

**CITY OF WOBURN
JUNE 5, 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, all in favor, 9-0.

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

Petition by New England Orienteering Club, Inc., 9 Cannon Road for a Special Event Permit to allow a map and compass navigation event at Horn Pond on August 26, 2018. Motion made and 2nd that the SPECIAL EVENT PERMIT be GRANTED, all in favor, 9-0.
Presented to the Mayor: June 7, 2018 **s/Scott D. Galvin June 7, 2018**

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

MAYOR'S COMMUNICATIONS:

A communication dated May 31, 2018 was received from His Honor the Mayor as follows:

Re: Retiree Health Insurance Contributions - Supplemental

As you know, the City faces a major financial obligations related to funding post-employment health insurance benefits and costs. In our most recent actuarial study, the City had an unfunded liability for the cost of retiree health insurance of more than \$218,000,000. In addition, GASB 43&45 requires all cities to report the financial costs and obligations of employees' insurance as they are incurred—just like pensions—and *not* when employees retire.

This requirement has and will continue to have an adverse effect on our City balance sheet when the OPEB liability is not fully funded on an annual basis. In addition, Bond rating

agencies are becoming more concerned about the challenges in funding OPEB liability when assigning ratings. We started addressing this issue with the creation of an OPEB Trust, which currently has a balance of just more than \$4,000,000.

However, in order to fully fund the OPEB liability, our annual contribution would need to be significantly greater than our current budgetary restraints allow. As we move forward, additional funding sources must be identified or difficult decisions regarding which municipal services to cut will have to be made in order to fund retiree health insurance costs.

The following proposal will allow the City to further reduce our significant OPEB liability by reasonably increasing contributions for retiree health insurance for those employees retiring after July 1, 2018. The contribution rate for existing retirees will not change.

To reiterate, I am asking the City Council to adopt a local option statute to cure an oversight made by the City in the early 1990s concerning retiree health insurance. At that time, the Legislature passed a number of provisions regulating a municipality's contribution levels to the evolving market of health maintenance organizations (HMOs) and preferred provider organizations (PPOs). Essentially, under §16 of c. 32B, the Legislature required a city or town to make a minimum contribution of 50%, and set a maximum contribution of 90%, to the cost of these health plans for both active and retired employees.

Under M.G.L. c. 32B, §§9, 9A, and 9E contribution rates are determined based on which section applies. Without accepting a local option statute, §9 applies and the full cost of health insurance is borne by retirees. Again, upon the adoption of §9A, the contribution rate is set at 50% City, 50% retiree or, if a municipality adopts §9E, it is permitted (but not required) to contribute more than 50% to the cost of the retiree health insurance plan up to the 90% maximum. We now know that the City Council adopted §9A on January 31, 1965, but did not adopt §9E. Accordingly, the City's contribution rate above 50% is not in conformance with law.

I therefor recommended that the City Council vote to accept §9E to permit a contribution above 50% for retirees. I will continue the 90% contribution rate for those already retired and for those employees who retire on or before June 30, 2018. For those who retire on and after July 1, 2018, it is my intention to set the City's contribution rate for retirees at the same 75% rate which went into effect on January 1, 2018 for the City's active employees. That 75/25% rate was voluntarily accepted by our teachers, DPW, City Hall and other unionized employees in agreements reached in 2015, and it was ordered in three recent arbitration awards involving our firefighters union and the two police unions. (However, the city contribution for Medex 2 w/PDP and BCEP policies, which is currently 75%, will become 65%)

I will be attending your meeting on June 5, 2018 to discuss this important issue and answer any questions you might have. Please feel free to contact my office if you would like to discuss prior to the meeting.

Sincerely, s/Scott D. Galvin

Motion made and 2nd to suspend the rules to hear from the Mayor on this matter, all in favor, 9-0. Mayor Galvin appeared and stated that he spoke to a number of Aldermen concerning this matter, that in 2014 he had meetings with retirees about changing their insurance plan design, that there were four meetings which were not well attended, that notice was sent to the retirees about the meetings, that Retirement Board Administrator Maureen Marcucci attended the meeting, that the Mayor has the sole authority to make these changes, that he spoke to Administrator Marcucci out of courtesy because of her relationship with the retirees, that the Human Resources Director has sole responsibility for managing the health insurance program, that he assured the Retirement Board that the contribution rate would not be changed for at least one year or eighteen months, that that there has been no change since that time, that he told the retirees to be prepared for the change, that he wanted to be certain that the Mayor has sole authority to make the decision, that he asked the City Solicitor to research the issue and she determined that M.G.L. Chapter 32B, Section 9E had never been adopted by the city although M.G.L. Chapter 32B, Section 9A had been adopted, that the city has not authority to make contributions to the health insurance of retirees greater than 50%, and that the contribution of all existing retirees would stay at 90% and new retirees would benefit from a very reasonable 75% contribution from the city. Alderman Gately asked why after all these years this is an issue now, and that the Mayor is saying the city was making this contributions with city auditors and independent auditors looking at the city's records during this time. Mayor Galvin stated that the city is spending taxpayers money without authorization, that he thought two years ago he could make this change, that he notified the Retirement Board this change was coming, and that he wanted to be certain he had the authority and asked the City Solicitor to review the matter when this issue was determined. Alderman Gately stated that the 90%/10% split was always part of the employees benefit package. Mayor Galvin stated that is not a true statement and then agreed that it has always been a 90%/10% split but was subject to change, that anything can change, that there is no contract that says employees will receive a certain benefit package, that employees in a union get to negotiate the health insurance contribution but once they retire they have no right to negotiate anything, and that the employees have no right to assume anything. Alderman Anderson stated that under Massachusetts law the employees pay full insurance unless Section 9A is accepted and then the city can pay 50%, and that if the city accepts Section 9E the city can pay more than 50% but they city did not accept Section 9E. Mayor Galvin stated that if the city does not accept Section 9E the city is spending taxpayer money without authority to do so, and that if the city accepts Section 9E the city can then pay more than 50% for the insurance. Alderman Anderson stated that the law provides that the chief executive alone sets the rate of contribution by the city, and that people are concerned about a 75%/25% split now but it could be 72%/28% next year. Mayor Galvin stated that he can change the plan design at any time, and that he has been very fair to the retirees and will continue to be. Alderman Concannon stated that the law is as stated, that the city is now aware that that city is not in compliance with the law, and that he does not believe the State will order action by the city tomorrow on this issue. Mayor Galvin stated that he does not believe the State will order immediate action either. Alderman Concannon stated that he is concerned about the notice of this change, that the city should be in compliance with the law and should not expend city money with authorization, that if the change is that anyone who joins city employment after July 1, 2018 would pay the new rate would be fair as someone

could decide if they want to work for the city however this may push the issue down the road, that some people feel that the change from 90%/10% to 75%/25% is unfair, and that there needs to be sufficient notice to people or it is unfair. Alderman Higgins stated that she does not believe the proposal is fair, that this has only been before the City Council for three weeks, that there has to be better notice to the retirees, and that the city must come into compliance with the law but she does not see the need to get this done by the end of the fiscal year. Mayor Galvin stated that this change does not impact anyone who is actively retired, that anyone who is not retiring can plan on this change, that he understands more notice has value but the time to act is now, that OPEB is a real issue for the city, that the city will be bonding the Hurd-Wyman School project and a new fire station, that improving the city's balance sheet is important to bonding agencies, that delaying action is not an option, and that the matter can be sent to committee for further review but there is enough information for the city to take a vote. Alderman Higgins stated that some people who might retire due to the pending change have only been given three weeks to decide. Mayor Galvin stated that this issue has been in discussion since 2014. Alderman Campbell stated that when she met with the Mayor his position was strong that for the fiscal health of the city the insurance contributions of retirees must be increased, that the city is in a strong financial position with a strong commercial base, that there is a large budget surplus each year with as much as \$18,000,000.00 this year, that rather than putting this on all retirees as one lump sum which could be financially devastating to them she suggested to change the contribution by 1.5% each year over ten years, that this would allow employees to plan their retirement, that she stated this proposal several times to the Mayor in the meeting, that over a ten year period this would get the city to its goal, that when a homeowner puts an addition on a house they obtain an equity loan and then are able to pay for the work over ten or twenty years, and that this would be similar. Mayor Galvin stated that there is a danger in thinking the city has money and taxes are low, that for most employees who retire at age 65 they will be on a Medicare plan which is a much lower premium, that those employees who retire before age 65 will be paying the higher rate of the current health insurance plan, that the city has been able to increase the unreserved fund balance which ratings agencies favor, that since being Mayor the city has gone from an AA3 rating to an AA1 rating, that it was said this could not be done, that he wants to get to the next level, that taking these steps is a signal to ratings agencies that the city takes particularly the OPEB obligations seriously, and that this adds to the city's financial strength. Alderman Campbell stated that the ratings agencies want the city to borrow because they may money when the city borrows. Mayor Galvin stated that OPEB is a government standard. Alderman Campbell stated that she appreciates the Mayor does not intend to penalize employees who are already retired however Section 7A indicates that a different rate cannot be charged for the same class, and she asked how the city can keep a 90%/10% split for retirees and have a 75%/25% split for new retirees. Mayor Galvin stated that he is very comfortable with such a change and if someone has an issue with the change they can challenge the change, and that he looks at different classes in a different way. Alderman Tedesco stated that the he also saw the statute indicating there cannot be different values for the same class, and that he thought a home rule petition would be needed to do so. Mayor Galvin stated that this is not the case, that there is no case law on the issue, and that the proposal protects current retirees and future retirees will pay the same rate as they are paying now. Alderman Tedesco stated that the city has to come into compliance with the law, that with the current pool of active employees the city should take a four or five year

