41a". PUBLIC HEARING OPENED. A communication dated November 15, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

Re: Proposed zoning text amendment relative to Table of Uses Section 5.1.41 of the Woburn Zoning Ordinance (Research and Testing Laboratory

Dear Councilors:

At a meeting of the Woburn Planning Board held on Tuesday, November 14, 2017, members of the Planning Board voted 5-0-0 (Bolgen, Turner, Doherty, Callahan, and Donovan in favor; Ventresca and Edmonds absent) to recommend adoption of the following proposed zoning amendment, as drafted:

To amend the 1985 Woburn Zoning Ordinances by (A) amending Table of Uses Section 5.1.41, entitled “Research and Testing Laboratory” by striking “P” under I-P, IP-2, I-G, O-P and OP-93 and replacing the same with an “X”; and by deleting “Section 12, Note 3” under “Site Plan Requirements”; (B) adding a new Table of Uses Section 5.1.41a, entitled “41a Research and Testing Laboratory uses—for new construction only—that create 25,000 sq. ft. or more of new gross floor area”; inserting a “-“ under R-1, R-2, R-3, R-4, B-N, B-H, B-D, B-I-, S-1 and O-S; inserting a “P” under I-P, IP-2, I-G, S-2, O-P and OP-93; and inserting under “Notes; other sections” the following: “Section 18”; (C) renumbering the present Table of Uses Section 5.1.41a, entitled “Biomedical Facility”, as Section 5.1.41b; and (D) amending the first paragraph of Section 18.3 (Criteria for Development Impact Mitigation) by replacing “41” with “41a”.

Please feel free to contact me if you have any questions relative to the Planning Board’s vote.

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

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 communication dated November 16, 2017 was received from Dan Orr, City Planner/Grant Writer as follows:

Re: Planning Department comments on Special Permit Application for 8 Draper Street/Lord Hob Brewing

Dear Council:

The Planning Department has reviewed the above-referenced petition, which seeks a special permit pursuant to Sections 5.1 (42), 5.1 (57b) and 7.3 of Woburn Zoning Ordinance (WZO) to authorize onsite warehousing, accessory parking of commercial vehicles, and the alteration of a pre-existing, non-conforming structure (the loading docks front onto the street), respectively. The property is located in the Industrial General (I-G) zoning district, which allows the aforementioned uses by City Council special permit. Minor exterior changes, including the addition of a canopy at the loading dock and the addition of refrigeration equipment, are proposed and to which Planning staff take no exception. Based on conversation with the Building Commissioner, the proposed use

appears to constitute a wholesale warehouse use; if so, the proposed use does not conform with Section 11.6 of the WZO (Building A lays within 300 ft. of a residential lot line).

Relative to parking, staff note that the Petitioner proposes repurposing one of the existing onsite facilities (Building A), consisting of 16,142 sq. ft., to include 14,182 sq. ft. of warehousing and 1,960 sq. ft. of office space. An engineer-certified plot plan submitted with the petition indicates there are twenty-five (25) spaces required for the warehouse and office needs of Lord Hobo Brewing Company, as well as uses for Buildings C and D, per the WZO and as shown below:

- 1,960 sq. ft. of office (1 space / 350 sq. ft.) requires **5.6 spaces**
- 14,182 sq. ft. of warehouse (1 space / 800 sq. ft.) requires **17.7 spaces**
- Other onsite uses (Buildings C & D) with 3 employees requires **2 spaces**

However, although the plot plan makes note of the 8' wide parking lanes that are not meant to count towards the dimensional/zoning requirements, it is noted that there are approximately 21 additional "standard" parking spaces surrounding Buildings C and D that are not reflected in the "total provided" calculation of the Off-Street Parking Summary. In addition, the Petitioner also proposes overnight parking for 6 commercial vans, and those commercial vehicle drivers must have access to parking for personal vehicles. As a result, a total of (12) additional parking spaces may be necessary, amounting to thirty-seven (37) total required spaces. The Building Commissioner would similarly be able to determine if there are a sufficient number of spaces onsite currently to accommodate both commercial and personal vehicles, as requested.

