

**CITY OF WOBURN
MARCH 6, 2018 - 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:

ORDERED That the sum of \$125,000.00 be and is hereby appropriated as so stated from Fire/BLS Ambulance Acct #31359-595000 \$125,000.00 to Fire Ambulance Salary Acct #012201-511500 \$125,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/Stephen W. Adgate, Chief Fire Department
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/Alderman _____

ORDERED That the sum of \$26,000.00 be and is hereby appropriated as so stated from Fire/BLS Ambulance Acct #31359-595000 \$26,000.00 to Fire Ambulance Maintenance Acct #0122054-544300 \$15,000.00, Fire/Medical Attention Acct #0122054-558103 \$10,000.00, Fire/Computer Maintenance Acct #0122054-544500 \$1,000.00, Total \$26,000.00

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/Stephen W. Adgate, Chief Fire Department
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/Alderman _____

ORDERED That the sum of \$700,000.00 be and is hereby transferred as so stated from Unreserved Fund Balance Acct #01-356000 \$700,000.00 to Road Improvements Acct #0112158-589526 \$700,000.00

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

s/Alderman _____

ORDERED That the sum of \$1,265,637.68 be and is hereby appropriated as so stated from Mayor Salary Adjustments Acct #0112151-511019 \$1,265,637.68 to Fire Salary Acct #0122051-51100 \$1,265,637.68 – Re: Union contract settlements

I hereby recommend the above: s/Scott D. Galvin, Mayor
I hereby approve the above: s/Stephen W. Adgate, Chief Fire Department
I have reviewed the above: s/Charles E. Doherty, City Auditor

s/Alderman _____

PUBLIC HEARINGS:

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 report was received from the Committee on Special Permits as follows: “Back for action with the following conditions: 1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: “Site Development Plans for Mixed Use Development 32 Cabot Road, Woburn, MA dated June 8, 2017; revised August 23, 2017; revised September 12, 2017; revised December 8, 2017; revised December 11, 2017; revised January 10, 2018; revised January 22, 2018; revised February 23, 2018; Sheets 1; ABB-1; ABB-2; C-1; C-2; C-3; C-4; C-5A-C-5C; C-6; C-7A; C-7B; C-8; D-1 to D-10 prepared by Allen & Major Associates, 100 Commerce Way, Woburn, MA 01801 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial

conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.; 2. A snow plow removal plan shall be filed with the Building Commissioner prior to occupancy.; 3. All dumpsters and waste containers shall be enclosed, by means of a fence, wall or landscaping in compliance with the Woburn Zoning Ordinance.; 4. The Petitioner will install all landscaping substantially in conformance with Sheets C-5A; C-5B and C-5C of the Site Plan. Plants on the premises shall be maintained in perpetuity, and any dead or diseased plants shall be removed.; 5. Mitigation for this Special Permit shall be: a. an overlay of Cabot Road; b. new handicapped ramps at Cabot Road/Commerce Way; and c. impressed crosswalk connecting the ramps.; 6. The petitioner shall comply with any conditions imposed by the Conservation Commission.; 7. All mitigation shall be executed by the developer; 8. No occupancy permit, temporary or otherwise, shall be issued until all mitigation work is finished.”

On the petition by Leo Realty Holdings LLC, 17 Concord Avenue, Cambridge, Massachusetts for special permits pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.5 to 1; allow for eight (8) residential units above first floor story in commercial structure at 375 Main Street; and 2. To amend a prior special permit to allow for an addition to 371 Main Street. PUBLIC HEARING OPENED. A report was received from the Committee on Special Permits as follows: “back for action pending comments from the Building Commissioner and Fire Chief.”

On the petition by New Creek II LLC, 3333 New Hyde Park Road, New Hyde, New York 11042 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended to modify a special permit issued April 28, 2016 as modified August 10, 2017 allowing for 1. Medical office building, 2. Reduction in required parking from 535 parking spaces to 481 parking spaces, and 3. Alterations to petitioner’s nonconforming signage be further modified by approving Snow Storage Plan dated January 24, 2018 prepared by VHB at 425 Washington Street. PUBLIC HEARING OPENED. A communication dated February 27, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit modification for 425 Washington Street/New Creek II LLC

Dear Council:

The Planning Department has reviewed the above-referenced Special Permit modification submitted by New Creek II, LLC. The modification request, pursuant to Section 11.3.12, seeks approval of a modified site plan that incorporates proposed locations for snow storage.

Planning staff has spoken to Building Commissioner Tom Quinn who recommends the plan be revised to clearly show which of the proposed snow storage areas on the site will be used to store equipment and materials related to snow removal operations. Mr. Quinn indicates that such things as snowplows, vehicles and sanding/de-icing materials may be stored in a designated “snow storage” location on a seasonal basis. For that reason, Planning staff recommends the plan be revised to show which of the proposed snow storage areas will also serve as outside equipment/storage area(s) related to snow removal. Planning staff also recommends the Council consider specifying the time period during which a snow removal area can be used to store snow removal related equipment. The period from December 1 to March 31st may be appropriate.