approach, and that other communities have made the change over four or five years. Mayor Galvin stated that this is too long of a transition, that he learned about the non-conformity with Section 9E within the last three months ago, that he believes that the language indicating different rates applies but there is no case law on the issue and he believes the city can implement his plan, and he said the City Council can find a case to prove otherwise. President Haggerty stated that the city will be in compliance except for that line prohibiting different rates in the same class. Mayor Galvin stated that this is not correct and that the city will be in compliance, that the discount rate would be reduced, and that the figure would not be known until the next actuarial statement. President Haggerty wants to know if the change would be 2% or 60%. Mayor Galvin stated that whatever the change is will be an improvement. President Haggerty asked whether the Mayor looked at the impact of the change on lower paid employees as compared to higher paid employees. Mayor Galvin stated that the lower paid employees are currently impacted more than higher paid employees so this would be the same. President Haggerty stated that there are serious concerns about making this decision at this time of the year, that it is difficult for employees to make these decisions, and that the city has taken a stepped up approach on insurance increases in the past and should do so here. Mayor Galvin stated that the simple question is bringing the city into compliance, that the Mayor decides the amount of the city's contribution, and that he will take into consideration the concerns of the City Council. Alderman Gaffney stated that the employees accepted the 75%/25% split and it is reasonable for employees to take the 75%/25% split but there should be more time before the change takes place, and that perhaps July 1, 2019 would be an appropriate target date but that can be discussed in committee. Alderman Gately stated that the employees do work for the city, that they protect the city and educate the children, that this action will hurt people, that it is too much to make this change all at once, that the benefits might be good but the employees deserve these, that a Woburn police officer was killed in the line of duty, firefighters do dangerous jobs and the Department of Public Works employees are out all night fighting snow storms, that they do not deserve to be hurt by these changes, and that the city has to take care of its employees. Mayor Galvin stated that the city takes care of its employees and its retirees, that the city also has an obligation to the taxpayers of the city and to balance these interests, that the city can only pay a 50% contribution, and that he is asking for authority from the City Council to allow the city to pay more than 50%. Alderman Gately asked what if the Mayor does not contribute more than 50%. Mayor Galvin stated that he has the authority now to change the retirees health insurance plan at any time. Alderman Mercer-Bruen stated that there are other residents of the city who do not have a 75%/25% contribution ever, that notice has been given, that four or five years to transition is too much, and that it is clear a message was sent that things will change. Motion made and 2nd to accept and make part of the record the document indicating the insurance contributions in comparable communities, all in favor, 9-0. Motion made and 2nd to open the discussion to hear from the public, all in favor, 9-0. Maureen Marcucci, Woburn Retirement Board Administrator stated that this issue has been discussed with Mayor Galvin for years, that each time the issue was discussed she asked that the change be eased in and with ample notice, that the meetings the Mayor referred to were held due to changes in insurance under the Affordable Care Act (ACA) also known as Obamacare, that the Mayor was asked not to change the premium rate for an eighteen month period to allow for the ACA transition, that it is not accurate to say most retirees are age 65 particularly the public safety officers, that the ratings agencies do take note of changes and

when there is a plan, that the OPEB is set by an independent agency and not a government agency, that they establish standards and ratings agencies and banks look at the standards because they want to do so in a uniform manner, that a number of employees and retirees are at this meeting because this issue will affect their planning, and that she has no idea why the Medex rate is changing to 65%. Mayor Galvin asked what the current Medex rate is. Administrator Marcucci stated that the current Medex rate is 75%, that there can be different rates for a class however communities with different rates have adopted home rule petitions permitting them to do so, that there is case law on this issue, that the \$218,000,000.00 figure is for all active employees and retirees and assumes that they will all receive a benefit, that this actuarial schedule is not just the retirees, that putting more money into the OPEB account is also noted by ratings agencies, that all communities are judged by OPEB, that it would be hard to change the discount rate from 4.5% to 7% that quickly, that the retirement system had a value of return of 17% last year, that the city reduced the presumed rate of return to be more aggressive, that the city should do so as well and ratings agencies would take notice, that her office has been bombarded by employees due to this issue, that many of these employees are distraught, that only a fifteen day notice is required to retire, that employees are feeling forced to retire because of the impact, that this is not an easy road for everyone, that she does not believe that many city residents do not have a 75%/25% split, that there are many employees who have full insurance paid and some less, that the employees all have expectations of what to expect because of multiyear contracts, that some retirees believed that the 90%/10% split was in recognition of their long and meritorious service, that the Mayor has been fair in issue of retirement but in this issue it is too much and too soon. Barbara Locke stated that she is a Woburn school teacher and Co-President of the Woburn Teachers Union, this this change needs to be done in a sensitive way, that paraprofessionals are unable to retire, that if they leave before October 2018 they lose incentive pay as well, and that the city should be strong not only on the balance sheet but in being decent to people. Motion made and 2nd to return to the regular order of business, all in favor, 9-0. Motion made and 2nd to accept the communication dated May 31, 2018 from His Honor the Mayor, all in favor, 9-0. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON, all in favor, 9-0.

Motion made and 2nd for a two minute recess, all in favor, 9-0. President Haggerty called the meeting back to order.

ORDERED That the sum of \$56,000.00 be and is hereby appropriated from Cemetery Interest Fund and distributed as follows for Fiscal Year 2019: \$8,000.00 to Utility Acct 0149052-521103, \$12,000.00 to New Equipment 0149058-586600, \$2,000.00 to Office Supplies 0149054-542000, \$5,000.00 to Equip/Bldg Maint 0149054-543000, \$10,000.00 to Tools/Supplies Acct 0149054-546100, \$4,000.00 to Over-Time Acct 0149051-513100, \$15,000.00 to Burial Sections Acct 0149058-586601

I hereby approve the above. s/John Sawyer, Chairman Cemetery Commission
I hereby recommend the above. s/Scott D. Galvin, Mayor

I have reviewed the above. s/Charles E. Doherty, Auditor

s/President Haggerty

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

ORDERED That the sum of \$4,000.00 be and is hereby transferred as so stated from Outside Survey Consultants Acct #0141058-586622 \$4,000.00 to Engineering Part Time Salary Acct #0141051-511400 \$4,000.00

I hereby approve the above. s/John E. Corey, City Engineer

I hereby recommend the above. s/Scott D. Galvin, Mayor

I have reviewed the above. s/Charles E. Doherty, Auditor

s/President Haggerty

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

PUBLIC HEARINGS:

On the petition by Sports Management Services, Inc., 41 East Street, Winchester, Massachusetts 01890, an individual owning land to be affected by change or adoption, to amend the Zoning Map of the City of Woburn by changing the zoning district for two parcels of land known as Lot 69-08-07 on Garfield Avenue and Lot 69-08-08 on Garfield Avenue together containing approximately 2.92 acres of land as shown on a plan by Allen & Major Associates, Inc. entitled "Parcel Rezoning Plan" dated November 10, 2016 from R-2/I-G to R-2. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner met with the Committee on Ordinances, that a communication from the Planning Department suggested that the City Council look at an overlay district for the property, that the City Council asked for information as to all area of the city where the overlay district may apply, that the matter is still in Committee on Ordinances, and that the petitioner would be willing to agree to a restrictive covenant to prohibit a through street to Medford Street. Attorney Tarby in response to a request from the City Council read the uses that are permitted in the zoning district of the property. Tim Williams, Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that the petitioner has prepared a revised plan, that there will be a cul-de-sac off Garfield Avenue rather than off Medford Street, that there will be the same configuration of houses, and the plan will be subject to Planning Board approval. President Haggerty stated that it was important for the residents to understand what uses could be developed on the parcels and what uses may be eliminated if this amendment is approved. PUBLIC COMMENTS: Terry DaCosta, 134 Garfield Avenue stated that there are dangerous travel conditions on this

section of Garfield Avenue, that there are too many houses proposed for the parcel, that she does not want industry in the area, and that there is not enough information provided concerning the proposal. Kevin O'Neill, 2 Medford Street stated that his property is adjacent to the parcel, that during discussion of the last proposal the neighbors were told that a portion of the parcel could not be constructed on but now the plans shows development in that area, that he is concerned about a through street being constructed to Medford Street, and that he wanted to know what controls there might be over the development. Lori Medeiros, 23 Arlington Street stated that she is also concerned about the zoning change and there being no ability to condition the zoning change, that she is concerned about too much development on the property, and that if an industrial use is built there will have to be a buffer zone next to the residential area. Brian Grabiner, 53 Fowle Street stated that he lives at the top of the hill, that he is concerned about an increase in traffic, that he would prefer housing over an industrial use, and that he is concerned about the speed of vehicles and volume of traffic. Jean Monahan-Doherty, 31 Arlington Street stated that she thought the purpose of this meeting was to discuss an overlay plan, that she wants to know what would keep Medford Street from becoming a through street, and that a few houses would fit in the neighborhood. Robert Campbell, 28 Arlington Street stated that Medford Street is a one-car width roadway, and that Medford Street was a dirt road when he moved to his home. Diane Yebba, 3 Belmont Street stated that the parcel should stay the way it is as a buffer from the industrial zone, that the plan is only conceptual, that an overlay plan would provide oversight, and that a 300-unit development will be constructed nearby in Winchester near Holton Street which will generate even more traffic. Paul Tenney, 6 Belmont Street stated that his only concern is safety, that there appear to be sidewalks on the plan along the cul-de-sac but the sidewalks end at Garfield Avenue, that there are no sidewalks or pedestrian precautions along this portion of Garfield Avenue. Don Hickey, 3 Arlington Street stated that constructing sidewalks along Garfield Avenue would narrow the travel lanes, and that it is dangerous to walk along Garfield Avenue under current conditions. Rich Morton, 55 Garfield Avenue stated that a number of ambulances, fire trucks and tractor trailer trucks travel on Garfield Avenue, that motor vehicles travel at excessive speeds, that no elevation plan of the proposal has been prepared, that he does not want construction of the proposed project to start and then not be finished because of site conditions such as a project on Wood Street, that rezoning the parcel to R-1 would give more control, and that he does not support rezoning the property to R-2. Alderman Anderson stated that the Planning Director will attend the Committee on Ordinances meeting to discuss the overlay concept for the property, that this new plan is better with the traffic not coming off Medford Street, and that he asked to petitioner whether they would be willing to file a restrictive covenant to prohibit a through street to Medford Street. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 19, 2018, all in favor, 9-0.

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 report was received from the Committee on Special Permits as follows: “ought to pass with the conditions as follows:

1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled: “Site Plan for 285 Locust Street, Woburn, Massachusetts” Cover Sheet, Sheets EX-1, C-1, C-2, C-3, C-4, L-1, L-2, C-5, C-6, C-7, C-8, SL-1, A1.0, A1.1, A1.2, A1.3, A1.4 and A1.5 dated June 13, 2017, January 18, 2018, January 22, 2018, January 26, 2018, revised March 22, 2018, revised April 6, 2018, prepared by RJ O’Connell & Associates, Inc., 80 Montvale Avenue, Stoneham, Massachusetts 02180, William Fleming Associates, Inc., 375 Main Street, Suite 3, Stoneham, Massachusetts 02180, and HDS Architecture, 625 Mount Auburn Street, Cambridge, Massachusetts 02138 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with: (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan.
2. All exterior building illumination shall be shielded in such a manner that will prevent direct light from impacting any abutting properties.
3. Except in the event of an emergency, exterior construction activities on the Site shall be from 7:00 a.m. to 5:00 p.m. Monday through Friday, and 8:00 a.m. to 4:00 p.m. on Saturdays. No construction activities on Site shall be permitted on Sundays or federal or state holidays.
4. The applicant shall comply with the requirements of Section 11.11 of the Zoning Ordinance (Affordable Housing Requirement) relative to the creation of a minimum of four (4) affordable housing units.
5. Any bituminous curbing that is installed within the property as part of the project shall be maintained by the property owner and/or condominium association and not the city.
6. All sidewalks installed within the property as part of the project shall be made of concrete or concrete pavers.
7. The petitioner shall provide a copy of an environmental report for the property, when available, to the City Council and the Woburn Board of Health.
8. Sheet C-4 of the Plan of Record shall be modified to reflect the island inside the development shall be bounded by sloped granite curbing, and the residential area shall be bounded by Cape Cod berm.
9. The snow storage areas on the plan of record shall be used only for snow. No snow removal-related equipment shall be stored on the property unless authorized by the City Council.
10. The Petitioner shall be responsible for snow removal until such time when all its legal rights in the development are transferred to the Townhouse Association or similar association. Once the Townhouse Association, or similar association, has been created

and its legal rights vested in the development, the townhouse Association or similar association, will be responsible for snow removal.

11. The mitigation for this proposal shall be as indicated below and in accordance with the City Engineer's memoranda dated March 26, 2018, April 3, 2018 and April 23, 2018. The total mitigation fee shall be \$300,000 which shall be paid to the city prior to the issuance of an occupancy permit, temporary or otherwise, and the mitigation funds shall be used for the following purposes:
 - (a) Up to \$150,000 of the funds under the project shall be applied to the Bedford Road/Cambridge Road Traffic Signal Redesign Plans. Any of the funds remaining upon completion of the design study shall be applied to further upgrades of the Locust Street sidewalks.
 - (b) \$150,000 of the funds shall be used to install sidewalks with granite curbing on Locust Street beginning at the intersection with Willow Street, as determined by the DPW Superintendent.
 - (c) Any money designated in paragraph (a) not used for the Bedford Road/Cambridge Road Traffic Signal Redesign Plans within 18-24 months shall be used for the upgrades of Locust Street sidewalks.
 - (d) Any funds not expended or encumbered within 48 months after the issuance of the permanent occupancy permit shall be returned to the Petitioner.
12. Adequate rodent and pest control shall be put in place before demolition and reviewed by the Board of Health.
13. During construction, all vehicles shall be parked on Site. All staging and deliveries shall occur on Site.
14. During construction, no vehicles shall be parked on Locust Street, Kelly Drive or Cambridge Road.
15. Sidewalks and roadways shall be kept open and clear during construction.
16. This project shall not exceed forty-one (41) units.
17. All signage shall comply in all respects with the provisions of Section 13 of the Woburn Zoning Ordinance, unless modified herein.
18. All landscape shall be maintained by property owner, Townhouse Association or similar association. Any dead trees, shrubbery, plants, or grass shall be replaced with new plants within a reasonable amount of time.
19. All landscaped areas on property shall have an irrigation system.
20. Interior roadway shall be assigned a name and unit numbers assigned. No letters shall be used to identify units as requested by Police Department and Fire Department.
21. Units in development shall be serviced by weekly private trash collection and collection of recyclable materials.
22. That an ADA accessible sidewalk be established on Locust Street as determined in the field by the Police Chief and DPW Superintendent.