Planning staff recommends the Council consider at least the following prior to ultimately voting to approve the application:

1. That the Petitioner should confirm the intent of the proposed use and its zoning compliance, as well as the sufficiency of onsite parking, with the Building Commissioner (and any changes to the parking calculations be reflected on a revised version of the plot plan and re-submitted to the Council);
2. That the Petitioner should confirm that there are in fact only 3 employees working onsite within Buildings C and D;
3. That the Petitioner is only permitted to allow vans onsite, as trucks are not allowed within 300 ft. of a residential lot line per Section 11.6 (note direction from proposed parking area);
4. That the number of parking stalls designated as compact vehicles spaces shall not exceed 30% of total spaces and also incorporate requisite signage and markings, in accordance with Section 8.2.3;

5. That the plot plan submitted on behalf of the Petitioner should be revised to reflect security lighting (required for overnight parking, per Section 8.5), onsite snow storage areas (if applicable), and any structural connection between Buildings A and C (aerial images show that they are connected on the City's GIS mapping, but the plan does not reflect that feature. If the images are simply outdated [the connection may have been demolished] this comment can be disregarded);
6. That all vehicles that will be parked onsite overnight must be registered in the City of Woburn; and
7. That the Special Permit shall be issued to Lord Hobo Brewing Company only and shall not be transferrable, with the exception of a transfer to an entity of which Lord Hobo Brewing Company is the primary or principal owner.

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

Respectfully, Dan Orr, City Planner/Grant Writer

On the petition by Alderman Campbell to amend 1985 Woburn Zoning Ordinances, as amended, by amending Section 11.11.1 by deleting from the first sentence the word "and" after the words "Section 5.1.3(a) through 3(d)", and inserting after the words "Section 5.1.4" the words ", and Section 5.1.5". PUBLIC HEARING OPENED. A communication dated October 25, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

Re: Petition to amend Section 11.11 (Subsections 1, 3, 4 and 5) of the Zoning Ordinance (Affordable Housing Requirement) by (A) Increasing affordable housing requirements applicable to special permit petitions from 10% to 25%; (B) Expanding the applicability to include projects where dwelling units are located above first stories in commercial structures; (C) Deleting the option of offsite affordable housing units by petitioner request; and (D) Deleting a cash payment option to satisfy affordable unit requirements in cases where the number of required affordable units results in fractions below 1/Alderman Joanne Campbell

Dear Mr. Campbell:

At a meeting of the Woburn Planning Board held on Tuesday, October 24, 2017, members of the Board voted to unanimously (5-0-0) to continue the public hearing and discussion on the above-referenced proposed zoning amendments to the Board's November 28, 2017 meeting at 7:00 p.m.

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

On the petition by Alderman Campbell to amend 1985 Woburn Zoning Ordinances, as amended, by amending Section 11.11.1 by deleting from the first sentence the words “the City Council shall require as a condition of any such special permit, the provision on site and within the development of affordable housing units equal to ten (10%) percent of the development's total number of dwelling units” and inserting in its place the words “a condition of any such special permit shall be at least twenty-five percent (25%) of the units on site and within the development are to be occupied by Income Eligible Households earning 80% or less than the Area Median Income as such terms are defined in 760 CMR 56.02, as may be amended from time to time.” PUBLIC HEARING OPENED. A communication dated October 25, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

Re: Petition to amend Section 11.11 (Subsections 1, 3, 4 and 5) of the Zoning Ordinance (Affordable Housing Requirement) by (A) Increasing affordable housing requirements applicable to special permit petitions from 10% to 25%; (B) Expanding the applicability to include projects where dwelling units are located above first stories in commercial structures; (C) Deleting the option of offsite affordable housing units by petitioner request; and (D) Deleting a cash payment option to satisfy affordable unit requirements in cases where the number of required affordable units results in fractions below 1/Alderman Joanne Campbell