Interestingly, the application shows a loss of fifty-two (52) parking spaces in order to create the proposed snow storage areas. The site currently contains 481 parking spaces even though zoning requires a total of 535 parking spaces. If the applicant is allowed to further reduce the number of parking spaces on the site, only 429 parking spaces will be available whenever all snow storage areas are in use. This will be a total of 106 less parking spaces than the Woburn Zoning Ordinance requires.

In response, the applicant has provided a VHB parking utilization analysis that measured average and peak season parking demand. According to the analysis, there is a maximum demand for 320 spaces (or 75% of 429 spaces) on the site at any time during the year. VHB takes the position that this supply is still “more than adequate” based on the engineering standard of 85-90% parking lot occupancy considered to be near “functional capacity.”

Staff conferred with Commissioner Quinn on this point as well and he defers to/concurs with VHB’s analysis based on his personal observations and experience with this site. However, Planning staff is concerned that future tenant changes could wipe out any perceived parking “surplus” on the property. Specifically, one of the current retailers on site might be replaced in the future with a tenant that generates more parking demand (like The Paper Store). For that reason, it would seem unwise to permit a further reduction in required site parking. At a minimum, it would be valuable to include a condition in the City Council’s decision that expressly authorizes the Building Commissioner to unilaterally mandate that either snow or snow removal-related equipment be removed from the property in order to ensure the availability of adequate site parking should the need to do so arise during the Winter season.

On a side note, Planning staff intends to recommend in all subsequent special permit comment letters that snow storage plans be submitted to the City Council for review prior to final action on a special permit filing. The practice of allowing applicants to provide snow storage plans to the Building Inspector after City Council approval leaves no room for evaluation and modification of the snow storage plan should it be judged inadequate.

Finally with respect to this application, Planning staff recommends the imposition of a condition stating that all other conditions contained in the City Council’s April 28, 2016

Special Permit Decision letter remain in full force and effect unless otherwise modified by the Council.

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

In response to a request from the City Council for a report on the status of any zoning violations at 425 Washington Street, a communication dated February 14, 2018 was received from Thomas C. Quinn, Jr., Building Commissioner as follows:

Re: 425 Washington Street

With regard to the above referenced, I will advise that on January 16, 2018 there was a fine issued for non-compliance with the Woburn Zoning Ordinances Section 5.1 Table of Use Regulations line 57A.

The issue was resolved on February 13, 2018 with the understanding that all equipment used during the winter months for snow removal shall be located in the designated snow storage area identified on the site plan of record.

Additionally, I have spoken with Mr. John O'Rourke who is the new property manager for this site to advise him of previous concerns that had to be addressed, special permitted uses on the site and the conditions and requirements that must be complied with.

As always if I have any further issues or concerns with this site I will keep you updated.

s/Thomas C. Quinn, Jr., Building Commissioner
PERMITS, all in favor, 9-0.

On the petition by Ionic Materials Inc., 10 Commerce Way, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57a and 60 to allow outside storage of pod at 10 Commerce Way. PUBLIC HEARING OPENED. A communication dated February 26, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 10 Commerce Way/Ionic Materials, Inc.

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks a special permit pursuant to Section 5.1 (57a) of Woburn Zoning Ordinance (WZO) to authorize the placement of three (3) accessory storage containers on site. The subject

property is in an I-P (Industrial Park) zoning district. Accordingly, the requested use may be authorized by City Council special permit. The application also cites Section 5.1 (60), to allow “accessory outside storage necessary to the operation of conduct of a permitted business or industrial use,” as a by right use.

The applicant has submitted an 8½” x 11” architect-certified plot plan and location detail plan with the application, which indicate that the 3 storage (POD) containers will be located at the rear of the existing facility. The dimension of each container is 8’ x 20’; however, as all three are to be located in a non-parking area, parking conditions will remain unaffected. In compliance with Note 6 to the 5.1 Table of Use Regulations, an 8’ tall fence has been erected with the intent to surround the storage container area as screening.

Staff has also confirmed that Building Commissioner Tom Quinn takes no issue with the application as proposed, although he would appreciate a recorded copy of the Council’s decision being filed with his office.

Planning staff recommends the Council consider imposing at least the following as conditions of approval should it ultimately grant the requested use:

1. That the architect-certified plot plan and location detail plan are adopted as the Plans of Record;
2. That, in compliance with Note 17 to the Section 5.1 Table of Use Regulations, this special permit is to be granted for a period not to exceed one (1) year.

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

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

On the petition by Vecna Technologies, Inc., 36 Cambridgepark Drive, Cambridge, Massachusetts 02140 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57a to allow outside storage of three containers at 71 Pine Street . PUBLIC HEARING OPENED.