Appearing for the petitioner was Attorney William Proia, Riemer and Braunstein LLP, 7 District Avenue, #800, Burlington, Massachusetts 01803 and he stated that there have been several meetings on this matter in Committee on Special Permits with a robust discussion, that the petitioner is familiar with the conditions in the committee report, that the petitioner made some objections to the conditions particularly with respect to the application of the mitigation ordinance, that the petitioner does not agree with all the conditions but the

committee moved forward with its recommendations, that the petitioner agreed with the opinion of the City Solicitor, and that the petitioner is not waiving any rights but is looking forward to the project and a vote on the petition. President Haggerty stated that he would prefer that there be agreement with the petitioner, and that if there is not agreement the special permit can be appealed. Alderman Campbell stated that it is understood that the petitioner has the right to appeal a special permit. Alderman Gately stated that he wants to know if there is an intent by the petitioner to appeal the special permit, and that this project will impact the area. Attorney Proia stated that he is not saying that the petitioner will appeal the special permit but the petitioner agreed with the opinion of the City Solicitor. Alderman Anderson stated that the City Council should not be demanding to know if the petitioner will appeal a decision, that the petitioner submitted a petition for a special permit, and that there are a list of conditions that the Committee on Special Permits recommended but the City Council should not demand agreement by the petitioner. President Haggerty stated that there is usually agreement by petitioners to proposed conditions. Alderman Anderson stated that the City Council cannot demand agreement by the petitioner with the conditions. President Haggerty stated that he may not be able to support the petition without knowing whether the petitioner agrees with the proposed conditions. Alderman Concannon stated that the City Council cannot demand agreement to the conditions by the petitioner but he assumed the petitioner will not appeal the special permit, that he shares the concern with the application of the mitigation ordinance, that the petitioner is looking for a vote and the City Council should act on the petition, that he agrees the traffic study is appropriate mitigation but the \$150,000.00 for sidewalks and the 3% of construction costs calculation does not apply in this petition, and that if action is taken on the petition at this meeting Condition 11 should be amended to conform with the opinion of the City Solicitor. Alderman Campbell stated that there was a robust conversation concerning this petition, that she disagrees with the interpretation of the mitigation ordinance asserted by Alderman Concannon, that she disagrees that the petitioner must agree with the proposed conditions, that even if the petitioner agrees with the conditions of the special permit they could appeal the decision, that there are times when a petitioner may not be pleased with conditions imposed on a special permit and then it is up to the petitioner to decide what they will do, that the petitioner was agreeing to pay \$50,000.00 towards a traffic study but not \$150,000.00, that this is a good project, and that the City Council should move forward with the vote. Alderman Tedesco stated that the vote cannot be conditioned on whether or not the petitioner agrees with the proposed conditions, that he agrees with Condition 11 particularly if any funds are not expended that they will go back to the petitioner, and that future special permits with a mitigation provision should have a similar provision on giving back unused funds after a period of time. Alderman Higgins stated that the City Council cannot demand the petitioner waive its rights to appeal, and that during the committee meetings the position of the petitioner on some conditions was negative rather than offering reasonable alternatives. Alderman Gately stated that he does not want to support the petition if the intent is to appeal, that there have been lengthy discussions on the special permit, and that mitigation has been part of many special permits issued. Attorney Proia stated that a petitioner is on notice of what is required under an ordinance, and that he believes the mitigation should be applied to the impact of a project. Kevin Duffy of Duffy Bros Management Co., Inc. stated that he disagrees with the extent of the proposed mitigation, and that there has been no decision made to appeal or not to appeal the special permit. PUBLIC COMMENTS: None. Motion

made and 2nd that the public hearing be closed, all in favor, 9-0. PUBLIC HEARING CLOSED. Alderman Concannon stated that Condition should be amended by changing “\$300,000.00” in the second sentence to \$150,000.00”, by deleting from Condition 11(a) the words “Up to” and the second sentence, by deleting Condition 11(b) and Condition 11(c), and by adding to Condition 22 the words “in the area of the project” after the word “established” and made a motion to amend the conditions in this manner but the motion received no second. Alderman Concannon stated that these amendments would bring the special permit closer to the mitigation ordinance, that up to \$150,000.00 will be needed to perform the traffic study, that the amendments would eliminate the construction of the sidewalks which go beyond the scope of the impact study and the comments of the City Engineer, and that the amendments would begin to address the traffic issues and avoid an appeal which could possibly open the city up to litigation by previous petitioners for a refund of mitigation ordered in the past that may have been unauthorized by the mitigation ordinance. Alderman Campbell stated that the mitigation ordinance is being implemented correctly, that the City Engineer advised that \$300,000.00 is the appropriate mitigation amount, and that the City Council has followed the recommendations of the City Engineer in granting previous special permits. Alderman Higgins stated that the concern is still that the petitioner should have come forward with reasonable alternative proposals during the discussions, and that the petitioner only agreed to mitigation of \$50,000.00 and not \$150,000.00. Motion made and 2nd to amend Condition 22 to read as follows: “22. That an ADA accessible sidewalk be established in the area of the project on Locust Street as determined in the field by the Police Chief and DPW Superintendent”, 8 in favor, 1 opposed (Campbell opposed). Motion made and 2nd to add Condition 11(e) to read as follows: “11(e) This paragraph mitigates the impact the proposed development will have on motor vehicle traffic”, 8 in favor, 1 opposed (Concannon opposed). Motion made and 2nd that the SPECIAL PERMIT be GRANTED, AS AMENDED by adopting the conditions recommended by the Committee on Special Permits as further amended, 8 in favor, 1 opposed (Haggerty opposed).

On the petition by The Dough Connection Corp., 32A, 32B and 32C Holton Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.57b and 8.2.5 to allow for the overnight parking of petitioner’s commercial vehicles and a reduction in the required number of parking spaces at 32A, 32B and 32C Holton Street. PUBLIC HEARING OPENED. A communication dated May 29, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on Special Permit application for 32A, B & C Holton Street/The Dough Connection Corp.

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks special permits, pursuant to Sections 5.1 (57b) and 8.2.5 of the Woburn Zoning Ordinance (WZO), to authorize overnight parking for commercial vehicles and to reduce the amount of parking

onsite. The number of proposed commercial vehicles was not specified in the application although the plot plan appears to indicate six (6) commercial trucks are being proposed for overnight storage. The subject property is in an I-G (Industrial General) zoning district, and as such the requested use may be authorized by City Council special permit.

The application raises a number of questions and issues:

1. The Petitioner is requesting “a reduction in the required number of parking spaces” but it is not clear that the Council can grant this permission. Although Section 8.2.5 of the ordinance would allow the Council to reduce the total number of required parking stalls “in the case of a combination in a single integrated development or two or more...uses”, the Planning Department does not see proof that this site meets the intent of that provision. The application includes only three of the four industrial condo units in the building at #32 Holton Street and no information is provided about the three operations to determine if the parking demands of those uses occur at different times of day (perhaps supporting the notion of a reduction) or whether the hours of peak parking demands coincide with each other (in which case the notion of a parking reduction is unwise). The Planning Department recommends the Council consult with the Building Commissioner on this point.
2. The Petitioner has submitted an 11” x 17” surveyor-certified plot plan which identifies a general location of “*existing* truck parking.” However, it is not clear whether this is the portion of the lot where the *proposed* commercial vehicles are intended to be placed overnight. This should be clarified, in addition to determining the exact number of commercial vehicles proposed to be stored on site overnight.
3. As the Petitioner notes in Exhibit A, the premises is currently used for light manufacturing, office and warehouse space, which require one (1) parking space for every 400 sq. ft., 350 sq. ft., and 800 sq. ft. of floor space respectively, in accordance with Section 8.2 of the WZO. Based on the parking calculation cited in the plot plan, the parking requirement is exceeded by a total of 5 spaces (18 required versus 23 proposed). If true, this would seem to obviate the need for the Petitioner’s request to reduce the number of required parking spaces. If they’re providing more spaces than the WZO requires, why would a reduction be needed? Is the calculation on the plot plan incorrect?
4. Despite being shown on the plot plan, the existing parking spaces are not currently demarcated in the field (either marked with four-inch painted lines, permanent curbing or other marking system) as required by Section 8.5.5 of the WZO. The Council should require the marking of all parking spaces shown on the proposed site plan and the Petitioner should be informed that the current condition (lack of parking demarcation) constitutes a zoning violation.

Additionally, much of the parking shown on the plan is proposed to be located within the front yard setback which is not permitted in this zoning district. While some of the spaces may in fact be legally non-conforming, the lack of pavement markings does

nothing to prove that and no other information has been provided as evidence of their pre-existence.