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

On the petition by Alderman Campbell to amend 1985 Woburn Zoning Ordinances, as amended, as follows: 1. By deleting Section 11.11.3 in its entirety; 2. By renumbering Section 11.11.4 as Section 11.11.3; and 3. By deleting Section 11.11.5 in its entirety and inserting it in its place the following: “11.11.4 In determining the number of units to be provided pursuant to Section 11.11.1, fractional numbers shall be rounded up to the nearest whole number.” PUBLIC HEARING OPENED. A communication dated October 25, 2017 was received from Tina P. Cassidy, Planning Board Director as follows:

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

CITIZEN'S PARTICIPATION:

Request for citizen's participation time by Stephen Smith, 1045 Main Street regarding the Woburn Fire Department.

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

On the renewal of First Class Motor Vehicle Sales Licenses by Northeast Tree, Inc.; WMK, LLC dba Mobility Works; and Woburn Foreign Motors, Inc., committee report was received "ought to pass".

On the renewal of Second Class Motor Vehicle Sales License by ACT Leasing, Inc., committee report was received "ought to pass".

On the renewal of Second Class Motor Vehicle Sales Licenses by Robert McSheffrey dba Bob McSheffrey Auto Sales; Southside Associates, Inc. dba Burke's Garage; McSheffrey Auto Sales, Inc.; Ollie's Service Center; Woburn Gas & Service, Inc.; David Dellarocco dba Woburn Auto Sales; Donald J. Socorelis dba Woburn Glass Co.; and Abdelaziz Ilaj dba Woburn Motor Sports, committee report was received "ought to pass".

On the renewal of Third Class Motor Vehicle Sales License by Woburn Truck and Auto, Inc., committee report was received "ought to pass".

ORDINANCES:

On the following Order, committee report was received “To refer the matter to public hearing”:

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, Section 11, Special Permits and Variances, 11.3 Procedures for Special Permits, subparagraph 11, be amended by deleting “six (6) months” and replacing same with “twelve (12) months”.

s/Alderman Anderson

INFRASTRUCTURE AND PUBLIC LANDS:

On the recommendation from the Traffic Commission regarding traffic calming measures, committee report was received “That the City Clerk prepare an Order requesting the Mayor provide funding for the conceptual plan for traffic calming at the intersection of Sturgis Street and Beacon Street, based on the drawing submitted by the City Engineer’s Department and approved by the Traffic Commission”.

NEW PETITIONS:

Petition by Shamrock Running Club, P.O. Box 602, Woburn, Massachusetts 01801 for a Special Event Permit to allow a road race on January 1, 2018 on area streets beginning at 147 Main Street.

Petition by Tanner TaTa Foundation, 100 Tower Office Park, F, Woburn, Massachusetts 01801 for a Special Event Permit to allow a road race on November 26, 2017 on area streets beginning at 15 Middlesex Canal Park.

Petitions for renewal of First Class Motor Vehicle Sales Licenses by C.N. Wood Company, Inc., 200 Merrimac Street; Gordon Colonial, Inc. dba Colonial Cadillac, 201 Cambridge Road; Lannan Chevrolet, Inc., 40 Winn Street; Lawless, Inc., 196 Lexington Street; M&L Transit Systems, Inc., 60 Olympia Avenue; and Woodco Machinery, Inc., 22 North Maple Street.

Petitions for renewal of Second Class Motor Vehicle Sales Licenses by Anchor Auto Sales, Inc., 3 Breed Avenue; Kenneth L. O’Connor and Thomas F. Norton dba City Line Motors, 30 Rear Torrice Drive; E&C Auto Brokers, LLC, 505 Main Street; Jeffrey Pollock dba Exclusive Automobile, 7 Independence Drive; George’s Auto Body of Woburn, Inc., 19 Jefferson Avenue, #C; Nicolas Saba dba Montvale Service, 289 Salem

Street; Route 16 Auto Broker, 280 Salem Street; Francis Garbino dba Tom's Auto Body, 10R Green Street; and Tracy M. Batten dba Tracy's Auto Sales, 62R Winn Street.