On the petition by 285 Locust LLC, c/o Duffy Bros Management Co., Inc., Kevin Duffy, 465 Waverley Oaks, Suite 500, Waltham, Massachusetts 02452 for a special permit and site plan review pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.3c, 12.2 and 15.6(C) for the demolition of the existing commercial building and site improvements, and for the construction of a 41 unit, attached townhouse development with integrated parking, landscaping and infrastructure improvements at 285 Locust Street. PUBLIC HEARING OPENED. A communication dated February 27, 2018 was received from Tina P. Cassidy, Planning Director, Woburn Planning Board as follows:

Re: Planning Department comments on special permit application for 285 Locust Street/285 Locust LLC (c/o Duffy Brother Management Co. Inc.)

Dear Council:

Planning staff does not yet have written comments and recommendations on this project. Given the relative scale of the project and the attendant level of review required, Planning staff is in the process of scheduling a multi-department review meeting for the week of March 5th. The intent of the meeting is to gather feedback from all departments relative to zoning compliance, site layout, vehicle and pedestrian mobility, environmental compliance and public health and safety.

We expect this meeting will allow us to submit more complete and informed comments to the Council which we will endeavor to submit as soon as possible.

Thank you for your patience. If you have any questions or concerns regarding the foregoing please feel free to contact me.

Respectfully, s/Tina P. Cassidy, Planning Director

CITIZEN’S PARTICIPATION: None.

COMMITTEE REPORTS:

PERSONNEL:

On the appointment of Thomas C. Quinn as a Member of the Woburn Housing Authority, committee report was received “ought to pass”.

PUBLIC SAFETY AND LICENSES:

On the petition by Camargo Chauffeur Service LLC for renewal of a Livery License, committee report was received “ought to pass”.

On the petition by TransAction Corporate Shuttles, Inc. for renewal of a Common Carrier License, committee report was received “ought to pass with the existing conditions.”

On the petition by ecoATM, LLC for renewal of a License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles, committee report was received “ought to pass with the existing conditions.”

NEW PETITIONS:

Petition by Woburn Bowladrome Inc., 32 Montvale Avenue for renewal of Bowling Alley License.

Petition by Mourad Djiar dba ABCE Taxi of Woburn, 165M New Boston Street, Suite 241 for renewal of Taxi Cab License.

Petition by Gevorg Melikyan dba Milano Jewelry, 494B Main Street for renewal of License to Purchase and Sell Second-Hand and Personal Articles of Value and Collectibles.

Petition by M&L Transit Systems Inc., 60 Olympia Avenue for renewal of Common Carrier License.

Petition by Reliable Millwork, LLC, 105 Irving Street, Framingham, Massachusetts 01702 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 11, 5.1.57a and 5.1.57b for 1. Accessory storage or parking of storage container, storage trailer, commercial trailer or semi trailer, one or more, and 2. Accessory storage or parking of commercial motor vehicles other than as provided for in Section 58, trucks, buses or contractors equipment at 16-24 Normac Road.

Petition by Hugo Moraes, 1 Middlesex Canal Park, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.28 and 5.1 Note 27 to allow rooftop dining in conjunction with a restaurant on the ground floor including all facilities associated with the rooftop dining area and conditions in Section 11.6.12 at 434 Main Street.

COMMUNICATIONS AND REPORTS:

A communication dated February 16, 2018 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. 2018: Number of violations issued 58, Numbers of violations paid 23, Number of

violations outstanding 33, Amount collected and submitted to Collectors Office \$7,339.60, Parking fines referred to the Handicap Commission \$4,800.00.

There is a backlog of 1,554 tickets dating from January 2004 to December 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

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the Order to transfer the sum of \$4,090,214.26 from Unreserved Fund Balance Account to Various Capital Projects with the committee report "ought to pass, as amended, with the amendments as follows: 1. Delete 'Road Improvements \$700,000.00', and 2. Delete 'Replace (2) 1997 6-wheel dumps' and insert in its place 'Replace (1) 1997 6-wheel dump'."

APPOINTMENTS AND ELECTIONS:

A communication dated February 23, 2018 was received from His Honor the Mayor Scott D. Galvin as follows:

Dear City Clerk Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Joseph A. DiMatteo, 1 Revere Road, to the Woburn Golf and Ski Authority, subject to confirmation by the City Council, with a term to expire Dec. 31, 2023.

Respectfully, s/Scott D. Galvin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED That the Committee on Special Permits review the special permit issued to Wendy's International. Inc. on December 30, 2004 relative to continuing violation of condition 10 regarding dumpsters

s/Alderman Mercer-Bruen

RESOLVED That the Committee on Special Permits review the special permit issued to Speedway LLC on May 12, 2016 relative to violations of the existing special permit.

s/Alderman Mercer-Bruen

RESOLVED That a communication be sent to Paul Stedman, Operations Manager, MassDOT, District 4, requesting a meeting to discuss the on-going concerns with the timing of the traffic control signals at 394 Washington Street at the entrance to Wobu0rn Foreign Motors as the timing of the lights continues to cause severe back-ups and queuing of vehicles.

s/Alderman Mercer-Bruen and President Haggerty

Motion made and 2nd to ADJOURN.