Moreover, some of the parking spaces shown on the plan appear to be newly-proposed (not pre-existing), based on reviews of aerial photos of the property that were reviewed by Planning staff. If newly-established, parking spaces cannot be placed within the front setback without a variance from the Zoning Board of Appeals. And, if a variance is required, then the application is not properly before the Council (Section 11.3.1 of the WZO states in part *“No application shall be accepted or considered complete that does not have any necessary variances required from the Board of Appeals. All appeal periods associated with granted variances must be expired before an application is submitted. If there is a dispute between the building commissioner and the petitioners on whether a variance is necessary this dispute must be presented to the Board of Appeals for resolution. No application with such disputed variances shall be considered complete and shall not be accepted until the Board of Appeals makes a decision.”*)

5. The employment data for the tenant’s commercial vehicle driver workforce should be required so that the Council and Building Commissioner can determine the sufficiency of onsite parking for their personal vehicles, in addition to the commercial vehicles that will be stored on site as well as the parking required for other onsite uses and employees. This has direct bearing on both of the Petitioner’s requests (for a reduction in parking and the request for overnight commercial vehicle storage).
6. Provisions (and corresponding plan modifications) should be required to verify and ensure that **(a)** the site will maintain adequate, designated space for snow storage; **(b)** any Dumpsters or other refuse/recycling containers are screened from view; **(c)** security lighting adequate for parking facilities used at night is provided (per Section 8.5.1); and **(d)** if applicable, the plan provides sufficient interior parking lot landscaping (5% of the parking facility area) for an outdoor parking facility containing twenty (20) or more parking stalls (per Section 8.6.2).
7. Details relative to the size of all commercial vehicles that will be stored on site should be submitted to ensure that they will be accommodated by the parking spaces designated on site for their storage.

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

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

Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that the petitioner asks that the petition for the reduction in the required parking be given leave to withdraw, that the building is on a 40,870 square foot lot, that there are four commercial condominium units, that the petitioner owns three of the units, that eighteen parking spaces are required for the use and there are 23 parking spaces on site, that six additional parking spaces for parking

six of the eight commercial vehicles are not included in the 23 parking spaces, that the petitioner was not aware of the need for a special permit to park commercial vehicles overnight, that the petitioner has seven box trucks and one van, that the business started 22 years ago, that the business has been at this location since 2009, that the petitioner provides pizza dough to businesses, colleges and grocery stores, that the request for reduction in required parking was submitted before the final site plan was complete, that it is now demonstrated by the plan that there is sufficient parking, that the parking plan takes into account the parking needs for the three units, that there is a surplus of five parking spaces, that he is not certain if the tenant of the fourth unit takes the vehicles home at night, that the use falls into the warehouse, office, light manufacturing use for parking purposes, that a petition cannot be filed with the Board of Appeals to modify the parking requirements as this would be a use variance and use variances are not allowed under the zoning code, and that he will review the condominium documents relative to parking and provide further information at the Committee on Special Permits meeting. Attorney Tarby offered photographs of the vehicles at the site and a copy of the excise tax bill for the City Council to review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Mark Pesaturo, President of the petitioner stated that the business has always had seven box trucks and one van, that he started to back the trucks up to the loading docks when being parked which is a better look, that the vehicles are leased, that the lessor Ryder pays the excise tax to Woburn, that there is another business in the fourth unit, that the tenant of the fourth unit is glass delivery trucks, that every complaint brought to his attention has been addressed, that he does the best he can to problem solve, that the FDA inspects the petitioner's property, that he has bait traps around the building to control rodents, that he takes care that the area around the dumpster is clean kept clear of debris, that if the dumpster begins to emit odor he bleaches the dumpster, that the FDA mandates rodent control, that if the delivery truck backs into the site the traffic is not blocked except during the process of the truck backing in, that the delivery truck arrives once a month, that the delivery times are sporadic, that if the City Council requires certain hours for receiving deliveries he will abide by those requirements to the best of his ability, that the hours of operation are 5:30 a.m. to 7:00 p.m., that the latest night is Friday night, that if there is a requirement for specific times for emptying the dumpster he will abide by this requirement, that the dough is placed on plastic dough trays and then wheeled onto his trucks for delivery, that the trucks are refrigerated, that he did have his trucks idle all night during a cold spell as the diesel fuel was gelling up, and that there is a condominium association for the units. Alderman Mercer-Bruen stated that a year ago complaints were raised by neighbors of the petitioner, that she is disappointed in the time it took to get this matter before the City Council but she understands there were special circumstances, that the trucks are currently parked differently than they were in the past, that there are rodent concerns in the city and she wants assurances that the petitioner has rodent control measures, and that the matter should be referred to committee for further review. Alderman Gately stated that he has received complaints about tractor trailer deliveries to the site, that the neighbors claim that it is more than a momentary delay to get around the delivery truck, that neighbors also claim about noise from the dumpster, that he has received complaints about the petitioner's trucks running all night, and that the trucks cannot idle all night. Alderman Anderson asked whether the condominium association documents address the issue of parking, and stated that he does not want to grant the special permit and squeeze out the other tenant who is not before the City Council from parking.

PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 17, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

On the petition by Diprio Construction Corp., 271 Salem Street, Woburn, Massachusetts 01801 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.57a to allow for overnight parking of three commercial vehicles and Section 5.1.57b to allow for accessory parking of one storage container at 271 Salem Street. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Mark Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 and he stated that the landlord met with the Building Commissioner, that the issues are being addressed, that the petitioner hopes to have all the issues addressed within thirty days, that he asks the matter be continued to the July meeting to allow the petitioner additional time to address the issues, that the petitioner is looking for a storage solution other than the container, that the petitioner understands that the storage container can only remain onsite for one year, and that even allowing the storage container on site for six months would assist the petitioner with the temporary storage issue. Alderman Mercer-Bruen stated that there have been issues at the site, that the location is not a good fit for a construction company, that the petition should remain in committee until the petitioner addresses the issues with the Building Commissioner, that the neighbors are still complaining about noise from the site, and that the petitioner should look for another solution rather than the storage container. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 17, 2018, all in favor, 9-0.

On the petition by President Richard Haggerty and Alderman Michael Anderson to further amend the 1985 Woburn Zoning Ordinances, as amended, Section 11.6.12 Rooftop Dining in the B-D District by deleting 7(a) in its entirety and inserting in its place the following: “7(a). Not to exceed ten feet (10’) in height. Equipment and structures associated with an elevator providing access to the rooftop area may be authorized by the Special Permit Granting Authority to exceed the height limitation in order to provide access to the rooftop dining to the extent reasonably necessary.” PUBLIC HEARING OPENED. A communication dated May 23, 2018 was received from Tina P. Cassidy, Planning Board Director, Woburn Planning Board as follows:

Re: Planning Board recommendation on proposed amendment to Section 11.6.12 of the Woburn Zoning Ordinance relative to rooftop dining establishments

Dear Councilors:

At a meeting of the Woburn Planning Board held on Tuesday, May 22, 2018, members conducted its public hearing on the above-referenced zoning amendment.

After the hearing and after considering the matter, members of the Board voted 5-1 (Callahan, Edmonds, Ventresca, Bolgen and Donovan in favor, Turner against) to forward to you a favorable recommendation on this proposed amendment SUBJECT TO two recommendations:

1. That the elevator and all equipment associated with the elevator be required to be enclosed (contained within the interior of the building as opposed to being located outside the elevator shaft/enclosure); and
2. That rather than allowing a waiver of the height requirement to an unspecified and unknown number, the Council instead determine and insert a specific number limiting the extent to which the height may be waived. In other words, the Board recommends replacing the 10' exemption permitted in the existing ordinance with some other, specific number to safeguard against the possibility that an offensively-tall structural element could be authorized which far exceeds the height limit otherwise established.

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

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

PUBLIC COMMENTS: None. Motion made and 2nd that the public hearing be closed, all in favor, 9-0. **PUBLIC HEARING CLOSED.** Motion made and 2nd that the ORDER be **ADOPTED, AS AMENDED** with the amendments as follows: 1. That Planning Board recommendation Number 1 be adopted as an amendment; and that 2. That the following be added to the Ordinance "The height shall not exceed what is reasonably required to comply with the Building Code requirements and reasonably required to install the elevator as determined by the Building Commissioner", all in favor, 9-0.

Presented to the Mayor: June 7, 2018

s/Scott D. Galvin June 7, 2018

On the petition by Hill Hockey Clinic LLC, 16 Seabrook Road, Salisbury, Massachusetts 01952 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Section 5.1.17b and 7.3 to allow for use of the legal existing nonconforming structure for a hockey training facility at 90 Blueberry Hill Road. **PUBLIC HEARING OPENED.** A communication dated May 29, 2018 was received from Dan Orr, City Planner/Grant Writer, Woburn Planning Board as follows:

Re: Planning Department comments on Special Permit application for 90 Blueberry Hill Road/Hill Hockey Clinic LLC

Dear Council:

The Planning Department has reviewed the above-referenced petition which seeks a special permit, pursuant to Sections 5.1 (17b) and 7.3 of the Woburn Zoning Ordinance (WZO), to authorize a "physical fitness training and recreation facility" (or more specifically, a "hockey training facility") in an existing, non-conforming former warehouse structure. The applicant's Exhibit A indicates that the existing structure, existing parking spaces and

loading area are all non-conforming although there are no explanations/details provided in the application to explain those non-conformities. The subject property is in an I-G (Industrial General) zoning district, and as such the requested use may be authorized by City Council special permit. No structural modifications are noted in the application.