Petition for renewal of Second Class Motor Vehicle Sales Licenses and increase in number of vehicles from six to ten by Oliver M. McDermottroe dba McDermottroe Auto Sales, 229 Lexington Street.

Petitions pursuant to M.G.L. Ch. 268A, Section 20(b) disclosing interest in a contract to allow personal snow plowing services to city by Roy Cudmore, Dennis M. Stone and Stephen Miele.

Petition pursuant to M.G.L. Ch. 268A, Section 20(b) disclosing interest in a contract to allow personal snow plowing and power washing services to city by Thomas M. Skeffington.

A communication dated October 31, 2017 was received from Shaun W. Briere, Hackett Feinberg, 155 Federal Street, 9th Floor, Boston, Massachusetts 02110 as follows:

Re: Special Permit Decision (Volume 58, Page 610)(the "Special Permit") – Melanson Development Group, Inc. (the "Applicant") – 165 Cambridge Road, Woburn (the "Property")

Dear Mr. Campbell:

As you know this office represents the Applicant, with respect to its proposed redevelopment of the above referenced Property (the "Project").

With respect to the Special Permit issued by the City Council on December 24, 2015 (copy attached hereto as Exhibit A), the Applicant respectfully requests and extension of said special permit pursuant to Section 11.3.10 of the City of Woburn 1985 Zoning Ordinances, as amended through March 1, 2017 (the "Ordinance"), to December 24, 2019. Pursuant to Section 11.3.10, "[t]he City Council may grant an extension [for] good cause and shall grant an extension if the delay has been caused by the need to seek other permits."

Good Cause

The Applicant is currently under contract to purchase the Property from Eileen Marsan. However, due to unforeseen medical circumstances, Ms. Marsan has been physically unable (i) to vacate the Property or (ii) to proceed with the sale of the Property to the Applicant. While both the Applicant and Ms. Marsan fully intend to consummate the sale

and proceed with the Project once Ms. Marsan has fully recovered, they are unable to do so prior to the expiration of the Special Permit.

Need to Seek Other Permits

Since the grant of the Special Permit on December 24, 2015, the Applicant proceeded with appropriate diligence to obtain all other necessary permits and approvals, such permits and their issuance dates attached hereto as Exhibit B for your reference.

Additionally, during the course of permitting the Project, it became known that the proposed access to the Project over Old Lexington Street was not owned in fee simple by Ms. Marsan. While Ms. Marsan enjoyed rights of access to that portion of Old Lexington Street, the underlying fee simple estate remained owned by the City of Woburn. This necessitated a previously unanticipated municipal disposition process, including a Request for Proposals, pursuant to M.G.L. Chapter 30B. The Applicant was awarded the bid and signed a Purchase and Sale Agreement in March of 2017. However, consummation of the Applicant's purchase of that portion of Old Lexington Street is anticipated to occur simultaneously with the Applicant's purchase of the Property, which is subject to Ms. Marsan's convalescence as described above.

In consideration of the above described circumstances, the Applicant respectfully requests that the City Council approve an extension of the Special Permit to December 24, 2019. Such extension would allow sufficient time for (1) Ms. Marsan to fully convalesce, (2) her to vacate the Property, (3) to consummate the purchase of the Property and the Access by the Applicant, (3) to demolish the existing single family home located on the Property, and (4) for the Applicant to begin construction of the Project.

Kindly file same in your usual course and place this matter on the agenda for the next scheduled meeting of the City Council. Thank you very much for your assistance in this matter.

Very truly yours, s/Shawn W. Briere

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.

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.

Petition by Little Egg Realty, 5 Hancock Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57b and 7.3 to modify Condition 7 of a special permit issued May 10, 2012 to read as follows: “7. That the garage shall be limited to one story with no attic but a pitched roof is acceptable with no attic. It will be acceptable to cover the ceiling joists as necessary for the fire rating.” at 5 Hancock Street.

Petition by Michael R. Celatta II, 275 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.45 to sell used automobiles and for a Second Class Motor Vehicle Sales License at 275 Salem Street.

Petition by Vecna Technologies, Inc., 36 Cambridgepark Drive, Cambridge, Massachusetts 02140 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 57a to allow six storage containers at 71 Pine Street.

Petition by Shaun K. Marsh, 101 Forest Park Road, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5 Note 15 to allow new 900 square foot garage with two ten foot doors at 101 Forest Park Road.

Petition by Petrogas Group New England Inc., 168 N. Main Street, Suite B, Andover, Massachusetts 01810 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 7.3, 11.5, 5 Note 16 to allow the addition to and renovation of an existing building currently used as gasoline service station and convenience store at 325 Washington Street.

COMMUNICATIONS AND REPORTS:

A communication dated October 31, 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 October 2017.

A communication dated October 18, 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 September 2017: Number of violations issued 564, Numbers of violations

paid 238, Number of violations outstanding 240, Amount collected and submitted to Collectors Office \$49,566.29, Parking fines referred to the Handicap Commission \$12,000.00.

There is a backlog of 1,585 tickets dating from January 2004 to September 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

A communication dated November 7, 2017 with attachments was received from City Solicitor Ellen Callahan Doucette relative to the Attorney General's Revised Open Meeting Law Regulations and revised City of Woburn Remote Participation Policy.

A communication dated November 15, 2017 was received from City Solicitor Ellen Callahan Doucette relative to meeting with the City Council in executive session relative to pending litigation of NAI Entertainment v. Woburn City Council.

A communication was received from Office of Environmental Analysis, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423-0001 notifying of the availability of the Final Scope of Study for the New England Transrail Environmental Impact Statement.

A communication dated November 2, 2017 was received from the Surface Transportation Board relative to the Notice of Availability of Final Scope of Study for the New England Transrail, LLC Environmental Impact Statement.

A copy of a communication dated October 17, 2017 with attachment to Mayor Scott Galvin was received from Heather Maguire, Executive Director, Woburn Business Association, 10 Tower Office Park, Woburn, Massachusetts 01801 with a list of recommendations formulated by their Government Committee relative to the Montvale Avenue street widening project.

A communication dated November 8, 2017 was received from Elaine Sutherlin, 29 South Bedford Street, Woburn, Massachusetts 01801 alleging a violation of the Open Meeting Law at the City Council meeting on October 17, 2017.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated October 27, 2017 was received from Leonard Burnham, Jr., 12 Tedesco Drive, Woburn, Massachusetts 01801 as follows:

I hereby accept the appointment as set forth above.

s/Leonard Burnham, Jr.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas, the water pipes have been cement lined, gas lines installed and curbing and sidewalk installed, the Superintendent of Public Works complete the project by resurfacing Conn Street from Main Street to Fowle Street to improve public safety and convenience.

s/Alderman Gately

RESOLVED Whereas, the condition the roadway is poor, the Superintendent of Public Works resurface Bryant Street from Conn Street to Carter Street to improve public safety and convenience.

s/Alderman Gately

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

s/Alderman Gately

RESOLVED That the Mayor and Superintendent of Public Works provide the City Council with an update on the water line work on Montvale Road, Munroe Avenue and Elm Avenue; the status of connecting dry wells for drainage; and the paving plan.

s/Alderman Mercer-Bruen

ORDERED That the City Council Regular Meeting scheduled for December 19, 2017 shall begin at 6:30 p.m.

s/President Haggerty

ORDERED WHEREAS, there presently exists a structure or structures located in the City of Woburn, Massachusetts known and numbered as 425 Main Street; and

WHEREAS, at the exterior conditions of said building or buildings have deteriorated;