The Planning Department has a number of questions and issues with respect to this application but is unable to fully complete its review due to two general pieces of critical information that have not been included with the filing. The Department's current recommendation is that the Council require the applicant to submit the following baseline information about the proposed reuse of this site so that a thorough review of the application and plan will be possible.

1. INFORMATION AS TO PROPOSED USE

The Petitioner should be required to provide existing and proposed floor plans of the interior of the building along with a detailed summary of proposed employment projections and employee and visitor parking needs. Floor plans will answer a number of questions germane to the request including: Will the ice sheet be capable of hosting tournaments and/or games? Are retail sales of equipment or food planned? How many employees are expected to be on site during the busiest of times?

The Planning Department strongly urges the Council to require the Petitioner to provide this information to the Council and to the Building Commissioner so that he can determine whether or not the nineteen (19) planned parking spaces are in fact enough to satisfy the parking requirements of zoning. Section 8.2 of the WZO states:

“Spaces sufficient to accommodate on the site all users of the facility, as established through documentation submitted to satisfy special permit or site plan review requirements, whichever may apply, or if no such requirements apply, documentation to the satisfaction of the Building Commissioner.”

Planning staff conferred with the Building Commissioner who reports that no such satisfactory documentation has been provided to him to date. This question should be answered now, because if the Building Inspector determines the amount of proposed parking is insufficient, the Petitioner will either need to revise the plan to add more parking or perhaps seek a variance from the Zoning Board of Appeals if in fact a variance is even possible (a variance will not be possible if parking is considered a use, per Section 11.9 of the WZO which states *“No use variance shall be granted”*).

And, if a variance *is* possible and required, then this Special Permit is not appropriately before the Council for consideration. (Section 11.3.1 of the WZO states in part *“No application shall be accepted or considered complete that does not have any necessary variances required from the Board of Appeals. All appeal periods associated with granted variances must be expired before an application is submitted. If there is a dispute between the building commissioner and the petitioners on whether a variance is necessary this*

dispute must be presented to the Board of Appeals for resolution. No application with such disputed variances shall be considered complete and shall not be accepted until the Board of Appeals makes a decision.”)

2. TRAFFIC-RELATED INFORMATION

The application provides no information about existing or proposed traffic flows. How much additional traffic will this use create on Blueberry Hill Drive? What are the expected peak hours of traffic generation (e.g. at what times of day will be the busiest)? The site is immediately adjacent to established single-family neighborhoods, some residents of which travel this part of Blueberry Hill Drive to access their homes. Important details about the operation of the proposed use are unknown and may bear on the big-picture question as to whether a hockey training facility is an appropriate use to abut residences.

Additionally, no information has been provided relative to the location and sufficiency of any exterior refuse/recycling containers on the site or information on security lighting, the adequacy of which must be evaluated for parking facilities that will be used at night per Section 8.5.1 of the WZO. The plan also has conflicting notes as to what is the front setback. The plan notes the building's front setback as being both 20' and 25', though the 20' notation appears correct. The conflict should be corrected.

Finally, the parking spaces shown on the submitted plan are not currently demarcated in the field. Several of the parking spaces shown on the plan project into the required front yard which is not permitted (Section 8.4.2.2. states “*No parking shall be permitted within the required front yard setback in any industrial, mixed use, office park, or multi family residential district...*”). While these spaces may be legal non-conforming parking spaces (in which case they could remain), no information has been provided to prove the parking spaces existed on the ground prior to the date parking within the front setback became illegal.

The Planning Department is more than willing to complete its review of this application once the information noted above is available.

Please feel free to contact me if you have any questions relative to this initial communication

Respectfully, s/Tina P. Cassidy, Planning Director

A communication dated May 31, 2018 with attachment 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 Hill Hockey Clinic LLC, 90 Blueberry Hill Road, Woburn, Massachusetts

Dear Mr. Campbell:

Enclosed please find ten (10) copies of a revised Site Plan relative to the above-referenced matter.

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

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

A memorandum entitled "Special Permit Petition, Hill Hockey Clinic LLC, 90 Blueberry Hill Road, Woburn, Massachusetts" dated May 31, 2018 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801. Motion made and 2nd that the communications be received and made part of the record, all in favor, 9-0. Appearing for the petitioner as Attorney Joseph R. Tarby III and he stated that the building is nonconforming because it does not comply with loading dock and setback requirements, that the nonconformity is as to the structure but the use is allowed, that the loading dock faces the street, that the petitioner's customers will be between the ages of six and fifteen, that the facility will be called the Boston Energy Hockey Training Center, that the ice rink will be 136 feet by 60 feet, that the building is 16, 383 square feet, that this is not a regulation size ice rink, that this is strictly a training ice rink, that there will be offices and small vending area, that there will be no concessions or viewing stands, that there will be no exterior alterations except for a handicapped ramp to be installed, that the walls will be soundproofed, that the hours of operation will be 3:00 p.m. to 9:00 p.m., that the building is presently used for a moving and storage company, that trucks associated with the moving company will be eliminated, that there is sufficient parking, that the proposed use is allowed, that the structure is nonconforming, that the property will be substantially improved by closing the loading dock on the street, adding snow storage, striping the parking lot and improving handicapped accessibility, and that there are no plans for cars to park on the street. Attorney Tarby offered a letter from Courtney Kennedy, 96 Cambridge Road in support of the proposal and a plan entitled "Boston 3V3 Ice Arena Remodel Option One Floor Plan" dated 06-06-18 prepared by HTG Architects to the City Council for review. Motion made and 2nd that the documents be received and made part of the record, all in favor, 9-0. Tim Williams, Allen & Major Associates, Inc., 100 Commerce Way, Woburn, Massachusetts 01801 stated that this is a 1.87 acre site, that one acre of the parcel is woodland, that the remaining portion of the lot has a building and parking, that there are no striped parking spaces, that the petitioner proposes to restripe the parking lot, that 22 parking space will be accommodated on the parcel, that the property is located in an industrial zone abutting a residential zone, that there is seventy feet of additional buffer near the residential area, that there will be a counterclockwise traffic circulation on the site, that the existing bay door will be closed, that a dumpster will be provided on site, that the Zamboni ice cleaner will be parked at the rear, that the plan provides for a snow storage area, that the pavement will not be altered, that there is a tree line buffer at the residential area, that there are no existing parking that are striped at this time, and that the storage container will be removed from the site. Eddie Hill, Manager of the petitioner stated that the ice surface is a small sheet, that there can only be twelve children on the ice at one time, that the teach children to skate, that there will not be hockey games, that all the units are enclosed, that there will be no sound coming out of the building, that refrigeration unit is inside the building, that there will be no humming sound heard outside from the equipment, that everything will be enclosed and

soundproofed, that they currently rent ice, that this location will give them more control over the ice, that there will be small group training, camps and clinics, that this proposal gives the petitioner a location to train children for the next fifteen years, that all of the parking can be accommodated onsite, that there is not a comparable site in the area that can be visited, that Winchester Youth Hockey does not have a rink, that if the group wanted to practice at this location the ice could only accommodate one team, that there are no viewing stands, and that this would be a typical youth hockey program in that it would not open until 3:00 p.m. Alderman Gately stated that this use is a detriment to the neighborhood, that the parking onsite is inadequate, that the refrigeration system will operate at all hours, that youth will hang out in the lot, that this is not a good location for this use, that the roadway is inadequate, that there should not be an addition to the traffic in this area, and that this will be a detriment to the neighborhood and he will oppose the proposal. Alderman Campbell stated that she would like to visit a comparable site to hear the refrigeration equipment, that there was an issue with on-street parking in that area recently, that she wants to know all the parking will be accommodated on site with no parking on the street, and that the neighbors have concern about the parking and noise. President Haggerty stated that the on-street parking from the Spry moving company is a concern, that he wants to know if a condition prohibiting the use of the ice for games or tournaments would be acceptable, and that he understands the ice rink would only be used by the petitioner. Alderman Mercer-Bruen stated that parents of hockey players are enthusiastic and will want to stay at the ice rink whether there are viewing stands or not, and that she is concerned about the parking and the amount of traffic at the site. Alderman Anderson stated that for the number of parents who would want to watch just as many parents would not stay, that the 22 parking spaces would be sufficient, that he is concerned about traffic going up Blueberry Hill Road, the parking and the potential noise from the chiller which has been reported to be soundproofed, and that if the special permit is granted the use will succeed at this location but the City Council has to be concerned about the impact on the residents. PUBLIC COMMENTS: Darcy Hornberger, 5 Fox Road stated that she contests there are 22 parking spaces onsite, and that a letter to the neighbors indicated there would be four to six locker rooms, a seating area and concession stands. Mark Quinn, 3 Skyview Lane stated that he is in favor of the petition, that the petitioner has trained Woburn youth already, that the petitioner has a positive impact, that he supports this use rather than have another moving company or industrial use with trucks using Blueberry Hill Road, that this use will eliminate some trucking, that the use will revamp an old building, and that the use is a great addition for the city. Jason Coakley, 46 Blueberry Hill Road stated that this proposal is a safety issue, that there is a blind corner traveling down Blueberry Hill Road in this area, that there is no room for parking, and that the use will be bringing people to the neighborhood who are not from the area. Mark Ellis, 45 Blueberry Hill Road stated that this is a dangerous street, that vehicles travel at high rates of speed, that there are few sidewalks along the road, that the parking does not appear to be sufficient, that the ice rink will be out of scale for the neighborhood, that there was an ice rink in the area that had much more parking but which has closed, and that there are many detrimental issues with hockey rinks. Allan Corser, 4 Fox Road stated that many cars used the cul-de-sac when another ice rink was located in the area, that there are safety issues on this road, and that there are already other hockey rinks in the city. Patricia Coakley, 2 Pigeon Road stated that Blueberry Hill Road is dangerous, that she is concerned about safety, and that this is not a good location for an ice rink. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE

REGULAR MEETING OF THE CITY COUNCIL ON JULY 17, 2018 AND THAT THE MATTER BE REFERRED TO THE COMMITTEE ON SPECIAL PERMITS, all in favor, 9-0.

On the petition by Montvale Land LLC, c/o Leggatt McCall Properties, 10 Post Office Square, Boston, Massachusetts 02109 to amend the Zoning Map of the City of Woburn by changing the zoning district for three parcels of land known as 0 Hill Street (54-05-04); 0 Hill Street (54-05-01); and 1 Washington Avenue (62-01-29), Woburn, Massachusetts together containing approximately 60.95 acres of land as shown on a plan entitled “Zoning Amendment Plan” dated April 25, 2018 from I-G/B-I to Technology and Business Mixed Use Overlay District (TBOD). PUBLIC HEARING OPENED. A memorandum entitled “Technology and Mixed Use Overlay District – Permitting Procedure” dated May 31, 2018 was received from Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801. Motion made and 2nd that the communication be received and made part of the record, all in favor, 9-0. Appearing for the petitioner was Attorney Joseph R. Tarby III, Murtha Cullina LLP and he stated that the petitioner is an entity of Leggatt McCall Properties, that the petitioner develops property from Boston to Washington, D.C., that the petitioner has been in business for fifty years, that this is the biggest project to be developed in Woburn, that the entire former Kraft property contains 61 acres in Woburn, 10 acres of non-contiguous property in Woburn, 25 acres in Winchester mostly in a flood plain and 2 acres in Stoneham, that this proposal uses approximately 60.95 acres, that a zoning amendment has to be approved to include the property in the TBOD zoning district, that a master plan will be filed and once approved a special permit and site plan approval is required, that two-thirds of the City Council have to vote to adopt a development agreement, that a second petition was filed to allow an extended care facility use under the TBOD zoning district, that there will be 100 units for independent living, assisted living and memory care, that the petitioner is not looking for a density bonus, that the petitioner is allowed to have 300 units under the ordinance, that the first step is to place the three parcels under the TBOD zoning district designation, and that the master plan has to be approved. Bill Gause of the petitioner stated that the petitioner owns the site, that he understands the project can change over time during review, that the current 400,000 square foot building sits on the lower portion of the site, that there is a substantial grade difference onsite, that the proposal is in line with the TBOD uses, that there can be up to 300 residential units with 75 of the units being condominiums, that there will be 125 garden style residential units and 100 senior housing units, that the assisted living memory care would count toward the commercial use, that the balance of the site is a mix of office, hotel, lab uses, a town green and six story office buildings with commercial uses on the first floor, that the proposal is the maximum build proposal for the locus, that there will be a total of 1,000,000 square feet for all the uses, that the site plan process will look at the individual uses, that Hill Street will be widened, that Hill Street is currently a two lane public way and will be widened to five lanes with three lanes out and two lanes in to the locus, that they have talked to the abutters about the proposed road widening including McDonald’s, Prime Gas and MassDOT, that the traffic control signals are owned and maintained by the City of Woburn, that the senior housing component includes independent, assisted living and memory care units, that the plan is vision for the site, that if the plan is to be changed it must be approved by a two-

thirds vote of the City Council, that there will be sufficient access on site for emergency vehicles, and that will be emergency access points to Winchester from the locus with Knox box locks. Alderman Mercer-Bruen stated that the senior living component appears similar to the Benchmark facility which does come at a cost to the residents, and that she wanted clarification as to how the master plan might change. Alderman Anderson stated that the numbers for the development are well below what the petitioner can request under the ordinance. Alderman Higgins stated that she wants to be certain emergency vehicles can get in and out of the townhouse area. President Haggerty stated that the petitioner has stayed within the parameters of the TBOD and have not asked for greater density, and that this is a good proposal. Alderman Campbell stated that she likes the plan, the use of the space, the water features, the sidewalks and the senior living facility. PUBLIC COMMENTS: None. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 19, 2018, all in favor, 9-0.

On the petition by Montvale Land LLC, c/o Leggatt McCall Properties, 10 Post Office Square, Boston, Massachusetts 02109 to amend the 1985 Woburn Zoning Ordinances, as amended, Section 28.6.2 Uses Allowed by Special Permit with Site Plan Review by adding the following: 9. Hospital, Extended Care Facility. PUBLIC HEARING OPENED. Appearing for the petitioner was Attorney Joseph R. Tarby III, Murtha Cullina LLP, 600 Unicorn Park Drive, Woburn, Massachusetts 01801 and he stated that this amendment will allow a senior housing use to be included under the master plan, that the petitioner wants the use to be included in the district, and that the petitioner proposes 100 units of independent living, assisted living and memory care in one building. PUBLIC COMMENTS: Thomas Olson, 230 Forest Street, Winchester stated that he wanted to see a copy of the master plan. Alderman Anderson gave a copy of the plan to Mr. Olson. Nelson Moreira, 35 Forest Circle, Winchester stated that he wants a traffic evaluation to be performed for the project. President Haggerty stated that this is an initial step as to the concept plan. Motion made and 2nd that the PUBLIC HEARING be CONTINUED TO THE REGULAR MEETING OF THE CITY COUNCIL ON JUNE 19, 2018, all in favor, 9-0.

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

PUBLIC SAFETY AND LICENSES:

On the petition by Steven Alicandro dba SureRide Taxi for renewal of a Taxi Cab License, committee report was received "ought to pass". Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 7, 2018

s/Scott D. Galvin June 7, 2018

On the petition by Musto Jewelers for a renewal of a Secondhand Dealers and Secondhand Collectors License, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 7, 2018 **s/Scott D. Galvin June 7, 2018**

FINANCE:

On the Order to transfer the sum of \$113,000.00 from DPW/Overtime Acct to various DPW Accounts, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 7, 2018 **s/Scott D. Galvin June 7, 2018**

On the Order to transfer the sum of \$815,000.00 from Fire/BLS Ambulance Acct to various Fire Department Accounts, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 7, 2018 **s/Scott D. Galvin June 7, 2018**

On the Order to appropriate the sum of \$260,000.00 from Unreserved Fund Balance Acct to Demolition of Clapp School Acct, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 7, 2018 **s/Scott D. Galvin June 7, 2018**

On the Order to appropriate the sum \$50,000.00 from PEG Cable fund to purchase projector, tv, digital signage for media enhancement to City Hall, committee report was received “ought to pass”. Motion made and 2nd that the COMMITTEE REPORT be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 7, 2018 **s/Scott D. Galvin June 7, 2018**

NEW PETITIONS:

Petition by Yuying Huang, 3 Unicorn Avenue, Stoneham, Massachusetts 02180 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended Section 5.1.33b to allow muscular therapy at 7 Montvale Avenue #15. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated May 22, 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 January 2017 to April 2018: Number of violations issued 166, Numbers of violations paid 72, Number of violations outstanding 83, Amount collected and submitted to Collectors Office \$17,205.80, Parking fines referred to the Handicap Commission \$9,000.00.