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Woburn that the City Clerk and Clerk of the City Council schedule a public hearing pursuant to Mass. General Laws Ch. 139, Sec. 1, et. seq., and give notice thereof to the owner of said building or buildings, said hearing to be conducted for the purposes of determining whether said building or buildings are a nuisance, a nuisance to the neighborhood, dilapidated or dangerous building or buildings or other structure or structures, as said terms are used in Mass. 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.

s/President Haggerty

ORDERED That the Committee on Special Permits meet with the representatives of Wendy's located at 303 Montvale Avenue regarding trash and trash disposal at the site.

s/Alderman Mercer-Bruen

ORDERED That the Committee on Infrastructure and Public Lands meet with the City Engineer and the Superintendent of Public Works relative to the ongoing drainage issues in the area of the Four Corners.

s/Alderman Gately and Alderman Higgins

ORDERED Be it Ordained by the City Council of the City of Woburn, that that the Mayor and the Conservation Commission be and are hereby authorized to accept conservation restrictions for the properties located at 124 Lexington

Street and 130 Lexington Street; and that the City Council indicate their approval by executing each conservation restriction.

s/Alderman _____

Attached thereto were the following two conservation restrictions:

A Conservation Easement and Restriction was received from John D. Marotto, Trustee of 124 Lexington Street Realty Trust pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws granting to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land containing approximately 2,410 square feet of land shown on a plan as "Conservation Restriction Area" on a plan entitled "Conservation Restriction Plan 124 & 130 Lexington Street, Woburn Mass" prepared by Edward Farrell PLS dated August 12, 2017 to be recorded at the Middlesex South District Registry of Deeds herewith.

A Conservation Easement and Restriction was received from John D. Marotto, Trustee of 130 Lexington Street Realty Trust pursuant to Sections 31, 32 and 33 of Chapter 184 of the Massachusetts General Laws granting to the City of Woburn in perpetuity and exclusively for conservation purposes a Conservation Restriction on a parcel of land containing approximately 24,731 square feet of land shown on a plan as "Conservation Restriction Area" on a plan entitled "Conservation Restriction Plan 124 & 130 Lexington Street, Woburn Mass" prepared by Edward Farrell PLS dated August 12, 2017 to be recorded at the Middlesex South District Registry of Deeds herewith.

ORDERED Be it Ordained by the City Council of the City of Woburn, that that the Mayor be and is hereby authorized to enter into an Easement Agreement with Madison Woburn Holdings LLC which Easement Agreement will grant a perpetual, non-exclusive access and utility easement to Madison Woburn Holdings LLC over the property owned by the City of Woburn and identified as Parcels A and B on the attached Approval Not Required Plan which is recorded at the Middlesex South Registry of Deeds as Plan No. 486 of 1983.

s/President Haggerty

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1989 Woburn Municipal Code, as amended, be further amended as follows:

1. By deleting Title 8, Article VII, Section 8-17(J) in its entirety and replacing same with the following: "Any owner of property on which a dumpster is located and on which a violation of this Section shall occur shall be subject to a fine of \$300.00 for each offense and a

separate offense shall be deemed committed on each day on which a violation occurs or continues.”

2. By deleting Title 8, Article VII, Section 8-17(K) in its entirety and replacing same with the following: “It shall be the responsibility of the Inspectional Services Department to enforce the provisions of this section.”

s/Alderman Mercer-Bruen

ORDERED Be it Ordained by the City Council of the City of Woburn that Section 11.3 of the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