There is a backlog of 1,527 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

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

A communication dated May 23, 2018 to City Clerk William C. Campbell was received from City Solicitor Ellen Callahan Doucette as follows:

Re: Review of Insurance Coverage – Kiwanis International Carnival Permit

I received the request to review the Certificate of Liability Insurance submitted by Kiwanis International for their special event permit. Although I have approved such certificate in the past, I took the liberty of consulting with the City's insurer to obtain their input into how best to ensure that the City is protected when such events are held on City property.

I have been advised that the City should request the following minimum coverages, all of which would require the City to be named as an "Additional Insured";

- General Liability of at least \$1,000,000. Occurrence/\$3,000,000 General Aggregate.
- Automobile Liability (applicable for anyone who has an automobile operating on City Property) of at least \$1,000,000 Combined Single Limit.
- Umbrella Liability of at least \$2,000,000/occurrence, \$2,000,000/ aggregate.
- Liquor Liability (applicable for any Liquor Exposure – Served or Sold at any of the Event of City Property) of at least \$1,000,000/occurrence, \$3,000,000 aggregate.

According to the coverage page submitted by Kiwanis, the City is only an "Additional Insured" for purposes of General Liability. If a special alcoholic beverage license is sought, the License Commission will require additional insurance coverage.

Though it would be preferable if Kiwanis were able to increase the insurance liability to comply with the above recommendations, I fully understand that the group may not be able to provide the above minimum coverages at this late date.

Going forward, it is my recommendation that the WMC be amended to set out the requisite minimum insurance coverages for special event permits, rather than sending the proffered coverage to this office for approval after the permit has been issued.

Sincerely, s/Ellen Callahan Doucette

Alderman Tedesco stated that he is working with the City Solicitor to amend the ordinance which will set requirements and eliminate review by the City Solicitor. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

A copy of a communication dated May 16, 2018 with attachment to Joseph Lemay, PE, EPA Region New England was received from Michael L. Raymond, Chairman, Aberjona Study Coalition, Inc., 10 North Maple Street, Woburn, Massachusetts 01801 relative to Industri-Plex Draft Explanation of Significant Differences (ESD) Comments. Motion made and 2nd that the MATTER be RECEIVED AND PLACED ON FILE, all in favor, 9-0.

UNFINISHED BUSINESS OF PRECEDING MEETING:

On the communication dated May 10, 2018 with attachments received from Mayor Scott D. Galvin relative to retiree health insurance contributions. Motion made and 2nd to take the matter from the table, all in favor, 9-0. Motion made and 2nd that the MATTER be REFERRED TO COMMITTEE ON LIAISON, all in favor, 9-0.

On the Order to approve deficit spending that is in excess of appropriation for removal of snow and ice. Motion made and 2nd to take the matter from the table, all in favor, 9-0. Motion made and 2nd that the ORDER be ADOPTED, all in favor, 9-0.

Presented to the Mayor: June 7, 2018 **s/Scott D. Galvin June 7, 2018**

APPOINTMENTS AND ELECTIONS: None.

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas several street lights along Olympia Avenue and all street lights on Normac Road have been inoperable for over two months, and

Whereas, Eversource determined that this is an issue that can only be addressed by Eversource;

Now, therefore, be it resolved that a communication be sent to Eversource requesting that the street lights be repaired immediately for the safety of the public.

s/Alderman Mercer-Bruen

Alderman Mercer-Bruen stated that most of the street lights on Olympia Avenue and Normac Road have been non-operational since March 2018, that the issue can only be remedied by Eversource, and that Eversource has taken no action to address the issue. Motion made and 2nd that the RESOLVE be ADOPTED, all in favor, 9-0.

Presented to the Mayor June 7, 2018 and ten days having elapsed without same being approved, said Resolve became effective without his signature on June 19, 2018.

ORDERED Be it ordained by the City Council of the City of Woburn that the 1985 Zoning Ordinances, as amended, be further amended by adding a new paragraph 13 to Section 11, Special Permits and Variances, 11.6 Additional Conditions for Special Permits for Specific Uses and Conditions as follows:

13. Townhouses or Garden Apartment: Detached dwellings in a cluster development (5.1.3a); Townhouse or Garden Apartment: Congregate Elderly Housing (5.1.3b); Townhouse or Garden Apartment: Townhouse Development (5.1.3c); Townhouse or Garden Apartment: Garden Apartment (5.1.3d); and Elevator Apartment (5.1.4).

All streets, ways or access roads within the interior of any development that are shown on an approved Plan of Record and which provide access to dwelling units, shall be named after a man and woman killed in action in World War II, the Korean War, the Vietnam War or any other armed conflict involving the United States military forces. A list of those who were killed in action in war shall be assembled by the Veteran’s Agent and filed with the City Clerk.

s/Alderman Gately

Motion made and 2nd that the Order be amended by adding before the words “World War II” the words “Revolutionary War, Civil War, World War I,” all in favor, 9-0. Motion made and 2nd that the Order be amended to amend the words “man and woman” to “man or woman”, all in favor, 9-0. Motion made and 2nd to amend the Order by adding after the word “forces” the words “and said person shall have a connection to Woburn,” all in favor, 9-0. Motion made and 2nd that the ORDER, AS AMENDED be REFERRED TO PUBLIC HEARING, all in favor, 9-0. After the amendments the form of ordinance is as follows:

ORDERED Be it ordained by the City Council of the City of Woburn that the 1985 Zoning Ordinances, as amended, be further amended by adding a new

paragraph 13 to Section 11, Special Permits and Variances, 11.6 Additional Conditions for Special Permits for Specific Uses and Conditions as follows:

13. Townhouses or Garden Apartment: Detached dwellings in a cluster development (5.1.3a); Townhouse or Garden Apartment: Congregate Elderly Housing (5.1.3b); Townhouse or Garden Apartment: Townhouse Development (5.1.3c); Townhouse or Garden Apartment: Garden Apartment (5.1.3d); and Elevator Apartment (5.1.4).

All streets, ways or access roads within the interior of any development that are shown on an approved Plan of Record and which provide access to dwelling units, shall be named after a man or woman killed in action in Revolutionary War, Civil War, World War I, World War II, the Korean War, the Vietnam War or any other armed conflict involving the United States military forces and said person shall have a connection to Woburn. A list of those who were killed in action in war shall be assembled by the Veteran’s Agent and filed with the City Clerk.

ORDERED Be it ordained by the City Council of the City of Woburn that the 1989 Municipal Code, as amended, be further amended as follows: (added language shown underlined)

12-1 Naming of streets.

The several streets, ways and squares in the city shall continue to be called and known by the names heretofore established; and all private streets and ways, and all streets, ways and squares hereafter laid out and accepted as public, shall be named by the City Council after a man and woman killed in action in World War II, the Korean War, the Vietnam War or any other armed conflict involving the United States military forces. A list of those who were killed in action in war shall be assembled by the Veteran’s Agent and filed with the City Clerk. The city council may change the name of any street or way at any time, and the superintendent of public works shall place and maintain suitable street signs on each street heretofore and hereafter named by the city council.

s/Alderman Gately

Motion made and 2nd that the Order be amended by adding before the words “World War II” the words “Revolutionary War, Civil War, World War I,” all in favor, 9-0. Motion made and 2nd that the Order be amended to amend the words “man and woman” to “man or woman”, all in favor, 9-0. Motion made and 2nd to amend the Order by adding after the word “forces” the words “and said person shall have a connection to Woburn”, all in favor, 9-0. Motion made and 2nd that the ORDER, AS AMENDED be REFERRED TO COMMITTEE ON ORDINANCES, all in favor, 9-0. After the amendments the form of ordinance is as follows:

ORDERED Be it ordained by the City Council of the City of Woburn that the 1989 Municipal Code, as amended, be further amended as follows: (added language shown underlined)

12-1 Naming of streets.

The several streets, ways and squares in the city shall continue to be called and known by the names heretofore established; and all private streets and ways, and all streets, ways and squares hereafter laid out and accepted as public, shall be named by the City Council after a man or woman killed in action in Revolutionary War, Civil War, World War I, World War II, the Korean War, the Vietnam War or any other armed conflict involving the United States military forces and said person shall have a connection to Woburn. A list of those who were killed in action in war shall be assembled by the Veteran's Agent and filed with the City Clerk. The city council may change the name of any street or way at any time, and the superintendent of public works shall place and maintain suitable street signs on each street heretofore and hereafter named by the city council.

Motion made and 2nd to ADJOURN, all in favor, 9-0. Meeting adjourned at 10:32 p.m.

A TRUE RECORD ATTEST:

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