1. By adding a new paragraph 11.3.13 as follows: Minimum Mandatory Conditions. In addition to any other conditions that may be required pursuant to Section 11.3 it shall be a material condition for such Special Permits that any construction manager, general contractor or other lead or prime contractor, or any entity functioning in any such capacity, and any other contractor or subcontractor of any tier or other person or entity that is engaged to perform the construction work on the property that is the subject to such Special Permit shall comply with all laws applicable to the compensation of workers, including but not limited to the provisions of G.L. c. 149 (Labor and Industries) , G.L. c. 152 (Workers Compensation) and Chapter 58 of the Acts of 2006.
2. By adding a new paragraph 11.3.14 as follows: Compliance/Remedies. If any person or entity that is subject to the foregoing Special Permits fails to comply with any such laws applicable to work on the project and the Building Commissioner is notified of, and confirms such failure, the Building Commissioner or his designee shall take such steps as are reasonably necessary, up to and including the issuance of a stop work order, directed to the party so failing or to the general contractor, relative to all work on the project, in order to achieve expedited compliance. Such stop work order shall remain in effect until full compliance is achieved.

s/President Haggerty and Alderman Higgins

ORDERED Be it Ordained by the City Council of the City of Woburn that the 1985 Woburn Zoning Ordinances, as amended, be further amended as follows:

1. By adding the following to Section 2 (DEFINITIONS) after Retail Use Area and before Roof Top Wind Energy Facility:

“Rooftop Dining: The use of a structure’s roof, by a Full-Service Restaurant, for assembly or the consumption of food or beverages.”

2. By adding “Note 27” to the column in Section 5.1 Table of Uses entitled “Notes; other sections” for line 28.
3. By adding the following to the end of Section 5.1, Table of Uses:

“27. Rooftop dining may be authorized by Special Permit from the City Council in the B-D (Downtown Business) zoning district if the conditions outlined in Section 11.6 are met.”

4. By adding the following to Section 11.6 (SPECIAL PERMITS AND VARIANCES, Additional Conditions for Special Permits for Specific Uses and Conditions):

“12. Rooftop Dining in the B-D District.

1. The rooftop dining area shall be associated with a Full-Service Restaurant establishment doing business within the same building.
2. The floor immediately below the rooftop area must either be occupied by a non-residential use or a provision inserted into the deeds or lease/rental agreements for each dwelling unit disclosing the existence of and general details about the rooftop dining operation and conditions associated with it (i.e. authorized business hours, occupancy limit, noise, customary activity levels, etc.).
3. The preferred main access to the rooftop shall be from the interior space of the Full-Service Restaurant establishment doing business within the same building, provided an exterior access may be permitted upon demonstration of a de minimus impact on surrounding properties.
4. The rooftop dining use shall comply with the minimum twenty-foot (20’) buffer requirement set forth in Section 5.7.1.
5. Use of the rooftop shall not occur unless the Full-Service Restaurant establishment doing business in the same building is also open;
6. Use of the rooftop shall not exceed the hours of operation for the Full-Service Restaurant establishment doing business within the

same building but in no event shall the rooftop be open and/or occupied later than 10:30 p.m.

7. Equipment and structures associated with an elevator providing access to the rooftop area, restroom facilities required by State Building Code, and any service areas, preparation stations or similar facilities associated with the rooftop dining use shall:
 - a. Not exceed ten feet (10') in height;
 - b. Not be included in the calculation of the Height of a Building or subject to the setback requirements of section 12 below;
 - c. Not occupy more than fifteen percent (15%) of the gross area of the roof, except that for buildings that existed at the time of adoption of this Ordinance, the City Council may allow a greater percentage of roof coverage if it can be demonstrated that existing roof features require or justify such an increase. If the applicant can demonstrate that there is a pre-existing structure that applicant must design around and therefore requires applicant to exceed this limitation to provide adequate service and sanitary area, then the City Council may increase this percentage limitation;
 - d. To the extent practical be located in a manner that minimizes or prevents their visibility from street level; and
 - e. Be properly locked and secured at the end of each business day.
8. Live entertainment, music, speakers, televisions, or public address systems shall not be permitted on the rooftop unless the City Council so authorizes. The windows and doors to areas where such noise originates shall be closed (except when being used as permitted means of egress) or such areas must be sound-proofed so as to prevent sound from being heard at the street level of the building.
9. Service areas, preparation stations and similar facilities shall be ancillary in nature as determined by the City Council and shall service the rooftop dining area only.
10. No food shall be stored on the rooftop except during the hours the rooftop dining area is in use. No alcohol shall be stored on the rooftop unless it is properly locked and secured at the end of each business day.
11. All lighting associated with the rooftop dining area shall be designed to effectively eliminate glare, shall not be directed toward property lines and shall be turned off when the area is not in use.

12. Walls or railings to prevent patron encroachment within the setbacks as provided herein shall comply with applicable Massachusetts Building Code requirements and shall be set far enough back from the edge of the building to provide safe conditions for both restaurant employees, patrons and the public, in the opinion of the City Council. These walls or railings shall, in concert with other structures and/or landscaping, provide a setback to prevent patron access from the edge of the building. At a minimum, the set back from the edge at the front of the building shall be ten (10) feet and the setback from the edge at the side and rear (if not abutting the wall of another building), shall be four (4) feet. The side and rear setback from the edge of the building does not apply to the Service and sanitary structures, if any.
13. Rooftop dining areas shall be kept free of trash, debris and food waste. All trash, debris, and food waste shall be properly stored while the rooftop dining area is in use and all trash, debris and food waste shall be removed from the rooftop entirely at the close of each business day.
14. Special Permits for rooftop dining shall be issued only to the applicant and shall not be transferrable without prior approval from the Woburn City Council.
15. The following restrictions shall apply:
 - a) Propane heaters, landscaping, ornamental trees or other permanent decorative items shall be shown on the plan of record.
 - b) Hot tubs shall not be allowed.
 - c) Decorations of any kind shall not extend farther than 8 feet above the rooftop.
 - d) Banners or signage shall not be allowed on or hanging over the rooftop.
 - e) Neon signs or signs advertising adult beverages shall not be allowed.

s/President Haggerty and Alderman Anderson

From Traffic Commission:

ORDERED That the 2016 Woburn Traffic Code, as amended, be further amended by amending Schedule 2 Turning and Moving Restrictions as follows:

UNION STREET – One-way easterly starting at a point 140 feet easterly from the intersection with Main Street to the intersection with Montvale Avenue.

From Traffic Commission:

ORDERED That the 2016 Woburn Traffic Code, as amended, be further amended by amending Schedule 2 Turning and Moving Restrictions as follows:

CAMPBELL STREET - One-way easterly starting at a point 125 feet easterly from the intersection with Main Street to the intersection with Wade Avenue.

From Traffic Commission:

ORDERED MT. PLEASANT STREET – That a stop sign restriction be established on Mt. Pleasant Street at the intersection with Prospect Street.

RESOLVED Whereas, Thomas C. “Tucker” Quinn demonstrated extraordinary dedication and devotion to the citizens of the City of Woburn during his distinguished career in the Department of Public Works and the Woburn School Department; and

Whereas, Thomas C. Quinn was sought out by Mayors, Aldermen, department heads, city and school department staff, and members of the public for his help and assistance in addressing countless issues to improve public safety and the quality of life in the community in an efficient and effective manner; and

Whereas, Thomas C. Quinn was appointed by the Woburn City Council as Deputy Superintendent of Public Works on September 3, 2002;

Whereas, in that capacity he managed multiple tasks and constant demands on the department, managed his staff in a manner that instilled confidence and respect in his abilities, acted quickly when an issue arose in a neighborhood to assist in finding a resolution, worked tirelessly for the residents and businesses of the community, served as point person in coordinating numerous civic and social events throughout the community, was always willing to lend a hand when help was needed, and never sought out recognition for his good works.

Now, therefore, the City Council of the City of Woburn hereby recognizes the long and distinguished career of Thomas C. Quinn and his many

accomplishments and contributions in improving the quality of life for the citizens of the City of Woburn, thanks him for his service to the city, and extends the best wishes of the community for a long, happy and well-deserved retirement.

s/President Haggerty

Motion made and 2nd to ADJOURN.